

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/17 **DATE OF COMPLETION:** 05/23/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an officer confronted her about consuming alcohol on the street during a New Year's Eve celebration. The officer threatened to cite the complainant if she did not stop drinking. The complainant stated the officer grabbed her hand and poured out her bottle of champagne. The complainant was unable to provide details necessary to identify the officer.

A search for related calls to this complaint resulted in negative results.

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

The identity of the alleged officer could not be established.

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

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The identity of the alleged officer could not be established.

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

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

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

FINDINGS OF FACT: The identity of the alleged officer could not be established.

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

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DATE OF COMPLAINT: 01/09/17 **DATE OF COMPLETION:** 05/12/17 **PAGE#** 1 of 1

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 member, the complaint was mediated and resolved in a non-disciplinary manner on May 11, 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 member, the complaint was mediated and resolved in a non-disciplinary manner on May 11, 2017.

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

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 24, 2017.

SUMMARY OF ALLEGATIONS #3-4: The engaged in selective enforcement.

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 24, 2017.

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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 18, 2017.

SUMMARY OF ALLEGATION #2: The officer displayed a rude demeanor.

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 18, 2017.

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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 out DPA's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Internal Affairs Division.

San Francisco Police Department
Internal Affairs Division
1245 Third Street – 4th Floor
San Francisco, CA 94158

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

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

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

Social Security Office
Attn: Building Security
1098 Valencia Street
San Francisco, CA 94110

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

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

FINDINGS OF FACT: The complainant stated an officer at a district station would not take a report upon her request. The complainant provided the month of the request. She was, however, unable to provide an exact date.

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

The identity of the alleged officer could not be established.

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

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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 involuntarily detained and taken to the hospital for a mental health evaluation. The complainant stated he was not gravely disabled as described by the named officer in the mental health detention application. The complainant stated that the officer completed the application and accused the complainant of being gravely disabled. The complainant denied having a mental illness. He refused to provide the DPA with a medical release form.

SFPD incident report dated the day prior indicated that the complainant's roommate called police to report that the complainant had vandalized the apartment one day prior (broken mirror, smashed water pipes, trash and personal items strewn about and fish-based plant fertilizer had been smeared across countertops, the sink basin, bathtub, the floor and in the roommate's room) after the complainant had served the roommate with eviction papers. The roommate noted a clerical error on the eviction papers, which allowed the roommate to extend his stay another 30 days. The officers took photographs of the vandalism and took two ammunition magazines for safekeeping.

The named officer prepared the SFPD incident report. The incident report established that the reportee called police to report that his roommate, the complainant, was "trashing" their apartment. The reportee told police that he feared the complainant's behavior and locked himself in his own bedroom. The report indicated that the reportee was visibly shaking and was clearly in fear of what had just occurred. The officer reported that the reportee told him that the complainant had been diagnosed with bi-polar disorder, and that he had a similar outburst the night before, in which the reportee was forced to call the police. The reporting party told the named officer that he believes that the complainant's mental health issues were the reason for his outbursts. The named officer determined that due to the complainant's reported behavior and the conditions in which he was living and forcing the roommate to live in, he determined that the complainant was gravely disabled.

A doctor and risk manager of the Behavioral Science Quality Management of the City's Public Health Department stated a person being detained on 5150 must be "gravely disabled" based on a face-to-face assessment. She said officers can take someone under 5150 must have reasonable concern and probable cause, based on impression or collateral information from family or neighbors or others. The doctor stated that officers who get calls out from 911 about 5150s consider community safety as the most important factor.

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SUMMARY OF ALLEGATION #1 (continued):

The named officer stated dispatch and other officers on scene advised him that officers had seized gun magazine clips from the complainant's residence the night before this incident. The named officer stated the reportee was fearful for his safety and was in danger from the complainant. The named officer stated the reportee had locked himself in his room and called the police for help. He detained the complainant because the complainant had a mental disorder, was a danger to himself and others and gravely disabled. The named officer stated he transported the complainant to the hospital for evaluation and completed the mental health evaluation application.

The named officer stated that the statute allows the police to detain an individual, take them to a medical facility and transfer their care. The named officer described "gravely disabled" as someone who is unable to care for himself or herself to a point where he/she may directly or indirectly harm himself/herself or others and creating situations where he/she is harmful to others. Due to the complainant's bizarre and unstable behavior exhibited toward the officers on scene and the statements from the reportee, the complainant was placed on a mental health detention.

The named officer stated that the complainant was very paranoid, confrontational, and not cooperative. He stated the reportee told him that the complainant threw numerous items, shattered glass throughout the residence and spat on the reportee's door. He also observed the complainant's residence had smeared human excrement and fertilizer spread all over the apartment. The named officer stated Dispatch heard the complainant's outburst while the reporting party was on the phone with them. The officer stated the complainant admitted he had a bi-polar mental disorder and that the complainant refused to tell the named officer about his medication.

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

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SUMMARY OF ALLEGATIONS #2-4: The officers behaved inappropriately and made inappropriate comments

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

FINDINGS OF FACT: The complainant stated that one of the named officers told him initially that there was no cash in his wallet. The complainant stated he insisted there was cash in his wallet. The complainant stated the officer checked his wallet again and confirmed that there was cash in his wallet. The complainant stated another named officer intentionally took his driver's license. The complainant stated that when he was released from the hospital, he was not able to find his driver's license. He contacted the hospital and was told that they did not have his driver's license and that it was given to the officers. The complainant stated he went to Northern Station a day later after he was released from the hospital and spoke to another named officer who threatened to hospitalize and imprison him.

One of the named officers stated she told the complainant she would check the complainant's wallet regarding his cash. She initially looked in the wrong pocket of the complainant's wallet but was not aware that there was another pocket that had the complainant's cash in it. The officer stated she verified that the complainant's wallet had the cash he was inquiring about. She did not recall seeing a driver's license in the complainant's wallet.

The other named officer stated that he did not have the complainant's driver's license. He stated the hospital staff instructed him to place the complainant's driver's license in their property bag. The named officer stated that was the last time he saw the complainant's driver's license.

The third named officer denied the complainant's allegation.

A witness Police Services Aide from the incident at the station did not recall the incident.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #5: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated he saw the barrel of the officer's handgun during the mental health detention incident.

The named officer and witness officers denied the allegation.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #6-7: The officers searched the complainant's room without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched his room without his permission.

The named officers stated that a protective sweep of the complainant's residence was done due to the safety of officers entering the unit and the nature of the call about a mentally disturbed person with a gun.

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

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SUMMARY OF ALLEGATIONS #8-9: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated he noticed that his driver's license was missing after he was released from the hospital for a mental health detention. The complainant stated the hospital staff told him that his driver's license was given back to the police. The complainant stated he eventually spoke to the officer who denied having the complainant's driver's license and had placed it in a property bag with the hospital. Additionally, the complainant stated that in the prior vandalism incident, the officer took his gun ammunition clips from his apartment. The complainant admitted that he has not attempted to retrieve his ammunition clips from SFPD.

The named officer in the mental health detention incident stated he recalled placing the complainant's driver's license in a hospital property bag that was left with the hospital. He denied being in possession of the complainant's driver's license after the incident. A hospital representative stated the hospital does not have the complainant's missing driver's license.

The named officer in the vandalism incident stated he seized the complainant's two ammunition clips that were identified by the complainant's roommate for safekeeping.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #10: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the incident report where the officer responded to his residence was filled with lies. The complainant stated the vandalism incident concluded he was the suspect and the other party was the victim.

The named officer denied the allegation

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #11: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated he was not gravely disabled as the named officer indicated in the 72 Hour Detention For Evaluation and Treatment Application.

The named officer denied the allegation and stated his report was accurate. He stated he detained the complainant based on the complainant's bizarre behavior of being paranoid, confrontational, uncooperative and bi-polar. The named officer stated the complainant's roommate told him that he was in fear of the complainant's unstable behavior and was fearful for his safety.

SFPD General Order 6.14, PSYCHOLOGICAL EVALUATION OF ADULTS, section I. states, in part:

A. **CRITERIA FOR INVOLUNTARY DETENTIONS.** Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions code only when the officer believes that, as a result of mental illness, an individual is:

1. A danger to himself/herself, or
2. A danger to others, or
3. Gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter or clothing.

DPA's investigation established that the named officer incorrectly checked "gravely disabled" box on the 72 Hour Detention For Evaluation and Treatment Application. The complainant was not "gravely disabled" because he showed that he could provide for his basic needs. The complainant was not a danger to himself but he was a danger to his roommate.

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

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SUMMARY OF ALLEGATION #12: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated the named officer discriminated against him based on the complainant's disability status.

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #13-15: The officers engaged in biased policing due to sexual orientation.

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

FINDINGS OF FACT: The complainant stated that the officers engaged in biased policing due to his sexual orientation.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They all stated that they did not know the sexual orientation of the complainant prior to their contact. They further stated that the complainant's sexual orientation was not a factor in his mental health detention at all.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #16-17: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officer in the vandalism incident failed to arrest the other party. The complainant stated the other party engaged in hate crimes and suspicious activities. The complainant stated the officer in his mental health detention incident did not allow him to make a call to his friend.

The named officers denied the allegation. The named officer from the vandalism call stated the other party placed a call to 911 about the complainant vandalizing the residence. The named officer stated the complainant was not on scene. The named officer stated before anyone can be arrested, an officer would need both sides of the story. The named officer stated in this call, he determined from his investigation that the other party did not do anything wrong. The named officer stated there was an obvious altercation before the officers arrived at the scene. The named officer stated the complainant alleged that the other party engaged in suspicious narcotics activities. The named officer stated he could not find anything to do with narcotics activities on scene. The other named officer from the mental health detention call stated the complainant did not request to make a call to his friend.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The named officer is no longer with the San Francisco Police Department.

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The named officer is no longer with the San Francisco Police Department.

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SUMMARY OF ALLEGATION #3: The officer failed to prepare an accurate report.

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

FINDINGS OF FACT: The named officer is no longer with the San Francisco Police Department.

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

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 25, 2017.

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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant.

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

FINDINGS OF FACT: The complainant stated he had a rental car and was at a store when he received a call from his daughter. The complainant stated he was upset after the conversation with his daughter and drove off mad, circling the block and accelerated down the street. He stopped at the light, made a right turn, accelerated again, made a left turn, accelerated once more, then stopped at another street, and moved into the left turn lane. The complainant stated he was subsequently pulled over.

The named officers stated they observed the complainant's vehicle peeling away from a curb, screeching tires, speeding and saw the complainant litter. They caught up to the complainant's vehicle and pulled him over for reckless driving.

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

SUMMARY OF ALLEGATIONS # 3-4: The officers used force at the scene.

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

FINDINGS OF FACT: The complainant stated the was ordered out of the car, rushed by 4-6 officers, slammed against the car and grabbed by the collar. He denied resisting. He stated that one of the named officers approached him, shook him and grabbed him while telling a female officer, "this is how it's done."

The named officers denied the allegation. The officers denied slamming him against the car or using any reportable force.

The complainant had no injuries and did not complain of pain to the officers.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant.

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

FINDINGS OF FACT: The complainant stated that he was handcuffed during the incident.

The named officer stated that upon contact with the complainant, the complainant was verbally abusive, aggressive and yelling at the officers. The named officer stated the complainant was handcuffed because of his aggressive and erratic behavior and throwing his hands up in the air.

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 searched the complainant.

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

FINDINGS OF FACT: The complainant stated he was searched during the traffic stop.

The named officer stated an arrest search was performed on the complainant. The named officer said the complainant was arrested for reckless driving. The named officer stated that an arrest search was conducted for any contraband or weapons. The complainant was cited and released at the scene.

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 #7: The officer searched the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated his vehicle was searched.

The named officer stated that the complainant's vehicle was searched to locate his registration and insurance documents. The named officer said the complainant's vehicle was a rental and the officers needed to locate the rental agreement. The officers stated the complainant was under arrest and there was a possibility of towing his vehicle.

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 # 8: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was cited for reckless driving and littering. The complainant admitted to accelerating his vehicle in several locations while driving. The complainant was cited and released at the scene.

The named officer stated she witnessed the violations and cited the complainant according to the California Vehicle Code and the City Municipal Code

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 # 9: The officer made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer was sarcastic towards him during the incident and made comments such as, "You are older than I am. You should be acting better," and "You are probably living off the state."

The named officer denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer provided a bad example for his subordinates.

The named officer denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated he was on a street waiting for a friend when he was asked “to go somewhere else.”

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

No witnesses were identified.

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

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 he had been waiting for a friend outside a coffee shop when he was told to leave by the named officers. He stated he walked several blocks away where he continued to wait for his friend. He stated he had been standing behind a public toilet for about five minutes when the same officers returned and detained him.

In a body worn camera video, the officers can be seen detaining the complainant near a public toilet. They asked him for identification and at first, the complainant refused. They told the complainant they saw him an hour ago standing at the same public toilet and had warned him. One of the named officers told the complainant he was going to be cited for loitering outside a public toilet for over an hour. The complainant said he was waiting for a friend. The named officer told him, “Find another place to wait for your friend.”

One of the named officers stated he initially saw the complainant standing within ten feet of an automatic public toilet. He appeared to be negotiating a purchase from another individual. Both officers stated this area is known as an area where stolen goods are bought and sold at all times of day and night. One of the named officers stated he warned the complainant – per the posted sign - that it was illegal to peddle in the area per Park Code 3.10. He stated the complainant was not detained and was not told to move on. They made contact with the complainant a second time after observing him loitering in the same area, within

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SUMMARY OF ALLEGATIONS #3-4 continued: ten feet of the public toilet, for over an hour. He was subsequently detained and cited for violation of MPC 124.2.

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 #5: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he had been waiting for a friend outside a coffee shop when he was told to leave. He stated he walked several blocks away where he continued to wait for his friend. He stated he had been standing behind a public toilet for about five minutes when the same officers returned, detained, and cited him.

In a body worn camera video, the officers can be seen detaining the complainant near a public toilet. They asked him for identification and at first, the complainant refused. They told the complainant they saw him an hour ago standing at the same public toilet and had warned him. The named officer repeatedly explained why he was citing the complainant. He also asked the complainant if he had ever been arrested and he said, "No." The officer ran the complainant's information and asked, "I thought you said you've never been arrested."

According to the complainant's rap sheet, he has been arrested twice.

One of the named officers stated he initially saw the complainant standing within ten feet of an automatic public toilet. He appeared to be negotiating a purchase from another individual. The officers stated this area is known as an area where stolen goods are bought and sold at all times of day and night. One of the named officers stated he warned the complainant – per the posted sign - that it was illegal to peddle in the area per Park Code 3.10. He stated the complainant was not detained and was not told to move on. They made contact with the complainant a second time after observing him loitering in the same area, within

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SUMMARY OF ALLEGATIONS #5 continued: ten feet of the public toilet, for over an hour. He was subsequently detained and cited for violation of MPC 124.2.

SF Municipal Code 124.2 prohibits lingering or loitering within ten feet of any automatic public toilet unless engaged in lawful business that cannot be conducted less than ten feet from the toilet.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/17 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 1 of 1

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

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 May 19, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/17 **DATE OF COMPLETION:** 05/02/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was unable to leave a crime tip for Mission Station investigators because the voicemail inbox was full. The complainant called back and spoke to an officer who seemed unconcerned about the full voicemail box and the crime tip. The complainant did not provide the date or time when the calls were made.

The complainant did not respond to requests for additional evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/17 **DATE OF COMPLETION:** 05/09/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/17 **DATE OF COMPLETION:** 05/24/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 3, 2017.

SUMMARY OF ALLEGATION #2: The officer drove inappropriately.

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 May 3, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/17 **DATE OF COMPLETION:** 05/23/17 **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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/17 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
Attn: Lt. Raymond Cox #287
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/17 **DATE OF COMPLETION:** 05/23/17 **PAGE#** 1 of 1

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

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

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

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: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 1 of 7

SUMMARY OF ALLEGATION #1: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was at the scene of a homicide but did not see or do anything. An officer would not let him leave and put him in handcuffs. The officer pushed the complainant into the back of a patrol vehicle head first and on the complainant's stomach. When the complainant turned his head to ask why he was being treated so poorly, the officer punched him in the jaw area of his face. The officer then shut the door and the complainant was arrested.

The named officer admitted to punching the complainant in the face while the complainant was already handcuffed. The named officer stated he did it because the complainant was kicking the car door and the named officer's knee. The named officer did not have any other use of force available to him to distract the complainant to get him fully into the patrol vehicle, so he punched the complainant in the face area and was able to get the door closed.

Witness officers stated that they did not see the punch. One witness officer stated that the complainant was placed in the vehicle in a seated position facing the named officer.

A subject matter expert stated that the named officer had other options of force to use on the complainant, such as wristlocks, pain point techniques, physical control and asking other officers for help. Punching the complainant in the face, however, was not a reasonable or safe use of force given the circumstances.

No other witnesses were identified.

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: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 2 of 7

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

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

FINDINGS OF FACT: The complainant stated that he was at an intersection talking on the phone when he heard gunshots. The complainant ducked behind a trashcan and waited a few moments before standing up and checking out what happened. He did not see the shooting happen but saw a victim lying in the street. A plainclothes officer motioned at the complainant but did not talk to him. The complainant then started walking away from the scene and a uniformed officer detained and arrested the complainant.

The named officer stated that he arrived at the homicide scene and started looking for suspects and witnesses. The named officer saw the complainant talking on the phone and overheard that the complainant saw a man who may have shot the victim. The named officer kept looking for a suspect but also sent a message over the radio to detain the complainant. The named officer did not specify whether the complainant was a witness or suspect on the radio. The named officer never suspected the complainant of committing any crime and only believed the complainant was a possible witness. The named officer stated that officers are allowed to detain witnesses against their will in certain circumstances called “need-based detentions.” The named officer acknowledged that while he was not the actual officer to detain the complainant, he was the officer responsible for ordering the complainant detained.

Department DGO 5.03 specifically states that “a police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.” Department regulations do not support a “needs-based detention.”

No witnesses were identified.

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: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 3 of 7

SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was at the scene of a homicide but did not see or do anything. An officer approached the complainant and nodded at the complainant but gave no orders. The complainant said he did not see anything happen and kept walking. The officer then came up to the complainant and put him in handcuffs.

The named officer stated that he arrived at the scene of a homicide and was attempting to secure the area. The named officer received a call over the radio from another officer that a man matching the complainant's description cannot leave the area. The radio call did not specify if the complainant was a suspect, accomplice or witness. The named officer went to stop the complainant and the complainant would not stop and said that he did not see anything. The complainant walked away and the named officer detained him in handcuffs to keep him from leaving the area.

Witness officers stated that the named officer acted on the instruction of another officer who asked for the complainant to be detained.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 4 of 7

SUMMARY OF ALLEGATION #4: The officer arrested the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was at the scene of a homicide but did not see or do anything. He admitted that when an officer told him to stop, he kept walking away, but said he did not commit any crime so the officer had no right to detain him. The officer then handcuffed the complainant and arrested him. When the complainant asked why, the officer told the complainant that he kicked the officer. The complainant never kicked the officer.

The named officer stated that he was told over the radio to detain the complainant without any further information as to why. When the named officer approached the complainant and told him to stop, the complainant kept walking and resisted the officer's orders. Not knowing whether the complainant was a suspect, the named officer handcuffed the complainant, who struggled against being handcuffed. The named officer then walked the complainant to a patrol vehicle where he would not be able to resist, and the complainant kicked the officer and the car door as he was being placed inside. The named officer stated that he arrested the complainant for initially resisting the named officer's orders and then assaulting the named officer.

Witness officers stated that they witnessed the complainant struggling against being put in handcuffs, but no witnesses saw the complainant kick the officers or the car door.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 5 of 7

SUMMARY OF ALLEGATION #5: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was at the scene of a homicide but did not see or do anything. He only saw the victim lying in the street. He was a black man, as is the complainant. While there were a lot of people in the area, the complainant was the only other black man in the area. The complainant was soon detained by police as though he had something to do with the crime. The complainant believes the officers were profiling him and arrested him due to his race.

The named officer stated that he had orders over the radio to detain the complainant. The complainant's race had nothing to do with the detention and arrest. There were many other African American people in the area at the time. Witness officers stated that there were other African American people in the area at the time and police did not detain them.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he was near the scene of a homicide but did not witness anything. A struggle with police led to him going to the hospital. At the hospital, a detective questioned him about the shooting and threatened to keep the complainant's phone. The complainant never received his phone back.

The named officer stated that he approached the complainant at the hospital to talk to him. The complainant responded with obscenities and would not say anything else. The officer denied knowing anything about the complainant's phone or if it was part of the homicide investigation. The named officer denied threatening the complainant about the phone.

The named officer stated that he approached the complainant at the hospital to talk to him. The complainant responded with obscenities and would not say anything else.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 6 of 7

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

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

FINDINGS OF FACT: The complainant stated that he was near the scene of a homicide but did not witness anything. A struggle with police led to him going to the hospital. At the hospital, a detective bothered him by asking him questions. The complainant put his fingers in his ears to show he was not listening and the detective forcefully pulled the complainant's fingers from his ears.

The named officer stated that he approached the complainant at the hospital to talk to him. The complainant responded with obscenities and would not say anything else. The named officer then walked away. The named officer denied bothering the complainant or touching him physically in any way.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/17 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 7 of 7

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The DPA sustained two officers under the supervision of the named. In both allegations, one of unnecessary force and one of an unjustified detention, the named officer was aware of the actions because they were communicated in the narrative of the incident report. The named officer took no action to discipline the officers and the named officer approved the report.

In the detention, the complainant alleged that he was detained at a homicide scene even though he did nothing criminal and was not a witness. The sustained officer admitted that he ordered the complainant detained even though the sustained officer did not suspect the complainant committed any crime. The named officer stated that the detention was justified because of a “special-needs detention.” There is no acknowledgement of these detentions in Department regulations, and Department General Order 5.03 explicitly states that “a police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.”

In the unnecessary force, the sustained officer admitted to handcuffing the complainant and taking him to a patrol vehicle. When the complainant began kicking at the vehicle and the sustained officer, the sustained officer punched the handcuffed complainant in the face. The sustained officer wrote this in the incident report. The named supervising officer conducted a use of force investigation and concluded the force was reasonable. A subject matter expert disagreed and deemed the use of force unnecessary.

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: 05/13/16 **DATE OF COMPLETION:** 05/12/17 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he was assaulted by a security guard at a store and called the police. The complainant stated two officers arrived but would not accept his Citizen's Arrest against the security guard. The complainant stated that one officer was an Asian male and the other officer had blonde hair. The complainant could not provide any other identifying information about the responding officers. The complainant did not recall the date of the incident. The complainant would not sign a medical release form for additional evidence.

The security guard stated the complainant created a disturbance in the store and was kicking the outer window on the storefront. He went outside and confronted the complainant. The security guard stated the complainant put hands on him, which prompted the security guard to place the complainant in an arm bar hold and then released him. The security guard did not recall the date of the incident. The security guard's employer was contacted and they have no record of this incident.

DPA queried Department records for the incident with negative results.

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: 05/16/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity while the complainant was being detained.

The named officer and witness officers denied the allegation.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated he told the named officer that he had an injured shoulder. Nonetheless, the complainant stated the named officer jerked his shoulder.

The named officer and witness officers denied the allegation.

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: 05/16/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained after he had trespassed into a hotel. The complainant admitted he had been evicted from the hotel and was no longer permitted on the premises.

The officer stated he and his partner responded to a call of a trespasser in a hotel and spoke to the desk clerk who informed them that the complainant was trespassing and had been previously evicted. The desk clerk told them that the guy was upstairs on the second floor. He said they went to a room and heard arguments and knocked on the door. The officer stated they knocked on the door and asked the complainant to come out of the room. He observed the complainant stand up, stagger a little bit and walk out of the room. He placed the complainant in handcuffs. He said they walked the complainant down to the patrol car and queried him, which revealed a traffic fraction warrant. The officer stated the complainant was arrested for both the traffic warrant and for being drunk in public.

Department of Emergency Management (DEM) records established dispatch received a call regarding the complainant who had trespassed into the building.

The hotel clerk stated she saw the complainant enter the hotel. The clerk stated the complainant was a former resident who had been evicted from the hotel and knew that he was prohibited from entering the building. She told the complainant he was not allowed in the building but he ignored her. The clerk watched him on the monitor enter another tenant's room. The clerk stated she called 911 and reported the complainant as a trespasser. Another tenant told the hotel clerk that the complainant had threatened him, so she called 911 a second time.

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: 05/16/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The named officer detained the complainant after responding to a fight or dispute. During the detention, the officers ran a warrant check on the complainant and found two traffic infraction warrants. The officers arrested the complainant for the warrants. The complainant was also charged with public intoxication and booked into the County Jail to be released when sober.

The named officer did not complete an incident report. Department Orders require members to make all required written reports of crimes or incidents requiring police attention and make written reports on crimes observed or brought to their attention that have not been previously reported.

The Event History Detail documents the report of a trespasser who gained entry and was reportedly threatening a tenant. The Event History Detail also reports another tenant heard screaming coming from the room where the suspect had trespassed. Both misdemeanors were in progress at the time the officer responded to the hotel room.

The named officer stated that he was not required to prepare an incident report because no one requested a Citizen's Arrest, because the incident involved a misdemeanor committed outside their presence and because there was no stay-away order against the complainant.

At the time the officer arrived at the hotel, the suspected trespasser was still inside the room from which there were reports of screaming, threats and a possible fight or dispute. This was a misdemeanor in progress, involving several individuals, one who was reported trespassing and one who was reported to be screaming from inside her room. Under the circumstances, the officers had a duty to investigate and make a written report, identifying all suspects, victims and witnesses.

The named officer was the senior-ranking officer present and, therefore, the Officer-in-Charge. As the Officer-In-Charge, it was his duty to oversee that all required reports were completed. Because an incident report was not completed, the named officer neglected his duty.

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: 05/25/16 **DATE OF COMPLETION:** 05/09/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made a racially derogatory remark.

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

FINDINGS OF FACT: The complainant stated she was a passenger in an Uber vehicle that accidentally cut off another car. The complainant stated that a male police officer in a passing police car yelled a racially derogatory comment to the Uber driver. The complainant provided a photograph of the police vehicle that included the vehicle identification number.

The named officer and his partner denied the allegation. Both officers stated they did not recall being in the area of this incident. The named officer also noted that the identified vehicle is used as a spare vehicle at the station and is not assigned to a specific sector. The named officer stated that he always wears a wristwatch on his left arm and denied that he was the officer in the complainant's photograph.

Department records indicated the named officer and his partner had signed out the identified vehicle.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that a male officer screamed and yelled at her Uber driver.

The named officer and his partner denied the allegation

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/16 **DATE OF COMPLETION:** 05/23/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove in an improper manner.

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

FINDINGS OF FACT: The complainant said officers in a marked patrol car made an illegal left turn onto Mariposa Street from Indiana Street holding up traffic in the process.

The two officers in the patrol car were identified but did not recall the incident, did not recall who was driving, and could not positively identify the driver after examination of a video taken by the complainant.

No witnesses were identified.

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: 06/10/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was at work when he received a phone call notifying him that police were about to enter his home because there were several officers in his backyard. He returned home to find that officers had entered and searched his home in what he believed was an illegal raid.

Department records showed that the entry and search were made pursuant to a valid search warrant.

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

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

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

FINDINGS OF FACT: The complainant stated that the officers left his home "flipped inside-out" and that every part of his house had been searched.

Department records showed that the entry and search were made pursuant to a valid search 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: 06/10/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 2 of 2

SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to take required action when he did not leave a copy of the search warrant behind.

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

FINDINGS OF FACT: The complainant stated that, after ransacking his house, the officers did not leave behind a copy of the search warrant.

A witness stated that although an officer left a property receipt for the items taken, he did not provide her with a copy of the warrant itself.

The named officer, who was also the affiant on the search warrant, stated that he did not leave a copy of the search warrant behind because the judge who signed the warrant had sealed it. The named officer stated that, because the front page of the warrant listed other addresses to be searched and some of the target property, leaving a copy behind could telegraph police intentions to others and potentially tip them off about places to be searched and items sought. He also stated that doing so might compromise officer safety. He cited these possibilities as reasons why the judge ordered the warrant sealed.

The named officer acknowledged that page 39 of the SFPD Search Warrant Manual specifies, "Once entry is made into the location, the officer(s) should show the original search warrant to the occupant(s), then give the occupants(s) a copy." He stated that his understanding of the difference between "should" and "shall" is, "'Shall' means that it is required. 'Should' means you should do it when reasonably possible." A review of the Search Warrant Manual showed there is no clear instruction about what to leave for an occupant when officers are serving a sealed warrant. Department General Order 5.16 does not address officers' responsibilities when the court has ordered a search warrant sealed.

All of the officers interviewed stated that, to their knowledge, there is neither an SFPD policy nor any statutory requirement that a copy of a search warrant must always be left behind once it is served.

The evidence proved that the action complained of was the result of a policy failure.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/16 **DATE OF COMPLETION:** 05/23/17 **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 stated the named officer laughed and joked with the security guard about her and later acted indifferent and condescending with her.

The named officer said he did not laugh at the complainant but at the security guard. The named officer denied he made a series of inappropriate remarks alleged.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer threatened to arrest the complainant.

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

FINDINGS OF FACT: The complainant said the named officer threatened to arrest her if she called 911 again.

The named member denied he threatened to arrest the complainant.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/16 **DATE OF COMPLETION:** 05/23/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant said the security guard threatened to wait for her to leave her apartment to assault her, and the named officer did nothing about it.

The named officer denied the complainant asked him to come upstairs to her 3rd level apartment from where she was screaming at him or that he received such a report from the complainant.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was talking to a girl near a group of girls that had been fighting. An officer told the complainant to leave. Instead, the complainant walked into the group that had been fighting. The complainant stated an officer grabbed his wrist. He told the officer to let him go and tried to pull his arm away. The complainant stated that suddenly multiple officers pulled on him in many directions.

One of the named officers stated the complainant was detained because he ignored multiple orders to back away from several officers who were attempting to detain two unrelated female subjects. His actions and words at the time led the named officer to believe that he was attempting to lynch the female subjects from police custody and, in an effort to prevent that from happening, the named officer ordered the complainant to move away from the other officers. The complainant defied the named officer's orders and tried to push past him.

The second named officer stated the complainant was detained because he was attempting to push past the other named officer and failed to comply with that officer's lawful orders to stay back and not penetrate a line of police officers.

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

The evidence 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: 06/13/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant was cited for resisting arrest. He stated he was talking to a girl near another group of girls who had been fighting. An officer on a bicycle told them both to leave. The complainant stated he did not obey this order and, instead, “meshed together” with the group of girls.

The named officer prepared the incident report, which states that the complainant resisted commands issued by one of the detaining officers. The report indicates that the named officer cited the complainant at the station.

One of the detaining officer stated the complainant ignored multiple orders to back away from several officers who were attempting to detain two unrelated female subjects. The complainant defied the detaining officer’s orders and tried to push past him.

A second detaining officer stated the complainant attempted to push past the other detaining officer and was not listening to that officer’s lawful orders to stay back from the investigation. That same officer told the complainant multiple times to stay back and not penetrate the line of police officers. The complainant refused to comply. The second detaining officer stated the complainant was extremely verbally abusive and physically resisted throughout their contact.

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: 06/13/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #4 - 5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated he did not obey orders to leave the scene of a police investigation and instead walked into the group of people being investigated. He stated he somehow ended up sitting on the ground. He stated he was bleeding from his mouth, elbows and wrists but could not say how he became injured. He stated eight or nine officers were around him. He stated he told the officers to “hold on” – that he would put his hands behind his back. He stated he refused medical attention because he feared for his life.

One of the named officers stated he grabbed the complainant by the waist and placed him on the ground in a seated position. This named officer stated he did not observe any physical injuries on the complainant. He stated the complainant did not complain of pain and did not request medical attention.

The other named officer stated the complainant defied orders to leave the scene of an investigation and tried to push past him. In response, the first named officer used a “bear hug” takedown to gain control of the complainant and brought the complainant to the ground in a sitting position. Both named officers then used wristlock controls to try and place the complainant onto his stomach and get his hands behind his back so he could be handcuffed. The complainant resisted their efforts the entire time. This named officer stated he did not see any visible injuries on the complainant and he did not complain of pain or request medical attention.

SFPD medical screening form documented that the complainant answered “no” to questions regarding injuries and refused to sign the form. According to the complainant’s medical records, the complainant did not sustain any injuries.

There is no evidence to support that the named officers used unnecessary force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/16 **DATE OF COMPLETION:** 05/01/17 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #6: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that while he was in custody at the police station, an officer made an inappropriate comment.

The named officer stated he transported the complainant to the station. He denied the allegation.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used unnecessary force during detention.

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

FINDINGS OF FACT: The complainant was attending a homeowners meeting when the named officer and her partner arrived and escorted him out. The complainant stated the officers told him he was trespassing. The complainant stated the officers ordered him to put his backpack and notebook down, face against a wall, and put his hands behind his back. The complainant stated the named officer then twisted his arms, placed him in tight handcuffs and pushed his neck down, forcing him to kneel on the ground.

The named officer stated that despite being repeatedly told to leave, the complainant refused to leave the property. The officer stated she took the complainant's right hand behind his back and tried to put handcuffs on him. The officer stated the complainant passively resisted by stiffing up his arms and refusing to put them behind his back. The named officer stated her partner then grabbed the complainant's other hand, allowing them to put him in handcuffs. The named officer denied using unnecessary force.

The named officer's partner stated that the named officer used control holds because the complainant resisted by pulling away his hands. The officer stated he could not remember the complainant being on his knees, and that everything was done while the complainant was standing.

The security guard who witnessed the incident stated that the officers guided the complainant outside and placed him inside a police vehicle. The security guard stated the officers did not manhandle the complainant. The security guard stated he did not see the officers push the complainant to the ground or twist his arms. The security guard stated the complainant was standing the whole time during the contact.

The homeowner's president who was present at the meeting stated that the officers took the complainant away, but he did not see the events that occurred outside the meeting room.

No other witnesses came forward.

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. In addition, there was insufficient evidence to either prove or disprove that the complainant was placed in tight handcuffs.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer enjoyed looking at him being handcuffed. The complainant stated that when he told the officer that the female officer was hurting him, the officer commented inappropriately by saying that it was supposed to hurt.

The named officer denied making such comments. He also denied the allegation that he enjoyed watching the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant was walking on a sidewalk when the named officer detained him. The complainant stated that upon being ordered to sit down, the officers asked for identification and ran his information. The complainant stated two officers then arrived and joined the named officer in questioning him.

The named officer acknowledged detaining the complainant and said he was working with two other officers who responded to the detention. In a written response, the named officer stated that he detained the complainant for smoking marijuana and found him to be in possession of additional marijuana. However, in an interview, he stated that he saw the complainant engaged in “narcotics activity” near his vehicle. He stated the complainant was in and out of his vehicle while talking to strangers and individuals, some of whom were known drug dealers. He stated he did not see any hand-to-hand exchange or the complainant remove items from the vehicle, but based on his experience, he believed the complainant was engaged in narcotics activities.

One of the named officer’s partners stated the complainant was detained for possession of marijuana in plain view. However, that officer could not recount the circumstances surrounding the complainant’s marijuana possession.

The named officer’s other partner stated that he saw the complainant loitering in a high narcotics area. The officer stated the complainant was detained for narcotics investigation and for having suspected marijuana on his person. However, he also could not recall the details surrounding the complainant’s possession of marijuana.

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 named officer provided inconsistent statements regarding his reasonable suspicion for detaining the complainant. His partners also could not articulate the circumstances surrounding the detention.

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: 07/13/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer failed to promptly and politely provide his name upon request.

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

FINDINGS OF FACT: The complainant stated the named officer refused to provide his name and star number when asked.

The named officer stated he could not recall the complainant asking for his name or star number.

No independent witnesses were identified.

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

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

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**4

FINDINGS OF FACT: The complainant stated the named officer told him to go back to where he parked his vehicle and find him a person with a gun. The complainant stated the officer also made threats to arrest him if he did not comply.

The named officer denied making any such comments and denied hearing any other officer do so.

One witness who observed the detention said she heard an officer say something about guns and drugs to the complainant but that she was not close enough to understand the details of the conversation.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 3 of 4

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release.

SUMMARY OF DPA-ADDED ALLEGATION #2: The officer failed to write an incident report.

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

FINDINGS OF FACT: SFPD General Order 5.03, section II.A.2. states:

PROLONGED DETENTIONS. If, however, you release a person after he/she has been moved a substantial distance or has been detained a significant length of time, you must issue the person a Certificate of Release and prepare an incident report justifying the movement or the length of detention. Title the incident report "Investigative Detention," list the person as "D" detained, and include the reasons) the subject was detained such a long time or why he/she was moved.

The named officer stated that there was no need for him to issue a Certificate of Release or write an incident report because the complainant was not handcuffed, transported to any police facility, or moved from his location. The officer stated the complainant was briefly detained, and that the incident's CAD record did not accurately reflect the time the complainant was detained.

He stated that while the CAD documented the case as being open for 54 minutes, the complainant was already released from detention when he ran the complainant's license plate, 32 minutes after the detention started. The named officer stated that after searching the complainant and his vehicle a block away, the named officer walked back to the complainant's location and informed his partners that no additional narcotics were found in the vehicle. He stated they then released the complainant from detention, walked back to a street corner and hung out for about 10 to 15 minutes. The named officer stated that he then walked back to his police vehicle and ran the complainant's license plate. The officer stated he followed such course of actions because he was alone when he searched the vehicle.

The officer's partners gave similar contentions, that the CAD record did not accurately reflect the length of time the complainant was detained. However, the two other officers present at the scene said the complainant was still detained when his license plate was run. Also, they did not recall who was present for the search of the vehicle and could not recall the sequence of events surrounding the detention and release of the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 4 of 4

SUMMARY OF DPA-ADDED ALLEGATION #2 (continued):

A witness to the detention stated that the complainant was detained for 30-40 minutes. A preponderance of the evidence established that the complainant was detained a significant length of time, requiring the named officer to issue a Certificate of Release and prepare an incident report pursuant to DGO 5.03.

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: 07/16/16 **DATE OF COMPLETION:** 05/09/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was arrested for the crimes of kidnapping and robbery. During the preliminary hearing, the named officer testified as a gang expert witness. The complainant alleged that the named officer behaved and spoke inappropriately by stating in court that the complainant is a gang member. The complainant denied being a member or affiliated with any gang.

Records from the San Francisco Superior Court show that the complainant is listed as a gang member in a Judgment Granting Permanent Injunction.

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: 07/22/16 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that a car she owned was towed in connection with a police investigation and subsequently released to the wrong person. The complainant stated that, although she owned the car, her estranged ex-husband had possession and was the primary driver of the car. While driving the car one day, the complainant's ex-husband was shot. The complainant's ex-husband was taken to a hospital and the car was confiscated by the SFPD. The complainant stated that, approximately one month later, the named officer allowed her ex-husband to pick up the car. The complainant stated the named officer should not have released the car to her ex-husband because he was not the registered owner.

The named officer stated he was not involved in releasing the complainant's car directly to her ex-husband. The named officer explained that the complainant's car was temporarily held for processing by the Crime Scene Investigations Unit (CSI). The named officer stated that he removed the hold once CSI was finished with the car. The named officer stated that he did not authorize releasing the complainant's car to a specific person. The named officer stated that AutoReturn is solely responsible for releasing towed vehicles to the appropriate parties.

AutoReturn records show the car was temporarily held for criminal investigative purposes and was subsequently released.

AutoReturn is the City contractor responsible for managing towed cars. Once the named officer lifted the CSI hold from the complainant's vehicle, AutoReturn was responsible for releasing the complainant's car to the appropriate person.

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: 07/22/16 **DATE OF COMPLETION:** 05/10/17 **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 stated she left several phone messages for the named officer instructing him not to release her car to her ex-husband. The complainant stated that, after her ex-husband picked up the car, she left several more phone messages for the named officer asking for an explanation. The complainant stated that the named officer never returned any of her calls.

The named officer stated he had one phone conversation with the complainant about her car, which took place after the car was released. The named officer stated that he told the complainant that he authorized AutoReturn to release the car, but not to a specific person. The named officer stated he advised the complainant that AutoReturn was solely responsible for releasing towed vehicles to the appropriate persons. The named officer denied receiving any other phone messages from the complainant.

A witness officer stated that he took one phone message for the named officer after the car had been released to her ex-husband.

No other witnesses were identified.

There was insufficient evidence 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 spoke with the named officer and asked why her car was released to her ex-husband. The complainant stated the officer was rude and unhelpful. The complainant stated the officer laughed at her when she mentioned that she was a victim of domestic violence.

The named officer stated he had a lengthy phone conversation with the complainant about her car. He denied the alleged behavior described by 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: 07/31/15 **DATE OF COMPLETION:** 05/03/17 **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 that while being transported to the hospital in an ambulance, the officer used the complainant's cell phone to access a pornographic website.

The officer that the complainant identified denied the allegation. The officer stated he did not ride in the ambulance with the complainant and, thus, was never in possession of the complainant's cell phone.

Two officers who responded as backup also denied the allegation. Neither officer recalled any officer riding in the back of the ambulance with the complainant. One officer stated that he could have ridden in the ambulance but did not recall doing so.

The two paramedics who transported the complainant to the hospital stated they did not recall any officers riding in the back of the ambulance. The paramedics had no recollection of the complainant having a cell phone in his possession.

No other witnesses were identified.

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: 08/23/16 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated a bartender called police to assist with a mentally unstable woman outside the bar. The complainant stated she and her husband had spent some time with the woman trying to calm her down and even bought her food and coffee. She said that when police arrived at the bar, she and her husband told police about the woman's statement that she was the victim of a crime, but the officers only spoke to the purported victim for a short time, after which the woman walked away, and the officers did nothing regarding the crime report.

The named officer stated he and his partner responded to the scene of a woman refusing to leave a bar, spoke to a woman outside the bar who matched the description of the subject, found her unintelligible, and when he asked a question to investigate, she became irate and left. The named officer stated he and his partner had no probable cause to detain the female subject. The officer stated that there was a group of intoxicated people outside the bar, but none of them made any allegations of a crime occurring.

The named officer's partner resigned from the Department and was not available for a DPA interview.

An SFPD station keeper officer prepared an incident report of the suspicious occurrence. The named officer's partner stated he talked to the bartender who told him that the female subject was clearly mentally troubled and that she harassed several customers in the bar. The bartender claimed that he made several unsuccessful attempts to remove the female from the bar and finally called the police for help. The bartender told the officer that the female left the bar before the police arrived. The complainant's husband, in a statement submitted to police for the report, stated that he was not present when police were on the scene of the bar disturbance.

The complainant's husband and a bartender, listed as a witness to the incident in a police report, failed to respond to the DPA's requests for an interview.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/16 **DATE OF COMPLETION:** 05/10/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers did not show sufficient concern and respect for a female victim of an alleged crime, instead showing more interest in taking photos with bar patrons. She said that when police arrived at the bar, she and her husband told police about the woman's statement that she was the victim of a crime.

The named officer denied that he and his partner behaved in any manner that would be considered morally or professionally inappropriate. The named officer stated he calmly spoke to a female subject to check on her wellbeing and she became irate when he asked a question. The named officer stated the officers canvassed the area for the female subject after leaving the bar but to no avail. The named officer denied that the officers took photos with any bar patrons.

The named officer's partner resigned from the Department and was not available for a DPA interview.

An SFPD station keeper officer prepared an incident report of the suspicious occurrence. The complainant's husband, in a statement submitted for the report, stated that he was not present when police were on the scene of the bar disturbance.

The complainant's husband and a bartender, listed as a witness to the incident in a police report, failed to respond to the DPA's requests for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 05/05/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was on his scooter stopped at a red light when he got into an argument with the named officer. The complainant stated that while arguing with the named officer, the complainant leaned on the officer's car. The complainant stated the named officer thought the complainant had hit his car. The complainant stated that after arguing with the named officer, the complainant went inside a store, where the officer followed him and detained him at gunpoint. The complainant was then taken into custody.

The named officer denied drawing his firearm. He stated the complainant was detained after the complainant hit the officer's car with his Razor scooter. The named officer stated that because the complainant could not be positively identified, the complainant was taken to the station where he was cited and released.

No witnesses were identified.

It should be noted that the complainant filed his complaint with the OCC approximately one year and a half from the date of the incident.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him because the officer thought the complainant hit his car, which the complainant denied.

Department records showed that the complainant was cited for vandalism and for violation of California Vehicle Code section 21955 (pedestrian in roadway).

No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 05/05/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer took his scooter for no reason.

The named officer stated the scooter was seized and booked into evidence.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to release the complainant's property.

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

FINDINGS OF FACT: The complainant stated the named officer refused to release his scooter.

The named officer stated that there was ambiguity as to the ownership of the scooter. He further stated that the ambiguity was that the complainant first stated that someone had given him the scooter and then said that he had bought it. The named officer stated that he advised the complainant to produce any type of documentation showing that the item rightfully belonged to him. The complainant was unable to do so the named officer did not authorize release of the scooter to the complainant. He then referred the complainant to the SFPD Legal Division. The named officer stated that he told the complainant that the scooter would not be released without proof of ownership. However, he did not articulate to the complainant what documents would suffice for proof of ownership. SFPD Legal Unit did not release the scooter. Department records showed that the scooter remains with SFPD and that there is no hold on the property.

DGO 6.15 has no written protocol or procedures for SFPD to question ownership of property and no written standard by which a person claiming ownership may be able to prove ownership. There are no protocols or procedures stating the type or form of proof of ownership that are acceptable to release

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 05/05/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4 (continued):

property, who makes the determination, and the chain of command for appeal when release of the property has been denied.

There is no SFPD procedure for referring a person to Legal for a determination of proof of ownership. There was no official form or other documentation generated by the named officer to Legal to request a legal determination of ownership.

SFPD Legal has no written procedures or criteria for:

- 1) receiving a request from a member for a proof of ownership evaluation regarding seized property;
- 2) requesting information from the person for proof of ownership;
- 3) evaluating proof of ownership; or,
- 4) informing the person requesting release of the property of its decision.

There is no procedure in SFPD Legal for a person claiming ownership in seized property to:

- 1) appear and request return of property;
- 2) submit a form to start the process of review and return;
- 3) receive a written determination and justification for release or not, based on written criteria; or appeal a decision denying release of the property.

SFPD Legal did not release the scooter to the complainant, did not document its decision, did not provide documentation of the decision to the complainant and provided no appeal process to the complainant. The process was completely arbitrary. It is apparent that absent established criteria, policy or procedure to follow, the process is susceptible to arbitrariness and/or abuse.

It is recommended that the OCC evaluate making policy recommendations to SFPD regarding establishing protocols and procedures for an orderly, transparent, objective and lawful process to return seized property to members of the public where a sergeant/inspector or other SFPD member questions or disputes the claim of ownership of the person from whom the property was seized, who requests return of the property.

The OCC recommends a change in the particular policy, procedure or regulation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/16 **DATE OF COMPLETION:** 05/12/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was walking home late at night when unknown officers exited their vehicle and detained him. The complainant was unable to provide a clear timetable for when the incident occurred. The complainant provided a limited physical description of the two officers as Asian males. The complainant could not provide further identifying information for either the officers or their vehicle.

DPA queried Department records for the location and possible dates of the incident, as well as station officers assigned to the area with negative results.

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: 09/24/16 **DATE OF COMPLETION:** 05/09/17 **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 he is a psychiatrist. The complainant stated he observed a person he believed to be psychotic, bleeding from his leg, and without shoes on the street. The complainant stated the individual was gravely disabled, unable to care for himself and needed to be detained per W & I Sec. 5150. The complainant stated the officers failed to take the person into custody.

The named officers stated that the person the complainant complained about did not meet the criteria for a mental health detention.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant claimed that an officer rudely ordered him to stand back. He stated that a second officer told him “Good luck with your practice.”

The first named officer stated he told the complainant to stand back because the complainant was interfering with his partner’s enforcement action, as the latter wrote a citation.

The second named officer denied making the statement alleged.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Internal Affairs Division.

San Francisco Police Department
Internal Affairs Division
1245 Third Street-4th Floor
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/16 **DATE OF COMPLETION:** 05/12/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was walking past a public auditorium when she saw an officer taking a photograph of another officer who was pointing his middle fingers in an obscene gesture underneath the auditorium marquis sign. The marquis sign displayed the name of a female presidential candidate. The complainant provided a general description of the officers as white and male.

The DPA sent officer identification polls to the district station and to two different police operation units who had officers in the area for this incident. The three identification polls were returned to DPA with negative results. The commanding officers were unable to identify the involved officers based on the description provided by the complainant.

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: 10/21/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer conducted a detention without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer detained her without a valid reason. The complainant stated that the named officer was rudely yelling and told her to “get the fuck out of here.” The complainant asked the named officer what she had done and he would not tell her. The complainant stated that the named officer grabbed her and handcuffed her tightly, bruising her wrists. The complainant stated that the named officer searched her purse without cause.

The named officer stated that a hotel security manager asked him to remove the complainant from the property and described her as a “known prostitute.” The named officer stated that he asked complainant to leave, but she refused. The named officer then detained complainant, and handcuffed her when she attempted to leave. The named officer stated that complainant never complained of pain and he never saw any injuries on her. The named officer stated that because complainant had very tiny wrists, the handcuffs could not be completely tightened, and she was able to move her arms towards the front of her body. The named officer stated that he initially searched complainant’s purse for weapons, then later searched to find her ID. The named officer stated that he queried complainant’s name to see if she was wanted or had any warrants. When the query came back negative, he removed the handcuffs and complainant was able to leave. The named officer stated that during the encounter, he had told complainant that he was detaining her for trespassing and loitering for the purposes of prostitution. The named officer also stated that he has worked this assignment multiple times over the course of 14 years, and removing suspected sex workers from the property was a common task.

Documentation from the hotel security office identified the incident and described complainant as “a prostitute,” who was handcuffed for trespassing, then released when she “decided to comply.” Hotel surveillance video captured the incident, including the detention, handcuffing and searching of complainant. The video showed that complainant was able to move her arms to the side and near the front of her body while in handcuffs. The video showed the named officer obtained what appeared to be an ID from complainant’s purse during a second search. The video showed the named officer later returned the ID and released complainant. It also showed that the two continued to exchange words in front of the hotel after the detention ended. Records from the Department of Emergency Management confirmed that the named officer called in a query of complainant’s name, using information from her ID.

No witnesses came forward.

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DATE OF COMPLAINT: 10/21/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #1 (continued):

San Francisco Police Department General Order 5.03 Investigative Detentions states that, “A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person’s behavior is related to criminal activity,” and that an officer must have “specific and articulable facts” to support their actions. The length of the detention must be “limited to the amount of time reasonably necessary to conduct the investigation.” The Peace Officer’s Field Training Manual section on Investigative Detentions, Week 3 Page 169, specifies that warrant checks may be made “[p]rior to releasing any person for whom FI Card made.” The information provided to the named officer by hotel security, the observations made by the named officer, and the named officer’s experience, make it more likely than not that he had adequate reasonable suspicion to detain the complainant. The named officer had reason to handcuff complainant because of safety concerns as well as complainant’s attempt to leave after she was lawfully detained. The length of the detention appeared to be fewer than ten minutes, and the complainant was immediately released after the warrant check. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer was very rude. The complainant stated that the named officer was yelling at her and told her to “get the fuck out of here.”

The named officer did not believe that he used profanity, and if he raised his voice it was so complainant could hear him over her own yelling.

Surveillance video, provided by the hotel, showed complainant speaking assertively to the named officer. It also showed many members of the public in close vicinity to both the named officer and the complainant. Department of Emergency Management records indicated that the named officer called in a “suspicious person,” then later a query of complainant’s name.

No witnesses came forward.

San Francisco Police Department General Order 2.01 section 14 Public Courtesy states that, “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.” There was no evidence to corroborate this

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 10/21/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #2 (continued):

allegation, and video and audio evidence suggested that the named officer was less animated than complainant and relatively calm. The named officer, however, did not explicitly deny his use of profane language. The investigation failed to disclose sufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The officer failed to state the reason for the detention.

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

FINDINGS OF FACT: The complainant stated that the named officer would not give her a reason for the detention and told her that he did not need one. In a later interview, complainant stated that the named officer may have given “trespassing” as the reason for her detention.

The named officer stated that when complainant asked about the reason for the detention, he replied that she was suspected of trespassing and loitering for the purposes of prostitution.

No witnesses came forward.

The named officer had legitimate justification for the detention of the complainant, and there was no reason to suggest that he would have had any reason to withhold this information from complainant. Complainant also, later, suggested that the named officer may have provided a reason for the detention. More likely than not, the named officer did provide complainant a valid reason for her detention. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #4: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that the named officer placed handcuffs on her that were tight enough to cause bruising.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #4 (continued):

The named officer stated that he could not fully tighten the handcuffs because complainant's wrists were too small. The named officer also stated that complainant did not complain of pain and that he did not see any injuries on her. The named officer also stated that he double locked the handcuffs.

Surveillance video showed that, despite being handcuffed, complainant was able to move her hands to the side and nearly in front of her body, and that she could grab items off of the floor and place them into her purse.

No witnesses came forward.

The SFPD Peace Officer Field Training Manual, SFPD Handcuffing Guidelines, Week 3 Page 174, states that, "Handcuffs should be applied between the ulna bone and the base of the wrist ... The handcuffs should be tight enough that they do not easily slide around the wrist, but not so tight that they cut off circulation." This section of the manual also states that, "Officers shall engage the secondary lock (Double Lock) in all instances where an individual is handcuffed."

The video evidence showed that complainant was able to move her hands and arms, and that she appeared to be able to slide her arm further down the handcuff opening. Complainant did not respond to requests for pictures of the bruising on her wrists. It is more likely than not that the handcuffs were not too tight. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #5: The officer searched personal property without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer asked for her ID, and then searched her purse, dumping some of the contents on the ground, in order to retrieve it.

The named officer stated that he searched complainant's purse twice – first to check for weapons, and second to find and retrieve her ID. The named officer stated that sex workers are known to carry weapons, such as pepper spray, and that complainant had been reaching into her purse when he first confronted her. The named officer also stated that he asked complainant for her name, and she replied that her ID was in her purse.

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SUMMARY OF ALLEGATION #5 (continued):

Surveillance video showed the named officer searching complainant's purse immediately after seating her on the ground in handcuffs. Approximately 2 minutes later, the video showed the named officer reaching into her purse again and removing what appeared to be an ID. The video also showed complainant reaching into her purse, more than once, after she was handcuffed.

No witnesses came forward.

SFPD Academy POST Training, Learning Domain 16.03.EO4 on Cursory/Frisk/Pat Searches states, “[I]f an officer has a factual basis to suspect the person being detained poses a danger to the officer, or is carrying a concealed weapon or an object that could be used as a weapon, the officer is justified in conducting a *limited* search for the weapon without a warrant [emphasis in the original].” It also states that, “the searching officers must be able to articulate *specific facts* which caused them to reasonably believe the person is dangerous or may be carrying a weapon [emphasis in the original].” The named officer was able to articulate facts that led him to believe complainant may have had a weapon.

Law enforcement officers may conduct a limited search and seizure to obtain an ID in similar circumstances, when “reasonably related to the purpose and scope of the investigative detention.” The named officer's second search was brief, and led to the seizure of complainant's ID. The purpose was to query complainant's name to determine if she had any warrants or was otherwise wanted. Once that was determined, the named officer returned the ID.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 6 of 6

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated that she was not cited and that she did not think the named officer gave her any papers or documentation during or immediately after her detention.

The named officer admitted that he did not provide complainant a Certificate of Release. The named officer stated that the complainant was yelling, did not want to listen to anything he had to say, and appeared ready to leave at any moment.

Hotel surveillance video showed that the complainant remained present, within a few feet of the named officer, for at least one minute and 15 seconds after her handcuffs were completely removed. The named officer and complainant continued to communicate with each other during much of that time. The surveillance video did not show the named officer providing complainant with any papers or documents. The SFPD Property Control department was unable to search for a Certificate of Release without an incident number.

No witnesses came forward.

SFPD General Order 5.03 Investigative Detentions, section II.A., states that, “If you take the detained person to a police facility or *physically restrained the person*, issue a Certificate of Release. [emphasis added]” A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/17 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that her boyfriend was driving her vehicle with a valid driver's license when the named officer stopped him. She stated that her vehicle was towed, because the named officer incorrectly alleged that her boyfriend had a suspended driver's license.

Department of Motor Vehicle records showed that at the time of the traffic stop, the complainant's boyfriend's driver's license was suspended.

DGO 9.06 states, "It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked ..."

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: SFPD failed to investigate.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/16 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 1 of 9

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

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

FINDINGS OF FACT: The complainant stated that he was on a public sidewalk when the named officer and his partner approached him on foot. The complainant stated that the named officer told him to leave the area, then blocked his way as he attempted to go, and ordered him to go in a different direction. The complainant attempted to walk in this different direction, and the named officer continued to berate him. The complainant stated that other officers then arrived and they all forced him to the ground, twisting his wrist back, while the named officer punched him. The complainant stated he was told he was under arrest and transported to SFPD Central Station. The complainant stated that he was later transported to the Psychiatric Ward at SF General Hospital.

The named officer stated in an interview that he was on foot patrol when he saw the complainant in front of a restaurant looking in the window. Because he had received complaints from restaurant workers about the complainant in the past, he and his partner approached to investigate. The named officer stated that the complainant began yelling as soon as he saw him, and then started walking out into the street. The named officer denied telling the complainant to leave or move on, and stated that the complainant started to walk away on his own. The named officer decided he was going to cite the complainant for stepping off the curb because the complainant continued to walk into the street. The named officer stated that when he requested the complainant's ID, the complainant turned in a threatening manner, so he used a leg sweep to get him to the ground. At this point, the named officer decided that he was going to detain the complainant for psychiatric evaluation. The named officer confirmed that the complainant was taken to Central Station and later to SF General Hospital.

The named officer's partner stated in an interview that they approached the complainant, who was standing in front of a restaurant, because they had received complaints from the restaurant before. The officer confirmed that the complainant was yelling and started to walk out into traffic. The officer stated that he did not recall either he or the named officer telling the complainant to leave or move on.

Two other officers stated that they transported the complainant to SF General Hospital from SFPD Central Station. One of these officers stated that the complainant was being combative when they encountered him at the station.

No other witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/16 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 2 of 9

SUMMARY OF ALLEGATIONS #1 (continued): The related incident report documented that the named officer and his partner approached the complainant when they saw him glaring into the window at a North Beach restaurant. It notes that they had received complaints about the complainant from the staff at that restaurant in the past. The report states that when the complainant saw the officers, he immediately started yelling profanities at them. It details the path that complainant took as he walked away and states that the complainant also started walking out into traffic. The report states that complainant was acting irrationally, not making reality based statements, and that the named officer was concerned that the complainant would get hit by a vehicle. It states that the named officer decided to detain the complainant for a mental health evaluation, but when he attempted to handcuff complainant, the complainant became violent and pulled away.

The Body Worn Camera (BWC) footage from the named officer begins after the complainant is already in handcuffs and is being walked to Central Station. Throughout the clip, the complainant is agitated, shouting, and using the “n” word. At one point, as if repeating what someone else told him, the complainant states, “I better get out of fucking North Beach.”

SFPD General Order 5.03, Investigative Detentions, states, “Officers do not have the authority to order persons to ‘move on’ absent probable cause to believe an offense has occurred, or absent articulable facts requiring movement for public safety.”

The named officer denied ordering the complainant to move on, and stated that the complainant started to walk away on his own. The named officer admitted he would have told the complainant to move on, but never had that opportunity. While it is questionable whether an order to move on would be within policy, in this case, the named officer denied giving such an order. The investigation otherwise established, by a preponderance of the evidence, that such an order was not given.

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

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DATE OF COMPLAINT: 11/18/16 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 3 of 9

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 that he was initially told he was under arrest, but then later told he was being taken to the hospital. The complainant believed that officers from Central Station had a pattern of using psychological evaluation detentions as a way to take him off the street without cause.

The named officer stated that the complainant was not arrested, but detained for psychiatric evaluation because he was a danger to himself by continually walking out into traffic.

The named officer's partner confirmed that the complainant was walking into traffic, and stated that the complainant was yelling and acting irrationally. A different officer, who transported the complainant to the hospital, stated that the complainant was yelling a lot and, "wasn't making very much sense at all ..."

The 5150 form, completed by the named officer, states that complainant was yelling, walking into traffic, acting in an irrational manner, and not making reality based statements.

Records from SFGH Psychiatric Emergency Services (PES) provided by the complainant states that it was his second contact with PES in 2016. The report states that he does not appear to meet 5150 criteria but would be held for observation due to the report from SFPD. In the BWC footage, the complainant is agitated, shouting, and using the "n" word. He also makes several references to "20 million dollars."

SFPD General Order 6.14, Psychological Evaluation of Adults, states that, "Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is: A danger to himself/herself, or A danger to others ..."

A preponderance of the evidence established that officer's 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.

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DATE OF COMPLAINT: 11/18/16 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 4 of 9

SUMMARY OF ALLEGATION #3: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated that the named officer told him, “If you don’t get out of here nigger, I’m going to throw you off a bridge...”

The named officer denied using the word “nigger,” and denied that the complainant’s race or color was a factor in his detention.

The named officer’s partner stated that no officers used the word “nigger,” during this incident.

All the officers denied that complainant’s race, ethnicity, color, national origin, gender, age, sexual orientation, or gender identity were a factor in his detention or treatment.

Medical Records from SFGH PES note that complainant reported officers using the “N-word” as they ordered him to get out of North Beach.

BWC footage shows the complainant using the “N-word” multiple times, but does not capture any officers using the word.

SFPD General Order 2.01 section 14 states:

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

SFPD General Order 5.17, Policy Prohibiting Biased Policing, states:

Department personnel may not use, to any extent or degree, actual or perceived race, color, ethnicity ... in conducting stops or detentions, or activities following stops or detentions except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group.”

No other witnesses were identified.

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

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DATE OF COMPLAINT: 11/18/16 **DATE OF COMPLETION:** 05/31/17 **PAGE#** 5 of 9

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

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

FINDINGS OF FACT: The complainant stated that the named officer punched him in the face while he was on the ground and other officers were attempting to handcuff him.

The named officer denied punching the complainant and stated that he conducted a leg sweep when the complainant got into a fighting stance and refused to comply with a lawful order. The named officer stated that he got on top of the complainant to attempt to handcuff him, and he and his partner had to struggle to get complainant's hands behind his back.

The named officer's partner denied that the named officer punched the complainant, and confirmed that the complainant moved into a fighting stance to avoid a detention.

The incident report noted that complainant had no visible injuries and was not complaining of pain, but that a Use of Force entry was made due to the leg sweep.

The Use of Force log identified the force used against complainant as physical control.

Records from SFGH PES show that complainant told medical staff that officers had injured his wrist, knee and thumb during his detention. He also complained of pain to his jaw. Regarding physical injuries observed, however, the medical records note only that he had an abrasion on his knee and that his right wrist was slightly swollen compared to his left. Photos taken of the complainant at his DPA interview showed minor scrapes. His right wrist was bandaged and his left wrist had a band-aid over a cut that resembled marks from handcuffs.

The leg sweep and physical control appear to be reasonable under the circumstances. A punch to the face would not have been proper, but the evidence established that it is more likely than not that there was no punch by the named officer.

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

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SUMMARY OF ALLEGATION #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer told him to get out of North Beach and that he was going to throw him off of a bridge. The complainant stated that later, at Central Station, while two new officers were attempting to prepare him for transport to SF General Hospital, the named officer walked into the holding cell and whispered into his ear, “we’re going to kill you.”

The named officer did not think he was in the holding cell when the other officers prepared the complainant for transport to SF General Hospital. The named officer denied threatening the complainant.

One of the officers that prepared the complainant for transport to SFGH stated that only he and his Field Training Officer, were in the holding cell at that time.

The Field Training Officer stated that he could not recall, but did not think anyone else was in the holding cell at that time.

SFPD General Order 2.01 section 9 states, “Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that ... reflects discredit upon the Department ... although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.” Section 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.”

There is no evidence, independent of the complainant’s assertion, that the named officer threatened him.

The evidence established that it is more likely than not that such threats were not made by the named officer.

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

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SUMMARY OF ALLEGATION #6: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated he invoked his Miranda rights when an officer attempted to question him, but he also complained generally that he was not read his Miranda rights after his arrest.

The named officer stated that he may have asked the complainant if he knew why he was detained while he was at Central Station, but he never interrogated the complainant.

BWC Footage showed that at Central Station, the complainant appeared to invoke his Miranda rights in response to standard booking questions.

Miranda warnings should be given when a person is in custody and prior to interrogation. Statements may not be admissible in court if the warning is not given.

There is no evidence that the named officer or any other officer was seeking to interrogate the complainant to develop evidence of criminality.

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 #7 - 8: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated that the named officer and other unknown officers forced him to the ground, twisted his wrist back, and then attempted to handcuff him.

The named officer stated that he did not move in to help physically restrain the complainant until his partner had already performed the leg sweep. The named officer stated that he helped his partner apply handcuffs to the complainant. The named officer stated that two other officers arrived and assisted, but he did not know them and said they must have been from a different station. The named officer stated that the complainant was not slammed to the ground.

The named officer's partner stated that two unknown officers got out of a car and assisted them in the physical control of the complainant. The officer did not know who those officers were, but he knew they were not based at Central Station. The officer stated that complainant's arms were turned behind his back to get the handcuffs on.

Records from SFGH PES note that the complainant had an abrasion on his knee and that his right wrist was slightly swollen compared to his left. Photos taken of the complainant at his DPA interview showed minor scrapes. His right wrist was bandaged and his left wrist had a band-aid over a cut that resembled marks from handcuffs.

SFPD General Order 5.01, Use of Force, section III A states, "Officers may use reasonable force options in the performance of their duties, in the following circumstances: To effect a lawful arrest, detention, or search ... To prevent a person from injuring himself/herself."

The actions taken by the named officer and the unknown officers are generally not in dispute. However, the officers were attempting to lawfully arrest or detain the complainant. The force used by the named officer and the unknown officers appears to be reasonable under the circumstances.

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

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SUMMARY OF ALLEGATION #9-10: The officers applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that the named officers entered the holding cell at Central Station in order to transport him to SF General Hospital. The complainant stated that the named officers had to remove the handcuff that had secured him to a railing and apply new handcuffs to transport him. The complainant stated that the named officers squeezed and twisted his wrists, and then applied handcuffs so tight that they blocked circulation to his hands.

The named officers stated that they placed the handcuffs on the complainant. The named officers stated that the handcuffs were double-locked and the proper degree of tightness was checked. The named officers stated that the complainant did not complain of pain, and neither officer saw any injuries on him.

The named officers did describe the proper procedure, but there was also evidence of injury.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 11/21/16 **DATE OF COMPLETION:** 05/08/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Internal Affairs Division.

San Francisco Police Department
Internal Affairs Division
1245 Third Street-4th Floor
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/16 **DATE OF COMPLETION:** 05/23/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that he called the San Francisco Police Department (“SFPD”) to respond two different times because he saw the “getaway car that was used in a theft” of the complainant’s laptop a month prior in another jurisdiction. The complainant stated that, after waiting hours for the officers to respond to the second call for service, he called the police again and was told that the officers had become involved in another incident.

The officers stated they responded to both calls for service.

Department of Emergency Management (“DEM”) records indicate that the officers arrived on scene in response to the first call for service within seventeen minutes of dispatch. DEM records also indicate that the officers arrived on scene in response to the second call for service within four minutes of dispatch.

A preponderance of the evidence established that the officers promptly responded to both calls for service.

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

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DATE OF COMPLAINT: 11/22/16 **DATE OF COMPLETION:** 05/23/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that he called SFPD to report a sighting of the getaway car used in the theft of his laptop. The car was gone when the officers arrived. The complainant stated that, after waiting hours for the police to arrive, he called the police again and was told that the officers had become involved in another incident.

The named officers stated they responded to the scene for both calls for service. The officers further stated that they took the following investigative steps: They ran several variations of the partial license plate provided by the complainant through the database. They called the complainant and spoke to him on the phone regarding the circumstances surrounding the theft of his laptop. They met with the complainant who gave a description of the suspicious car and the subject. They found and observed the suspicious car to be locked, unoccupied, and devoid of the laptop. They ran the full license plate of the suspicious vehicle through the database. They made contact with a man matching the complainant's description of the subject, who was sitting in a different car, and searched the car and his room for the laptop. They were on the lookout for the subject and were ready and willing to make contact had the subject appeared on scene in a public place.

SFPD records indicate that the officers responded to the scene based on the complainant's calls regarding a suspicious vehicle. SFPD records further indicate that the officers thoroughly investigated the suspicious car and ran the name of a man matching the complainant's description.

A preponderance of evidence established that the officers conducted a comprehensive investigation.

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

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

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

FINDINGS OF FACT: The complainant stated he believes the officers were working in conjunction with the people who stole his laptop. The complainant stated the alleged getaway car coincidentally left when officers arrived, and the officers gave him “countless tells” regarding the officers’ connection with the thieves, but he did not elaborate. The complainant could not be contacted for an interview because the email address he provided was disabled and calls to the phone numbers he provided to San Francisco Police Department (“SFPD”) went unanswered. The complainant did not submit any evidence other than his online statement.

The named officers stated they had never had contact with the complainant before. They also stated that they did not have personal knowledge of or a personal relationship with the alleged thieves of the laptop.

SFPD records indicate that the officers responded to the scene based on the complainant’s calls regarding a suspicious vehicle. SFPD records further indicate that the officers thoroughly investigated the suspicious car and investigated a man matching the complainant’s description of the alleged thief.

A preponderance of the evidence established that the officers were not working in conjunction with the alleged laptop thieves.

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

SUMMARY OF ALLEGATION #7: This complaint raises matters outside DPA’s jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside DPA’s jurisdiction. This complaint has been partially referred to the San Francisco Department of Emergency Management.

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 12/08/16 **DATE OF COMPLETION:** 05/03/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant filed a report about his missing wife. The complainant stated the named officer called him and said she was the inspector assigned to the case. The complainant stated that during their conversation, the named officer accused him of lying about the circumstances surrounding his wife's disappearance. The complainant stated the officer harassed him by calling him several times and sending him emails even though he already told her not to contact him again.

The named officer stated she was assigned to investigate the complainant for leaving numerous phone calls and sending numerous emails to a captain of the Department. The named officer stated that in the course of her investigation, she spoke with the complainant on the phone three times where she asked him about the voicemails and emails he sent to the captain. The officer stated she also asked about his wife because the latter had been mentioned throughout his emails. The officer acknowledged sending a couple of emails to the complainant where she advised the complainant to stop sending her irrelevant emails and to explain why there was a need to contact him on his phone.

Department records show the captain filed a report about the complainant. In his member response, the captain stated he requested an investigation and that the case was assigned to the named officer.

Department records show the named officer properly documented all of her investigative steps, including how and when she communicated with 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.