

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/01/19    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she was standing on a sidewalk when the named officer approached her, accusing her of loitering for the purpose of dealing drugs. The complainant told the officer she was homeless, but the officer did not believe her. The complainant stated the officer accused her of using her sibling's name and selling narcotics in the past. She believed the contact was for no reason but to harass her.

The named officer stated that the complainant was loitering while sitting on a milk crate, in violation of the city's "Sit-Lie" law, §168(b) MPC. He believed the complainant was also loitering with the intent of selling narcotics, in violation of §11532(a) of the California Health and Safety Code. The named officer stated he was professional during the contact. He denied labeling or calling the complainant a drug dealer. He also denied accusing the complainant of using her sibling's name and selling narcotics in the past.

A witness officer stated that the complainant was loitering on a plastic crate in a "high narcotics" location. He stated that he and the named officer admonished the complainant and attempted to identify her, and that the named officer behaved professionally during the contact.

Body-worn camera footage of the incident shows the complainant standing on the sidewalk near a milk crate. There is no indication that the complainant is homeless; she appears clean, is neatly clothed in a clean outfit, and her shoes and hat appear new. She tells the officers that she is standing there because she is cold and is waiting for somebody to give her a blanket. She fails to provide any identification to the officers when they request it. The officers remind the complainant that they have contacted her previously for loitering in the same area.

The complainant failed to come forward with additional requested information.

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

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**SUMMARY OF ALLEGATION #2:** The officer failed to promptly provide his star number.

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

**FINDINGS OF FACT:** The complainant alleged that the named officer failed to provide his star number when asked.

The named officer and his partner stated that they could not recall the complainant asking for a star number.

Body-worn camera footage of the incident did not show the complainant asking the named officer for his star number.

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

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**DATE OF COMPLAINT:** 01/02/19    **DATE OF COMPLETION:** 05/01/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was dropping a friend at San Francisco International Airport and parked slightly in a crosswalk while he helped his friend with his bags. An officer stared at him and told him to find a better place to park. The officer then said, “Don’t park here anymore,” as he walked back to his vehicle. The complainant stated the officer’s tone was abrasive.

The complainant failed to come forward despite multiple attempts to contact him.

An officer identification poll was sent to the Airport Bureau. The poll came back with negative results.

The identity of the alleged officer could not be established.

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**SUMMARY OF ALLEGATION #1:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on May 8, 2019.

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**DATE OF COMPLAINT:** 01/03/19    **DATE OF COMPLETION:** 05/20/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers did not properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that he called the police to report that his adult son struck him on the chest during a family meeting. He called the police but stated that officers only believed the son's account of events and did not properly investigate.

The named officers stated that they interviewed the complainant, the son and other witnesses via an interpreter because the family's primary language is not English. One named officer watched a video of the complainant talking to his ex-wife during the family meeting and at no time did the complainant complain of being hurt. Both named officers also stated that there were no apparent surveillance cameras inside the premise. One of the officers spoke to the complainant's ex-wife and two daughters, all of whom stated that the son did not strike the complainant. The officers stated that they detained the son briefly for investigation but released him after they determined that a battery had not occurred.

Department records indicate that the officers spoke to all the involved parties regarding the battery. Department documents also show that the son was detained, questioned and subsequently released after the officers concluded that no battery had occurred. The officers' action were documented in an incident report.

Body worn camera footage shows that a named officer watched a video of the incident on a family member's cell phone.

A witness stated that the complainant's son did not assault him.

The evidence shows that the named officers interviewed all the individuals who were present during the incident, checked the premises for surveillance cameras, and detained the potential suspect for investigation. The evidence established that the officers' actions were 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:** 01/14/19    **DATE OF COMPLETION:** 05/31/19    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The SFPD harassed homeless people by conducting clean-ups of homeless encampments during cold/rainy weather and threatened to arrest individuals.

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

**FINDINGS OF FACT:** The complainants, who are members of an organization, responded to an action alert from that organization regarding SFPD's enforcement activities of homeless encampments that occurred on various dates during the month of January 2019. The complainants were not present and did not witness the alleged conduct, but they stated that SFPD officers conducted sweeps of homeless encampments and took tents from people during cold and rainy weather. They described this conduct as harassment.

A representative of the Department stated they work in partnership with other City departments through the Healthy Streets Operation Center (HSOC). The purpose of HSOC is to coordinate and lead with services, to attempt to get people who are living on the streets into shelters. In January 2019, in response to complaints, officers were out in various parts of San Francisco working to clean up encampments and trying to connect people with a shelter or navigation center. In January 2019, there were approximately 340 tents/structures citywide. Wet weather protocols were in place. The City's Department of Homelessness and Supportive Housing (DHS) determines when wet weather protocols are implemented. DHS increases shelter capacity and provides more space for people during wet weather. The goal of HSOC is not to arrest and cite, but to partner with other City agencies to get individuals into services and/or housing before resorting to citations and/or arrests. The representative stated the department handles 45 to 50 calls a day related to homeless encampments.

The representative of the Department stated that when officers respond to homeless encampments, the officer conducts an assessment for medical needs and life safety. Officers ask if the person has spoken with a Homeless Outreach Team member and if the person knows where to go for services. Officers advise that it's against California Penal Code section 647 (e) to have an encampment. A person is offered the option of going to a shelter or a navigation center. If the person says they are willing to go to a shelter or navigation center, then the officer calls HSOC to find out if a bed is available. If a bed is available, the officer will transport the person, including any belongings allowed into such facilities. If a person accepts services, officers are instructed not to cite or arrest these individuals. If the person says they want shelter, but no bed is available, officers are not allowed to enforce at all. Officers cannot enforce (cite) or confiscate a tent unless there is shelter for the person available and the person refuses it.

If a person refuses shelter and there is a bed available, the officer tells the person they can't have an encampment and they will be cited for illegal lodging, hoping this will convince people to accept shelter.

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**SUMMARY OF ALLEGATION #1: (Continued)**

If the person still refuses, officers will implement the policy and cite for illegal lodging, issue a property receipt for the tent and confiscate the tent as evidence in the case. San Francisco Department of Public Works employees bag and tag tents. The person can retrieve the tent at the conclusion of the case. Absent an arrest warrant, it is the Department's policy to cite and release the individual and confiscate the tent.

Other options related to legal enforcement include: 1) Proposition Q (Police Code § 169) - This is led by DSHS not SFPD. Residents of encampments must be offered certain services and shelter prior to demands they vacate. Residents must be provided 24-hour written notice to vacate; 2) Civil & Criminal Laws – Nuisance (SF Health Code 581, 596 and California Penal Code 372 & 370 Public Nuisance). DPH enforces this and SFPD's role is to provide support to DPH. The representative of the Department stated these options are rarely used because enforcement efforts under Penal Code section 647(e) have been successful.

Department Bulletin 18-137, Legal Enforcement Options for Addressing Illegal Encampments, is consistent with the options identified by the Department representative. It describes the prohibition on camping on City sidewalks, and the requirement to offer shelter and services, as well as to provide 24-hour written notice to vacate. It also describes Penal Code section 647(e)

Department Bulletin 18-089, Protocol for Processing Homeless Property consistent with DPW's "Bag & Tag" Policy, states, that personal property is not discarded, rather it may be taken away from an encampment, and obtained later by the owners. The only items that are discarded are as follows:

Items that present an immediate health or safety risk ... Items soiled with urine, fecal matter, or mold ... Furniture, mattresses, sheds, rolling structures, and bulky items ... Perishable items, perishable food ... Trash, garbage, and/or debris ... [and] Abandoned property.

The Bulletin also makes a distinction between "temporarily unattended property" and "abandoned property." "Unattended property is not abandoned if it is accompanied by signs of ownership – for example, an unattended tent that is filled with personal belongings ..."

There was no evidence that SFPD officers were violating their obligations under Department policies. Although tents may have been seized, unless they were badly contaminated or clearly abandoned, the owners would have been able to retrieve them at a later date. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 01/18/19    **DATE OF COMPLETION:** 05/01/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers 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 named officers, the complaint was mediated and resolved in a non-disciplinary manner on April 30, 2019.



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**DATE OF COMPLAINT:** 01/22/19    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he called the police to report the theft of his laptop from a fast food restaurant, but the police failed to respond to the scene.

The named officers stated that when they arrived at the restaurant, the complainant had already left. They were unable to speak with the complainant or obtain further information regarding the theft. The officers stated that the restaurant's security guard informed them that someone had used the pay phone and then left the scene.

Department records show that four officers responded to the complainant's 911 call, but the complainant was gone on arrival.

No witnesses were identified.

The evidence shows that the officers did respond to the scene after the complainant called the police. However, when the officers arrived, the complainant had already departed and did not provide further information.

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:** 01/22/19    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he went to a police station to file a police report the day after his laptop was stolen. He stated that he went back to the police station six months later to follow up and discovered that the serial number of the laptop had been removed from the report.

The named officer stated that he had not altered or changed the report since the report was filed. He stated that the complainant was unsure of one or more characters in the serial number. The named officer explained to the complainant the importance of listing an accurate serial number as it may lead to the property being returned to the complainant. The named officer said that he told the complainant that he would leave the serial number box blank, and he advised the complainant to return to the station once he knew the correct serial number.

Department records indicate that the serial number of the stolen laptop computer was listed as “Unknown” on the initial police report. Department records also show that nine months after filing the initial report, the complainant filed a supplemental report in which he added the computer’s serial number.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 01/22/19    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that after filing a report regarding the theft of his laptop, he did not hear back from the officer.

The named officer stated that he created an accurate report for the incident and forwarded the case to the Special Investigation Team for follow up. He stated that the complainant was unable to provide the correct serial number for his laptop. The named officer also stated that because he was assigned to station duty, he could not leave his post to personally conduct any follow up investigation. He stated that he is a patrol officer who works at night, and most follow up occurs during the day during regular business hours. The officer also stated that although the complainant returned to the station several times, he never provided any new information that the officer could potentially investigate.

Department documents show that the named officer filed an incident report on the complainant's behalf, and that the officer's work shift was from 9:00 PM-7:00 AM.

No witnesses were identified.

The evidence established that the named officer's actions were 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:** 01/22/19      **DATE OF COMPLETION:** 05/13/19      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he called the police to report a burglary at his residence. He stated that although officers arrived on scene and photographed evidence, they did not follow up on the investigation.

The named officers stated that they canvassed the residence for possible forced entry and latent fingerprints. They searched for a crime scene and observed broken windows that the complainant admitted to breaking himself. The officers also asked the complainant if anyone had access to his room or had a key to the apartment, and the complainant said no. The officers stated that they were unable to retrieve surveillance camera footage because they were unable to contact the building manager who had access to the cameras. One of the named officers wrote an incident report and forwarded the case to the Station Investigation Team for follow up.

Department records show that the Station Investigation Team did not assign the case to an investigator.

No witnesses were identified.

The evidence established that the named officers' actions were 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:** 01/22/19      **DATE OF COMPLETION:** 05/13/19      **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer wrote an incorrect email address for the complainant on the police report, and also documented suspect information which the complainant stated he had not given to the police.

The named officer stated that the email address recorded on the incident report was the same as the one provided by the complainant.

Department records indicate that the email address on the incident report is the identical address provided by the complainant. Department records further indicate that no suspect information was recorded on the incident report.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 01/28/19      **DATE OF COMPLETION:** 05/08/19      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that there have been two occasions when she has observed people using and dealing narcotics, blocking her way at a transit station while officers stood nearby without taking any action.

The complainant was not interested in mediation, but instead wanted the SFPD to be aware of the problem.

The complainant did not identify the officers involved and DPA was unable to obtain surveillance footage of the alleged encounters.

The officer(s) could not reasonably be identified. The complainant was advised of recent news articles outlining a potential new task force to address her category of concerns.

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**DATE OF COMPLAINT:** 02/21/19 **DATE OF COMPLETION:** 05/17/19 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that a year ago he went to his attorney's office to complain about his case to her. The complainant said that the attorney called the police and instructed officers to beat him. The complainant said that the officers beat him with their batons, but he did not suffer injuries. The complainant was not able to provide any information about the officers.

The attorney said that she was not present when this incident occurred, but she was aware that her staff had called the police to have the complainant removed from the office.

The attorney's legal assistant stated that she had called police twice to remove the complainant from the law office. The assistant stated that at no time did officers use any force against the complainant. The assistant confirmed that the attorney was not present. The assistant was unable to provide information about the officers involved.

An ID poll sent to the district station returned negative results.

The identity of the alleged officers could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated that his attorney stole from him and he reported the theft to police. The complainant said that officers failed to investigate his complaint.

Department records show that the complainant's case has been reviewed and is pending to be assigned for investigation.

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

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**DATE OF COMPLAINT:** 02/21/19    **DATE OF COMPLETION:** 05/17/19    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant, who is not a native English speaker, stated that he went to a police station to report a theft. The complainant said that officers at the station failed to provide an interpreter.

The complainant was not able to provide a specific date or any information about the officer.

An ID poll sent to the station returned negative results.

The identity of the alleged officer could not be established.



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**DATE OF COMPLAINT:** 03/06/19      **DATE OF COMPLETION** 05/31/19      **PAGE#** 1 of 1

**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 named officer, the complaint was mediated and resolved in a non-disciplinary manner on May 29, 2019.

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**DATE OF COMPLAINT:** 03/08/19    **DATE OF COMPLETION:** 05/21/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-4:** The officer evicted the complainant from state property where SFPD had no jurisdiction.

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

**FINDINGS OF FACT:** The complainant, who is homeless, stated the named officers tried to evict him from the place he was camped. He stated the land was state-owned and they, therefore, lacked jurisdiction.

The named officers stated that they responded to the location as part of an encampment cleanup operation in conjunction with the Department of Public Works and the Department of Homelessness and Supportive Housing. The named officers stated that the City and County of San Francisco owns the land in question.

A representative from the Department of Public Works stated that the City and County of San Francisco owns the land in question. He confirmed that a joint operation to clear trespassers from City-owned land was in progress the day of the incident.

Records from the San Francisco Office of Assessor-Recorder confirm that the land is not state-owned.

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 #5-8:** The officers behaved inappropriately .

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

**FINDINGS OF FACT:** The complainant stated that he felt that the named SFPD officers could have found a more peaceful way to communicate the imminent encampment cleanup to him. However, he noted that the officers never used or threatened any force and did not use crude or offensive language.

The named officers stated that they tried to communicate with the complainant. In response, the officers stated that the complainant verbally threatened the Department of Public Works staff, pepper sprayed them, and threw bottles at them. The officers then set up a perimeter and used time and distance tactics. The officers stated that when they did enter the land, the complainant had fled. The Department of Public Works confirmed and corroborated the officer's account. 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:** 03/14/19 **DATE OF COMPLETION:** 05/09/19 **PAGE#** 1 of 1

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

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

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

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**DATE OF COMPLAINT:** 03/15/19    **DATE OF COMPLETION:** 05/01/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the named offices failed to investigate his objection to his eviction. The complainant stated that the named officers should have realized that he lived in a “sub-unit” not identified in the eviction order.

Body Worn Camera (BWC) footage shows that the named officers reviewed eviction paperwork and confirmed that the eviction notice applied to the entire building. Named officer #1 asked the complainant if he had documentation showing a right to live in the building or documentation of a third, “sub-unit.” The complainant responded that he was adversely possessing the units and unable to provide documentation of a third sub-unit. The complainant told the named officer that the three PG&E power meters proved the flat had a third unit. Named officer #1 then entered the building and looked for the third unit. The officer determined that the physical layout of the property did not support the existence of a third unit. The named officer then advised the complainant that the eviction notice applied to the entire building, and the officer allowed the complainant to collect some of his belongings. The named officers then informed the complainant that he should contact his attorney and bring any evidence of a third unit or residency to the court so a judge can review the evidence and make a legal determination.

The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper. The officers’ observations of the physical building supported a reasonable conclusion that the eviction notice applied to the entire building.

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DATE OF COMPLAINT: 02/12/19    DATE OF COMPLETION: 05/16/19    PAGE# 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that he was the victim of a hit and run incident. When he tried to call for police assistance, the person at the other end of the line hung up.

Department records show no call for service at the time and location of the complaint.

The complainant did not specify whether he called the district police station or the Department of Emergency Management. The complainant failed to respond to multiple requests for additional information.

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**DATE OF COMPLAINT:** 04/04/19 **DATE OF COMPLETION:** 05/01/19 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer engaged in biased policing based on race.

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

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

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**DATE OF COMPLAINT:** 04/04/19 **DATE OF COMPLETION:** 05/24/19 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated she saw an officer kissing a woman in a car while on duty.

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.

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**DATE OF COMPLAINT:** 04/15/19    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that an undercover officer slipped date rape drugs into her drink and had sex with her. The complainant provided three different names for the officer and later stated that these names belonged to three different individuals. The complainant failed to provide the date, time or any other evidence of the incident.

Department records indicate that none of these names appear on the Department roster.

The identity of the alleged officer could not be established.



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**DATE OF COMPLAINT:** 04/16/19 **DATE OF COMPLETION:** 05/13/19 **PAGE#** 1 of 1

**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 officers detained her on a psychiatric hold without justification.

Body Worn Camera footage from the named officers showed the complainant disclosing to the officers her thoughts of attempting to strangle named individuals. The footage showed the complainant consenting to be taken on a psychiatric hold to the hospital.

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 made inaccurate reports.

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

**FINDINGS OF FACT:** The complainant stated that during the transport to the hospital, the officers told her they made false reports on the vehicle computer about the complainant.

Body Worn Camera footage showed that no such conversation occurred.

The Event History Report showed the named officers recorded no false information.

The evidence proved that the acts alleged by the complainant did not occur.

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**DATE OF COMPLAINT:** 04/19/19    **DATE OF COMPLETION:** 05/01/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The named officer has retired and is no longer subject to Department discipline.

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**DATE OF COMPLAINT:** 04/25/19      **DATE OF COMPLETION:** 05/01/19      **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 Sheriff's Department  
Investigative Services Unit  
25 Van Ness Avenue, Suite 350  
San Francisco, CA, 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/19 **DATE OF COMPLETION:** 05/14/19 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/19 **DATE OF COMPLETION:** 05/14/19 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/19    **DATE OF COMPLETION:** 05/24/19    **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:** DPA received the complaint by mail. The complainant wrote that she rented her vehicle to a stranger. After 20 days of not receiving a payment for the rental of her vehicle she attempted to contact the renter. The renter changed his name and when the complainant attempted to locate him on Facebook, she received harassing comments. The complainant wrote that she wanted to report her vehicle stolen.

DPA records show that the vehicle was stolen in Walnut Creek, but the complainant's mailing address was in San Francisco.

San Francisco Police records show that the complainant has not filed a stolen police report in San Francisco. However, there have been other incidents reported involving her vehicle. Records also show the complainant's stolen vehicle is registered to her with an address in Walnut Creek.

DPA made several attempts to contact the complainant to obtain additional information regarding her complaint. The complainant's telephone number was disconnected, and her email was returned undelivered.

There was insufficient evidence to determine if the complainant was filing the complaint against San Francisco Police Department or Walnut Creek Police Department. DPA was unable to investigate the complaint due to limited information and jurisdiction restrictions.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/19    **DATE OF COMPLETION:** 05/15/19    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer harassed a person.

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

**FINDINGS OF FACT:** The complainant stated the named officer harassed her by checking to see if she had any fresh food in her refrigerator and telling her to “get up and go to rehab.”

Body worn camera footage showed that the named officer did not check the complainant’s refrigerator for food and that she did not tell the complainant to “get up and go to rehab.” However, the named officer, concerned about the ability of the complainant to care for herself, placed the complainant on a 5150 hold where she was transported to the hospital.

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

**SUMMARY OF ALLEGATION #2:** The officer detained a person without justification.

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

**FINDINGS OF FACT:** The complainant stated the named officer forced her to go to the hospital.

Body worn camera footage showed the named officer consulted with the complainant’s Adult Protective Services (APS) social worker, the complainant’s APS Aide, and SFFD Medics regarding the complainant’s ability to care for herself. Because the complainant did not eat for two days, did not have any supply of food in her house, and refused any offer of food, the team determined that the complainant was gravely disabled and could not care for herself which resulted in the named officer placing the complainant on a 5150 hold.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/19    **DATE OF COMPLETION:** 05/15/19    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** (Continued)

Department General Order 6.14.I.A. states, "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. . . .
2. . . .
3. Gravely disabled, meaning the individual is unable to care for . . . herself and has no reliable source of food, shelter or clothing.

Because the named officer determined that the complainant did to not have the ability to care for herself, the named officer, pursuant to DGO 6.14, had legal justification to place the complainant on a 5150 hold.

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:** 05/13/19 **DATE OF COMPLETION:** 05/20/19 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she called SFPD after she was struck by a bicyclist when she was on the sidewalk. She stated when the named officer completed the incident report, he failed to verify the contact information provided by the bicyclist. She said the bicyclist provided the officer with a 1-800 number which she believed was not a valid phone number. She additionally said the named officer did not document if a citation was issued.

SFPD Traffic Collison Report documents the named officer recorded the bicyclist's phone number with a country code of "+886" (Taiwan). The report also documents the named officer issued a citation for violation of 21206 CVC, riding a bicycle on the sidewalk.

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

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

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

**FINDINGS OF FACT:** The complainant stated she called SFPD after she was struck by a bicyclist when she was on the sidewalk. The complainant stated the named officer did not issue a citation to the bicyclist.

SFPD Traffic Collison Report documents the named officer issued a citation to the bicyclist for violation of 21950(a) CVC.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

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

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated the named officer was biased and favored the Asian tourist because he was also Asian.

SFPD Traffic Collision Report documents the named officer found the Asian bicyclist to be the party at fault for the collision and issued her a citation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/14/19    **DATE OF COMPLETION:** 05/20/19    **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/28/18      **DATE OF COMPLETION:** 05/24/19      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she had a verbal encounter with an officer at a police station. The complainant stated the officer spoke to her inappropriately and told the complainant to “shut up” several times. The complainant stated the officer threatened to have her placed on a 72-hour hold.

An officer identification poll was sent to the district station where the incident occurred. The poll came back with negative results. Department records were reviewed to identify any officers working at the station that matched the description provided by the complainant. One officer was questioned and denied having any knowledge of the incident.

The identity of the alleged officer could not be established.

**SUMMARY OF ALLEGATIONS #2:** The officer failed to provide a name and/or star number upon request.

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

**FINDINGS OF FACT:** The complainant stated she asked the officer for her name and the officer said she would provide her name after she “shuts up,” but never provided it to her. The officer was not wearing a badge or name plate. The officer said she would give it to her, but never did.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/13/18    **DATE OF COMPLETION:** 05/03/19    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainants reported multiple threats to the responding officers through an interpreter, but the named officer failed to properly document what the complainants told the responding officers in the incident report she authored.

The named officer was aware of the long ongoing civil dispute between the complainants and their landlord. The named officer was advised by the interpreter that complainants had been threatened, but she failed to include those threats in the incident report she authored. She did not include information about the alleged threats in her report because she did not think they were credible, because she could not include every verbal exchange in her report because the report would become lengthy, and it was too time-consuming. The named officer also stated she did not call for a certified bilingual member to interpret because she was under the impression that the interpreter on scene, whom had interpreted for her in prior responses, was qualified.

An uncertified Spanish bilingual officer on scene stated that he interpreted all the criminal threats the complainants told him in Spanish from several dates to the investigating officer, but the named officer repeatedly directed him to only deal with the allegation of battery that had occurred that day.

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

DGO 5.20 requires members to seek assistance from qualified bilingual members to provide oral interpretation services to LEP person they encounter unless deviations are required to respond to exigent circumstances. To ensure effective communication and accuracy, either a qualified bilingual member or a qualified civilian interpreter shall be used when taking formal statements or conducting any formal interview of a LEP witness and/or victim.

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:** 07/13/18    **DATE OF COMPLETION:** 05/03/19    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The named officer said that he is fluent in Spanish, that he had interpreted for district officers on hundreds of previous calls, but that he was not a certified bilingual officer as described by DGO 5.20 § E. The named officer did not know why the lead investigator did not seek the assistance of a certified bilingual officer in the Spanish language.

DGO 5.20 III. N. states that, in an effort to ensure all SFPD members are properly trained in these guidelines, the SFPD will provide periodic training in member awareness of the LEP policies, how to access both in-person and telephone interpreters, and how to work with interpreters. The Department shall conduct such trainings for new recruits, at in-service training and at Roll Call for SFPD members at least every two (2) years. Initial training was to be conducted within 180 days of the Police Commission's adoption of this General Order dated October 17, 2007.

Best police practice in conducting victim and witness interviews is to utilize bilingual officers who have been certified and trained on the duties and responsibilities of an interpreter during formal interviews. The DPA strongly urges the Department to comply with the initial training mandated by the Police Commission to ensure that only qualified and trained interpreters are used during criminal investigations. In the alternative, DPA encourages that the Department advise all officers not to assume that all bilingual members can serve as interpreters and advise all bilingual members that are not certified to inform their fellow officers that they are not certified interpreters.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/13/18    **DATE OF COMPLETION:** 05/03/19    **PAGE#** 3 of 3

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainants stated that the named officer told them through an interpreter that they had to move out because they keep fighting and keep calling the police. Evidence from officers' body worn cameras revealed that the named officer confirmed that the master tenant was already in the eviction process and provided him favorable guidance on where to seek further assistance.

The named officer stated her remarks were consistent with Academy training to attempt to resolve landlord/tenant disputes to avoid further escalation between the parties. The named officer also said her remarks to the master tenant were based on previous information the master tenant revealed to her. And, the remarks towards the complainants to move out she said were just suggestions on how to go forward because she did not want to keep coming back to the same fighting household, perpetuating a bad living situation without finding a resolution.

SFPD tenant/landlord dispute order requires officers to provide proper referrals to the parties involved in civil aspects of a dispute. Once the dispute is stabilized, officers must focus on any criminal conduct. In handling civil aspects of landlord/tenant disputes, the officers can mediate the dispute in an attempt to get the parties to resolve the problem themselves. If the involved parties are unable or refuse to come to an agreement, then an officer's only other option is to refer them to conflict resolution. Officers may provide only reference to applicable Civil Code Sections but must refrain from giving the parties legal advice on civil remedies. Officer need only to remember one word about giving specific legal advice – DON'T.

There was insufficient evidence to either prove or disprove that the named officer's conduct rise to a level of misconduct.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/16/18    **DATE OF COMPLETION:** 05/06/19    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he and two friends had been at a female's house having fun. The female needed to go to work, so the complainant and his two friends left. While driving from the female's residence, the complainant and his two passengers were involved in an injury-related vehicle collision at approximately 5:30 a.m. The complainant stated he received a citation at the scene for driving without a license and for running the red light. The complainant stated he had a green light when he entered the intersection and that the other party ran the red light. The complainant denied he consumed any alcohol, but acknowledged he smoked marijuana earlier in the day when it was still daylight out.

The named officer stated there was probable cause to cite the complainant for driving without a license, lacking insurance, and failing to stop at a flashing red light. The named officer stated he and his partner determined the complainant was the primary collision factor/party at fault based on the statements of the parties and evidence at the scene. The named officer stated that at the time of the collision the intersection was controlled by functioning, flashing-red, traffic signals in all four directions. The named officer also stated that the other party signed a Citizen's Arrest form against the complainant.

The named officer's partner stated the complainant told the officer he had a green light. The other party in the investigation stated he came to a complete stop at a flashing red light and that the complainant failed to stop at the flashing red light which resulted in the collision. The witness officer stated that when he and his partner arrived at the scene the traffic signal lights were flashing red. Based on the statements of the parties, and the officer's knowledge of the location, he and his partner determined the complainant was at fault for the collision.

A witness, who was a passenger in the vehicle driven by the complainant, stated the accident occurred around 11 p.m. or earlier, though he was not sure of the exact time. The witness stated they were sightseeing in San Francisco that night, just driving around. They had just come from a pizza spot and were driving back to San Jose when the accident occurred. The witness denied that any of them had been drinking. The witness stated he did not remember being at a girl's house earlier. The witness stated the traffic light was green when they entered the intersection and they were "T-boned" by the other vehicle. The witness stated the officers arrived 45 minutes after the collision. The witness also stated he really did not remember what happened – he just remembers the accident, and before the accident, "it's a blur." The witness stated he was injured in the collision and transported to the hospital in an ambulance. The witness stated he thought the vehicle was owned by the complainant, but he was not sure. The witness stated he did not know if the complainant had insurance. The witness stated that the officers were pointing out that

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/16/18    **DATE OF COMPLETION:** 05/06/19    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #1:** (Continued)

the traffic lights at the intersection in both directions were flashing red. The witness stated that the light was green when the accident happened and was flashing red when the officers arrived. The witness did not know the other passenger in the vehicle.

The other passenger in the complainant's vehicle, as well as the driver and passenger of the other vehicle involved, did not respond to DPA's requests for interviews.

Department records show there was a call for service at 3:06 a.m. regarding a fight with no weapons over a vehicle collision. The officers arrived at the location at 3:11 a.m.

The Traffic Collision Report documents that the complainant stated he had no driver's license and no insurance. A records check confirmed the complainant did not have a driver's license. The report also indicated the vehicle driven by the complainant was registered to another person, and it was not insured. The report documents the other driver stated he stopped at the flashing red light, coming to a complete stop before proceeding. As he entered the intersection, he observed the complainant's vehicle traveling southbound. The complainant's vehicle made no attempt to stop at the flashing red light, and the vehicles collided. The other driver also stated that he was approached by the occupants of the other vehicle who refused to provide him with their information. The occupants then attempted to have him flee the scene with a financial offering, which he refused. The occupants then became verbally aggressive as he waited for police to arrive. Records obtained from SFMTA show the intersection was controlled by an all-red flash for all directions signal on the date and time of the collision.

The Body Worn Camera (BWC) video evidence shows the signal lights were flashing red in both directions when the officers were on scene.

Department Bulletin 18-118, Reporting & Procedures 14601/12500 CVC Enforcement states: "Officer shall cite the driver if one of the following applies: The other party will sign a citizen's arrest form."

Department General Order 9.01 states: "ENFORCEMENT: Officers shall act on moving violations in any of the following circumstances: In response to a private person's arrest."

The complainant was operating a vehicle without a driver's license and no insurance and was involved in a vehicle collision resulting in injuries to multiple parties, including the complainant. The other driver signed a citizen's arrest form, and the named officer had sufficient cause to determine the complainant was at fault in the collision for failing to stop at a flashing red light. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/16/18    **DATE OF COMPLETION:** 05/06/19    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the named officers did not facilitate the exchange of insurance information from the other driver involved in the vehicle collision.

The named officers stated this was an injury related vehicle collision which required a vehicle collision report, not just an exchange of information. The named officers stated they collected all parties' information, including insurance information, and all pertinent information was documented in the report. The named officers stated that all parties were given the case number. The officers were unable to facilitate the exchange of information at the scene because the complainant had neither a valid driver's license nor insurance.

The BWC recordings show that the complainant acknowledged at the scene that he did not have a driver's license or insurance.

The Traffic Collision Report, authored by one of the named officers, documents identifying information for both drivers, as well as insurance information, if any.

The evidence established that the named officers conducted a thorough and diligent investigation. The named officers documented the parties' information in the report.

A preponderance of the evidence established that the named officers did not fail to take required action.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/18      **DATE OF COMPLETION:** 05/13/19      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant was driving on a residential street when the vehicle in front of her swerved to the center of the road. The complainant thought the vehicle was turning left into a driveway, so she proceeded straight, passing the other car on the right. The complainant stated the vehicle suddenly returned to the right-hand lane and struck her vehicle, forcing her to collide with a parked truck. The complainant alleged that the investigating officer wrote an inaccurate report, naming her as the party at fault.

The named officer stated that the complainant caused the collision. He stated that the complainant admitted to him that she “zoomed” to pass the other car on the right. The named officer stated that this action violated section 21755(a) of the California Vehicle Code, which provides, “The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting that movement in safety.” The officer stated that the complainant’s actions also violated CVC section 22350, “No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property” The officer stated he based his conclusion from the statements of both parties and witnesses at the scene.

Body-worn camera footage showed that vehicles were parked on both side of the residential street.

An officer may make reasonable conclusion after investigation as to who the party at fault. The collision occurred on a residential street without a center line dividing northbound and southbound. The complainant should not have attempted to speed up and pass the vehicle on the right without prudence and regard for safety.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/30/18    **DATE OF COMPLETION:** 05/06/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant wrote that the named officer was aggressive and threatening during a traffic stop. The complainant wrote that the officer said he would remove complainant from her car if she did not hand over her keys. The complainant admitted that she “revved” her engine at a pedestrian, though she explained the pedestrian had previously harassed and followed her. The complainant failed to respond to the DPA’s multiple requests for an interview

The named officer said he was on regular patrol when he saw the complainant drive toward a pedestrian in a crosswalk while revving her engine. The named officer said he observed the pedestrian raise his hands when the complainant’s car entered the crosswalk. The named officer said he contacted the pedestrian and the pedestrian said the complainant tried to hit him.

The named officer located the complainant and conducted a traffic stop. The named officer said he ordered the complainant to give him her keys, but she refused. The named officer said that, after multiple verbal orders, he told the complainant that he would remove her from the car and handcuff her if she did not provide her keys. The named officer stated the complainant then provided her keys. The named officer stated he was respectful with the complainant. The named officer said he believed the complainant failed to yield to a pedestrian in violation of 21950(a) CVC and that he had a duty to cite her.

The named officer’s body worn camera (BWC) footage corroborates the named officer’s account. The BWC footage shows the named officer explaining to the complainant that he heard her engine rev and saw her car jump forward toward a pedestrian. The BWC footage shows the complainant admitted to revving her car and approaching the pedestrian. The BWC footage shows the named officer was polite and professional. The BWC footage shows that the officer calmly explained that he would remove complainant from the car and handcuff her if she refused to provide her keys.

The officer’s conduct was proper. The BWC footage shows that the officer’s tone and demeanor were firm but professional. The officer’s demand for complainant’s keys was reasonable considering complainant’s conduct of revving her engine at a pedestrian. 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:** 08/06/18 **DATE OF COMPLETION:** 05/13/19 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1 - 4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated he was not allowed entry into his parking garage as a result of a fire that occurred on his street. The complainant saw the named officers allowing other people to enter the parking garage, but he was still advised to wait.

Named Officer #1 said he responded to a fire that had broken out on the complainant's street. He was responsible for blocking traffic from entering the street so that emergency vehicles could access the area. Named Officer #1 stated that only SFPD, SFFD, and Red Cross vehicles could enter the area. The complainant's street was closed for an hour and a half. Named Officer #1 spoke with several residents who lived in the area and advised some to park their vehicles and wait until they were authorized to open up the street. He could not recall if he talked to the complainant.

Named Officer #2 stated that she responded to a call regarding a fire that had broken out at a multi-residential apartment building on the complainant's street. Named Officer #2 responded to the scene with her partner, Named Officer #4, and assisted with redirecting traffic on the complainant's street. Named Officer #2 stated the complainant's street was closed so SFFD could enter the area. She stated the road was closed to all vehicles, including Muni buses, during that time. The only vehicles that were permitted to access the complainant's street during that time were SFPD, SFFD, and Red Cross vehicles. Named Officer #2 spoke with the complainant and said that she advised him that he could access his residence on foot, but civilian traffic was not being admitted. The complainant insisted that his vehicle should be allowed entry. Named Officer #2 stated the complainant was agitated and yelling. Named Officer #2 repeatedly informed the complainant that the delay would only last a few more minutes, but the complainant was belligerent. Named Officer #2 saw Named Officer #4 speaking with the complainant and informing him that the street was closed to civilian vehicles.

Named Officer #3 responded to a call regarding a fire that broke out on the complainant's street. Named Officer #3 was responsible for blocking and redirecting eastbound traffic on the complainant's street. He stated that only SFPD, SFFD, and Red Cross vehicles were allowed access to the street during the incident. No civilian vehicles were allowed on the complainant's street during that time. Named Officer #3 spoke with the complainant and informed him that no civilian vehicles were allowed in until SFFD had cleared the area.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/06/18    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 2 of 2

Named Officer #4 responded to a call regarding a fire that was on the complainant's street. Named Officer #4 was responsible for blocking traffic on the complainant's street because SFFD was responding to the fire. Named Officer #4 said that the road was closed in order to allow emergency vehicles to enter and exit the area. He stated that only SFPD, SFFD, and Red Cross vehicles could access the street. No civilian vehicles were allowed to enter the street. He could not recall interacting with the complainant.

The CAD for the incident was created at 2104 hours regarding a fire that was on the complainant's street. At 21:26:59 a request was put in for traffic control on the complainant's street. The complainant's street was reopened at 23:29:15.

No other witnesses were identified.

The named officers responded to an incident involving a fire in a multi-residential building. Emergency vehicles needed access to the street, necessitating the blocking of civilian traffic.

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 failed to promptly and politely provide his name and star number.

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

**FINDINGS OF FACT:** The complainant stated that the named officer did not provide him his name and star number when he asked for it.

The named officer denied the allegation.

Three witness officers did not recall the complainant asking the named officer for his name and star number.

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:** 08/20/19      **DATE OF COMPLETION:** 05/20/19      **PAGE#** 1 of 6

**SUMMARY OF ALLEGATION #1:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that she woke up early in the morning to a loud crash. Several officers entered her home and conducted a search. Officers handed her a warrant with the named officer's signature.

The named officer stated that he was investigating an attempted murder. The suspect lived in the complainant's house. The named officer provided evidence to a judge who signed a warrant that permitted a night-service entry of the home.

A witness officer stated that he was the supervisor of the tactical officers. The witness officer gave permission to force entry into the house.

The statement of probable cause written by the named officer includes details about an attempted murder alleged to be committed by a resident of the home entered. A judge signed the warrant.

Department Bulletin 16-056, Entering Residences: Houses, Apartments, Hotels, including SRO Hotels, explicitly states that officers can enter residences when "the officers have a valid search warrant for the residence."

The named officer obtained a valid search warrant and all officers who entered the home were acting upon that search warrant. The DPA did not find any evidence that the statements in the probable cause declaration were false or intentionally misleading.

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:** 08/20/19      **DATE OF COMPLETION:** 05/20/19      **PAGE#** 2 of 6

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

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

**FINDINGS OF FACT:** The complainant stated police entered and searched her home. During the search, she saw a plainclothes officer who had been harassing her son. The officer was at the top of the stairs and saw the complainant and smiled and winked at her in an inappropriate way.

The named officer denied smiling and winking at the complainant.

Witness officers stated they did not witness this behavior from the named officer.

There was no body-worn camera footage from the named officer because plainclothes officers were not required to wear cameras at that time.

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

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that an officer arrested her son. This officer has arrested many black men in her neighborhood. The complainant believes that this officer does not like black people, and he enjoys locking up black men.

The named officer stated that race did not play a factor in the arrest of the complainant's son. The named officer denied engaging in biased policing due to race in the complainant's neighborhood.

Witness officers stated that they did not observe the named officer engaged in biased policing.

Department General Order 5.17, Policy Prohibiting Biased Policing, states that officers are prohibited using someone's race as the basis for a police action.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/20/19      **DATE OF COMPLETION:** 05/20/19      **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #4:** The officer engaged in retaliatory behavior.

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

**FINDINGS OF FACT:** The complainant stated officers entered and searched her home in the early morning. The complainant was forced outside into the cold with barely any clothing on. The complainant believes the search and her treatment during the search was an act of retaliation by one officer. This officer tried to get her son convicted of a felony before and that her son was acquitted of the charges. She believes the officer was angry about the acquittal and wanted to retaliate against the complainant and her family.

The named officer stated that he specializes in investigating gang crimes. He has experience with the complainant's son because the son is a known gang member. The named officer stated he was involved in a previous case, and that the son was acquitted, but the named officer denied that he was involved with the entry and search of the home. The named officer took over the investigation after the arrest of the complainant's son, which gives rise to an inference of retaliation, though the named officer denied any retaliatory motive.

Department General Order 2.01, rule 9, states, "Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action."

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

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**DATE OF COMPLAINT:** 08/20/19      **DATE OF COMPLETION:** 05/20/19      **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #5:** The officer acted inappropriately.

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

**FINDINGS OF FACT:** The complainant stated police entered and searched her home. During the search, she was taken outside with her family and she was naked. Her five-year-old son was also taken outside in the cold without warm clothing. The complainant asked an officer if she could get a robe on and he refused. Also taken outside was her 5-year-old grandson in his boxers. Officers let the family back in the home after 30 minutes.

The named officer stated that the family was taken outside because tactical officers were conducting a safety sweep of the residence. The named officer stated that officers brought blankets out of the house as soon as it was safe, which were provided to the complainant.

A supervising officer stated that due to the high-risk nature of the search warrant, it was unsafe to allow the complainant to get dressed at the moment of contact. Blankets were provided to the complainant and her grandson shortly after, immediately once the scene was deemed safe.

Body-worn camera footage showed that the complainant and her family were standing against a wall while officers watched them. The adults were handcuffed but the child was not. The complainant was dressed only in underwear. The 5-year-old was cold and shivering. Seven minutes after the initial entry, an officer provided the complainant with a blanket and the complainant and the child wrapped up in it. At about twenty minutes after the initial entry, the complainant and her family were led back inside the residence. Footage also shows that the tactical units searching the residence took about twenty minutes to declare the home safe.

The complainant and her family were taken outside in the cold and with little clothing on. Officers stated they did so due to safety concerns that were outlined in a search warrant. Footage showed that the complainant was given a blanket after about seven minutes and let in the home after twenty minutes, not the 30 minutes claimed by the complainant. The safety sweep of the home matches up with the amount of time the family was outside.

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:** 08/20/19      **DATE OF COMPLETION:** 05/20/19      **PAGE#** 5 of 6

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

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

**FINDINGS OF FACT:** The complainant stated that officers entered her home by breaking down doors and unnecessarily smashing a window into her living room.

The named officer stated that tactical officers were about to enter a home to execute a search warrant. A light went on, indicating that residents were alerted to the officers' presence. A supervising officer ordered the named officer to break a large window next to the front door to allow another officer view inside the residence.

Body-worn camera footage shows that officers were about to breach the home and the large window concealed what was happening inside because the inside shades were fully closed. The named officer broke the window, another officer looks in, and the rest of the officers enter the residence.

A judge signed a search warrant for the residence and allowed for night entry.

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

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**DATE OF COMPLAINT:** 08/20/19      **DATE OF COMPLETION:** 05/20/19      **PAGE#** 6 of 6

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

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

**FINDINGS OF FACT:** During its investigation, the DPA brought an allegation against the named officer for failing to activate his body-worn camera.

The named officer stated that he was not required to activate a body-worn camera because the policy on plainclothes officers and cameras had not yet been updated.

Department Bulletin 18-256, Activation of Body-Worn Cameras, states, "Plainclothes members working plainclothes assignments are exempt from this policy with the exception of the execution of search and arrest warrants." The bulletin is dated December 12, 2018.

While the named officer would have been required to activate his body-worn camera because he was participating in the execution of a search warrant, the incident took place before the policy had been enacted.

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:** 08/20/18 **DATE OF COMPLETION:** 05/13/19 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she was in a pizza shop at 10:30 P.M. when she noticed a child sitting alone at a table. Concerned about the child's safety, she asked the child where his parents were. The child refused to answer her questions. The complainant pounded her hand on the table, prompting the child to run to his mother, who was standing outside. The complainant claimed that the child's mother and two other females rushed inside and tried to attack her, whereupon she called 911. The complainant alleged that the named officers were negligent for not taking action against the child's mother.

The named officers stated that they responded to a call regarding the well-being of a child. They stated that they responded to the scene and found the child safe and unharmed. The officers stated that the complainant had no injuries, and they did not recall her saying anything about an attempted assault.

Two of the officers who responded as backup stated that they could not recall the complainant stating that the other party assaulted her and could not recall any visible signs of injuries on her.

A third backup officer on the scene stated that she was not present during the initial part of the investigation and could not determine how the complainant wanted the situation resolved. The officer stated she did not observe any visible injuries to either party.

Body-worn camera footage shows the child's mother saying that she was standing outside the pizza shop talking to a friend and was a few feet away from her child. The footage indicates that the child was safe and unharmed. The complainant did not sustain any injuries, and there is no evidence of assault.

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:** 08/20/18    **DATE OF COMPLETION:** 05/13/19    **PAGE#** 2 of 2

**SUMMARY OF DPA-ADDED ALLEGATIONS #1 - 2:** The officers failed comply with DGO 10.11, Body Worn Cameras.

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

**FINDINGS OF FACT:** The officers alleged failed to activate their body-worn cameras as required under DGO 10.11.

The officers responded to a call for well-being check of a child and were not investigating a criminal matter. They found the child safe and unharmed. There was no evidence that a crime had occurred, and the officers could not recall the complainant alleging an attempted assault. Therefore, the officers were not required to activate their body-worn cameras.

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:** 09/12/18    **DATE OF COMPLETION:** 05/17/19    **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant stated the named officer did not have legal justification to issue him citations for driving on a suspended license, expired registration, and tinted front windows. The complainant denied his front windows were tinted and stated it was unconstitutional to be required to pay child support and he did not need a driver's license as he was just "travelling."

California Vehicle Code section 14601.1(a) states, "No person shall drive a motor vehicle when his . . . driving privilege is suspended . . ."

California Vehicle Code section 4000 states, "A person shall not drive . . . any motor vehicle . . . unless it is registered . . ."

California Vehicle Code section 26708(a)(1) states, "A person shall not drive any motor vehicle with any . . . material . . . applied upon the . . . side . . . windows."

The named officer conducted a traffic stop on the complainant, because he observed the complainant's car to have expired registration tags as well as front tinted windows, which were in violation of the vehicle code. He stated he queried the complainant's name through the DMV database and SFPD records system, which indicated the complainant's registration was expired and that he had received prior citations for driving with a suspended driver's license. The named officer stated the complainant's driver's license was suspended for his failure to pay child support. The named officer stated the complainant told him that it was unconstitutional to be required to pay child support and he did not need a driver's license as he was just "travelling."

Body Worn Camera corroborated the named officer's statements.

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:** 09/12/18 **DATE OF COMPLETION:** 05/17/19 **PAGE#** 2 of 6

**SUMMARY OF ALLEGATION #2:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated the named officer intentionally damaged his watch and his vehicle window.

The named officer stated he shattered the complainant's window, because the complainant refused to exit his vehicle after receiving multiple lawful orders to do so. The named officer stated he did not intentionally break the complainant's watch. He stated if the watch was broken it was due to the complainant resisting officers' efforts to remove him from his vehicle. The named officer stated he used the least amount of force necessary to gain control of the complainant.

Body Worn Camera footage shows the named officer ordering the complainant multiple times to exit the vehicle and the complainant refusing to do so. The named officer breaks the complainant's window and attempts to gain control of the complainant. The complainant was then removed from his vehicle and was put on the ground. The BWC does not document the complainant complaining about a broken watch.

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

**SUMMARY OF ALLEGATION #3:** The officer used excessive force.

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

**FINDINGS OF FACT:** The complainant stated the named officer used excessive force when the named officer pepper sprayed and forcefully removed him from his vehicle.

The named officer stated he conducted a lawful traffic stop on the complainant. He stated he ordered the complainant to exit his vehicle at least 12 times, but the complainant refused to obey. The named officer stated he told the complainant if he did not exit his vehicle, he would be forcefully removed. The named officer stated witness officer #2, his supervisor, spoke to the complainant in order to de-escalate the situation. The named officer stated witness officer #2's attempts to get the complainant to exit the vehicle were unsuccessful. The named officer stated, because the complainant repeatedly refused to exit his vehicle, he broke a rear window and pepper sprayed the complainant to gain access to him.

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**SUMMARY OF ALLEGATION #3:** (Continued)

The named officer stated his actions were the most feasible options as he did not have easy access to the complainant due to the complainant's door being locked and the window being rolled down only a few inches.

The named officer stated after he pepper sprayed the complainant, he and other officers extracted him from his vehicle. The named officer stated the complainant resisted their efforts, but they were quickly able to bring him to the ground and handcuff him. The named officer stated the complainant did not complain of any pain other than his eyes. The named officer also stated he did not observe any injuries on the complainant.

Witness officer #1 stated the named officer issued the complainant multiple lawful orders to exit his vehicle. He stated the complainant continuously refused to comply. Witness officer #1 stated the named officer broke the vehicle window and pepper sprayed the complainant to gain access to the complainant. Witness officer #1 stated the complainant resisted and braced himself inside the vehicle requiring the officers to forcefully extract him and bring him to the ground. Witness officer #1 stated he did not believe there were any less forceful means that could have been used to extract the complainant from the vehicle.

Witness officer #2, the named officer's supervisor, stated she was summoned to the scene to assist the named officer with the complainant. Witness officer #2 stated the complainant refused to exit his vehicle after she gave him multiple orders to do so. She stated, due to the complainant's non-compliance, she approved the named officer to break the vehicle window as well as deploy pepper spray. Witness officer #2 stated the complainant did not complain about pain except for his eyes. She stated she evaluated the use of force and found it reasonable and necessary to effect a lawful arrest.

Body Worn Camera Footage showed the named officer order the complainant multiple times to exit his vehicle. The complainant continuously refused to comply and remained in his vehicle. The named officer called for a supervisor, Witness officer #2, to speak to the complainant. Witness officer #2 arrived on the scene and very patiently spoke with the complainant and ordered him multiple times to exit the vehicle. Witness officer #2 told the complainant that if he did not come out of the vehicle, he would be forcefully removed. The complainant continued to refuse to comply. Witness officer #2 gave the named officer approval to break the rear vehicle window and to deploy pepper spray. The named officer broke the vehicle window and reached inside, and pepper-sprayed the complainant. Other officers, including witness officer #1, removed the complainant from the driver seat once the vehicle door was open. The complainant resisted the officers' efforts to remove him from the vehicle, but the officers quickly brought him out of the vehicle and to the ground, where he was handcuffed. The complainant did not tell the

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**SUMMARY OF ALLEGATION #3:** (Continued)

officers he was in any pain, he just yelled, "Federal Court! Federal Court!" As soon as the complainant was handcuffed, the named officer flushed the complainant's eyes with water and an ambulance was called. BWC footage showed that the named officer and witness officer #2 spent approximately 22 minutes attempting to get the complainant to exit his vehicle.

Department records indicate the use of force was evaluated by witness officer #2, the named officer's supervisor, which she found to be reasonable.

DGO 5.01(III)(A) USE OF FORCE MUST BE FOR A LAWFUL PURPOSE states:

- A. . Officers may use reasonable force options in the performance of their duties, in the following circumstances:
1. To effect a lawful arrest . . .
  2. To overcome resistance . . .
  3. To prevent the commission of a public offense.
  4. . . .
  5. To gain compliance with a lawful order.

The named officer conducted a lawful traffic stop on the complainant. Due to the violations by the complainant, the named officer was required to have the complainant's vehicle towed, which in turn required the complainant to exit his vehicle. The named officer was extremely patient and gave the complainant many, many opportunities to exit his vehicle. The named officer used de-escalation techniques which were unsuccessful. The officer's use of force was reasonable and within the exact mandate of DGO 5.01.

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 #4-5:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the named officers used excessive force when the named officers forcefully removed him from his vehicle. A witness officer stated the complainant did not comply with multiple lawful orders to exit his vehicle. She told the complainant that if he did not exit his vehicle, he would be forcefully removed.

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**SUMMARY OF ALLEGATIONS #4-5:** (Continued)

The complainant continued to disobey the lawful orders. The witness officer stated another officer broke the complainant's rear window to gain access to the complainant and used pepper spray on him. The witness officer stated the complainant braced himself in the vehicle and continued to refuse to comply. The witness officer stated the named officers extracted the complainant from the vehicle and brought him to the ground. The witness officer stated that she did not have any concern about the force used by the named officers.

Body Worn Camera Footage showed officers give multiple lawful orders to the complainant to exit his vehicle. Because the complainant continuously refused to exit his vehicle, an officer shattered the complainant's vehicle window and reached inside, pepper spraying the complainant. The named officers forcefully removed the complainant from the driver's seat once the vehicle door was opened. BWC footage shows the complainant was ordered to exit his vehicle for approximately 22 minutes.

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

**SUMMARY OF ALLEGATION #7:** The officer towed a vehicle without justification.

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

**FINDINGS OF FACT:** The complainant stated the named officer did not have legal justification to tow his vehicle.

The named officer stated he was required to tow the complainant's vehicle because the complainant was driving on a suspended license and had at least one prior violation for the same thing. He stated based on the complainant's history of driving on a suspended license he was required to tow the vehicle per Department Bulletin 18-117.

Department Bulletin 18-117 (VEHICLE TOW POLICY & PROCEDURE) states in part, "**A vehicle shall be towed when the driver's license status is suspended/revoked and . . .** CLETS/DMV records confirm the driver of the vehicle **has been cited at least once** for a 14601 . . . CVC related violation in the past . . ." California Vehicle Code section 14601.1(a) states, "No person shall drive a motor vehicle when his . . . driving privilege is suspended . . ."

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 failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the named officer should have handed him the citation and let him drive away.

The named officer stated he was required to tow the complainant's vehicle per Department Bulletin 18-117 and therefore could not cite the complainant and let him drive away.

Department Bulletin 18-117 (VEHICLE TOW POLICY & PROCEDURE) states in part,  
"A vehicle shall be towed when the driver's license status is suspended/revoked and . . .  
CLETS/DMV records confirm the driver of the vehicle has been cited at least once for a 14601 . . . CVC related violation in the past . . ."

California Vehicle Code section 14601.1(a) states, "No person shall drive a motor vehicle when his . . . driving privilege is suspended . . ."

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: 09/12/18    DATE OF COMPLETION: 05/30/19    PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainants stated that they were improperly issued a citation for violation of Transportation Code 7.2.35 “Parking on Grades.”

The named officer issued a parking citation to the complainants’ vehicle, noting that the vehicle was parked on a grade with no curbed wheels.

Photographs of the complainants’ parked vehicle were taken by both the complainants and the named officer. None of the photos showed that the complainants’ vehicle’s wheels were curbed.

San Francisco Transportation Code 7.2.35 provides that it is an infraction to “park a vehicle upon any grade or slope exceeding three percent without effectively setting the brakes and blocking the wheels of the vehicle by turning them against the curb or by other means.”

According to the maps used by San Francisco Public Works, the grade of the block on which the citation was issued is 3.295%.

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

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

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

**FINDINGS OF FACT:** The complainants stated that the named officer targeted their vehicle for citation when there were other vehicles nearby without curbed wheels that were not issued citations.

The named officer stated that he observed the complainants' vehicle while en route to a suspicious vehicle call for service regarding a different RV nearby. The named officer stated that the vehicle in front of the complainants had correctly curbed wheels and those were the only two vehicles he observed before he left to complete the call.

Photographs of vehicles parked nearby were reviewed. The photograph taken by the named officer at the time the citation shows a white van in front of the complainants' vehicle with curbed wheels.

The complainants' photographs are associated with a time-stamp hours after the citation was issued, and although there is one white truck visible without curbed wheels, there is also a gray minivan with curbed wheels. There was no way for DPA to determine whether the white truck was present when the named officer issued the citation at issue.

A preponderance of the evidence establishes that the named officer did not engage in selective enforcement.

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

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**SUMMARY OF ALLEGATION #3:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainants stated that as they were walking the named officer improperly surveilled their vehicle and “side-eyed” them. The complainants also stated that they were being profiled by the SFPD. Complainants used the word “profiling” but did not refer to race.

The named officer stated that he was on routine patrol in the area, did not recall driving past an RV, and denied surveilling the complainants’ vehicle. The named officer denied ever interacting with the complainants, discussing the complainants with other officers and did not recall the alleged “side-eyeing.” The named officer stated that he never met the complainants, denied that there were any orders in place regarding RVs parked in the neighborhood, and denied holding any biases against African American people.

A preponderance of the evidence establishes that the named officer did not improperly surveil the complainants’ vehicle, “side-eye” the complainants, or engage in any profiling.

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



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**DATE OF COMPLAINT:** 10/09/18    **DATE OF COMPLETION:** 5/17/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The SFPD failed to investigate.

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

**FINDINGS OF FACT:** The complainant filed a police report in which he reported his mother's murder by arsenic poisoning. The complainant stated that the police failed to investigate.

The inspector who reviewed the police report provided two reasons that the case was not assigned for further investigation. First, there was no credible evidence that the death, which occurred at a hospital, was suspicious. Second, the treating physician would have the responsibility to contact the Medical Examiner's Officer with any suspicious death. The Medical Examiner would then determine if the death was unnatural and refer the case to SFPD Homicide. That did not happen in this case. The Medical Examiner's Office confirmed that the office was not notified of the death. Staff at the Medical Examiner's Office investigated and found that the death was certified by the treating physician. The cause of death was a stroke.

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:** 10/12/18 **DATE OF COMPLETION:** 05/09/19 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant, an Uber and Lyft driver, stated he frequently carries passengers to and from the San Francisco airport. The complainant stated that the named officer issued complainant a ticket, but told the complainant it was only a warning. The complainant later learned that he received a citation and believes the named officer lied to him.

Department General Order 9.01 states that when issuing a citation, an officer should answer reasonable questions and inform the person of the nature of the violation and the proper means of disposing of the citation.

The named officer issued the complainant a San Francisco International Airport Ground Transportation Administrative Citation. He did not recall telling the complainant that the administrative citation was only a warning, but he would have checked the “warning only” box if he was issuing only a warning. The named officer stated he issued over 1500 administrative citations in 2018.

The administrative citation issued to complainant clearly showed that the complainant was cited for failure to comply with all signs and road markings. The box entitled “warning only” was not checked. The named officer handed the complainant a copy of the administrative citation with the violation clearly marked with a check mark and underlined. The complainant’s name, his company, and his vehicle information were included on the citation.

No witnesses were identified.

The complainant made inconsistent statements. DPA attempted multiple times to contact the complainant to obtain additional information and he failed to respond.

Based on the totality of circumstances, the evidence proved that the acts alleged in the complaint (misrepresenting the truth) did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/16/18    **DATE OF COMPLETION:** 05/22/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was at the San Francisco Superior Court when he encountered the named officer. The complainant stated that he quoted the profane lyrics of a song to the officer, and the officer made profane comments in response.

The named officer acknowledged being in court on the date given by the complainant but denied he made the alleged comments, and said he had no knowledge of, nor had he any contact with the complainant on the day he was in court.

No witnesses or other documentary evidence was identified.

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

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**DATE OF COMPLAINT:** 10/17/18 **DATE OF COMPLETION:** 05/13/19 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was injured when staff members from a facility threw him down the stairs. He stated the named officers failed to investigate his complaint as they did not retrieve the video footage that captured the incident.

DGO 1.03(I)(A)(3) states that Patrol Officers shall: “Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence.”

CAD Audio revealed that when the complainant contacted police, he did state that shelter staff threw him down the stairs, but also stated that he could not remember who did it.

Body Worn Camera footage showed named officer #1 asked the complainant what happened. The complainant told named officer #1 that he was injured, and that staff threw him down the stairs, but when officers asked further questions, he insisted that he could not remember anything. Named officer #1 asked a staff member at the facility if there was any surveillance footage that may have captured the incident. The staff member stated that they could not access the video footage; it had to be retrieved from the City of San Francisco. Both named officers spoke with multiple witnesses to the incident and the witnesses concurred that the complainant was not a victim of a crime. They indicated that the complainant did fall down the stairs but was not pushed. The named officers spoke to each other and agreed that the call for service was for medical only. The complainant was then transported to the hospital. The complainant also continuously asked for his property that was inside the facility. The named officers assisted the complainant by retrieving his property and sending it to the hospital with him.

The complainant made a police report about the incident one month later at a police station, stating that he was unsure whether he wanted to press charges, but wanted to see the video surveillance first. No information suggests that the police made an attempt at that time to retrieve video; however, the DPA investigation showed that any video would have been kept for only two weeks.

The evidence proved that the officers took reasonable steps to investigate the alleged battery and retrieve the security footage. Thus, the acts that provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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**DATE OF COMPLAINT:** 10/17/18 **DATE OF COMPLETION:** 05/13/19 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3 - 4:** The officers failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant stated he was thrown down the stairs by staff members at a facility. He stated the named officers failed to write an incident report documenting the incident.

The complainant made a police report about the incident one month later at a police station, stating that he was unsure whether he wanted to press charges, but wanted to see the video surveillance first.

DGO 2.01(25) On-Duty Written Reports states, "While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

CAD Audio revealed that when the complainant contacted police, he did state that shelter staff threw him down the stairs, but also stated that he could not remember who did it.

Body Worn Camera footage showed named officer #1 ask the complainant what happened. The complainant told named officer #1 that he was injured, and that staff threw him down the stairs, but when officers asked further questions, he insisted that he could not remember anything. Both named officers interviewed multiple witnesses to the incident and the witnesses concurred that the complainant was not a victim of a crime. The named officers agreed after these interviews that the call for service was for medical only. The complainant was then transported to the hospital. The named officers did not write a report.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/15/18    **DATE OF COMPLETION:** 05/24/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-3:** The officers used excessive force.

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

**FINDINGS OF FACT:** The complainant stated officers handcuffed him behind his back and then escorted him to a patrol car. The complainant said he was told to lean over the trunk, and he was then searched. He stated one of the officers then snapped his finger and broke it. He stated that he was taken to jail, then to the hospital. The complainant was not able to identify which officer broke his finger.

The BWC recordings show that the complainant stated he had a broken hand prior to being handcuffed. The recordings show that he was escorted out to a police car, where he was searched, and placed in the rear of the vehicle. The video does not show any officer snapping the complainant's finger, and the complainant does not complain of pain.

The complainant's medical records document that he reported being in a physical altercation 3 days prior to this incident, and that his injury was a 3-day-old fracture. Medical records from the jail document that the complainant reported a recent injury to his right hand, which was swollen, due to an altercation 2 days prior.

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

**SUMMARY OF ALLEGATION #4:** The officer failed to provide medical treatment.

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

**FINDINGS OF FACT:** The complainant stated that an officer broke his finger when they searched him, then took him to jail. He said the jail would not admit him because of his injury, and he had to first go to the hospital.

The complainant's medical records show that his injury was not the result of officer contact and had occurred two or three days earlier. BWC recordings show that officers did not injure the complainant during the search. They also show that the complainant was briefly questioned in a holding cell, and was not complaining of pain, and did not appear injured.

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

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**DATE OF COMPLAINT:** 10/19/18      **DATE OF COMPLETION:** 05/03/19      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officers would not write an incident report after she requested them to do so. The complainant stated she was involved in a hit and run motor vehicle collision. The complainant stated she pursued the other driver and blocked his vehicle to prevent the driver from leaving. The complainant stated she exited her vehicle and confronted the other driver, and a heated verbal confrontation ensued between the complainant and the other driver. The complainant stated a nearby neighbor must have called police, because the two named officers arrived. The complainant stated the named officers provided her with a CAD number, assisted the parties in exchanging information, and took no action against the other driver.

The named officers stated they responded to the location and observed one vehicle blocking another vehicle from moving at the end of a dead-end street. The named officers observed a male and female in a verbal dispute outside of their vehicles. The complainant told the officers she had been struck from behind by the other driver, and that he would not stop and pull over to exchange information. The second named officer stated he spoke to the other driver, who said he was certain his vehicle did not contact the complainant's vehicle. The named officers inspected the vehicles and did not observe any damage to either vehicle consistent with a collision. The named officers determined the incident was not a hit and run because both parties were on scene and there was no visible damage. The named officers stated that neither party reported injuries. The named officers stated the complainant requested a report and they explained to her that Department policy does not require them to investigate and write a vehicle accident report without injuries. The named officers stated they assisted the parties in exchanging information.

The driver of the other vehicle did not respond to DPA's request for an interview.

Two of the passengers in the complainant's vehicle did not respond to DPA's requests for interviews. However, DPA received two emails regarding the incident, purportedly from the two passengers – the complainant's son and the son's friend. Both were unsigned and did not contain any contact information. Both appear to have been written over a year after the incident. They were both largely identical to the complainant's account of the incident.

Records from the Department of Emergency Management document that an anonymous caller called 911 to report two males and a female were in a verbal dispute, and that one male was blocking the other male with his vehicle and not letting him leave. The reporting party had no further information and hung up.

SFPD General Order 9.02, Vehicle Accidents, states:

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**HIT AND RUN VEHICLE ACCIDENTS**

1. **REPORT.** When requested by a citizen, investigate and prepare a Traffic Collision Report and a Hit and Run Record (SFPD 133) for all hit and run vehicle accidents occurring in San Francisco, whether you are at the scene or not.

...

**NON-INJURY VEHICLE ACCIDENTS.** When arriving at the scene of a noninjury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage. If a citizen insists on a report, follow these procedures:

1. **EXCHANGE OF INFORMATION.** Assure proper exchange of the Collision Information Form (SFPD 19) and, if necessary, assist each party in completing them. Ensure that any witness information is provided to the parties involved.

2. **TOWS.** Arrange for tows and direct traffic if necessary.

The named officers were not required to write an incident report. Both of the drivers were on scene when they arrived; there were no injuries, and no visible damage to either vehicle consistent with a collision. The named officers properly determined the incident was not a hit and run, and was, at most, a non-injury vehicle accident. The named officers followed Department policy 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.

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

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

**FINDINGS OF FACT:** The complainant stated the named officers engaged in biased policing because she is a black female, is disabled, and has an 8-year old child with autism. The complainant stated she believes this is why the officers failed to take any action against the other driver and treated her unfairly.

The named officers denied the allegation. The named officers stated they treated both parties with fairness and respect, and they did not know the race of the complainant prior to making contact. The named officers stated the complainant's race was not a factor in their decisions to not take action against the other driver and to not write a report. Their decisions were based on the available evidence and Department policy.



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SFPD General Order 5.17, Policy Prohibiting Biased Policing, states, “Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment to the U.S. Constitution.”

The named officers’ actions were in accordance with Department policy, and there was no evidence that race played a role in their actions or decision-making.

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

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

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

**FINDINGS OF FACT:** The complainant stated that after she was involved in a hit and run, she went to a police station and spoke with the named officer who was not cooperative or helpful.

The named officer stated the complainant came into the station and requested a hit and run report for an incident that occurred in another district. The named officer stated that the officers who had originally responded to the scene had helped the parties exchange information. The named officer stated he explained to the complainant the incident was not a hit and run, and that he could not write a hit and run report. The named officer stated the complainant was not happy with his response and would not accept what he told her.

The named officer properly advised the complainant that he could not write a hit and run report pursuant to Department policy.

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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**DATE OF COMPLAINT:** 10/23/18 **DATE OF COMPLETION:** 05/13/19 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated an officer spoke to him in a rude and demeaning way while he was driving.

The complainant provided the unknown officer's patrol vehicle number. The equipment log from the station in the district where the incident occurred came back with negative results.

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

No witnesses were identified.

The identity of the officer could not be established.

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**DATE OF COMPLAINT:** 10/31/18    **DATE OF COMPLETION:** 05/01/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer identified herself as an SFPD officer and made inappropriate comments to him.

The named officer denied the allegation.

The complainant did not respond for an interview.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 11/20/18    **DATE OF COMPLETION:** 05/22/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was skateboarding when two plainclothes officers detained and arrested him without cause.

The named officer stated he was working in plain clothes and conducting surveillance on the southwest corner of Mission and 16<sup>th</sup> Streets, an area known for drug trafficking, when he saw what he believed to be complainant and another subject engaging in a hand-to-hand narcotics transaction. Officers immediately approached and detained the complainant. A search incident to arrest revealed the complainant possessed narcotic paraphernalia, but not narcotics.

The named officer's testimony is credible. The named officer accurately described detailed facts about the scene and the complainant and second subject.

The preponderance of evidence established that the named officer's observation of an exchange of an object for currency justified the detention and arrest.

**SUMMARY OF ALLEGATIONS #2-3:** The officers used excessive force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that two plainclothes officers tackled him to the ground and one of them pressed his face against the sidewalk with a knee and one pushed a fist against his throat as he was ordered to spit something out.

The named officers said the complainant, arrested after a suspected drug buy, threw himself to the ground, and both officers denied any officer pushing on the complainant's throat. One named officer said he kneeled on the complainant's upper back area to overcome the complainant's resistance, to facilitate handcuffing.

Surveillance video footage from a significant distance showed one named officer taking the complainant to the ground followed by another, kneeling on the back of the complainant's neck while officers assisted in completing his handcuffing.

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**SUMMARY OF ALLEGATIONS #2-3:** (Continued)

Body worn camera (BWC) footage from uniformed officers who arrived to assist did not capture any officers' hands in contact with the complainant's neck, but the BWC was not directed at the complainant's neck area for the duration of his detention. Audio from the BWC indicated someone telling the complainant to open his mouth and extend his tongue.

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

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**DATE OF COMPLAINT: 11/29/18    DATE OF COMPLETION: 05/30/19    PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that officers conducted a search warrant at his residence. The complainant became upset because officers were laughing as they were executing the warrant, and his children were crying. The complainant said that when he complained about the officers' laughter, two officers approached him with fists clenched, put a finger in his face, and shouted at him that he had done this to himself.

The named officers confirmed that they spoke to the complainant during the search, but that the conversation was cordial. They denied shouting, clenching their fists, or putting their fingers in the complainant's face.

Other officers witnessed the conversation and corroborated the named officers' accounts. All officers involved in the search were questioned, and they confirmed that the named officers did not engage in the behavior described by the complainant. The search yielded contraband, and a criminal court case is pending against the complainant.

No other witnesses were identified.

A preponderance of the evidence proved that the acts alleged in the complaint did not occur.

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**DATE OF COMPLAINT: 11/29/18    DATE OF COMPLETION: 05/30/19    PAGE# 2 of 3**

**SUMMARY OF DPA ADDED ALLEGATIONS #3- 12:** The officers failed to comply with Department General Order 10.11, Body Worn Cameras.

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

**FINDINGS OF FACT:** In part, DGO 10.11 Section III C states that all on-scene members equipped with a body-worn camera (BWC) shall activate their BWC to record in the following circumstances: 1) Detentions and arrests... 8) When serving a search or arrest warrant.

The SFPD records showed that none of the named officers used their BWC during the execution of the complainant's search warrant. The SFPD records showed that all the named officers had been issued with BWC equipment.

The named officers stated that they were assigned to the Narcotic Unit. They stated that their duties included undercover operations and at the time of the search warrant on the complainant's residence, they had an exemption from using BWC under DGO 10.11 Section III D 2. This section mandates that officer not activate their BWC in situations that could compromise the identity of confidential informants and undercover operatives.

The named officers stated that several months after the search of the complainant's house, Departmental Bulletin 18-256 was issued which superseded the exemption provided under DGO 10.11. They state they comply with the new policy and use BWC on all search warrants.

DB 18-256 was published on December 18, 2018, and states that plainclothes members working plainclothes assignments are exempt [from using BWC] with the exception of the execution of search and arrest warrants. The SFPD records show that the search warrant was conducted on the complainant's residence in June 2018.

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

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**DATE OF COMPLAINT: 11/29/18    DATE OF COMPLETION: 05/30/19    PAGE# 3 of 3**

**SUMMARY OF DPA-ADDED ALLEGATION #14:** The officers failed to supervise properly

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

**FINDINGS OF FACT:** The SFPD records show that the named officer was the ranking officer at the search warrant conducted at the complainant's residence. The documents also show that none of the police officers present for the search warrant used BWC.

The named officer stated that he did not ensure that officers used BWC because, at the time, there was an exemption for undercover operatives.

DGO 10.11 Section III D 2 states that members shall not activate the BWC when encountering situations that could compromise the identity of confidential informants and undercover operatives.

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



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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 sitting and eating outside when the named officer detained him without justification. The complainant said he was handcuffed and held for over an hour, and finally given a citation. He stated the named officer told him he had stolen the milk crate he was sitting on, but it was actually given to him.

The named officer stated that he observed the complainant sitting on a milk crate and pan handling in front of a pharmacy. The named officer issued the complainant a citation for section 565 of the California Penal Code (unauthorized possession of a milkcrate) and for section 148 PC because he delayed the investigation.

The Body Worn Camera (BWC) recordings show that the named officer asked the complainant for his name, and he would not give it to him. They show that the complainant sat down on a milkcrate by a light post and refused to provide his name. The recordings show that the named officer handcuffed and searched the complainant. When asked for the reason, the named officer cited the sit/lie ordinance. The recordings show the complainant was placed in the back of a police van, and within five minutes, the named officer was asking other officers about the appropriate code for sitting on a milk crate. The complainant was detained in the back of a police van for 37 minutes. The recordings show that, for much of that time, the named officer was attempting to find the appropriate cite section regarding the milk crate violation. A photograph of the milk crate, attached to the incident report, showed that it was marked with a dairy brand name.

SFPD General Order 5.03, Investigative Detentions, states:

It is the policy of the San Francisco Police Department that every person has the right to use the public streets and public places so long as he/she does not engage in criminal activity. ... 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. ... A detention must be brief and limited to the amount of time reasonably necessary to conduct the investigation.

California Penal Code section 565 states:

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It is a misdemeanor ... for an unauthorized person to possess or use, or to obliterate or destroy the brand registration upon, containers (including milk cases), cabinets, or other dairy equipment, which have a value of nine hundred fifty dollars (\$950) or less, when the containers, cabinets, or other dairy equipment are marked with a brand that is registered pursuant to Chapter 10 (commencing with Section 34501) of Part 1 of Division 15 of the Food and Agricultural Code.

Based upon the fact the complainant was sitting on a milk crate, there was enough justification to initially detain him. Although he was held in a police van for over half an hour, by that time the named officer had probable cause to cite the complainant for the milk crate violation – he witnessed the complainant sitting back down on the crate and was able to see the markings on the crate. By the time the complainant was in the van, he was technically under arrest, and no longer merely detained.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer made inappropriate comments about his army pants during the detention.

The named officer stated that he did not make any comments about the complainant's pants. The named officer also said he did not hear anybody else make comments about the complainant's pants.

The BWC recordings did not reveal any comments regarding the complainant's pants. It is more likely than not that the named officer did not make any inappropriate statements about the complainant's pants.

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

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**SUMMARY OF ALLEGATION #3:** The officer failed to promptly and politely provide his name and star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that the named officer refused to promptly and politely provide his name and star number upon request.

The BWC recordings show that the named officer issued the complainant a citation, which included the officer's name and star number. The recordings also show the named officer acting in a professional manner with the complainant. The complainant apologized for his behavior and shook the named officer's hand upon being released.

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

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**DATE OF COMPLAINT:** 12/17/18    **DATE OF COMPLETION:** 05/07/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the named officer acted inappropriately when he threw a citation through the window of her vehicle.

The complainant initially requested mediation. DPA's mediation unit attempted numerous times to contact the complainant to no avail. DPA's investigations unit then attempted to follow up with the complainant but did not receive a response over several months.

The complainant did not provide requested evidence.

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

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

**FINDINGS OF FACT:** The complainant stated that he was attacked by the doorman of a hotel. He stated that officers failed to investigate properly, identifying him as the aggressor.

Both named officers stated that the complainant matched the description of a suspect who was throwing rocks at others in the area. One named officer stated that he interviewed the complainant at the scene. Both named officers stated that although they did not at first know that the hotel had surveillance video, they later returned to the scene to obtain the contact information of the hotel manager, who could access the footage. The officers also stated that the complainant was confrontational, belligerent, and was exhibiting erratic behavior.

Surveillance footage from the hotel entrance shows the complainant in a physical struggle with the doorman, who restrains him until police arrive.

Department records show that the named officers were dispatched to a call regarding a mentally disturbed person throwing rocks at people and who was fighting with a hotel doorman. Records also show that the complainant matched the description of this suspect. Additionally, department records indicate that the named officers attempted to view the hotel's surveillance video and later obtained contact information for the hotel manager who had access to the footage.

Body worn camera footage shows the officers interviewing the complainant and the doorman. The footage also shows one of the officers finding a rock in the complainant's pocket.

A witness stated that he spoke to an officer and informed him that the complainant was yelling slurs and throwing rocks at him.

The evidence shows that the named officers interviewed all involved parties on scene, checked the crime scene for video evidence and determined that the complainant was not the victim of the crime.

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 #3-4:** The officers failed to receive a private person's arrest.

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

**FINDINGS OF FACT:** The complainant stated that the officers failed to arrest the complainant's attacker after he requested that they do so.

One of the named officers stated that he does not recall hearing the complainant say that he wanted to press charges.

Body worn camera footage shows that officers detained the complainant for a 5150 psychiatric hold because he was behaving erratically. After he was detained, the complainant stated he wanted to press charges against the other party.

Department records show that the complainant matched the description of a suspect who was throwing rocks and initiating fights with people. This, combined with his belligerent and erratic behavior, caused the officers to believe he posed a danger to others.

A preponderance of the evidence shows that, although the complainant did request a private person's arrest, no probable cause existed for such an arrest. The officers prepared an incident report as required.

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

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**SUMMARY OF ALLEGATION #5:** The officer misused police authority.

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

**FINDINGS OF FACT:** The complainant stated that the officer was unjustified in bringing the complainant to the hospital on a 5150 psychiatric hold.

The named officer stated that the complainant was identified as a suspect throwing rocks at people. He stated that the complainant approached a stranger, threw rocks at him and was generally acting erratically.

Department records show that the officer initiated the 5150 detention because the complainant was throwing rocks at pedestrians in public, which made him a danger to others. Additionally, records show that the complainant was acting belligerently and getting into physical fights with strangers.

Body worn cameras show that the complainant was carrying rocks in his pocket and was making erratic statements at the scene.

The evidence shows that the officers brought the complainant to the hospital because the complainant posed a danger to others.

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