

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/19/19    **DATE OF COMPLETION:** 05/12/20    **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant stated she was stepping into the street when a car turned, sped the wrong way down a one-way street and almost struck her. The car was unmarked, but the complainant stated that she believed the driver of the car was a police officer.

The named officer stated she was working in a plain clothes capacity as part of an arrest team and that she drove the wrong way down a one-way street to effect an arrest on an individual who was resisting and fleeing from police. The named officer stated she did not activate the siren on the car, and was not certain whether she activated the car's emergency lights. She stated that when she turned down the street she did not observe any pedestrians in or entering the crosswalk, nor did she observe any pedestrians stepping off the curb. After reviewing surveillance video that DPA obtained from a nearby hotel, which showed the complainant pedestrian, the named officer stated that the complainant stepped into the street illegally, did not break stride, never jumped back, did not put her hands up or show any signs of nearly being struck by the named officer's vehicle, and continued to walk in the direction the named officer was driving in the street, appearing not to be phased by the unmarked vehicle.

Police records showed that the named officer participated in a narcotics buy/bust operation. The incident report authored by the lead officer did not reflect that the suspect was fleeing from police; however, he did document that the officers involved in the operation were also communicating on a unmonitored radio channel.

DPA interviewed the lead officer in the buy/bust operation. He stated that he broadcasted that the deal was done, provided a description of the suspect, indicated that the suspect was the walking away and told the officers to move in and arrest. He stated that in those types of scenarios there is the potential for the destruction of evidence and typically when he tells the officers to move in they are quick to respond.

DPA obtained surveillance video from a nearby hotel. This video showed the named officer making a sharp right turn the wrong way down a one-way street and an individual slightly outside of the crosswalk starting to enter the street. The police vehicle appeared to come close to the individual, but did not make contact. The civilian who provided the surveillance footage confirmed that the vehicle emergency lights were activated.

DGO 5.05 states that officers shall at all times drive with due regard for the safety of all persons. Additionally, when officers respond in an emergency response capacity they shall activate their forward visible red light and shall sound the siren as reasonably necessary under the circumstances to provide suitable warning to afford other users of the highways an opportunity to yield the right of way.

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There was insufficient evidence to prove by a preponderance of the evidence that the named officer drove improperly. DPA notes that although the officer's car did not make contact with the individual, it appeared to have come quite close to the complainant. DPA notes that it is always important for officers to drive with due regard for the safety of all persons.

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

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**DATE OF COMPLAINT:** 06/11/19      **DATE OF COMPLETION:** 05/07/20      **PAGE# 1 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated that he watched the named officer use unnecessary force on an individual. He also stated that the named officer slammed subject #1 into a parked car and a garage door.

The named officer stated that a witness officer and himself were on their way to get lunch when he saw a fight between two individuals. The named officer observed subject #1 swinging a handkerchief with a tied on lock at subject #2. The named officer and witness officer responded and separated the two individuals. The named officer sat subject #1 down on the ground to limit his movement. The named officer determined that subject #1 was dominant aggressor because he observed him using a weapon against subject #2. He decided to place subject #1 under arrest for battery. The named officer applied one handcuff to suspect #1, but felt his body tense up. The named officer took this as a sign that subject #1 was going to flee. The named officer then applied a kimura control hold in order prevent subject #1 from fleeing. Subject #1 responded by standing up. The named officer then redirected subject #1 toward the ground and finished handcuffing him with the help of the witness officer. The named officer then stood subject #1 up and walked him to a nearby wall using a wrist-lock control hold he learned in the academy. The named officer pushed the complainant up against the wall in order to finish his investigation. He denied slamming subject #1 into a parked car while applying the kimura control hold or slamming him into a garage door.

A witness officer stated that she and named officer #1 were on their department issues bicycles when they saw a fight between two individuals. The witness officer and the named officer separated the two individuals. The witness officer spoke with subject #2 who explained that subject #1 had hit him with a padlock. While the witness officer was speaking with subject #2, she heard the named officer give a verbal command to subject #1. This got her attention and she looked over to see that named officer #1 was having difficulty gaining control of subject #1. She went over to assist the named officer and that was when she saw subject #1 attempt to stand. The witness officer stated that the named officer applied an arm-bar control hold and redirected subject #1 to the ground. The witness officer then assisted named officer #1 with handcuffing subject #1. The witness officer could not recall if subject #1's head hit a parked car while the control hold was being administered. The witness officer denied seeing the named officer shove subject #1 into a garage door.

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The DPA obtained the incident report related to this incident. The statements that the named officer and the witness officer provided in the incident report are consistent with the statements they provided in their DPA interviews.

The DPA also obtained the named officer and the witness officer's body worn camera footage of the incident. The named officer's body worn camera footage shows him arriving on scene and advising subject #1 to sit on the ground. Subject #1 complies with this command. The named officer then attempts to apply a handcuff to subject #1's right wrist. While doing this, the named officer states, "Don't move!" twice. The named officer then applies the kumara control hold to subject #1 and redirects him to his stomach. Subject #1's body does not hit the nearby parked car. Named officer #1 then stands subject #1 up and escorts him to a nearby wall using a wrist-lock control hold. The named officer tells subject #1 "Stop moving" multiple times while escorting him to the wall. Named officer #1 then pushes him up against the wall while he looks for the subject's ID. He does not slam him up against a garage door at any point during the video. The witness officer's body worn camera shows subject #1 standing to his feet while the named officer was attempting to apply the control hold. He is then redirected to the ground by the named officer.

The DPA interviewed a Subject Matter Expert from SFPD's Police Academy regarding use of force and control holds. The Subject Matter Expert reviewed the BWC and other evidence, and stated that the named officer executed a two control holds that are taught to officers at the academy and they were done correctly. The Subject Matter Expert stated that the level of force the named officer used was appropriate for the circumstances.

The named officer stated that his decision to use a control hold was contingent on the fact that he felt the complainant's body tense up which he felt was precursor to him fleeing. While Department General Order 5.01 does state that control holds can be used to overcome an individual who is providing active resistance, it is unclear from the named officer's body worn camera footage to determine if he was in fact feeling any physical resistance.

The evidence failed to prove or disprove that the alleged conduct occurred.

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**SUMMARY OF DPA-ADDED ALLEGATION #1:** The named officer failed to comply with SFPD's arrest and control manual

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

**FINDINGS OF FACT:** Through the course of its investigation, the DPA noticed potential safety issues from the named officer attempting to apply handcuffs while standing in front of subject #1.

The named officer stated that when he arrived on scene, he advised subject #1 to sit down to limit his movement. The named officer stated that he used a tactic when handcuffing subject #1 called "front entry." He stated that this technique was taught to him during the academy. He stated that if he attempted to move to subject #1's back to handcuff him, subject #1 would have fled.

The DPA interviewed a Subject Matter Expert from SFPD's Academy regarding use of force and control holds. The Subject Matter Expert confirmed that "front entry" is a tactic taught to officers. He also stated that the arrest and control manual serve as a guide for officers, but there isn't a definitive way to handcuff individuals because every situation officers encounter is different. The Subject Matter Expert lamented that the arrest was not ideal from a tactical perspective, but it did not violate basic principles taught to the officers or basic standards regarding reasonable police tactics.

The SFPD Arrest and Control Manual discusses handcuffing subjects from the rear. However, the Subject Matter Expert explains it merely serves as a guide and does not require officers to always maintain a certain position when handcuffing an individual.

The evidence failed to prove or disprove that the alleged conduct occurred.

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**SUMMARY OF DPA ADDED-ALLEGATION #2:** The named officer prepared an inaccurate incident report.

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

**FINDINGS OF FACT:** During the DPA’s investigation, it was noticed that the named officer wrote that subject #1 was released “on scene” but was actually released at a nearby police station.

The named officer stated that when he wrote “on scene”, he was referring to the police station and was not referring to the area where the incident had occurred.

The DPA obtained a copy of the incident report related to this incident. In the incident report, the named officer wrote that he spoke with subject #1 about the incident at a nearby police station. After speaking with him, the named officer decided to release subject #1. The named officer later wrote, “Based on the incoherent statement from subject #2 and his lack of cooperation we determined subject #1 was acting in self-defense and was issued a certificate of release, and was released on scene per section 849(B) of the Penal Code.”

The evidence showed the named officer’s conduct was justified, lawful, and proper.

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**DATE OF COMPLAINT:** 06/10/19 **DATE OF COMPLETION:** 05/12/20 **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** C U O **FINDING:** P C **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant, an employee of a hospital emergency room, stated that the named officer sought admission for a mental health detainee. The complainant stated that the hospital was not accepting new detainees at the time and when the staff informed the officer that there were no available rooms, the officer argued and began a physical search for an available room without authorization.

SFPD records reflect that the named officer responded to a call involving an individual in mental health crisis. After an evaluation, the individual was deemed to be a danger to himself, was placed on a mental health detention and was transported to the hospital.

The named officer stated the standard protocol is to transport mental health detainees to San Francisco General Hospital (SFGH). However, on this date the psychiatric services unit at SFGH was filled to capacity and in such cases, it is the pattern and practice for officers to transport detainees to an alternate hospital emergency room. In addition, the detainee told the officers that he had a relationship with a psychiatrist at the complainant's hospital. The named officer stated that upon arrival at the hospital she presented the detainee to the intake staff but was told to wait with the detainee in the public reception area until a room became available. The named officer explained to the staff that was not a viable option. The named officer then surveyed the psychiatric detention unit while the detainee remained in the control of three other SFPD officers. After a visual inspection she found an empty room and advised hospital staff. The named officer stated that hospital staff informed her that the empty room was being held in reserve in the event it was needed for a critically ill patient and again directed her to wait in the reception area. The named officer summoned a hospital supervisor who directed the staff to admit the detainee and place him in the available room.

A second officer on scene provided information that corroborated the named officer's account. She stated that the detainee was transported to the complainant's hospital due to the psychiatric services unit at SFGH being at capacity. Upon arrival her understanding was that the officers were directed by the nursing staff to wait in the public reception area which could have presented safety and security concerns.

A witness provided by the complainant did not respond to DPA's multiple messages.

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

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**SUMMARY OF ALLEGATION #1:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant stated that she was standing on the median of a busy street observing and filming SFPD's response to a suspect holding an object the complainant believed to be a "stick." The complainant stated that an officer carrying police caution tape ordered her to move to the sidewalk and expanded the crime scene to include the median. The complainant stated that the officer did not tell her she that she could not film, only that she had to move.

The identity of the alleged officer could not be established.

SFPD records showed that the suspect was holding both a knife and a long metal object and did not comply with orders to stop and drop the weapons. Ultimately, officers fired rounds from non-lethal bean bag and foam baton extended range impact weapons (ERIW). SFPD records showed that a number of officers on scene referenced the need to move pedestrians back and away.

DPA measured the distance between the median on which the complainant was initially standing and the sidewalk she was ordered to move to. The distance was 39.8 feet. From both the original and second locations, there was a clear line of sight to the scene location.

Under the totality of the circumstances, it was not unreasonable for an officer to order the complainant to move back from the scene. However, because the officer could not be identified, DPA issues no finding for this allegation.

**SUMMARY OF ALLEGATIONS #2-9:** The officers used unnecessary force.



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

**FINDINGS OF FACT:** The complainant stated the police response to an individual carrying what she believed to be a stick-like object was excessive. She stated there were numerous officers on scene, some of whom were holding long barreled firearms and periodically pointing them at the subject, and one of whom she witnessed fire a non-lethal weapon, causing the individual to fall to the ground.

SFPD records showed that officers initially responded to a call regarding a trespasser into a woman's home. Officers located the suspect who was holding both a knife and a long metal tool and did not comply with orders to stop and drop the weapons. The first, second and third named officers kept non-lethal bean bag or foam baton extended range impact weapons (ERIWs) trained on the suspect and fired rounds only after he attempted to leave the crime scene while still holding the knife and tool. Five more named officers provided lethal cover for the officers deploying ERIWs, as required per SFPD protocol. SFPD records also reflect that for approximately four hours, officers employed de-escalation techniques such as utilizing a hostage negation team and bilingual officers to persuade the suspect to disarm and surrender.

Body Worn Camera Footage shows that officers took positions in an orderly manner in front of the suspect and negotiated with him in Spanish. As the suspect began to walk away while still holding the knife and tool, officers deployed non-lethal rounds, striking the suspect in the legs. A group of officers then rushed to the suspect who had dropped to the ground, and in a controlled manner placed him in handcuffs. Footage also shows police vehicles being positioned both to protect the scene as well as the officers and suspect.

SFPD Departmental General Order 5.01 (I) (D) provides that in "determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time." Under 5.01 (VI)(E)(1) an ERIW "may be used on a subject who is armed with a weapon, other than a firearm, that could cause serious injury or death." "An officer deploying an ERIW shall always have a lethal cover officer."

Here, the suspect possessed a knife and long metal tool and refused to drop these weapons. It was reasonable for the officers to use ERIWs and lethal cover in these circumstances. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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**SUMMARY OF ALLEGATIONS #1-2:** The officers used unnecessary or excessive force.

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

**FINDINGS OF FACT:** The complainant stated the named officers used excessive force when he was taken into custody. He stated he was punched in the face and suffered a dislocated shoulder.

Named officer #1 denied using excessive force, stating that during the complainant's warrant arrest the complainant refused to remove his hands from his pockets when he was initially ordered to do so and when the named officer attempted to gain control of the complainant's arm, the complainant flailed them and took a fighting stance. A very quick scuffle ensued between he, the complainant, and his partner, Named officer #2. During the scuffle, named officer #1 observed the complainant throw a punch and in response, named officer #1 punched the complainant in the face to gain control of him. The complainant then attempted to flee and named officer #1 tackled him to the ground. When the complainant was on the ground, his hands were underneath his body and he resisted orders to put his hands behind his back. Named officer #1 stated he placed pressure on the complainant's shoulder in an effort to pry the complainant's arms from underneath him so he could place him in handcuffs. After the complainant was handcuffed and seated in the patrol vehicle, the complainant complained of pain in his shoulder.

Named officer #2 denied using excessive force during the complainant's arrest. He stated when he and named officer #1 approached the complainant, they advised him that they were placing him under arrest. When they attempted to handcuff the complainant, he immediately resisted by flailing his arms and throwing a punch, which grazed named officer #2's cheek. Named officer #1 punched the complainant in the head to overcome the complainant's active resistance. The complainant subsequently attempted to flee and was tackled to the ground, which enabled the named officers to place the complainant in handcuffs without further incident.

Body worn camera footage corroborated the named officers' statements.

Department General Order 5.01 states that officers may use reasonable force to effect a lawful arrest, to overcome resistance or to prevent escape, in self-defense, and to gain compliance with a lawful order. Additionally, if a subject is showing active resistance, the use of personal body weapons may be used to gain advantage over the subject.

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

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**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to provide required information.

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

**FINDINGS OF FACT:** The complainant stated that when he was arrested by the named officers, they refused to tell him why he was being arrested.

The named officers stated they do not recall if they informed the complainant why he was being arrested. They stated it was possible they informed him in the ambulance or at the hospital, which are areas they are not permitted to have their body worn cameras activated due to privacy reasons.

Body worn camera footage showed the complainant during his arrest ask the named officers multiple times why he was being arrested, which went unanswered by the named officers. Neither officer had their BWC's activated while in the ambulance or the hospital while they were with the complainant.

The evidence failed to prove or disprove that the alleged conduct occurred.

**SUMMARY OF ALLEGATIONS #5-6:** The officers misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant alleged that the named officers made multiple false statements when they testified in court, including false claims of lack of memory.

The named officers stated they were truthful when they testified in court.

The Department of Police Accountability cannot prove by a preponderance of the evidence that the named officers were untruthful as their testimony was a matter of perception and an accounting of what occurred based upon their memory at the time they testified. No evidence exists to prove or disprove the veracity of the officers' claimed lack of memory.

The evidence failed to prove or disprove that the alleged conduct occurred.

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

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

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

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

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

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

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

San Francisco District Attorney's Office  
Independent Investigations Bureau  
350 Rhode Island Street, Suite 400N  
San Francisco, CA 94103

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

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

**FINDINGS OF FACT:** The complainant stated he was the victim of a battery. The complainant stated the investigating officers yelled at him and were rude. Specifically, the complainant stated the officers refused to allow him to place his hands in his pockets when he was cold and made fun of his poor English. When the complainant asked the named officer to check the security camera for footage of the crime, the named officer yelled that the complainant shouldn't tell him how to do his job.

The named officer stated he became frustrated with the complainant. He stated he did not believe the police should have been called to the scene. He did not think a crime had occurred. He admitted to calling the complainant's allegations completely silly and to saying the complainant might be racist. The named officer admitted he communicated his frustration to the complainant, but believes he was still respectful.

The body worn camera (BWC) footage shows the named officer told the complainant his allegations were completely silly, and the complainant may be racist. Additionally, the BWC shows the named officer telling other parties at the scene it is ridiculous the police were called.

Department General Order (DGO) 2.01 § 14, Public Courtesy, states in part: "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The named officer acknowledged he became frustrated with the complainant. Additionally, he admitted he communicated his frustration to the complainant. His comments on scene show his belief that police shouldn't have been called. Additionally, the named officer calling the complainant racist was inappropriate.

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.

**SUMMARY OF ALLEGATION #2:** The officer failed to write an incident report.

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

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**FINDINGS OF FACT:** The complainant stated he demanded to press charges against his alleged attackers. He asked for a police report several times. At the end of the incident, one suspect apologized to the complainant and he agreed to not press charges. However, he stated he still wanted a police report to document his incident with the remaining suspect.

The named officer stated he was responsible for drafting a police report. He admitted failing to prepare an incident report.

The BWC shows the complainant asked to press charges and for the officers to draft a police report several times. The officers agree, but the complainant withdraws his request to press charges when the suspect apologizes to him. However, the complainant still requests a police report to document the incident. The named officer tells him he does not need a report.

DGO 2.01 § 19, Equal Rank Responsibility, states, in part, “When two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.”

Department Bulletin (DB) 18-186, Clarification Regarding Reporting Requirements Under DGO 5.04 “Arrests by Private Persons” states, in part, “Whenever a private person summons an officer to take custody of an individual that the private person has arrested or **wants to arrest**, an officer shall...in all instances prepare an incident report. In those instances where a private person withdraws their request to arrest an individual, a member is still required to prepare an incident report. Members shall document their investigation in an incident report with any available information and document statements made by the private person indicating a withdrawn private persons arrest request.”

The named officer was the senior officer on scene. He had the responsibility to draft the incident report. He stated he did not draft an incident report because the complainant withdrew his request for an arrest. DB 18-186 requires officers to draft incident reports even when a request for an arrest is withdrawn.

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.

**SUMMARY OF ALLEGATION #3:** The officer exhibited inappropriate behavior and made inappropriate comments.

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

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**FINDINGS OF FACT:** The complainant stated both officers were rude to him. Specifically, he was offended when the named officer would not allow him to place his hands in his pockets for warmth.

The named officer stated he ordered the complainant to keep his hands in view. He stated it was for officer safety. He had not searched the complainant and did not know if he had weapons. This is a tactic he learned as an SFPD officer and he employs it nearly every day.

The BWC footage shows the named officer remained professional throughout the incident. He did not make any disrespectful comments toward the complainant. He did ask the complainant to keep his hands in view.

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

**SUMMARY OF ALLEGATION #4:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant alleges the officers refused to draft an incident report.

DPA's investigation established that the named officer's partner, the senior officer at the scene, was responsible for preparing the incident report.

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

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to comply with Department Bulletin 17-109.

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

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**FINDINGS OF FACT:** While investigating this complaint, the DPA found that the named officer attempted and failed to collect evidence from a security camera.

The named officer stated he attempted to collect security camera footage from the incident. When he tried to view the footage, it would not load. He stated he has no special training when it comes to collecting video evidence. He collected the contact information for someone with access to the security camera footage. He planned to document this information so an investigator could collect the footage later.

The BWC footage shows the named officer waits approximately two minutes for the footage to load before he stops attempting to collect the evidence.

DB 17-109, Booking Recording Device Evidence and Written Statements, states, in part: “Department members are required to check crime scenes and scenes of police action for video and/or audio recording device evidence. Upon locating the presence of video and/or audio recording devices, members should exercise all means reasonably necessary to acquire this critical evidence.”

The named officer waited for the security footage to load. After waiting a reasonable amount of time for the footage to load, he collected the contact information for an individual who had access to the footage.

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



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

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

**FINDINGS OF FACT:** The complainant stated the named officers detained him without justification.

The named officers stated they observed the complainant's vehicle cross over the white line from his lane of travel a violation of California Vehicle Code Section 21658(a). The first named officer stated he did not issue a citation to the complainant because he thought a verbal advisement was sufficient for the traffic violation he observed.

California Vehicle Code Section 21658(a) states: Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply: (a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

Body Worn Camera (BWC) footage shows that the officers approached the vehicle and immediately told the complainant the reason he had been stopped. The first named officer was courteous and professional when speaking to complainant, telling him, "... The reason I'm stopping you tonight is you were driving all over the place. You crossed over the white line."

The Computer Aided Dispatch record of the incident shows the officers reported the call as a traffic stop resulting in an advisement. The stop lasted less than five minutes, not extending beyond the time it took for the first named officer to run the complainant's name and driver's license.

The preponderance of the evidence shows that officers likely had probable cause to conduct a traffic stop of the complainant's vehicle.

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

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**SUMMARY OF ALLEGATIONS #3-4:** The officers knowingly engaged in biased policing or discrimination.

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

**FINDINGS OF FACT:** The complainant stated the named officers stopped his vehicle because he was a “black dude in the Tenderloin.”

The named officers were questioned pursuant to DPA’s Biased Policing Investigation Protocol. The named officers said the complainant was driving in an unsafe manner and they did not know the complainant’s race at the time they observed the violation. The named officers stated the complainant’s race and skin color was not a factor in their decision to stop the complainant’s vehicle. The first named officer stated he did not issue a citation to the complainant because he thought a verbal advisement was sufficient for the traffic violation he observed.

The Body Worn Camera (BWC) videos show no overt indications of bias on the part of the named officers. The named officers acted in a professional and courteous manner toward the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/19    **DATE OF COMPLETION:** 05/26/20    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer spoke and behaved in a manner unbecoming an officer

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

**FINDINGS OF FACT:** The complainant stated that her daughter was driving and was inadvertently caught in the middle of an aggressive mob of people during a large unsanctioned event. The complainant stated that her daughter spoke to SFPD officers who dismissed her concerns. Thereafter, the complainant followed up with a superior officer who the complainant believed lied to her and minimized her complaints.

The named officer denied being dismissive or minimizing the incident reported to him. He stated that he spoke to two women regarding an unsanctioned event. He stated that the first woman was upset with the event participants, 911 dispatchers, the officers' response time, and the officers' actions once they responded. He stated he attempted to investigate her complaint, but she was belligerent, unable to answer simple questions, and stormed out of the station before he was able to obtain facts about the incident. He stated that the first woman he spoke to appeared under the influence of alcohol. He stated the second woman was calm. He explained to her that the events were unsanctioned and not approved by the city.

There were no witnesses identified and there was no body worn camera footage.

DPA attempted to mediate this complaint. The parties agreed to participate, but scheduling was not achieved within the time limitations of Government Code section 3304.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/18/19      **DATE OF COMPLETION:** 05/01/20      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that he walked down the street, and the named officer pointed his middle figure at the complainant.

The named officer stated that he didn't have any type of verbal or nonverbal contact with the complainant and denied pointing his middle finger at the complainant.

Security video footage showed the complainant made a hand gesture towards the officer while walking down the street. The named officer was seated in a police vehicle, and his actions or lack of actions were not viewable by the security camera.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/22/19    **DATE OF COMPLETION:** 05/12/20    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-4:** The officers prepared an incomplete or inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant stated that she shared custody with her ex-partner and had concerns that he abused their child. The complainant stated that she spoke with SFPD officers on several occasions regarding her concerns, but that the officers did not accurately record her statements in their reports. The complainant outlined four separate occasions when she felt the police reports were incomplete.

The named officers denied they prepared an inaccurate and/or incomplete incident report, stating they included information given to them by the complainant in the police report, and also notified Child Protective Services and the Special Victims Unit, requested an Emergency Protective Order, conducted computer searches, included a timeline of events communicated to him by the complainant and listed information the complainant stated was missing. The officers also offered to call for a medical evaluation of the child, which the complainant declined.

Police records showed that the complainant's child abuse allegations were investigated by the SFPD Special Victims Unit for approximately three months, after which time it was determined that there was insufficient probable cause and evidence to proceed further with the case at that time.

Officers are not required to include every utterance communicated to them in an incident report. DPA reviewed the incident reports and the investigation notes and discovered that the complainant's concerns were well-documented and properly handled.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 07/22/19    DATE OF COMPLETION: 05/12/20    PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #5:** The officer behaved or spoke in a manner unbecoming an officer.

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

**FINDINGS OF FACT:** The complainant stated that when she was making a report of suspected child abuse to one officer, the named officer gave her a “dirty look” and made disparaging remarks about her to another officer.

The named officer denied giving the complainant a dirty look or making disparaging remarks.

There is no body worn camera footage available for this interaction.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/29/19      **DATE OF COMPLETION:** 05/08/20      **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant said that the named officer detained her without justification when he stopped her for playing music too loud.

The named officer stated the complainant was driving and playing loud music that could be heard over a block away. California Vehicle Code § 27007 states that “no driver of a vehicle shall operate, or permit the operation of, any sound amplification system which can be heard outside the vehicle from 50.”

The officer’s body worn camera shows the named officer approached the vehicle and told the complainant that he stopped her because her music was too loud. The named officer explained that he was not issuing a citation and repeated several times that he was trying to educate her on the rules.

The complainant never denied playing loud music.

The evidence indicates that the named officer likely had reasonable suspicion to stop the complainant’s vehicle based on the loud music.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/29/19      **DATE OF COMPLETION:** 05/08/20      **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #2:** The officer behaved or spoke in a manner unbecoming an officer.

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

**FINDINGS OF FACT:** The complainant stated the named officer screamed at her and pushed her cell phone away.

The named officer said his demeanor was professional. The named officer stated he did not scream or push the cell phone.

The officer's body worn camera corroborates the named officer's account. The video shows the complainant's cell phone was in her hand and inside the vehicle during the contact. The officer did not scream or push the phone away.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer told her that she could not take his photograph during a traffic stop.

The officer's bodyworn camera shows that the officer put his hand up and said that he does not like to be photographed.

The named officer's comment was inappropriate. As explained below, an officer may prevent a citizen from photographing them during their regular course of duties if the officer has a legitimate law enforcement purpose in doing so. A general preference not to be photographed is not a proper reason.

During the past 20 years, federal courts, including the Ninth Circuit, have recognized that the First Amendment protects an individual's right to photograph and record matters of public interest, *see Askins v. U.S. Dep't of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018), including activities of

police officers, *Fordyce v. City of Seattle*, 55 F.3d 436, 439 (9th Cir. 1995). Like all First Amendment claims, photographing the police is subject to reasonable time, place, and manner restrictions." *Turner v. Lieutenant Driver*, 848 F.3d 678, 688 (5th Cir. 2017) Those restrictions must be "narrowly tailored to



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**DATE OF COMPLAINT:** 07/29/19

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serve a significant governmental interest.” *Id.* (“We conclude that First Amendment principles, controlling authority, and persuasive precedent demonstrate that a First Amendment right to record the police does exist, subject only to reasonable time, place, and manner restrictions.”)

The San Francisco Police Department has failed to adequately issue a general order on the public’s right to record officers. General Order 5.07, titled “Rights of Onlookers” and last revised in 1995, does not provide enough guidance for officers, particularly in light of the legal developments over the last twenty years. The General Order incorrectly applies only to onlookers, does not reference the First Amendment, does not use the phrase “time, place, and manner restriction,” and does not provide examples of appropriate time, place, and manner restrictions.

The DPA finds that that the Department’s failure to adequately address this issue is likely the cause in fact of the officer believing he could decline the photograph. The officer could have ordered the suspect not to photograph him because, for example, traffic stops are inherently dangerous or, another example, the officer suspected the suspect was using the phone to call other people to come and interfere with the detention. But the officer’s personal preference is not a reasonable “time, place, or manner” restriction that is “narrowly tailored to serve a significant governmental interest.”

The DPA therefore finds the named officer’s comment improper and recommends that SFPD revise DGO 5.07 or issue a new General Order on the First Amendment Right to Record so officers have the tools they need to properly address these kinds of situations.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/09/19      **DATE OF COMPLETION:** 01/06/20      **PAGE# 1 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer lost his property that was taken from him at the time of his arrest. He stated his property was not returned to him once he was released from the County Jail.

Body worn camera (BWC) footage showed that the named officer did not handle the complainant's property at any time. The footage showed that the named officer's partner removed the complainant's property from his person at the time of his arrest and then bag and label his property at the County Jail.

Department General Order 6.15 (Property Processing) states in relevant part the officer who first receives or takes property is responsible for it until the items is processed as property for identification and is received at the district station.

The named officer did not handle the complainant's property and therefore is not responsible.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**SUMMARY OF ALLEGATION #2:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated the named officer lost his property that was taken from him at the time of his arrest. He stated his property was not returned to him once he was released from the County Jail.

Department General Order 6.15 (Property Processing) states in relevant part that the officer who first receives or takes property is responsible for it until the items is processed as property for identification and is received at the district station. It also states that when taking property from an arrestee, the officer

must complete a property receipt in duplicate and give the original to the arrestee, as well as place the arrestee property in an identification envelope or bag.

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**DATE OF COMPLAINT:** 08/09/19      **DATE OF COMPLETION:** 01/06/20      **PAGE# 2 of 4**

Body worn camera footage showed the named officer submit the complainant's property to the property desk at the station. After the property was inventoried by the officer at the front desk, the named officer collected said property, which consisted of a large paper bag and a large property envelope. The named officer then escorted the complainant and his property to the patrol vehicle. The complainant's property was placed in the vehicle's trunk. When the named officer arrived at the County Jail, she removed a large paper bag and a large property envelope from the trunk of the patrol vehicle. The named officer then transferred the contents of the large paper bag to a large clear plastic bag. The contents transferred to the clear plastic bag were consistent with the property inventoried at the station. The named officer labeled the clear plastic bag in large print with the complainant's first and last name.

Department records document that the complainant signed an Inmate Property Release Report which documented an inventory of his property removed from him at the time of his arrest. The property listed on the form included the property the complainant alleged was not returned to him when he was released from the County Jail.

The San Francisco Sheriff's Department property release form shows the property released to the complainant upon his departure from jail consisted of a sealed envelope and clothing.

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

**SUMMARY OF ALLEGATION #3:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated the named officer lost his property that was taken from him at the time of his arrest. He stated his property was not returned to him once he was released from the County Jail.

The named officer stated that the property he carried into the County Jail was the complainant's property consisting of a property envelope and a clear plastic bag. He stated the complainant's property was clearly labeled with the complainant's name, date of birth, and address.

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Body worn camera footage corroborated the named officer's statement.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to comply with DGO 10.11

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

**FINDINGS OF FACT:** The complaint stated the named officers did not activate their body worn cameras (BWC).

The DPA requested and received BWC footage for the named officers. The BWC footage showed the cameras were activated during their interaction with the complainant.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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

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

**FINDINGS OF FACT:** The complaint stated the named officer was rude to him when he accused him of "shitting" on the sidewalk and occupying a stolen vehicle.

BWC footage showed the named officer explain to the complainant that a neighbor complained about him "defecating" in the bushes and living in his vehicle for an extended period of time. The complainant did not listen and spoke over the named officer which caused the named officer to raise his voice. BWC footage did not show the named officer accuse the complainant of occupying a stolen vehicle.

The evidence proves that the conduct alleged did not occur.

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**DATE OF COMPLAINT:** 08/09/19      **DATE OF COMPLETION:** 01/06/20      **PAGE# 4 of 4**

**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 the DPA's jurisdiction. This complaint was partially referred to:

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

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

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

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

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

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**DATE OF COMPLAINT:** 08/9/19 **DATE OF COMPLETION:** 05/26/20 **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that he was detained without justification.

The first named officer stated that while on foot patrol he heard a loud verbal argument coming from a nearby store. A store employee told him that the complainant had a pistol in his pocket. The first named officer stated that he followed the complainant down the street and ultimately detained him.

The second named officer, the first named officer's partner, provided information that was consistent with and corroborated the first named officer's statements.

Both named officers stated that they had reasonable suspicion to detain the complainant based on the statement of the witness.

SFPD records reflected that the named officers were on foot patrol, heard a verbal dispute and responded to a store where the complainant and another individual were talking loudly and arguing with a store employee. The complainant and his companion exited the store and the store employee reported that the complainant had a handgun. The named officers followed the complainant and his companion as they walked to and entered a restaurant several doors down the street. The named officers pointed their firearms and ordered the complainant and his companion to show their hands.

SFPD Departmental General Order 5.03 states in relevant part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity."

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

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**DATE OF COMPLAINT:** 08/9/19 **DATE OF COMPLETION:** 05/26/20 **PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The complaint stated that he was handcuffed without justification.

The named officer stated that while on foot patrol he heard a loud verbal argument coming from a nearby store. He stated that a store employee told his partner that the complainant had a gun on his person and that he followed the complainant down the street, detained him and placed him in handcuffs. The named officer stated that he placed the complainant in handcuffs because he believed the complainant was illegally in possession of a firearm.

SFPD records reflected that the named officer and his partner were on foot patrol, heard a verbal dispute and responded to a store where the complainant and another individual were talking loudly and arguing with a store employee. The complainant and his companion exited the store and the store employee reported that the complainant had a handgun. Officers followed the complainant and his companion as they walked to and entered a restaurant several doors down the street. The named officer pointed his firearm at the complainant and issued orders with which the complainant did not immediately comply. The named officer placed the complainant in handcuffs without further incident.

SFPD Departmental General Order 5.01 authorizes handcuffing even when the detainee is compliant.

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

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

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**DATE OF COMPLAINT:** 08/9/19 **DATE OF COMPLETION:** 05/26/20 **PAGE# 3 of 3**

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

**FINDINGS OF FACT:** The complaint stated that he was arrested without justification.

The named officer stated that while on foot patrol he heard a loud verbal argument coming from a nearby store. A store employee told him that the complainant had a pistol in his pocket. The named officer stated that he followed the complainant down the street and based on witness statements, physical evidence and his observations, he had probable cause to arrest the complainant for illegally being in possession of a firearm. The named officer stated that he observed the complainant's companion take an object from the complainant and discard it into the rear of the store. During a search of the premises he located a firearm.

SFPD records reflected that the named officer and his partner were on foot patrol, heard a verbal dispute and responded to a store where the complainant and another individual were talking loudly and arguing with a store employee. The complainant and his companion exited the store and the store employee reported that the complainant had a handgun. Officers followed the complainant and his companion as they walked to and entered a restaurant several doors down the street. The named officer pointed his firearm at the complainant and his companion and ordered them to show their hands. The records reflected that the named officer observed the complainant's companion take an object from the complainant and discard it into the rear of the store. The named officer later located a firearm in this same area. Another officer conducted a cold show with the store employee who confirmed that the complainant was the individual in possession of a firearm.

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



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**DATE OF COMPLAINT:** 08/09/19    **DATE OF COMPLETION:** 05/29/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated she was exiting a retail store when she heard an officer tell a shoplifting suspect that “you’re going to get hurt if you talk to an officer like that.”

The named officer stated he was working as security inside a store when staff alerted him to a shoplifter. The officer stated he detained the suspect and obtained stolen merchandise. The officer also stated that he warned the suspect that he would arrest him for trespassing if he returned to the store. The named officer did not recall making the statement alleged by the complainant. The named officer described his demeanor toward the individual as “stern.”

The DPA could not locate the shoplifting suspect or other witnesses. The DPA could not locate any body worn camera footage of the incident.

The DPA did not find sufficient corroborating evidence to support a disciplinary action. The DPA therefore finds there is insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the named officer used profanity when speaking to a shoplifting suspect.

The named officer did not recall using profanity during the detention.

The DPA could not locate the shoplifting suspect or other witnesses. The DPA could not locate any body worn camera footage of the incident.

The DPA did not find sufficient corroborating evidence to support a disciplinary action. The DPA therefore finds there is insufficient evidence to prove or disprove the allegation.

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**DATE OF COMPLAINT:** 08/15/19      **DATE OF COMPLETION:** 05/28/20      **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant worked as an intern at San Francisco Public Defender's Office. The complainant reviewed a male's case who was arrested by named officer #1 for outstanding warrants. The male was brought to a police station where a strip search was authorized. The complainant said that during the strip search, officer #1 activated his body-worn camera footage, which captured the named officers using unnecessary force against the male, which resulted in a head injury to the male.

The arrested male failed to participate in the investigation.

The body-worn camera footage showed named officer #1 enter the cell with the male. A physical struggle ensued between officer #1, with officer #2 entering the room to assist. The footage does not capture clear footage due to the proximity of officer #1 and the male as they wrestle with each other. The footage does show that the male forces officer #2 down on a metal bench. During the struggle, all parties lose balance, and the male falls to the side, strikes his head on the metal bench, causing a cut to his eyebrow. The footage showed that the male was eventually restrained and handcuffed. The male can be seen bleeding from the cut but is talking to officers normally.

Security camera footage in the cell showed that as he entered the cell, the male reached into his underpants, took out several small plastic bags filled with an unknown substance, and tried to flush them down the cell toilet. Officer #1 can be seen grabbing hold of the male to try and prevent him from flushing the toilet. Officer #1 and the male wrestle each other, and officer #2 entered the cell to assist. The footage showed that officer #1 and #2 attempt to restrain the male, while the male fights the officers to try and flush the toilet. The officers managed to wrestle the male away from the toilet when male forces officer #2 down onto a metal bench. Officer #2 attempts to lift the male off his feet at the same time officer #1 is trying to pull the male away from officer #2. These acts caused all parties to fall sideways, and the male strikes his head on the metal bench, causing his head to bleed. The male was handcuffed and taken from the cell. Officer #2 can be seen recovering the small plastic bags from the floor and toilet.

Department records showed that the male was arrested for outstanding drug warrants. The male was seen by officer #1 to try and remove something from his groin area when the male was transported to the police station. A strip search was authorized, and the correct paperwork and authorization were obtained. The records showed that the male tried to flush several small bags of cocaine, heroin, and

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methamphetamine down the cell toilet before being searched by officers. Use of Force records showed that officers used physical control holds, and personal body weapons to overcome resistance, to prevent

the commission of an offense, in self-defense, and to gain compliance. The records showed the male suffered a cut to his forehead, was treated by paramedics, and taken to a hospital for treatment.

Department General Order 5.01, Section III A states, in part, "Officers may use reasonable force options in the performance of their duties, in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape. 3. To prevent the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order. 6. To prevent a person from injuring himself/herself."

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

The evidence showed the named officers had a lawful purpose to use force against the male and used appropriate force options. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated the named officer wrote an inaccurate police report about the incident. Specifically, the complainant said the report indicated that the male reached into his underpants, took out several small plastic bags filled with an unknown substance, and tried to flush them down the cell toilet. The complainant stated that he watched the body-worn camera footage and could not see the male reach into his underpants, throw bags, and attempt to flush the bags down the toilet.

The body-worn camera footage does not capture clear footage due to the proximity of officer #1 and the male as they wrestle with each other.

Security camera footage in the cell showed that as he entered the cell, the male reached into his underpants, took out several small plastic bags filled with an unknown substance, and tried to flush them down the cell toilet. Officer #1 can be seen grabbing hold of the male to try and prevent him from flushing the toilet. Officer #1 and the male wrestle each other, and another officer entered the cell to

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**DATE OF COMPLAINT:** 08/15/19      **DATE OF COMPLETION:** 05/28/20      **PAGE# 3 of 3**  
assist. The footage showed that the officers attempt to restrain the male, while the male fights the officers to try and flush the toilet. The male was handcuffed and taken from the cell. An officer can be seen recovering the small plastic bags from the floor and toilet. The police report authored by the named officer accurately summarizes the event captured on the security video.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/22/19      **DATE OF COMPLETION:** 05/04/20      **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that he was assaulted by a man while working residential construction and his case was not properly investigated.

The named officer stated that he responded to the scene regarding an assault. When he arrived, he spoke to the complainant who informed him that the man who assaulted had him, who the complainant did not know prior but believed he lived at the house across the street, fled in a pick-up truck prior to the officers' arrival. The named officer took the complainant's statement and spoke with a witness. He was provided a description of the man and his vehicle but neither the complainant nor witness knew the man's name, contact information, or license plate number. The named officer stated that an officer knocked on the door of the house where the man purportedly lived, but no one answered. He stated officers also looked for surveillance cameras with negative results and took photos of the complainant's face, though no visible injuries were seen. The named officer authored the initial incident report, which was subsequently approved by a supervisor and forwarded to investigations. The named officer did not know the name of the officer assigned to investigate the case.

A supplemental report indicated that different officers were called back to the scene months later because the witness to the assault saw the man. The officers made contact with the man and created a supplemental report providing the man's name, description, contact information, and vehicle description including license plate number. The supplemental report was forwarded to investigations.

The named officer's body-worn camera footage corroborated the investigative steps outlined in the initial incident report.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/22/19      **DATE OF COMPLETION:** 05/04/20      **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate or incomplete incident report

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

**FINDINGS OF FACT:** The complainant stated that he went to the district attorney's office and spoke with someone about obtaining a restraining order against the man who had assaulted him. He was informed that he could not file a restraining order because the man's name was not identified in the initial incident report.

The named officer stated that the man fled prior to their arrival. He obtained a description of the man and his vehicle but was not provided the man's name or license plate number. He stated he accurately reported all the information he had at the time in the initial incident report.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he went to Bayview Station to speak with the named officer to amend the report, but the named officer did not help him.

The named officer confirmed that he spoke with the complainant at the station regarding the status of the case but could not recall if he asked to amend the report.

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

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

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

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**FINDINGS OF FACT:** The complainant stated that his case was not properly investigated.

Both the initial incident report and supplemental report were forwarded to investigations. The supplemental report indicated that the case was forwarded to an identified officer on the investigations team. That officer denied that he was assigned to investigate the case. He stated he was transferred to another unit around the time of the incident and could not identify a supervisor who would have been responsible for assigning the case.

San Francisco Police Department records indicate that the officer was transferred from the unit shortly after the submission of the supplemental report. The DPA was unable to locate any records or evidence regarding who was responsible for assigning the case.

The identity of the alleged officer could not be established.

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**DATE OF COMPLAINT:** 08/22/19 **DATE OF COMPLETION:** 05/22/20 **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer used unauthorized force.

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

**FINDINGS OF FACT:** The complainant said that an officer used unnecessary force when he punched a handcuffed man in the head five to six times with a closed fist.

Officers were investigating a verbal argument and battery when one of the suspects began to fight with the officers. The suspect refused to sit down and would not stop walking away. The officers grabbed the suspect's wrists and ordered him to get on the ground. The officers also warned that they would use force if the suspect did not comply. The suspect responded by stiffening his body, telling the officers that he would not get on the ground, and demanding the officers let go of him. The officers then forced the suspect to the ground.

Once on the ground, the suspect resisted by kicking his legs, yelling, and moving around. After a brief struggle, the officers handcuffed the suspect, but the suspect continued yelling and moving. The named officer placed his knee on the suspect's upper back and shoulder to pin the suspect to the ground.

The named officer stated that he then felt pressure on his right leg and looked down to see the suspect grabbing his leg within inches of his firearm. The named officer believed that the suspect was trying to access his tool belt where he kept his firearm, a knife, and OC spray. The named officer stated that he delivered three strikes to the suspect's back and yelled at the suspect not to grab him.

The body worn cameras from the incident do not show if the suspect grabbed the named officer's leg. However, the body worn cameras corroborate the officer's testimony in several other ways. The body worn cameras show the named officer's leg close enough to the suspect's hands to be within grabbing distance. The body worn cameras show that the named officer struck the suspect two or three times in the torso. And the body worn cameras show the named officer yelling at the suspect "don't grab me" right after the strikes, which supports the officer's testimony that he struck the suspect in response to being grabbed.

Most importantly, the body worn cameras contradict the complainant's allegation that the officer struck the suspect in the head five to six times. The body worn cameras show that the named officer did not strike the suspect in the head and struck him two or three times rather than five or six.

The DPA did not identify any other witnesses.



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Department General Order 5.01, Use of Force, states in part:

**B. PHYSICAL CONTROLS/PERSONAL BODY WEAPONS.** Physical controls, such as control holds, takedowns, strikes with personal body weapons, and other weaponless techniques are designed to gain compliance of and/or control over uncooperative or resistant subjects.

1. **PURPOSE.** When a subject offers some degree of passive or active resistance to a lawful order, in addition to de-escalation techniques and appropriate communication skills, officers may use physical controls consistent with Department training to gain compliance. A subject's level of resistance and the threat posed by the subject are important factors in determining what type of physical controls or personal body weapons should be used.

**USE.** Officers shall consider the relative size and possible physical capabilities of the subject compared to the size, physical capabilities, skills, and experience of the officer. When faced with a situation that may necessitate the use of physical controls, officers shall consider requesting additional resources to the scene prior to making contact with the subject, if feasible. Different physical controls involve different levels of force and risk of injury to a subject or to an officer. Some physical controls may actually involve a greater risk of injury or pain to a subject than other force options.

The DPA finds that the suspect likely grabbed the named officer's leg near his firearm, and the force was therefore justified under Department General Order 5.01. The suspect had actively struggled with officers and made clear statements that he intended to resist further. The suspect also continued yelling at the officers throughout the encounter. It was therefore reasonable for the named officer to interpret the suspect grabbing his leg near his firearm as potential aggression and to respond with two or three body strikes. Notably, the suspect did not suffer serious bodily injury from the strikes.

The evidence proved that the act alleged in the complaint, occurred. However, such act was justified, lawful and proper.

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

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

**FINDINGS OF FACT:** The complainants stated they were in an ongoing dispute over the ownership of a martial arts gym. The complainants said they attended the gym when an altercation occurred with the other parties in the dispute, and the police were called. The complainants complained that the named officers arrived and pointed weapons at one of the complainants and did not do this with anyone else at the scene. The complainants admitted that the officers pointed weapons at the complainant who was holding pepper spray and a Taser at the time.

The named officers stated they were dispatched to an altercation with a suspect armed with a stun gun. Named officer #1 stated that when he arrived at the scene, a male was holding what appeared to be a stun gun. Officer #1 said he deployed his ERIW Less Lethal Shotgun, pointed the weapon at the suspect, and issued commands for the person to drop the weapon. The officer said that the person complied with all requests and was handcuffed without incident. Named officer #2 said that when he arrived on the scene, he drew his pistol as a cover officer and held the gun at the low ready position.

No other witnesses came forward.

Department records corroborated the officers' accounts.

Department of Emergency Management records showed that the officers were called to an "Aggressive Trespass" incident where the complainants had forced entry to the gym while in possession of a stun gun.

Body-worn camera footage corroborated the officers' accounts. The footage showed that the named officers attended the scene, and members of the public identified to the officers the complainant with the Taser. The footage showed that Officer #1 deployed the ERIW and pointed the weapon at the complainant while issuing commands. Officer #2 is captured, drawing his pistol and holding the gun pointed at the ground. The complainant complied with the commands and was handcuffed without incident.

Department General Order 5.02 Use of Firearms, Section I B2 states in part, "An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others."

Department General Order 5.01 Use of Force, Section E states, in part, "An Extended Range Impact

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Weapon (ERIW), such as a beanbag shotgun, is a weapon that fires a bean bag or other projectile designed to temporarily incapacitate a subject." Section E 1 states, in part, "The ERIW may be used on a subject who is armed with a weapon, other than a firearm, that could cause serious injury or death. This includes, but is not limited to, edged weapons and improvised weapons such as baseball bats, bricks, bottles, or other objects." Section E 2a states, in part, "An officer deploying an ERIW shall always have a lethal cover officer."

The evidence showed that the named officers had reasonable cause to deploy the ERIW and complied with department policy. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #3-6:** The officers failed to receive a private person arrest (citizen arrest.)

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

**FINDINGS OF FACT:** The complainants stated they asked the named officers to make arrests against two people. The first person was a male student at the gym who was involved in the altercation, and the girlfriend of the other party who the complainants stated was in breach of her restraining order. The complainants stated that the officers refused to make the arrests. The complainants provided copies of the restraining order.

The named officers stated that they investigated the incident. The officers said they spoke with both sides, with witnesses at the gym, reviewed cell phone footage from both parties, and reviewed the paperwork presented. The officers stated that the complainant's cell phone footage showed that the male student did not commit any assault or threats towards the complainants.

The officers stated that following the investigation, the complainant and the male student told officers they did not want to pursue any charges against each other. However, the complainants did want officers to arrest the girlfriend on the breach of the restraining order. The officers said they confirmed the restraining order was current. However, the officers said the complainants, the witnesses, and cell phone footage showed that the girlfriend was at the gym before the arrival of the complainants. The officers said that the cell phone footage provided from the complainants showed that the complainants started filming from down the street, approached the gym, entered the gym, and confronted the other parties, including the girlfriend, who were inside the gym. The complainants then accused the girlfriend of violating a

restraining order. The officers stated that they did not arrest the girlfriend as the complainants had voluntarily entered the gym seeking a confrontation. Therefore, the girlfriend did not breach the restraining order.

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No other witnesses came forward.

Body-worn camera footage corroborated the officers' accounts. The footage captured the complainants informing the officers that they did not want to pursue charges against the male student. The footage also captured the complainants informing the officers that the girlfriend was already present at the gym when they entered. Witness interviews captured by the footage confirmed that the girlfriend was at the gym when the complainants arrived.

The complainants were asked to provide the cell phone footage they took of the incident. The complainants have failed to provide the footage.

Department General Order 5.04, Arrests by Private Persons, lays out the procedures an officer must follow when a member of the public requests an officer arrest someone for a misdemeanor that was not committed in the presence of the officer.

Penal Code § 275.6 (a) states that any intentional and knowing violation of a protective order is a misdemeanor.

Penal Code § 836(a)(1) provides that arrests for misdemeanors, without a warrant, are only lawful if the conduct violating the law occurred in the presence of the police officer. This means that the officer must have personal knowledge that the offense was committed by seeing it, hearing it, smelling it, or feeling evidence of it. However, Penal Code § 836 has an exemption that an officer can arrest without a warrant for someone violating a restraining order.

The evidence showed that the complainants decided they did not want to male student arrested. Also, under the exemption to Penal Code § 836, the officers had the power to arrest the girlfriend. Therefore, Department General Order 5.04 was not relevant. The officers correctly determined that the girlfriend had not intentionally or knowingly violated the order.

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

**SUMMARY OF ALLEGATIONS #7-10:** The officers failed to write an Incident Report.

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

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**FINDINGS OF FACT:** The complainants stated that they requested the named officers write an incident report. The officers failed to do so.

The named officers stated that they conducted a thorough investigation and determined that there were no crimes to record on an Incident Report. The officers said they spoke with both sides, with witnesses at the gym, reviewed cell phone footage from both parties, and reviewed the paperwork presented. The officers stated that the complainant's cell phone footage showed that the male student did not commit any assault or threats towards the complainants. The officers said that the complainants, the witnesses, and cell phone footage showed that the girlfriend was at the gym before the arrival of the complainants. The officers said that the cell phone footage provided from the complainants showed that the complainants started filming from down the street, approached the gym, entered the gym, and confronted the other parties, including the girlfriend, who were inside the gym. The complainants then accused the girlfriend of violating a restraining order.

Body-worn camera footage corroborated the officers' accounts. The footage captured the complainants informing the officers that they did not want to pursue charges against the male student. The footage also captured the complainants informing the officers that the girlfriend was already present at the gym when they entered. Witness interviews captured by the footage confirmed that the girlfriend was at the gym when the complainants arrived.

Department General Order 1.03 Duties of Patrol Officer, Section I 5d states, in part, that officers should, "Make written reports on crimes observed or brought to their attention that have not been previously reported."

The preponderance of the evidence shows that the officers investigated the incident and correctly concluded that no crimes had been committed that should be recorded in an Incident Report. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #11-14:** The officers engaged in unequal treatment.

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

**FINDINGS OF FACT:** The complainants stated that the named officers engaged in unequal treatment because the officers believed the other party's account of the incident. The complainants said that the other party was well connected with law enforcement.

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The named officers stated that they did not know of any connection between the other party and law enforcement. Officer #2 described receiving a call from a Lieutenant who updated the officer on the ongoing dispute over the ownership of the gym. Officer #2 could not remember the name of the Lieutenant and did not know what relationship the Lieutenant had with the gym. The officers denied treating the complainants unequally. They stated that the decisions taken were based on the evidence they collected during their investigation.

No other witnesses came forward.

Body-worn camera footage showed that the officers treated all parties involved in the incident with the same professionalism. The officers questioned all involved, reviewed the documents provided by both sides, reviewed the cell phone footage offered by both sides, and relayed the differing accounts to all parties. The footage captured the conversation between Officer #2 and the Lieutenant on the phone, although the footage only captured Officer # 2's side of the conversation. The conversation was about the ongoing ownership issue of the gym.

The evidence showed that the act alleged did not occur.

**SUMMARY OF ALLEGATIONS #15-18:** The officer behaved or spoke inappropriately.

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

**FINDINGS OF FACT:** The complainants stated that the officers were rude.

The named officers denied being rude to the complainants. They said they treated the complainants with respect and professionalism. Body-worn camera footage showed that the officers did not behave or speak rudely to the complainants or the other parties in the incident. The evidence showed that the act alleged did not occur.

**SUMMARY OF ALLEGATIONS #19-22:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainants stated that they asked the officers to escort them to their vehicle because they were afraid. However, the officers refused to escort them.

The named officers stated that they did not recall the complainants ask for an escort. Officer #1 stated that the complainants said they would get an Uber to their vehicle.

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Body-worn camera footage showed that the complainants did say they were concerned about walking to their vehicle and might need officers to escort them. Officer #4 said he would walk around the block with the complainants, but then the complainants said they would get an Uber instead. The footage captured that the officers then spoke to the other party and told them to go inside the gym as the complainants were going to walk past. Officer #1 and #3 went inside the gym to make sure the other parties stayed inside. Officer # 2 and Officer #4 walked the complainants down the street past the gym before the officers returned to the gym location.

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

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

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

**FINDINGS OF FACT:** The complainant stated in a mail-in complaint that her disabled adult daughter told her an unknown officer beat her with a “billy club” and slapped her in the face at the station following an arrest. The complainant said she was not present when the incident occurred. The complainant declined to give a recorded statement and would not allow her daughter to speak to the DPA.

The complainant’s daughter did not respond to requests for an interview.

The DPA searched SFPD records for the daughter’s name. The search did not locate any relevant records.

The DPA cannot issue a finding because it cannot identify a specific incident or involved officer.

**SUMMARY OF ALLEGATION #2:** The officer arrested a person without cause.

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

**FINDINGS OF FACT:** The complainant stated in a mail-in complaint that her disabled adult daughter told her she was arrested without cause for pulling a fire alarm. The complainant stated she was not present when the alleged incident occurred. The complainant declined to give a recorded statement and would not allow her daughter to speak to the DPA.

The complainant’s daughter did not respond to requests for an interview.

The DPA searched SFPD arrest records for the specific date and time, and the DPA searched Department records for the daughter’s name. The search did not locate any relevant records.

The DPA cannot issue a finding because it cannot identify a specific incident or involved officer.



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

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

**FINDINGS OF FACT:** The complainant stated in a mail-in complaint that her disabled adult daughter told her that an unknown officer threatened her daughter during an arrest that she would be placed under a “psychiatric hold” if she reported the incident. The complainant stated she was not present when the alleged incident occurred. The complainant declined to give a recorded statement and would not allow her daughter to speak to the DPA.

The complainant’s daughter did not respond to requests for an interview.

The DPA searched SFPD arrest records for the specific date and time, and the DPA searched Department records for the daughter’s name. The search did not locate any relevant records.

The DPA cannot issue a finding because it cannot identify a specific incident or involved officer.

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**SUMMARY OF ALLEGATION #1:** The officer conducted an improper search or seizure.

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

**FINDINGS OF FACT:** The complainant stated that the named officer pounded on her door, demanded that she open it, and stated that he had a search warrant. The complainant asked the named officer to see the warrant, but he refused. The named officer flung the complainant's front door open and entered her residence.

The named officer stated he obtained a search warrant to search the complainant's residence in relation to a homicide investigation.

The DPA obtained a copy of the search warrant related to this incident. The search warrant was signed by a judge and dated one day before the search on the complainant's residence.

The named officer's entry and search was authorized by a valid search warrant.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer entered her residence and twisted her right wrist causing her pain. The complainant asked the officer, "why are you grabbing me?" The named officer responded by applying more pressure to her wrist. The complainant told the officer that he was hurting her.

The named officer stated that he grabbed the complainant's wrist in order to detain her while they secured the residence. He stated that he rotated her wrist in order to gain control as she was being uncooperative. The named officer denied that he applied additional pressure. He denied that the complainant stated that she was in pain from the hold of her wrist and referred to his body worn camera footage of the incident.

The DPA obtained a copy of the named officer's supplemental incident report related to the incident. The named officer's narrative is consistent with the responses he provided in his member response form. The

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DPA also obtained a copy of the named officer's and witness officers' body worn camera footage of the incident. The footage shows the named officer grabbing the complainant's right wrist with his right hand after she repeatedly refused to let them into her residence and then continued to block their movement once they entered. The complainant repeatedly told the officer to let go but did not complain of pain.

Clear video evidence showed the named officer put the complainant's wrist in a control hold to overcome resistance. Video evidence disputed the complainant's allegation that she complained of pain while he was using the hold or thereafter.

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

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

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

**FINDINGS OF FACT:** The complainant stated that she requested the named officer show her a copy of the search warrant before she let him in. The named officer refused and entered her residence. The complainant was shown a copy of the warrant only after officers had already entered.

The named officer admitted that he did not show her a copy of the search warrant prior to entering the residence. The named officer stated that he is not required by law to do so. He cited the Alameda County District Attorney California Criminal Investigation Manual which states, "After the premises have been secured, officers will ordinarily show a copy of the warrant."

The body worn camera footage shows the complainant refusing to let the officers into the residence until she saw a copy of the search warrant. The officers inform her that they are not required to show her a copy of the warrant right away and asked her multiple times to open the door. She refused. The named officer opened her door and entered. Shortly after, the footage shows another officer on scene showing the complainant a copy of the search warrant.

The named officer was not required by law to show the complainant a copy of the search warrant.

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

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**SUMMARY OF ALLEGATION #4:** The officer behaved or spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the named officer shouted at her during the incident.

The named officer denied the allegation.

The body worn camera footage does not show the named officer shouting at the complainant at any point during the incident.

The evidence showed that the allegation did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that he was in an ongoing dispute over the ownership of a gym business. In 2018, the complainant said that he was held against his will inside the gym premises by the other party and gym students. The complainant called the police, and the named officers responded to the scene. The complainant stated that the officers failed to properly investigate the incident as they concluded that the situation was civil, not criminal.

The named officers stated that they followed standard investigative protocol when they attended the incident. The officers said that they interviewed multiple persons at the scene who informed them of civil issues and of previously reported criminal issues between owners of the gym. The officers stated that they did not recall anyone at the incident reporting new criminal allegations. The officers said that they checked the police computer systems and discovered that the complainant had filed an incident report at the police station 40 minutes before the call for service at the gym. The officers said that no new information or evidence was gathered during the incident.

No other witnesses came forward. The body-worn camera footage has been deleted due to the 3-month retention policy.

Department records showed that the complainant had filed an incident report 40 minutes before the incident at the gym. The incident report alleged that the other party made Facebook threats against the complainant. The Facebook post in question was of the other party posing with firearms and making generic statements about protecting loved ones. The complainant was not named. The records also showed an incident report had been filed by the other party against the complainant for embezzlement two days before the incident occurred.

Department of Emergency Management records and audio recordings showed that a member of the gym was the reporting person for the incident, not the complainant. The call audio revealed that the reporting person called for police attendance because the complainant had come to the gym and was threatening the other party.

The evidence failed to prove or disprove that the alleged conduct occurred.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers failed to write an incident report recording the crime of false imprisonment committed by the other party.

The named officers stated that they checked the police computer systems and discovered that the complainant had filed an incident report at the police station 40 minutes before the call for service at the gym. The officers said that no new information or evidence was gathered during the incident. The officers stated that they did not recall anyone at the incident reporting new criminal allegations.

No other witnesses came forward.

The Body-worn camera footage has been deleted due to the 3-month retention policy.

Department records showed that the complainant had filed an incident report 40 minutes before the incident at the gym. The documents also showed that the complainant did file a false imprisonment incident report at a police station about one month after the incident occurred.

Department General Order 1.03 Duties of Patrol Officers, I 5(d) states, in part, "Make written reports on crimes observed or brought to their attention that have not been previously reported."

The evidence failed to prove or disprove that the alleged conduct occurred.

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**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated that he requested that the named officers arrest the other party for false imprisonment.

The named officers stated they did not recall anyone at the scene request an arrest. The officers said they did not arrest anyone as there was no probable cause to make any arrests, and the pending incident reports required further investigation by the Investigative Unit. All parties were advised to follow up with the appropriate investigators.

No other witnesses came forward.

The body-worn camera footage has been deleted due to the 3-month retention policy.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/17/19      **DATE OF COMPLETION:** 05/06/20      **PAGE# 4 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers threatened to arrest him.

The named officers stated that they did not make any threats to arrest any person involved in the incident.

No other witnesses came forward.

The Body-worn camera footage has been deleted due to the 3-month retention policy.

The evidence failed to prove or disprove that the alleged conduct occurred.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/19/19    DATE OF COMPLETION: 05/12/20    PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer failed to properly care for, or monitor, a person in custody.

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

**FINDINGS OF FACT:** The complainant stated that he left a bar and fell asleep outside, as he wasn't feeling well due to health issues. The complainant's friend assisted him. As they were walking home they were stopped by police. The complainant stated the named officer told him he saw him urinate in public and informed him that he was issuing a citation for the offense. The complainant refused to sign the citation and was arrested and transferred to county jail. The complainant stated that while in custody he urinated on himself because his diabetes was "acting up" and his bladder was full. The complainant stated that he did not inform the named officer of his diabetic condition, but maintained that he urinated on himself because the named officer did not properly care for him while he was in custody.

The named officer stated he was on patrol and observed the complainant laying down on some stairs. The complainant was accompanied by a friend who informed the named officer that the complainant was drunk. The named officer advised the complainant's friend to get the complainant home. A short while later the named officer observed the complainant with his belt undone, attempting to stand and appearing to urinate on a building. The named officer stated the complainant showed signs of intoxication, denied urinating on the building, and refused to sign a citation for public urination. The named officer stated that he transported the complainant to county jail and while in the secured entryway of the county jail the complainant stated that he had to urinate and was going to urinate on himself. The named officer told the complainant not to do so and advised the complainant that while no facilities were immediately available, they were five minutes away from a holding cell that contained a toilet. The named officer stated that the complainant proceeded to purposely urinate on himself despite the information he provided. The named officer stated that the complainant never informed him that he was a diabetic. In addition, the named officer stated he can tell the difference between alcohol intoxication and diabetic symptoms as he is a licensed paramedic, has treated numerous diabetic patients during his career and has received in-depth training regarding the signs and symptoms of diabetes.

Body-worn camera footage showed the complainant sitting on a curb and the named officer tell the complainant he is being issued a citation for urinating in public. The complainant refused to sign the citation while speaking in slurred speech. The complainant was handcuffed and placed in a patrol vehicle. Body-worn camera footage also showed the named officer promptly transport the complainant to county

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/19/19    DATE OF COMPLETION: 05/12/20    PAGE# 2 of 2**

jail. Body-worn camera footage concluded upon arrival to the county jail. Body-worn camera footage did not reveal the complainant state, at the scene of the incident, or during transport to the county jail, that he has a diabetic condition, that he needed to urinate, or that he was going to urinate on himself.

The evidence proved that the conduct alleged did not occur.

**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 the DPA's jurisdiction. This complaint was partially referred to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/19    **DATE OF COMPLETION:** 05/27/20    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer's discourteous behavior was due to the complainant's race.

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

**FINDINGS OF FACT:** The complainant stated officers came to her house looking for a family member, who was on probation. Officers searched her home and other property with permission, but the named officer did not properly communicate what was happening. The complainant perceived the named officer as arrogant and rude and that the treatment she received from the named officer was due to her race.

The named officer denied the allegation, stating he was professional and calm during the incident. He felt he was respectful and treated the complainant's property with respect. The named officer received biased policing, communication, and sensitivity training. He also stated that the victim involved in the incident he was investigating involving the complainant's family member was also African American.

The BWC footage showed that the named officer maintained an even tone during the entire incident and explained what he was there to do. The complainant was cooperative. The complainant and another relative were not familiar with the laws and legal rights related to a probation search and what their rights were and as such they were concerned and asking a lot of questions, which were ultimately answered during the incident. The footage also captured the named officer make a comment to the complainant's family member that was concerning but did not rise to the level of misconduct. Other than that comment, the named officer behaved appropriately. The complainant and named officer attempted to mediate the complainant's concerns regarding the named officer's behavior and attitude toward her. The named officer listened to the complainant's concerns and agreed to disagree.

Department General Order 5.17 provides a guide for officers to follow, in an effort to prevent perceptions of biased law enforcement. Officers should be courteous and professional, provide an explanation for the detention, ensure the detention is no longer than necessary, answer questions the person may have, and provide his or her star number.

Based on the totality of the circumstances, the evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/19 **DATE OF COMPLETION:** 05/12/20 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that she was riding her bicycle on Market Street when an officer's vehicle swerved in the bicycle lane. The officer's actions almost caused a traffic accident with the complainant's bike.

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.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/20    **DATE OF COMPLETION:** 05/07/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that several police officers refused to allow her to enter the San Francisco International Airport. The complainant stated that she wanted to enter the airport in order to sit inside, charge her phone and find a ride to another city. The complainant also stated that officers put her on a bus with homeless people, which traumatized and offended her.

The DPA contacted a list of SFO patrol officers who were in the area during the incident. The officers stated they did not recall having any contact with the complainant. The officers stated there are posted signs at the entrance to the airport that explain restricted hours of entry for travelers and restrict entry by unauthorized or unticketed persons. The officers stated between the hours of 10 p.m. and 6 a.m., a person seeking entry into the airport must demonstrate a legitimate business reason to be there. The officers also stated unauthorized entry into the airport is trespassing in violation of Penal Code 602(q). The officers stated there are transportation options such as rideshares, shuttles, taxis, and limousines for the public to take when turned away from the airport, and that bus tokens are provided to those who need them.

The DPA sent officer identification polls to the District Station but no officers identified themselves as having interacted with the complainant.

The DPA could not identify any other witnesses.

The DPA could not identify a specific incident or involved officer and cannot therefore issue any finding.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/9/19    **DATE OF COMPLETION:** 05/26/20    **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 stated that the named officer was driving behind him and activated his emergency lights. The complainant stated that he believed he was being pulled over and made an illegal turn in order to do so. The named officer then issued a citation to the complainant for the turn. The complainant stated that the officer inappropriately issued him a citation.

The named officer stated that he was not on duty on the date referenced by the complainant and did not issue any citations that day.

DPA was unable to locate a record of the traffic stop. When DPA contacted the complainant seeking additional information, the complainant requested that his case be closed.

The complainant requested a withdrawal of the complaint.

**COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/15/19      **DATE OF COMPLETION:** 05/20/20      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated she called 911 multiple times and went to a police station to request officers come to a navigation center and enforce restraining orders against employees of the center. She stated that officers did not respond to the residence and that she waited a long time before receiving a case number. The complainant could not identify the officers.

Department records revealed no evidence of any interaction with the complainant.

No other witnesses were identified.

The DPA could not identify any officers, could not find evidence of any visit to a station, and could not find evidence of any 911 call.

The DPA concludes that the incident likely did not occur.

**SUMMARY OF ALLEGATION #2:** The partial 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 was partially referred to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/16/19    **DATE OF COMPLETION:** 05/20/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated she went to a police facility to obtain a release for her towed vehicle and the named officer was disrespectful and rude in his tone and delivery when speaking to the complainant.

The alleged conduct, even if true, shows a minor, verbal back and forth between two people and does not rise to the level of misconduct.

The named officer stated he has no recollection of a contact with the complainant. The named officer stated that he is professional with all members of the public.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/19    **DATE OF COMPLETION:** 05/19/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that she is a disabled person and drove to the police station to file another complaint. She said that she could not park at the only disabled parking bay in front of the station because it was occupied by a patrol vehicle. The complainant parked elsewhere, walked into the station, and asked the named officers to move the police car. The complainant provided a video of the patrol vehicle parked in the disabled bay and the named officers moving the car from the spot.

Named officer #1 stated that he recalled the incident, but he did not park the vehicle there and did not remember which officer did. Officer #1 said that when he was asked to move the car, he was assisting the station keeper with his custody's intake and inventory. Officer #1 explained that a disabled prisoner with a wheelchair was in custody at the police station. The prisoner had indicated that he might need to use the wheelchair area next to the accessible parking spot when released. Officer #1 said the patrol vehicle was moved to the disabled bay to accommodate the custody's mobility issue.

Named officer #2 does not recall who moved the patrol vehicle to the accessible parking spot but confirmed that the station custody had a disabled prisoner with a wheelchair. Officer #2 provided an incident report number for the case.

Department records confirmed that officers transported a prisoner with a wheelchair to the station.

A preponderance of the evidence proved that the named officers had a reasonable need to park the patrol vehicle at the accessible parking spot because their custody was a disabled person.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/24/19 **DATE OF COMPLETION:** 05/01/20 **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** C U O **FINDING:** N F **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/19    **DATE OF COMPLETION:** 05/20/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated in a phone message left on the DPA answering service that an officer at a police station argued with him about filing an incident report. The complainant did not respond to DPA's attempts to contact him for further information.

Department records of contacts with the complainant revealed no contacts on the date and time that the complainant provided in his initial statement. No witnesses were identified.

The DPA cannot issue a finding because it cannot identify a specific incident or officer.

**SUMMARY OF ALLEGATION #2:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant stated in a phone message left on the DPA answering service that an officer at a police station argued with him about filing an incident report. The complainant did not respond to DPA's attempts to contact him for further information.

Department records of contacts with the complainant revealed no contacts on the date and time that he provided in his initial statement. No witnesses were identified.

The complainant did not provide additional requested evidence.

The DPA cannot issue a finding because it cannot identify a specific incident or officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/06/19 **DATE OF COMPLETION:** 05/13/20 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer made materially false statements in an incident report.

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

**FINDINGS OF FACT:** The complainant said video footage from a surveillance camera demonstrates that an officer made false statements in an incident report.

The surveillance footage substantially matches the incident report. There is a discrepancy about whether the officer activated his lights or flashed his headlights before the traffic stop, but the discrepancy is not material to the grounds for the detention, and the timing is sufficiently close that it is insufficient to constitute a materially false statement.

The DPA is concerned about the discrepancy and has noted it, but there is insufficient evidence to constitute misconduct for a materially false statement.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer detained an individual unlawfully.

This allegation was already resolved by mediation in a separate case involving the same incident.

**SUMMARY OF ALLEGATION #3:** The officer failed to issue a Certificate of Release form.

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

**FINDINGS OF FACT:** The complainant stated that the named officer released a detainee at the scene of a traffic stop without issuing a certificate of release form.

Video of the incident shows the detainee at the scene of a traffic stop. The detainee exits the vehicle on his own, walks around the scene, and walks away with bystanders when police leave the scene.

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**DATE OF COMPLAINT:** 11/06/19 **DATE OF COMPLETION:** 05/13/20 **PAGE# 2 of 3**

Department General Order 5.03, Investigative Detentions, II.A, states that, “[i]f you briefly detain a person where you stop him/her, or move a person a short distance for safety, convenience, or privacy, the person is not considered arrested or taken into custody. When releasing the person, you need not issue a Certificate of Release ... .”

The video shows that the detention was sufficiently minor that it did not require a certificate of release. The evidence proves that the alleged conduct occurred, but it was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that a detainee at a traffic stop was released in an area of a rival gang’s territory, placing the detainee in harm.

The named officer stated in his incident report that he detained a passenger in a vehicle that was stopped for an investigative stop due to improper license plates. The named officer stated in his incident report that he recognized the driver and passenger as associates of a street gang, and that they were in a rival gang’s territory. The named officer transported the driver and another officer drove the driver’s vehicle back to a police station to complete a probation search of the vehicle, stating that a hostile crowd had formed at the scene. The passenger was released after a brief detention.

Surveillance video footage submitted by the complainant shows the detainee exiting the car after the traffic stop, walking about the scene on his own, and standing with other bystanders while the driver was handcuffed and transported from the scene. The video does not show the detainee in any distress or concern about being in the location. Furthermore, the detainee was driving in the area, undermining the claim that it was dangerous for him to be there.

There is no Department General Order or Bulletin that requires officers to transport detainees out of a rival gang’s territory after a lawful detention. The 14th Amendment’s due process clause forbids reckless disregard for a detainee’s safety, but the claim requires a particular, specific risk of harm; generalized concern for a rival gang is not sufficient.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/06/19 **DATE OF COMPLETION:** 05/13/20 **PAGE# 3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer failed to verify if a detainee was on probation and if he had a search condition attached to his probation.

The investigation of this allegation was already concluded by mediation in a separate case involving the same incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/05/19    **DATE OF COMPLETION:** 05/26/20    **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that he was riding his bicycle down to work on the bicycle lane, and a street cleaning truck was driving several feet in front of him. He moved out of the bicycle lane into the car lane and stayed in there for a while. The complainant stated that a vehicle then hit him from the left, and he fell off his bicycle. He then called 911 to report the accident. The complainant-bicyclist complained that the traffic collision report was inaccurate. He stated he did not tell the officer that he hit the car and caused the accident; however, it was written as such in the traffic collision report. The complainant stated he did not swerve or tell the officer that he swerved. He also complained that his bicycle was not rideable after the incident. The report noted that the driver was the one who called 911.

The named officer stated the complainant said on the scene that he moved suddenly to avoid the street cleaner and collided with the car. The driver told the officer that she was going the same direction on the same road in the left lane, heard a noise, and noticed the bicyclist lying on the street. Moreover, the officer said the driver told him or another officer that she called 911.

A witness driving behind the two parties confirmed that the driver was driving in the left lane, and the bicyclist swerved to get around a street cleaner and made contact with the vehicle. The officer said he inspected the bicycle for damages and noticed some scuff marks to the left handlebar grip and left side of the seat, but the bicycle was rideable at the time. He said that the report was accurate and based on the information he gathered from all parties on the scene. Although the complainant did not say that he caused the accident, that was the officer's determination based upon the evidence gathered and statements provided.

The Traffic Collision Report showed that the bicycle had some scuff marks on the left of the vehicle and was rideable. The report indicated that the driver called 911 to report that the complainant-bicyclist swerved to the left, out of the bicycle lane, to avoid a street cleaner and made contact with the vehicle. Other department records showed that the complainant made a 911 call to the police.

Body-worn camera footage showed that the named officer interviewed the driver who told him that she was driving in the far left car lane when the bicycle hit her. Body-worn camera footage of the named officer's partner showed that the complainant told him that he was in the left car lane when he was hit by the car after pulling out left to avoid the street cleaner seconds later. The footage showed that the named officer's partner examined the bicycle. There was no significant damage to it, and the officer moved the bicycle freely.

Witness #1, the driver, confirmed that she was on the left lane when the accident happened. A cleaning truck was blocking the bicycle lane, and then she heard a sound of impact. She stopped her car and saw

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 11/05/19    DATE OF COMPLETION: 05/26/20    PAGE# 2 of 2**

the bicyclist on the floor and went over to check on him. She said she did not call 911 but the complainant did.

Witness #2 was driving behind the two parties who stated that the driver was on the left lane first, and then the bicycle moved to the car lane to avoid the cleaning truck. He said the bicyclist swung out far from the bicycle lane and then hit the vehicle.

The evidence showed that the complainant did not tell the named officer that he caused the accident. However, based on the accounts of all the involved parties, the named officer appropriately concluded that the complainant swerved into the car lane to avoid the cleaning truck on the bike lane, which ultimately caused the accident. The evidence also proved that the bicycle was still rideable at the time after the accident. Although the report showed that the officer mistakenly wrote that the driver, and not the complainant called 911, this minor mistake does not rise to the level of disciplinary action.

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



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**DATE OF COMPLAINT:** 11/4/19    **DATE OF COMPLETION:** 05/27/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that he was not issued a property release document and was unable to obtain his property since being released from custody.

Department General Order 6.15 states that the decision to release the property must be based on facts in the case, the advice of the Investigation Bureau, the jeopardy to prosecute, and the real and urgent need of the owner.

Police records showed that the complainant was suspected of trespassing at his employer's residence. SFPD was called and the complainant left. The complainant left property behind and SFPD recovered the complainant's property and booked it as evidence.

The named officer stated that he would sign a property release form and leave it at the district station for the complainant, because the criminal case was closed.

The complainant picked up the property release form and retrieved his property.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/18/19      **DATE OF COMPLETION:** 05/01/20      **PAGE# 1 of 2**

**SUMMARY OF ALLEGATIONS #1-2:** The officers used unnecessary or excessive force.

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

**FINDINGS OF FACT:** An anonymous complainant left a voicemail with the Police Department and stated that officers were outside her house and harassing people over a family dispute. Specifically, that officers had body-slammed someone to the ground. Internal Affairs officers called back the phone number used by the anonymous complainant to obtain more information. The call was recorded, and the owner of the phone number denied making the call and had no knowledge of the incident. The case was passed to the Department of Police Accountability for further investigation.

The telephone number owner failed to respond to attempts of contact.

Department of Emergency Management records showed that the named officers responded to a domestic dispute at the location and time of the anonymous complaint. The reporting party was a father who said his son was kicking his front door and was yelling threats.

Police Department records showed that the named officers responded to a domestic dispute at the location and time of the anonymous complaint. Other officers had been called out two previous times in the past hours by a father who requested police assistance with his son, who was acting aggressively towards the father and was trying to get into the father's house.

Police Department records showed that the father told the officers that his son was on crystal meth. The named officers approached the son and determined that he was intoxicated and was not capable of looking after himself. The documents recorded that the named officers detained the son for public intoxication. The son resisted officers, tried to escape, and tried to bite the officers repeatedly. The officers took the son to the ground and handcuffed him. The records showed that the officers recorded the force in the correct "Use of Force" forms. The forms showed that the officer used force to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; in defense of others or in self-defense; to gain compliance with a lawful order.

Body-worn camera footage of the named officers corroborated the Department documents. The BWC footage showed the officers approached the son and attempted to deescalate the situation using verbal communication. The footage showed that the son was intoxicated. When the officers detained the son, the

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 11/18/19      **DATE OF COMPLETION:** 05/01/20      **PAGE# 2 of 2**  
son actively resisted, and tried to bite the officers. The officers took the son to the ground and handcuffed him.

The father and the son failed to respond to attempts to contact them. No other witnesses were found.

Department General Order 5.01 Use of Force, III A states, in part, “Officers may use reasonable force options in the performance of their duties, in the following circumstances: 1. To effect a lawful arrest, detention, or search; 2. To overcome resistance or to prevent escape...; 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order.”

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

The documentary and video evidence showed that the named officers attended a domestic dispute call and were justified in using a takedown technique. The complainant and the parties involved in the dispute have failed to come forward to assist the investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/21/19    **DATE OF COMPLETION:** 05/26/20    **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant said that she had ongoing neighbor issues where two incident reports were filed, with one filed by the neighbor against the complainant, and the other filed by the complainant against the neighbor. The complainant stated that she spoke with the named officer on the phone about her problems with two incident reports. The complainant told the officer that the two incident reports are both property damage, but titled differently. This, in the complainant's opinion, resulted in one weighed more than the other. She also talked about an unserved restraining order with the named officer. The complainant stated that she raised her voice while speaking. She told the DPA that her chief complaint was that the named officer was not cooperative, yelled at her over the phone, and looked for excuses to cover the officer's mistakes.

The named officer stated that she recalled having a phone conversation with a female on the incident. However, she did not recall the specifics about the phone call, other than the complainant seemed agitated and was yelling. The named officer stated that she professionally conducted herself when communicating with the public and did not recall yelling at the complainant.

There were no department records that capture any phone conversations regarding the incidents. The incident reports indicate that they were titled differently and were written by two different officers almost a year apart from each other. One incident indicates that the property damage could be accidental, while the other incident shows that the property damage could have been intentional.

No witnesses were identified.

The evidence gathered is not sufficient to prove or disprove that the named officer was not cooperating or rude to the complainant. Also, there was insufficient evidence to prove that the named officer attempted to cover for any of the reporting officers' mistakes.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/21/19    **DATE OF COMPLETION:** 05/26/20    **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that towards the end of the phone conversation, she told the named officer that she would complain to the DPA. She said the named officer told her that the officer knew the complainant had complained before. The complainant believed that was why the named officer retaliated and was uncooperative.

The named officer stated that she did not recall the conversations or specifics of the call. She denied knowing that the complainant had filed a complaint with the DPA before or that she was uncooperative in retaliation because of the past complaints. The named officer also denied that her actions were affected by any previous complaints.

There are no department records that indicate whether the named officer knew that the complainant had filed any complaints before.

No witnesses were identified.

The evidence collected is insufficient to prove or disprove that the named officer retaliated because she knew that the complainant had filed complaints against the SFPD before.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/09/19 **DATE OF COMPLETION:** 05/27/20 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved in a manner unbecoming an officer.

**CATEGORY OF CONDUCT:** C U O **FINDING:** N F **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant, a ride-share driver, stated in his written complaint that an officer was rude to him and told him he was staging his vehicle.

A search to identify the officer with the description provided by the complainant in the written complaint was negative.

The identity of the involved officer could not be established. The complainant did not respond to DPA's request for further information.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/10/19    **DATE OF COMPLETION:** 05/12/20    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to receive a private person arrest.

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

**FINDINGS OF FACT:** The complainant stated that an unknown female assaulted her at the homeless shelter. The complainant said that the named officers refused to accept a citizen's arrest complaint.

Body-worn camera footage showed that the complainant did not ask the named officers to make a private citizen's arrest. The complainant only asked for a police report for the incident. The involved party of the battery with the complainant was not at the location. The shelter personnel indicated that the complainant was trespassing and attempted to assault the shelter's supervisor. The officer advised the complainant to leave the site and provided her with a police report number, as she requested.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/10/19      **DATE OF COMPLETION:** 05/01/20      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that he was drunk in public and came into contact with the named officers. The complainant said that the officers should have taken him to jail; instead, the complainant was transported to the hospital by the San Francisco Fire Department.

Body-worn camera footage revealed that the responding officers made contact with the complainant who had difficulty standing. The named officers advised the complainant he would be arrested or sent to the hospital since the complainant couldn't care for himself. The complainant stated no family or friends were willing to pick up the complainant. The footage showed that the complainant agreed to an ambulance rather than to go to jail.

Department records indicated that the officers responded to a radio call a male walking in the middle of the street.

The complainant, at the time, said he wanted to go to the hospital rather than go to jail. The evidence proved that the acts that provided the basis for the allegations occurred: however, such acts were justified, lawful, and proper.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/07/20    **DATE OF COMPLETION:** 05/12/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant reported a car break-in at a police district station soon after it occurred. Officers would not come to the nearby scene and told the complainant to file her report online.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/02/20 **DATE OF COMPLETION:** 05/28/20 **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that he witnessed an officer in a marked patrol car make an illegal U-turn over double yellow lines, nearly colliding with the complainant as he rode his bicycle.

Department records indicate that the patrol car in question was assigned to an officer on that date. That officer stated that he signed out the car when his shift began, several hours after the incident in question occurred, and was therefore not involved in the incident. The officer also stated that this particular vehicle is typically reserved for captains and sergeants.

An identification poll sent to the district station inquiring about captains or sergeants who may have used the vehicle at the time of the incident yielded negative results.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated that after the patrol car nearly struck him, he shook his head in disapproval. The complainant stated that the officer behind the wheel responded by yelling out window, "Oh, you got a problem?" The complainant stated that he informed the officer that he had made an illegal U-turn. The officer then responded in a condescending and aggressive manner, shouting, "Maybe you didn't know that this was a cop car," and "Don't you understand that I am a cop?"

An identification poll sent to the district station to identify the officer yielded negative results.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/07/20    **DATE OF COMPLETION:** 05/08/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that three officers in a patrol vehicle began yelling at him while stopped at a traffic light. The complainant said the officers yelled at him for almost hitting their patrol vehicle and threatened to issue him a citation. The complainant did not obtain any identifying names or numbers from the officers or the vehicle.

The DPA was unable to locate the alleged incident through a search of Department records. The DPA sent Officer Identification Polls to the District stations close to the alleged incident. The polls were returned stating no officers acknowledged being involved in this incident. Department records did reveal a three-officer unit on patrol within driving distance of the location given by the complainant near the time of the incident. The officers acknowledged patrolling together that shift, but each stated that they did not recall an incident as described by the complainant.

The DPA could not locate any other witnesses.

The DPA cannot issue a finding because it cannot identify any specific incident or involved officers.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/20      **DATE OF COMPLETION:** 05/19/20      **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary or excessive force.

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

**FINDINGS OF FACT:** The complainant stated that he exited his apartment to take out his trash and observed a police officer at the bottom of the stairway, yelling for him to show his hands while pointing a firearm at him. The complainant returned to his apartment and called 911.

The named officer stated that he responded to a call for service regarding the complainant slamming things, yelling, talking to himself and banging on a neighbor's door. Once on scene, the named officer was informed by a resident of the building that her apartment door had been damaged by a sharp object. The named officer stated that the complainant had been involved in other recent noise complaint incidents and that his behavior had escalated. He also stated that he had observed a box cutter near the complainant's front door during one of the prior incidents. Due to these reasons, the named officer believed the complainant was potentially armed with an edged weapon during this incident. The named officer stated that he observed the complainant during this incident standing at the top of a stairway with what appeared to be a box cutter in his hand. The named officer stated that he told the complainant to show his hands while holding his firearm in a low-ready position. The named officer stated that he never pointed his firearm at the complainant.

A witness officer stated that he was partnered with the named officer during this incident. He was informed by a resident of the building that she suspected the complainant had scratched her door with a sharp object and the witness officer observed the damage. The witness officer stated that the named officer held his firearm in a low-ready position during this incident. He stated that at no time did he witness the named officer take his firearm out of a low-ready position.

A witness stated that officers responded to her call for service regarding the complainant making unreasonable noise and shaking her door knob. She stated that the responding officers spoke with her in her apartment and as they were leaving they heard the complainant come out of his apartment. She stated that while her door was open, she witnessed one of the officers lean over the stairs, look up the stairs and ask the complainant to show his hands. She stated that the officers did not have their firearms unholstered. The witness' account is inaccurate based on the body-worn camera footage which does not show her door open and reveals that the officers had their firearms unholstered.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/10/20      **DATE OF COMPLETION:** 05/19/20      **PAGE# 2 of 2**

Department records showed that there were calls reporting a subject slamming things on the ground, yelling, talking to himself and banging on a neighbor's door and that officers responded, took statements from victims and made a report. Department records also showed that the complainant called 911 himself while officers were on scene and reported that they pulled a gun on him. Records showed that the officers responded via radio that they did not pull guns. Additionally, records reflected that the named officer observed the complainant with what appeared to be a box cutter in his hand and told the complainant to show his hands while holding his firearm in a low-ready position.

The body-worn camera footage showed officers respond to the scene, make contact with the reporting parties and take a report of the incident which included documenting scratches found on one of the neighbor's doors. Body-worn camera footage further showed the named officer unholster his firearm, hold it in a low-ready position at the bottom of the stairway and yell to the complainant to show his hands. The named officer's firearm is briefly out of camera view when he walked up the stairs.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/15/20    **DATE OF COMPLETION:** 05/04/20    **PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer made an arrest without cause.

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

**FINDINGS OF FACT:** A motorcyclist accused the complainant of a hit and run collision. The complainant stated that although a verbal altercation with the other driver had occurred, there was no collision. The complainant stated that the named officer arrested him with no evidence of wrongdoing except for the word of the other party.

Body-worn camera footage showed the named officer taking the motorcyclist's initial report of a felony hit and run with injury. The officer examined photographs and canvassed nearby businesses in search of surveillance footage that may have captured the incident. Finally, the footage showed the officer questioning the motorcyclist, a witness, and the complainant himself.

The police report set forth the steps that the named officer took in his investigation which led to the complainant's arrest. The motorcyclist provided information which led the named officer to identify the owner of the other vehicle involved in the incident. The complainant was the registered owner of the vehicle and it was located parked outside of his house. The arrest was justified due to the evidence collected and the severity of the offense alleged.

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

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

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

**FINDINGS OF FACT:** The complainant stated that during his arrest the named officer grabbed the skin on his chest through his shirt, causing him pain and discomfort.

The named officer stated that his search was conducted in accordance with Department policy and his Academy training.

Body-worn camera footage showed the complainant being searched in the standard manner and did not show any excessive force being used.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/15/20    **DATE OF COMPLETION:** 05/04/20    **PAGE# 2 of 2**

The evidence proved that the conduct alleged did not occur.

**SUMMARY OF ALLEGATIONS # 3-4:** The officers failed to Mirandize the complainant.

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

**FINDINGS OF FACT:** The named officers detained the complainant on the front step outside of his residence prior to arresting him. The complainant stated that the officers questioned him before reading him the Miranda admonition.

Department records indicate that that the named officers detained the complainant and waited with him until the arresting officer arrived. The records also reflect that the arresting officer read the complainant his Miranda rights when he arrived on scene a short while later.

Body-worn camera footage showed that the named officers remained with the complainant for over 30 minutes without reading his Miranda rights. The footage also showed that the officers asked no questions about the investigation or the alleged crime; instead, they made small talk and searched the clothing that the complainant's roommate brought downstairs for him to put on because complainant complained that he was cold. The named officers told the complainant that they would not talk to him about the alleged crime and that other officers were on their way who would lead the investigation. When the arresting officer arrived on scene, that officer immediately read the complainant his Miranda rights and then proceeded to question the complainant. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #:** This complaint raises matters outside 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 partially referred to the San Francisco Sheriff's Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/06/20      **DATE OF COMPLETION:** 05/21/20      **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant, a deaf Uber driver, stated that a passenger requested to be dropped off at a congested location. The complainant requested to drop the passenger off elsewhere to avoid blocking traffic. However, the passenger insisted on being dropped off at the original location. When the complainant complied with the passenger's request, an officer pulled up behind him and stated that he was impeding traffic. The complainant attempted to inform the officer that the Uber app had pinned the area as an authorized drop-off location. He stated that the officer disregarded what he said and issued a citation.

The named officer confirmed that on the date in question he was assigned to enforce traffic laws, with a particular emphasis on vehicles creating traffic back-ups by stopping in the "no stopping zones." The named officer stated although the incident occurred almost three years ago and he could not specifically recall it, all of his stops that day were for vehicles stopped in the prohibited drop-off/pick up zones.

The named officer's statement is consistent with the complainant's own acknowledgement that the location of the original drop-off was, in fact, causing traffic back-ups.

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

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

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

**FINDINGS OF FACT:** The complainant stated he attempted to explain to the officer why he was stopped at that particular drop-off location, but the officer disregarded him and inappropriately commented, "I don't care."

The named officer stated that he could not recall this specific interaction because it occurred almost three years ago. The officer added, however, that he always makes it a point to be professional and courteous during traffic stops. Body-worn camera footage was requested for this incident; however, due to the timing of the incident, the footage no longer exists. The evidence failed to prove or disprove that the alleged conduct occurred.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/06/20      **DATE OF COMPLETION:** 05/21/20      **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that there were several other Uber and taxi drivers dropping off riders in the same vicinity. However, the officer did not stop or cite them.

The named officer stated that due to the fact the incident occurred almost three years ago, he could not recall this specific interaction. However, the named officer also stated that he does recall conducting dozens of stops that day for the same violation.

The evidence failed to prove or disprove that the alleged conduct occurred.

**SUMMARY OF ALLEGATION #4:** The officer failed to provide reasonable accommodations.

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

**FINDINGS OF FACT:** The complainant stated that he tried to communicate to the officer that he was hard of hearing by pointing to his hearing aids and mouthing the word, “deaf.” The complainant stated the officer did not accommodate his hearing impairment and instead continued to speak quickly, making it difficult for the complainant to understand him.

The named officer stated that due to the incident occurring almost three years ago, he could not recall the specific encounter. However, the named officer stated that he did not recall interacting with any hearing-impaired individuals that day. The named officer also did not recall anyone indicating to him that they were having difficulty understanding him. Finally, the officer he stated that he always makes eye contact, ensures effective verbal communication, and looks for indicators of any impairments such as visible hearing aids, gestures, or signage.

Body-worn camera footage longer exists due to the timing of the incident and the complaint.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 02/07/20    DATE OF COMPLETION: 05/25/20    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 DPA's jurisdiction. This complaint was forwarded 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:** 02/07/20    **DATE OF COMPLETION:** 05/17/20    **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated she was bicycling when an officer startled her by driving next to her, activating the police car's siren, and admonishing her that she was not the only one who needed to use the road. The complainant stated that she had the right to use the entire lane under California Vehicle Code § 21202.

The named officer stated she was on patrol and that, when she encountered the complainant, the complainant was cycling slowly in the far-left side of a traffic lane and wearing earbuds. The named officer stated the complainant was impeding traffic and that she was concerned the complainant could be struck by a motorist. The named officer stated she honked her car horn, pulled alongside the complainant, and advised her to share the road. She denied she was inappropriate in her actions or in any statement she made.

California Vehicle Code § 21202 requires that bicyclists ride as close to the right side as safely possible.

The officer's conduct as alleged by the complainant does not rise to the level of misconduct. The officer was within her discretion to caution a bicyclist about sharing the road, and the officer was not improperly discourteous. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3:** The officer drove negligently and recklessly.

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

**FINDINGS OF FACT:** The complainant stated the officer drove around her as she was bicycling, entering the oncoming traffic lane.

The named officer stated she observed the complainant bicycling in the far-left portion of a traffic lane, impeding the flow of traffic due. The named officer stated that the complainant wore earbuds that would have limited her ability to hear oncoming traffic. The named officer stated she safely entered the opposite lane of traffic to communicate to the complainant that she was operating her bicycle in an unsafe manner.

No witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/07/20    **DATE OF COMPLETION:** 05/17/20    **PAGE# 2 of 2**

The officer's conduct as alleged by the complainant does not rise to the level of misconduct. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/26/20    **DATE OF COMPLETION:** 05/21/20    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer failed to provide his or her name or star number.

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

**FINDINGS OF FACT:** The complainant was riding her bicycle with a group of other cyclists along a street that is partially closed to motor vehicles. The complainant stated that a police vehicle was driving behind her, and an officer used the vehicle's public address system to instruct the cyclists to use the marked bicycle lane. The complainant stated that this was not a lawful order as bicycles are permitted to ride in the traffic lanes. As the officer drove past, the complainant shouted for the officer to provide his name and star number. The officer failed to give the required information.

Footage provided by the complainant depicted her calling out for a badge number as the officer turned off the road behind her. It is unclear if the request was heard or not.

Fleet Management records and Department equipment logs failed to provide the identity of the officer. An identification poll sent to the district station was returned with negative results. The officer could not reasonably be identified.

**SUMMARY OF ALLEGATION #2:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** The complainant was riding her bicycle along a street that is partially closed to motor vehicles when an officer instructed her to use the marked bicycle lane. The complainant believes that the officer's understanding of the traffic restriction is incorrect, and that he should have directed his attention to taxis and other vehicles that were improperly driving on the street in violation of the law.

Video of the incident provided by the complainant showed other vehicles, including a taxi, driving on the street.

The municipal street closure order provides that the road is closed to most motor vehicles but not to emergency vehicles, public transport and taxis. The order further states that one of its goals is to prevent vehicles from encroaching on cyclists in designated bicycle lanes.

Department records and equipment logs did not lead to the identification of the officer. An identification poll was sent to the district station was returned with negative results. The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/26/20      **DATE OF COMPLETION:** 05/20/20      **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/17/20    **DATE OF COMPLETION:** 05/13/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that he believes his neighbors want him evicted. Thus, they are harassing him and may be reporting him to the police as a pedophile. He indicated in his complaint that he hears voices outside his door and in the alley, discussing his sexuality and labeling him a sexual deviant. He believes officers were called to respond to his apartment, but he was unsure and wanted to know if officers actually came to his building on a specified date and time.

Department records reflect no calls for service to the complainant's home, nor any incident matching the that described by the complainant.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/12/2020 DATE OF COMPLETION:05/13/2020 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:

SFPD  
Internal Affairs  
1245 Third Street  
San Francisco, CA 94103



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/27/20      **DATE OF COMPLETION:** 05/18/20      **PAGE# 1 of 1**

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

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

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

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

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/29/20    **DATE OF COMPLETION:** 05/21/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant was riding her motorcycle along a winding road when she drove across loose gravel piled at the roadside that had spread into the road. The complainant lost control of her motorcycle and it fell onto its side, trapping her leg underneath it. The named officer responded and filled out a traffic collision report in which the complainant felt the officer unfairly assigned blame to her. The officer's report states that the complainant was going at excessive speed, which the complainant believes is untrue. The report also stated that the road was wet from rain, but the complainant stated it had not been raining. Finally, the complainant felt that her statement of events was not recorded in the police report.

The traffic report includes a section recounting the complainant's account of events. The report also assigns blame for the collision to the complainant, listing weather conditions and complainant's speed as contributing factors. The report concludes that the complainant's speed was too great for the wet road.

Body worn camera footage shows the officer conducted an investigation into the collision, including measuring the scene, speaking to witnesses, and interviewing the complainant. The witnesses mention to the officer that it had been raining. The officer also cautions the owner of the gravel pile against letting it spread into the roadway.

The named officer stated that he completed the form in accordance with his Department training. This training led him to conclude that the complainant's excess speed was too great for the road conditions, leading to this single vehicle accident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/30/20    **DATE OF COMPLETION:** 05/04/20    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to prepare an Incident Report.

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

**FINDINGS OF FACT:** The complainant entered a district station to report threats, but when he asked for a report the officer asked why he needed a form and what his complaint was about.

The complainant believed that the officer was not going to allow him to make a report. The complainant stated that he then provided the information to the officer, who supplied a report form for him to complete.

A copy of the report was obtained from San Francisco Police Department and reviewed. The report details the incident of threats being made towards the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/01/20    **DATE OF COMPLETION:** 05/26/20    **PAGE# 1 of 2**

**SUMMARY OF ALLEGATIONS #1-3:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated he was sitting in a waiting area at the airport when another individual sat near him in violation of the local public health order's social distancing requirements. The complainant asked the individual to move and he refused. The complainant reported the incident, police responded, and the complainant told the responding officers what had happened. The complainant stated that the named officers failed to take further action or speak to the other individual.

The named officers stated that they spoke with the complainant and explained that social distancing is difficult to accomplish or practically enforce at the airport as passengers and airport employees are regularly coming into close contact with one another.

The first named officer stated that he educated the complainant regarding the public health order and did not take further action as it was not practical to enforce social distancing requirements at the airport. He stated that he was familiar with Department Notice 20-045, "Enforcement of Public Health Orders" and that enforcement of the order is at the officer's discretion.

The second named officer stated that he searched the area for the individual who sat near the complainant but was unable to locate him. He stated that he did not take further action because it was not practical to enforce social distancing at the airport. Additionally, he too stated that officers have discretion with respect to enforcing the Shelter in Place Order.

The third named officer confirmed that the second named officer searched the area to interview the individual but was unable to locate and speak with him. He stated that he complied with all aspects of Department Notice 20-045 "Enforcement of Public Health Orders" during this incident. Additionally, he stated that since he did not make contact with the other individual, he was not required by Department Notice 20-045 to take any further action related to enforcement.

Department Notice 20-045, "Enforcement of Public Health Orders" addresses the March 16, 2020 Shelter in Place (SIP) Order and provides that "Members may educate, admonish, seek voluntary compliance, and use enforcement for violations of the SIP ("progressive enforcement")."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/01/20    **DATE OF COMPLETION:** 05/26/20    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #4:** The officer behaved or spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that he was sitting in a waiting area at the airport when another individual sat near him and refused to move in violation of the local public health order's social distancing requirements. The complainant stated that he reported the incident to police and the named officer mocked his concerns and made him feel that his report was ridiculous.

The named officer stated that he did not mock the complainant. He stated that he made the complainant aware he would potentially be sitting inches away from another passenger on the flight he was about to take. The named officer stated that he was attempting to understand the complainant's reasoning for being concerned about social distancing and exposure inside the airport and not being concerned about social distancing and exposure on a flight. Additionally, the named officer stated he pointed out other passengers who were not complying with social distancing requirements, informed the complainant that all the flights are in violation of the public health order's social distancing requirements and explained that it is not practical to enforce the public health order and arrest all of the passengers at the airport.

No witnesses were identified.

No body-worn camera footage was available.

The evidence failed to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/06/20    **DATE OF COMPLETION:** 05/01/20    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that he was looking at an abandoned appliance on the side of the street when three officers approached him and directed him to stop. The complainant stated that one of the officers inappropriately laughed at him. He did not know the name or badge number of the officers involved in this incident.

An identification poll sent to the district station yielded negative results.

The officer could not be reasonably identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/08/20    **DATE OF COMPLETION:** 05/05/20    **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/14/20      **ATE OF COMPLETION:** 05/17/20      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant said his friend was listed as deceased in another state. The complainant said he recently saw his friend alive. The complainant stated his acquaintance, a former SFPD officer, told him an SFPD detective improperly listed the complainant's friend as "dead." The complainant did not know the names of the involved detective.

The DPA conducted a search of department records on complainant's allegation. While the subject was listed in SFPD records from an arrest several decades ago, the records did not indicate that the subject had ever been declared deceased by any SFPD employee. SFPD Legal stated there was no officer working for the department by the name the complainant provided for his acquaintance.

The evidence proved that the alleged conduct did not occur.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/20/20    **DATE OF COMPLETION:** 05/07/20    **PAGE#** 1 of 1

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

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

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

SFPD Headquarters  
1245 3rd Street  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/30/20 **DATE OF COMPLETION:** 05/03/20 **PAGE#** 1 of 1

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

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

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

Costco  
451 South Airport Boulevard  
South San Francisco, CA  
94080-6909

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/07/20      **DATE OF COMPLETION:** 05/15/20      **PAGE# 1 of 1**

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

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

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

Wayne County Sheriff's Department  
201 West North Street  
Wooster, OH 44691

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/20    **DATE OF COMPLETION:** 05/26/20    **PAGE# 1 of 1**

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

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

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

California Highway Patrol  
Office of Investigations  
601 North 7<sup>th</sup> Street  
P.O. Box 942898  
Sacramento, CA 94289

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/5/20      DATE OF COMPLETION: 05/14/20      PAGE# 1 of 1**

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

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

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