

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant, the victim of a domestic violence attack, stated that after she was attacked by an ex-boyfriend who then killed himself, she made multiple requests to the named officer for a copy of the incident report documenting the attack. The named officer told her the report could not be released until the completion of the investigation. The complainant further stated that because the investigation took too long, the incident report was not released in a timely manner. The complainant stated further that the report she received was incomplete in its description of the events.

The named officer acknowledged she was responsible for providing and redacting the incident report for the complainant. The named officer stated she provided a copy of the initial incident report to the complainant but did not include any supplemental reports. The named officer stated she did not provide the supplemental reports because the complainant did not request them, and because the investigation was ongoing. The named officer said that as soon as the investigation was complete, she personally handed a photocopy of the incident report to the complainant.

The named officer stated she was assigned the case after she responded to a domestic violence/barricaded subject call. After the Medical Examiner (ME) opined the cause of death of the suspect was possibly suicide, SFPD ran a joint investigation with the ME's office, which took the lead. The named officer stated she was running a parallel homicide investigation – in case the ME investigation returned the case to the Homicide Division. The named officer stated she completed the following steps in her investigation: interviewed the complainant on the scene, ran the complainant's and the deceased's names, re-interviewed the complainant upon the complainant's request, requested social media preservation letters, and received and reviewed the ME's report. The named officer acknowledged she did not conduct the following investigative steps: search the deceased's apartment, immediately send social media preservation letters, search the deceased's and complainant's cellphones, follow-up on threats made to the complainant, interview the two witnesses at the scene.

The lieutenant in charge of the unit where the named officer was assigned stated the named officer was assigned the investigation instead of a Homicide inspector because the case was originally a domestic violence/attempted homicide. Once the ME made a preliminary determination that the cause of death of the suspect was suicide, the investigation was assigned to remain with Special Victims Unit (SVU). The lieutenant stated the case was a Homicide investigation until the ME made a final determination.

SFPD documents showed SFPD filed four supplemental reports in addition to the initial incident report. The initial incident report was ten pages in length. The document received by the complainant, who

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provided it to the DPA, was missing three of the ten pages. The named officer stated she did not know why the complainant received just seven of the ten pages of the initial incident report.

The SFPD investigatory chronological documents the following investigative steps were completed by the named officer: interview of complainant at the scene, records check on complainant and the deceased, preservation request submitted late to social media. In addition, the complainant and the complainant's father contacted the named officer and reported that she has been receiving threats related to the incident. The named officer advised the complainant and the complainant's father to contact their local police department to report the threats. The named officer requested and reviewed the other police departments' reports but did not speak to any officers or investigators to brief them on the situation. The named officer also received additional information that there might be additional evidence in the deceased's apartment, deceased's and complainant's cellphones, and their social media accounts. The documents show SFPD did not search the deceased's house, cellphone, interview witnesses at the scene or the deceased's family members. At the end of the investigation, the named officer did not complete a domestic violence incident report. Rather, the named officer closed the case file due to the suspect's death.

The complainant's personal documents showed that the complainant, on multiple occasions, requested the incident report from the named officer. The documents also show the complainant received a redacted copy of the initial incident report (seven pages) and no supplemental reports.

DGO 3.16 Release of Police Reports reads, in part:

The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation. The following information, however, must be released... factual circumstances surrounding the crime or incident and a general description of any injuries, property or weapons involved (3) Diagrams, statements, or the parties involved, statements of all witnesses other than confidential informants.

Section 6228 of the California Family Code "Access to Domestic Violence Reports Act of 1999, reads:

State and local law enforcement agencies shall provide, one copy of all incident report face sheets, one copy of all incident reports...to a victim of a crime that constitutes an act of any of the following: (1) Domestic violence, as defined in Section 6211... A copy of an incident report face sheet shall be made available during regular business hours to a victim or his or her representative no later than 48 hours after being requested by the victim or his or her representative, unless the

state or local law enforcement agency informs the victim or his or her representative of the reasons why, for good cause, the incident report face sheet is not available, in which case the incident

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report face sheet shall be made available to the victim or his or her representative no later than five working days after the request is made.

DGO 6.09 states that officers must investigate and write an incident report for any crime that involves domestic violence.

A preponderance of the evidence proves that Sergeant Khuu conducted an inadequate investigation, did not write an incident report, and did not provide complaint with a copy of the incident report in a timely manner.

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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

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

FINDINGS OF FACT: The complainant was the victim in a domestic violence incident that led to the complainant's ex-boyfriend killing himself. The complainant stated she did not give the named officer permission to release any information to the press nor did the named officer provide her with a warning that that SFPD would be releasing a statement. The complainant felt the named officer was trying to ensure the public knew that SFPD was not responsible for the death of a black man. The complainant stated the named officer provided just enough information that made it seem like the complainant was under investigation for the deceased's death, even though she had already been informed that the death was ruled a suicide. She also stated the information provided to the press resulted in an article that provided enough details for people to identify her, which resulted in threats against her and accusatory comments suggesting she killed the domestic violence perpetrator.

The named officer stated she wrote the news release based on information provided by the officers on the scene. She stated she released information that SFPD did not shoot the deceased because a news agency specifically asked the question and it was true. The named officer stated she did not release the complainant's name and only provided the name of the street on which the complainant's home stands, and where the incident occurred. She stated she released the street location because officers were on the scene and they wanted to ensure the public was notified to stay clear of the police operation.

The news release, issued by the named officer, documented that the named officer released the name of the street, a summary of the incident and reported the incident was not an officer-involved shooting.

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In a comment reacting to an online article, a third party identified the complainant by name and accused her of murder.

The officer released information that was true, factual, and important for the public to know. The third party, not the SFPD, alleged that complainant was a murder suspect.

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

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

FINDINGS OF FACT: The complainant, the victim in a domestic violence incident which resulted in the suicide of her ex-boyfriend, alleged the named officer failed to assure that her identity was shielded when she provided to the media information about the incident. The complainant said the information the named officer released led to her identification, which resulted in public shaming, threats and an accusation that she had murdered her attacker. The complainant also stated she asked SFPD to have a news article containing the identifying information removed by a media outlet. She stated the named officer failed to contact the media outlet and ask it to remove the story.

The named officer stated she released a general summary of the event as per the SFPD's Media Resource Manual (DM-22). She said DM -22, Releasable Information, stated she could provide incident/arrest details including the time, date, location of the arrest, and factual circumstances of the incident's occurrence. She acknowledged that she was not approved to release the identity of the victim or associated information which could lead to the identification of witnesses or jeopardize safety. The named officer stated she only released the location of the incident, date, time. She said she did not release the complainant's name or any identifiable information. The named officer stated she did not contact the officers or the complainant to determine if releasing the information would place the complainant in danger. She stated she was not required to contact the investigating officers or the complainant to determine if it was appropriate to release the information. The named officer stated that officers notified her that the complainant requested that the Department contact the media outlet and ask them to remove the story. The named officer said she spoke to her leadership and they determined that SFPD was not required to contact the media outlet because the news release did not contain any prohibited information.

The officer investigating the domestic violence incident stated she was notified by the complainant that she wanted SFPD/the named officer to contact the news outlet and ask for the article's removal from publication. That officer relayed the request to the named officer. The investigating officer stated that the named officer did not ask her if releasing any information would place the complainant at risk.

The SVU commanding officer stated he was notified by the complainant that she wanted the named officer to contact the news outlet and ask it to remove the article. He said he contacted an officer from the SFPD Media Relations Unit, who called and left a message at the media outlet. The media outlet did not

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return the call. The SVU commanding officer stated the named officer should have contacted the investigating officer and asked her if releasing any information would place the complainant at risk.

The news release issued by the named officer documented that the named officer released the name of the street where the complainant lived, a summary of the incident and reported the incident was not an officer-involved shooting.

In an online article, referring to the information released by the Department, an independent party identified the complainant by name and accused her of murder.

SFPD DM-22's Releasable Information Guidelines states that SFPD can release to the media incident/arrest details including: "time, date, location of arrest," and "[f]actual circumstances, general description of how the incident occurred." The guidelines prohibit the release of any information about the identity of the victim or associated information which could lead to the identification of witnesses or jeopardize safety. Under "Identity of Special Victims," the manual states that, "the name of a victim of certain crimes such as ... domestic violence ... may be withheld at the victim's request."

These two paragraphs in SFPD DM-22 conflict and the SFPD has not provided tools for officers to know how to resolve the conflict. For example, information regarding the "time, date, or location of arrest," can often disclose the identity of a victim. In these cases, the SFPD needs to provide officers with a way of knowing which is more important, disclosing the time, date, and location of arrest, or, on the other hand, keeping the name of a victim confidential.

The evidence proves that the alleged conduct occurred but was justified by Department policy or procedures; however, the SFPD or DPA recommends that the policy or procedure be changed or modified.

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

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

FINDINGS OF FACT: The complainant stated the named officer failed to follow procedures and place a recovered stolen item on a 90-Day hold.

The named officer stated he was not trained in a 90-day hold procedure.

The witness officers stated they were not trained on a 90-day hold procedure.

SFPD documents show procedures for a 90 Day hold are located in SFPD Pawn Shop Investigations Procedures, dated April 2014. DPA was unable to locate any recent Department Bulletins or Department General Orders containing instructions on Pawn shop 90-day hold procedures.

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

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

CATEGORY OF CONDUCT: CRD FINDING: IC/S DEPT. ACTION:

FINDINGS OF FACT: The complainant, the owner of a Pawn shop, stated the named officer made inappropriate comments about him to his employees.

A witness stated he did not think the comments were inappropriate; he just thought the named officer was not very nice and didn't want to talk to the owner even though it was his property.

The named officer stated he did not recall making any inappropriate comments to/or about the complainant. When asked why he would have made an inappropriate comment, he stated "...If anything, it probably had to come after I was being threatened with my job or threatened -I don't know."

The witness officer stated he did not hear the named officer make any inappropriate statements.

Surveillance video footage shows the named officer responding to a witness and stating, "This should tell you I am the right person. I don't care about any fucking procedure, and I don't care about what your boss says. You're in possession of stolen property. Depending on the value of that it could be a felony or a misdemeanor, and I don't care what your boss says." This statement was in response to the witness insisting on the proper 90-day hold procedures under state law.

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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.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with DGO 6.09, Domestic Violence.

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

FINDINGS OF FACT: The complainant stated he called the police to report domestic violence. He stated he told the named officers that the other party hit him, prevented him from leaving, and had a history of domestic violence. The complainant stated he repeatedly asked the officers for a police report.

Named officer #1 stated he was the primary contact officer. He stated during the investigation he interviewed the complainant's ex-girlfriend. He said she told him that there had been a verbal altercation and no physical assault. He said the complainant told him that his ex-girlfriend slammed his head into a window. He said when he looked around the apartment, he did not find any evidence of a physical assault. Named officer #1 stated he determined there was no merit to any violence. He said the complainant requested an incident report. He said he did not recall the complainant stating that his ex-girlfriend had been previously arrested on domestic violence charges.

Named officer #2 stated he interviewed a witness at the scene and the witness told him she heard a verbal altercation in a next-door apartment, heard the sound a body being slammed against the wall, and heard the female say, "you wouldn't stop hitting me." Named officer #2 stated he did not interview the complainant, but at one point the complainant told him he had scratches on his face, which he could not see. He said the complainant told him he wanted to press charges, but he assumed what the complainant wanted was an incident report. Named officer #2 stated he determined the incident was verbal only because the ex-girlfriend claimed nothing physical happened. He said the complainant wanted a police report only because the ex-girlfriend previously filed charges on another person. He said there was no evidence of domestic violence and it was he-said-she-said. He said he did not provide either party with a domestic violence referral card because he determined it was verbal and not domestic violence.

The named officers' sergeant stated he responded to the scene but only for observation. He said the named officers were responsible for completing the investigation. He stated the named officers advised him the incident was a verbal altercation. He stated if he had been informed a witness reported hearing the ex-girlfriend say, "he wouldn't stop hitting me" then he would have had him arrested.

Body worn camera footage showed a witness reporting to named officer #2 that she heard the complainant and the victim describe physical violence on each other. The footage also showed the complainant tell the named officers that his ex-girlfriend slammed his elbow into the door and scratched his face.

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This is a traditional domestic violence case: a witness hears physical abuse of a female, the female tells police that nothing happened, and the male blames the fight on the female by pointing to superficial injuries like scratches. Department General Order 6.09, reads in pertinent parts:

In all cases where domestic violence has occurred, even if an arrest is not made, members shall give the victim a Domestic Violence Referral Card (SFPD 142) in the appropriate language, if available. Incident Reports. Members shall investigate and write an incident report for any crime that involves domestic violence (even if the suspect is not at the scene). This includes threats and/or violations of any court order.

The officers should have written an incident report based on objective signs of domestic violence. There were objective signs that the female was a victim of domestic violence and potential ongoing abuse from the male. The officers should have written an incident report documenting the incident and provided the female with a domestic violence referral card.

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 behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer made him delete a video of his ex-girlfriend who was claiming he stole her cellphone. He said the video proved he had not stolen the cellphone.

The named officer stated he asked the complainant to delete the video on his phone because the video could harm the female's reputation. The named officer denied ordering the complainant to delete the video and said he had no authority to force him to delete the recording. The named officer stated he verified the complainant had deleted the video.

DPA was unable to obtain interviews or statements from either the complainant or an independent civilian witness.

The officer should not have encouraged the complainant to delete the videos from the phone. The videos were evidence of the domestic violence incident, were evidence of abusive and manipulative behavior by

the male and were potential evidence of the male making unauthorized recordings of confidential communications in violation of Penal Code § 632.

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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 failed to comply with DGO 2.01

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

FINDINGS OF FACT: The complainant stated he became concerned about the fairness of his treatment when one of the officers investigating a fight he had with his ex-girlfriend told him that he knew his ex-girlfriend personally.

The named officer stated he responded to domestic violence call. On the scene the named officer interviewed the subject/victim, who had been a teacher at a high school he attended.

DGO 2.01 (57) CONFLICT OF INTEREST IN INVESTIGATIONS. If a member is assigned to an investigation in which the member knows or suspects, or should reasonable know or suspect, that the member has a personal or family interest the member shall immediately report the interest to the members immediate supervisor.

Simply knowing a person who is involved in a police interaction is insufficient to rise to the level of a conflict of interest. Though the named officer recognized the person, there was no evidence of any personal or family interest.

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

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DGO 10.11.

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

FINDINGS OF FACT: The DPA investigation revealed the named officer muted his body worn camera (BWC) and turned it off before speaking to a domestic violence subject/victim.

The named officer stated he muted his BWC to discuss a law enforcement issue with his partner and forgot to turn the camera back on. The named officer said he also turned off his BWC before speaking to the victim in a domestic violence incident because the investigation was over and he was just following up with the victim.

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DGO 10.11, Body Worn Cameras, states in pertinent part:

I. Purpose. “The use of Body Worn Cameras (BWC) is an effective tool a law enforcement agency can use to demonstrate its commitment to transparency, ensure the accountability of its members, increase the public’s trust in officers, and protect its members from unjustified complaints of misconduct . . .”

III. Procedures, C. Authorized Use, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . . 2. Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect . . .”

DB 17-156 Body Worn Camera Mute Function, states in pertinent part:

Once the BWC has been activated, members shall continue using the BWC until their involvement in the event has concluded to ensure the integrity of the recording, unless the contact moves into an area restricted by this policy... When discussing sensitive tactical or law enforcement information away from the citizen

The officer provided a reasonable explanation that he accidentally muted his body worn camera during the incident, and the officer provided a reasonable justification for turning the camera off before following up with a domestic violence victim.

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

SUMMARY OF DPA ADDED ALLEGATION #2: The officer failed to comply with DB 17-156.

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

FINDINGS OF FACT: The DPA investigations revealed the named officer muted his body worn camera (BWC) while interviewing a reporting party on a domestic violence call.

The named officer stated he forgot to unmute his BWC after muting the camera to speak to his partner about law enforcement sensitive matters.

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The officer provided a reasonable explanation that he accidentally muting his body worn camera during the incident.

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

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

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

FINDINGS OF FACT: The complainant stated she was struck by a bicyclist when she was crossing the street. The complainant stated the named officer failed to interview her and when he completed the report, he inaccurately recorded the other party's name and her birthdate. The complainant further stated the named officer's conclusion was inaccurate, and she was not at fault for the accident.

The named officer admitted he inaccurately recorded Party 2's name and the complainant's birthdate. The named officer stated he determined the complainant was at fault for the accident based on the other party's statement, witness statements, and personal knowledge. He said, "the witness I spoke to was unaware of the condition of the walk light at the time of the collision. She wasn't sure enough anyway to give me a definitive answer. And so, what that told me was that if this crosswalk, this intersection was full of people waiting to cross, nobody heard it. They only saw it. Or- excuse me. Nobody saw it. They only heard it. That means they weren't paying attention during the time of the collision. And so, I determined that she would have had to step off early before the light turned because all of these people being in front of her with the cyclist going this way, somebody would have got hit or would have seen the cyclist going before the collision occurred."

The named officer acknowledged he did not include in the incident report his belief about the crowd. He said he did not include it in the report because "I still think the physical evidence of where she was impacted; the fact that the cyclist said it was yellow; the fact that the witness wasn't sure and her -more than anything, her position where she was struck to the east, I felt that more than supported my claim." He said he did not interview the complainant because she had sustained a head injury and because "I also felt that she couldn't give me a statement that would change my opinion of what happened on-scene."

SFPD document showed inaccuracies and errors in the complainant's birthdate and Party 2's name. The report indicated the named officer found the complainant caused the collision by attempting to cross outside of a marked crosswalk against the "wait" or "don't walk" signal. The named officer based his conclusion on Party 2's statement and two witnesses at the scene. The witnesses interviewed stated only that the complainant was walking outside of the crosswalk. The witnesses' statements do not say the complainant was walking against the "wait" or "don't walk" sign. The report does not include any other

additional evidence that the complainant walked against the "wait" or "don't walk" signal. Additionally, the report does not include any statements from the complainant.

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California Highway Patrol Collision Investigation Manual (Ch 3) (a) reads in part:

When completing this form, every reasonable effort should be made to obtain information on all required fields. However, opinions may be expressed if substantiated by physical evidence and/or corroborated witness statements that are recorded in the investigation.

Post Basic Course Workbook: Learning Domain 29, 3-15: Collision Documentation reads in part:

Opinions and Conclusion “Present a complete description of -what took place, -how the collision happened, and -why it happened. •Tell what happened before, during, and after the collision. Base all opinions on evidence at the scene and/or statements of involved parties or witnesses.

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.

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

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

FINDINGS OF FACT: The complainant operated a business that sold alcohol and grocery items. The complainant stated that, during the pandemic, he was ordered to shut down because his business was erroneously deemed non-essential by the Police Department. The complainant stated that he received notice of his forced closure through a note delivered to one of his employees. The note also informed the complainant that he could be cited for a misdemeanor violation if he failed to close his business. The complainant closed his business and suffered financial losses.

The named officer stated that, at a line-up briefing, a supervisor provided her a list of businesses that were operating in violation of the COVID-19 Shelter-in-Place Order after being told to close. The officer stated she spoke with an employee of the business regarding the closure and advised the employee it was not considered an “essential business” under COVID guidelines. The officer stated she took this action under the authority of a Mayoral Proclamation Declaring Existence of Local Emergency and a local health emergency provision under Section 101080 of the California Health and Safety code. The officer stated she did not issue a citation and left a hand-written note, as the owner was not present at the time of the contact. The officer stated she was instructed that businesses had to have at least 25 percent essential products, or they could not be open. The officer stated she received no training or instruction on how to calculate the 25 percent and was told to use her best judgment regarding enforcement action. The officer stated the store had liquor, beverages, and snacks, but she did not recall seeing toiletries, household cleaning supplies, or hygiene products that were considered essential to shelter-in-place. The named officer did not believe the business to be an essential business based on the type of items it was selling. The officer stated that directives from supervisors were evolving and changed daily when the Shelter-in-place order was implemented, which caused confusion among the officers charged with enforcing the order.

Two officers who previously visited the business stated they were ordered by a supervisor to advise the business of the Health Department Order. Those officers did not recall if they told the business to close completely or to close at 8 p.m., as some businesses were permitted to operate under a curfew.

Department records show that 10 days before the incident, two officers advised the business owner of Health Officer Order No. C19-07.

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Order of the Health Officer No. C19-07 (Shelter in Place), dated March 16, 2020 states: “Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment or both. (California Health and Safety Code §120295, et seq.; California Penal Code §§69, 148(a)(1); San Francisco Administrative Code section 7.17(b).)” The Health Order did not include a definition of stores such as that operated by the complainant and provided no specific direction on how to determine the parameters of an “essential business.”

SFPD Department Notice 20-045, Enforcement of Public Health Orders, which was in effect at the time of the named officer’s visit, instructs officers: “Approach to Enforcement: Members may directly enforce health orders under state law, and the SIP Order is such an order. Cal Health & Safety Code § 101029; Cal. Govt. Code § 41601; Penal Code § 409.5. Members are directed to review the SIP Order. Members may educate, admonish, seek voluntary compliance, and use enforcement for violations of the SIP (“progressive enforcement”).”

In response to the Coronavirus pandemic the State of California, and the City and County issued a number of public health orders that required businesses deemed non-essential to close. The officer was not properly trained by the Department on how to enforce the Shelter-in-Place Order. The definitions of “Essential Businesses” set forth in the Health Order were vague and the Department Notice issued by the Department lacked specificity in instructing officers on how to carry out the Shelter-in-Place Order and determine which businesses must close. The language in the Health Order and the Department Notice contained sections that conflicted with other sections, thereby causing confusion.

The evidence proves that the alleged conduct resulted from inadequate or inappropriate training.

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department Notice 20-045, Enforcement of Public Health Orders.

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

FINDINGS OF FACT: DPA brought a DPA-Added Allegation for failure to write an incident report as required under Department Notice 20-045.

Department Notice 20-045 **Enforcement of Public Health Orders** states, in part: “Members may observe or receive reports about other conduct...that appears to violate the SIP Order, such as: a non-Essential Business is operating; any business is failing to practice Social Distancing; or other potential violations. Members may conduct a preliminary investigation of such conduct, and educate individuals about the requirements of the SIP Order. Members should not take enforcement action. Members shall document the contact into the incident report.”

The named member acknowledged she did not write an incident report because her understanding of the Department Notice was that officers had the discretion to write a report based on whether there was compliance by the business and if enforcement action was necessary. The officer further stated she understood that if a non-essential business continued to defy the Order, she was directed to discuss the violation, produce a report upon non-compliance, and then if the non-compliance continued, issue the citation. She stated that when she spoke to the employee, she felt the business would comply with the Health Order.

The Department Notice was prepared during a chaotic time, in response to an impending public health emergency. The definitions of “Essential Businesses” were fluid, which created confusion for members. The use of the terms “should” and “shall” in the Notice created an ambiguity that made it difficult for officers to ascertain when an incident report needed to be written and when it did not. The Department failed to provide proper training to officers when the Notice was issued as to the requirements of writing an incident report. Three days after the incident, the Department issued an updated Notice that superseded Department Notice 20-064.

The evidence proves that the alleged conduct resulted from inadequate or inappropriate training.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 **DATE OF COMPLETION:** 05/14/21 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated she witnessed a security guard wrestle a juvenile to the ground after shoplifting merchandise from a store. She stated the named officers arrived and used unnecessary force when they pinned the juvenile to the ground with their knee and shoulder.

Named officer #1 stated he responded to a call of an assault on a security guard. He stated he did not use unnecessary force and complied with Department policy, de-escalating the situation by calmly speaking to the juvenile.

Named officer #2 stated he responded to a call of assault. He stated the only physical contact he had with the juvenile was when he placed her in handcuffs. He stated he used reasonable force and, with named officer #1, de-escalated the situation by removing the handcuffs on the juvenile when she stated she would no longer resist.

A witness stated a juvenile attempted to shoplift merchandise and was stopped by a security guard. When the security guard tried to detain the juvenile, the juvenile tried to bite the security. The witness stated he did not observe the named officers use any force on the juvenile because she was calmly sitting on the ground when they arrived on the scene.

Photographs provided by the complainant showed the juvenile on the ground with named officer #1's knee placed on the juvenile's ankle and named officer #2's hand placed on her shoulder. DPA attempted to obtain a video recorded by the complainant. However, the complainant never provided it to DPA.

DPA attempted to obtain surveillance video from the store in which the incident occurred. However, the video was no longer available by the time the complaint was filed with DPA.

A Department record indicates that the named officers responded to a report of an assault against a security guard. DPA attempted to obtain additional Department records and body-worn camera footage of the incident from SFPD. However, SFPD refused to provide DPA with copies of any records, recordings or documents without a court order directing them to do so because the matter involved a juvenile. Generally, under applicable state law, juvenile arrest records are confidential and cannot be disseminated without a court order. As such, some relevant SFPD documents and records were not obtained or considered.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 DATE OF COMPLETION: 05/14/21 PAGE# 2 of 5

Department General Order 5.01 (Use of Force) states in relevant part that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; and to gain compliance with a lawful order. Additionally, officers must use the minimum amount of force necessary to accomplish their lawful purpose.

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

SUMMARY OF ALLEGATION #3: The officer applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated she witnessed a security guard wrestle a juvenile to the ground after shoplifting merchandise from a store. She stated officers arrived and used unnecessary force when they pinned her to the ground with their knee and shoulder. In addition, she stated the named officer unnecessarily handcuffed the complainant.

The named officer stated he placed the juvenile in handcuffs because he responded to a call where the reporting party stated a juvenile assaulted a security guard.

A witness stated a juvenile attempted to shoplift merchandise from a store and was stopped by a security guard, whom she attempted to bite. He stated police responded to the scene, but he was unsure if the juvenile was placed in handcuffs.

Photographs provided by the complainant showed the named officer holding a handcuff on one of the juvenile's wrists. DPA attempted to obtain a video recorded by the complainant. However, complainant never provided it to DPA.

DPA attempted to obtain surveillance video from the store in which the incident occurred. However, the video was no longer available by the time the complaint was filed with DPA.

A Department record indicates that the named officers responded to a report of an assault against a security guard. DPA attempted to obtain additional Department records and body-worn camera footage of the incident from SFPD. However, SFPD refused to provide DPA with copies of any records, recordings or documents without a court order directing them to do so because the matter involved a juvenile. Generally, under applicable state law, juvenile arrest records are confidential and cannot be disseminated without a court order. As such, some relevant SFPD documents and records were not obtained or considered. The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 **DATE OF COMPLETION:** 05/14/21 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated she witnessed a security guard wrestle a juvenile to the ground after shoplifting merchandise from a store. She stated when the named officer arrived on scene, he told her she was interfering and pushed her away. She stated she was not interfering and only recording the incident on her phone.

The named officer stated he responded to a call of an assault on a security guard. He stated he observed a security guard attempting to place a screaming juvenile into handcuffs. As he approached them, he calmly asked the complainant, who was standing in the way, to back up several times so he could have room to work. He stated the complainant refused to comply, so he softly placed his hands on her shoulder and asked her to back up, which she did. The named officer stated he tried to de-escalate the situation, but the complainant continued to interject herself and interfered with his investigation.

A witness officer stated he did not see the named officer push the complainant.

A witness stated a juvenile attempted to shoplift merchandise and was stopped by a security guard, whom she attempted to bite. He stated when the named and witness officers arrived, the juvenile began screaming at them. The witness did not mention that any officer touched the complainant. He said that the named and witness officers remained calm and professional.

Photographs provided by the complainant showed the juvenile on the ground with named officer #1's knee placed on the juvenile's ankle and named officer #2's hand placed on her shoulder. DPA attempted to obtain a video recorded by the complainant. However, complainant never provided it to DPA.

DPA attempted to obtain surveillance video from the store in which the incident occurred. However, the video was no longer available by the time the complaint was filed with DPA.

A Department record indicates that the named officers responded to a report of an assault against a security guard. DPA attempted to obtain additional Department records and body-worn camera footage of the incident from SFPD. However, SFPD refused to provide DPA with copies of any records, recordings or documents without a court order directing them to do so because the matter involved a juvenile. Generally, under applicable state law, juvenile arrest records are confidential and cannot be disseminated without a court order. As such, some relevant SFPD documents and records were not obtained or considered.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 DATE OF COMPLETION: 05/14/21 PAGE# 4 of 5

Department General Order 5.07 (Rights of Onlookers) states in relevant parts, bystanders are allowed to remain in the immediate vicinity to witness interactions with police except when the safety of the officers is jeopardized, they interfere, or when they try to incite others to violate the law.

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

SUMMARY OF ALLEGATIONS #5-6: The officers knowingly engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated she witnessed a security guard wrestle a juvenile to the ground after shoplifting merchandise from a store. When the named officers arrived, she stated that they used unnecessary force when they pinned her to the ground with their knee and shoulder and unnecessarily placed her in handcuffs because the juvenile was African American.

Named officer #1 stated he responded to a call of an assault on a security guard. He stated police dispatch provided a description of the juvenile as a black female and detained he detained her based on the information provided by dispatch. He stated he did not engage in biased policing and treated the juvenile with the utmost respect.

Named officer #2 stated he responded to a call of an assault where the juvenile was described as a black female. He stated the juvenile's race was not a factor in her detention because as he arrived on scene, the juvenile was already in the process of being detained by a security guard. The officer stated that he is African American and absolutely does not discriminate and only assisted a juvenile who needed help.

A witness stated a juvenile attempted to shoplift merchandise and was stopped by a security guard, whom she attempted to bite. He stated shortly after that, the named officers arrived on the scene. He stated he did not hear the named officers make any racist statements.

Photographs provided by the complainant showed the juvenile on the ground with named officer #1's knee placed on the juvenile's ankle and named officer #2's hand placed on the juvenile's shoulder. DPA attempted to obtain a video recorded by the complainant. However, complainant never provided it to DPA.

DPA attempted to obtain surveillance video from the store in which the incident occurred. However, the video was no longer available by the time the complaint was filed with DPA.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 DATE OF COMPLETION: 05/14/21 PAGE# 5 of 5

A Department record indicates that the named officers responded to a report of an assault against a security guard. DPA attempted to obtain additional Department records and body-worn camera footage of the incident from SFPD. However, SFPD refused to provide DPA with copies of any records, recordings or documents without a court order directing them to do so because the matter involved a juvenile. Generally, under applicable state law, juvenile arrest records are confidential and cannot be disseminated without a court order. As such, some relevant SFPD documents and records were not obtained or considered.

Department General Order 5.17 (Bias-Free Policing Policy) states in relevant part that officers may not use a person's race in conducting detentions except when engaging in the investigation of appropriate suspect-specific activity.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/20 **DATE OF COMPLETION:** 05/25/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer exhibited threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant alleged the named officer posted on social media that he would no longer protect fire and medical personnel.

The matter has been investigated by the San Francisco Police Department, Internal Affairs Division.

This complaint was referred to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/20 DATE OF COMPLETION: 05/14/21 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer misused his authority.

CATEGORY OF CONDUCT: Cuo FINDING: NF DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that, over ten years ago, the named officer pulled him over because he drove around a double-parked car. The complainant stated that he argued with the officer during the traffic stop. The complainant stated the named officer retaliated by contacting his employer and making false statements to get him fired. The complainant did not provide details about the officer's contact with his employer and failed to respond to numerous contacts by the DPA to gather necessary evidence.

The named officer stated that he did not recall the incident and had no knowledge of the complainant's job or employer.

Department records indicated the named officer issued a citation to the complainant but on a date different than that provided by the complainant.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/20 **DATE OF COMPLETION:** 05/14/21 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that, after a traffic stop, the named officer filed a report containing false statements to his employer to get him fired, but he did not provide evidence or details of the alleged report. The complainant did not respond to numerous DPA requests for further necessary evidence.

The named officer stated he did not recall the incident as it occurred over ten years ago.

Department records indicated the named officer issued a citation to the complainant, but on a different date and time than the complainant provided. There was no evidence in Department records that the officer prepared an incident report related to the citation.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated that the officer conducted a traffic stop based upon the complainant's race.

The named officer stated that he did not recall the incident because it occurred more than 10 years ago. He denied engaging in biased policing.

Department records indicate that the named officer did issue a citation to the complainant, but on a different date and time than that provided by the complainant.

The complainant failed to respond to numerous requests for additional information.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/20 DATE OF COMPLETION: 05/25/21 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer behaved in a threatening, intimidating, or harassing manner.

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

FINDINGS OF FACT: The complainant stated that during a peaceful Black Lives Matter Protest, a police vehicle drove at an unsafe, high rate of speed. The complainant stated that he spoke with the officer on the vehicle's passenger side and asked why they were speeding. The officer did not answer the complainant's question.

The named officer reported that he and his partner responded in a patrol vehicle to a 10-25 "officer needs emergency backup" call regarding a protest taking place at the location of the incident. The officer noted that he responded to several protests during that time and does not recall interacting with the complainant.

There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that during a Black Lives Matter protest, the officer drove a police vehicle at an unsafe high rate of speed.

The named officer reported that he was responding to an emergency call from SWAT officers for backup. Officers were inside a police vehicle surrounded by a large crowd who had shattered the vehicle's window.

The named officer does not recall his rate of speed but stated that he always drives with due regard for public safety.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/20 **DATE OF COMPLETION:** 05/13/21 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant is a reporter who was reporting on a protest when the incident happened. He stated that he witnessed numerous officers moving in on a group of protesters. He positioned himself in front of the charging line of officers and began filming while holding up his press pass. The complainant stated that as the officers drew closer, one of the officers acknowledged that he was a member of the press, but directed the complainant to move back. The complainant then moved to the sidewalk. Officers asked the protesters to get on the ground and an officer directed the complainant to join the group of protesters laying on their stomachs.

Witness officers #1, 2 and 3 stated that the officers were forming a skirmish line at the time trying to encircle a group of protesters. Witness officer #1 said he heard over the radio that the protesters were throwing trash cans into the street, while witness #2 said they were lighting up some trash cans and debris into fire. Witness officer #3 said the protesters were shouting and yelling and were in violation of the curfew order. From a review of body-worn camera (BWC) witness officer #1 said that while they were forming the skirmish line, the complainant walked in front of them and said that he was a member of the press. Witness officer #1 said that an officer to his right told the complainant to move into the encirclement they were about to form. However, he couldn't identify the officer who instructed the complainant because there were groups of officers dispatched and intermingled with officers from other district stations. Witness officer #2 confirmed that the officers on scene were from all district stations.

Witness officer #4 was the officer in charge of the detention and arrest on scene. He stated that he did not witness the complainant being detained initially because he was not on scene at that time. From the body-worn camera (BWC) that captured the complainant being detained initially, witness officer #4 stated that the complainant appeared to be in the middle of an encirclement that had been started and that anyone who was caught inside the encirclement was then detained because it was considered a crime to be out under the curfew order put out by the Mayor. Witness officer #4 could not identify the named officer who initially detained the complainant.

Witness officer #5 was the officer who was in charge of the police activity on scene and ordered the encirclement. He did not witness the complainant being detained initially and was not able to identify the officers who did from the BWC.

Department records did not indicate which officers ordered the complainant to join the crowd of reporters.

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DATE OF COMPLAINT: 07/01/20 DATE OF COMPLETION: 05/13/21 PAGE# 2 of 5

Other records showed that there were more than 100 officers on scene dispatched from different district stations.

Body-worn camera footage showed that the officers on scene were geared up and and masked up. While the officers were forming two lines attempting to encircle the crowd of protestors, the complainant could be seen standing and then walking in front of the line from left to right. He held his press pass up and stated he was a member of the media. An officer to the right of witness officer #1 responded that he was aware that the complainant was press; however, he said the complainant still needed to move out of his way. The officer then pushed the complainant forward and further into the encirclement. As the lines were closing, the officer pushed the complainant towards the direction of the protestors. The complainant then walked backwards, continued holding his press pass and phone, and joined the crowd on the ground.

Witnesses could not identify the officers who initially detained the complainant.

The officer could not reasonably be identified.

SUMMARY OF ALLEGATIONS #2-3: The officers detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that he continued to be detained even after he showed his press pass and his editor texted the captain about his situation.

Named officer #1 who was in charge of the detention stated that he did not witness the complainant initially being pushed and directed into the group of protestors. When he arrived on scene, the complainant and the group of protestors were already detained and encircled by officers. Named officer #1 explained that he followed orders to detain and arrest the encircled protestors. He stated that at one point during the encirclement, a superior officer told him that a reporter was being detained inside the encirclement and it was discussed that the reporter would be taken out last. Named officer #1 stated that releasing the reporter early could have caused more of a problem and that it would be a safety concern for the reporter because other protestors were not searched for contrabands or weapons at the time.

Named officer #2 confirmed that during the encirclement he received a text from someone who worked with the complainant, saying that one of his reporters was being detained. Named officer #2 stated that

**DEPARTMENT OF POLICE ACCOUNTABILITY
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after he received the text he looked for the complainant and once he saw him he waved to him to acknowledge he knew he was there. Named officer #2 then began working on a plan to get everyone out. He informed his subordinates that the complainant was in the crowd and told them to first remove the individuals who were inciting the encirclement rather than removing the reporter right away and causing a potential safety issue. He stated that the complainant was released once they were able to deem it safe. He stated that there is no law or policy stating when exactly they are required to remove a reporter from detention. They identified him and monitored him to make sure he was safe until it was deemed safe to remove him.

A witness officer stated that named officer #2 told him that there was a reporter inside the encirclement and that he would be released last. Named officer #2 did not explain why and the witness officer did not ask, but he assumed somebody might have told him that it was so the reporter could report on what was going on in the encirclement. He said he verified the reporter's identity before releasing him on scene. Other witness officers said the group of protestors was either throwing trash cans into the street or lighting them up on fire.

Screenshots of texts between the complainant's editor and the superior officer showed that soon after the complainant was detained, the editor texted the superior officer, advising that he was arresting his reporter who was a credentialed member of the media. The superior officer then asked for the reporter's name.

The press pass issued by the SFPD states in relevant part, "this pass allows the holder to pass through police and fire lines for the purpose of news gathering, but does not allow access into a crime scene or into a restricted area if such entry interferes with the duties of emergency personnel."

Department records indicated that shortly before the encirclement, there were reports that the group of protestors were attempting to set fires and use trash cans as barricades. The records indicated that the complainant was later detained for approximately 30 minutes.

Body-worn camera footage showed that soon after the encirclement was formed named officer #2 informed his subordinates about the detention of the reporter and instructed them to release the complainant last. The footage showed named officer #1 then start arresting and searching the protestors on scene. The complainant was the last one to remain seated on the ground, while being able to make phone calls and film the protest with his phone. He was released eventually after witness officer #1 confirmed his identity.

A witness told the DPA that he texted the superior officer that his journalist who is a credentialed member of the media was arrested. He also texted the superior officer the name of the journalist.

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DATE OF COMPLAINT: 07/01/20 DATE OF COMPLETION: 05/13/21 PAGE# 4 of 5

Department General Order 8.09 I.A. states, “[i]t is the policy of the San Francisco Police Department to cooperate with members of the media in their news-gathering activities as long as investigations are not jeopardized, police operations are not interfered with, or officer safety is not endangered.” Section H of the DGO states, “[a]t a crime scene, unlike a disaster scene, the media DOES NOT have a constitutional right to enter and may be legally kept out. Crime scenes which are located in areas of public access may be opened for media inspection after any search, preservation and processing of evidence has been completed and the scene has been secured.”

The San Francisco Curfew Order enacted by the San Francisco Mayor as a result of the declaration of Local Emergency was in effect during the time of the incident.

The evidence collected proves that the complainant continued to be detained because he had entered a crime scene where protestors were attempting to set fires, using trash cans as barricades and had interfered with police duties to set up encirclement while the curfew was in effect. The named officers had reasonable suspicion to continue with the detention and released the complainant until it was deemed safe after all the protestors were searched and the complainant’s identity was verified.

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

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

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

FINDINGS OF FACT: The complainant stated that right before he was released from the scene, an officer came up to him and told him he was under arrest for violation of the curfew. The officer put the complainant’s hands behind his back, but did not handcuff him. Within a few minutes the complainant was led away and released.

The named officer, who was the arresting officer on scene, stated that he advised the complainant that he was under arrest for violation of the curfew. He stated that he did so because 1) the complaint was in violation of the curfew, 2) that he had just given the same advisement for 30 other people, and 3) that per

**DEPARTMENT OF POLICE ACCOUNTABILITY
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the Penal Code he needed to advise regarding the arrest and violation. The named officer stated that he was going to release the complainant but still advised him that he was in violation and under arrest for the curfew. The named officer stated that in essence the complainant was detained.

A witness officer stated that both he and the named officer were told that they were going to release the complainant. While he was looking for a certificate of release form, the named officer told the complainant he was under arrest. The witness officer assumed that the named officer misinformed the complainant in this regard because the complainant was not under arrest.

Department records indicated that the complainant was not arrested or cited at any time during the detention, but was released afterwards.

Body-worn camera footage showed that the named officer told the complainant that he was under arrest for violation of the curfew, asked him to stand up, and released him right after.

The San Francisco Curfew Order in effect at the time of the incident states that the order shall not apply to...3. Authorized representatives of any news service, newspaper, radio or television station or network, or other media organization.

Penal Code 849(b) states, "a peace officer may release from custody, instead of taking the person before a magistrate, a person arrested without a warrant in the following circumstances:

(1) The officer is satisfied that there are insufficient grounds for making a criminal complaint against the person arrested."

The evidence gathered proves that the named officer detained the complainant for the investigation of the curfew violation, advised him that he was under arrest for the investigation and released him afterwards due to insufficient grounds for making an arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/20 DATE OF COMPLETION: 05/28/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer showed favoritism toward his landlord and did not listen to him when he told the officer his side of the story. The complainant stated the officer knew the landlord's family because the family owns a restaurant the officer was familiar with and that the brother of the victim introduced himself to the named officer.

The named officer stated he responded to a call-for-service regarding a possible battery. The officer stated he interviewed both parties and obtained their statements. The officer stated he accepted Citizens' Arrest forms from both parties. One party was cited for trespassing, while the other was cited for misdemeanor battery. The officer stated the victim's brother did not introduce himself, nor did he speak to the victim's brother during the incident. The officer stated he was not familiar with any of the victim's relatives that came to the scene.

Another officer who was engaged in the investigation involving the complainant said she did not speak to the landlord's brother or other relatives and did not know if other officers on the scene knew the landlord's brother or spoke to him at the scene.

The incident report written by the named officer accurately and completely documents the comments made by the complainant to the officer regarding the crimes the officer was investigating.

Body-worn camera footage captured the contact with the complainant by all the officers who responded to the incident. The videos indicate no favoritism on the part of the named officer or any other officer at the scene. There is no evidence to support the complainant's assertion that the named officer was familiar with any of the victim's relatives. The video also showed that the named officer acted in a courteous manner when addressing the complainant and allowed the complainant to tell his account of the incident.

The evidence proves that the conduct alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/20 DATE OF COMPLETION: 05/28/21 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer did not keep body-worn camera evidence and wrote an incomplete account of the incident by failing to mention a physical interaction between the complainant and the victim's brother. The complainant also stated during his DPA interview that no physical contact occurred between the brother and himself.

The named officer stated that he did not mention the brother in his report because the brother did not commit a crime in his presence, and he had no knowledge about the brother and the complainant having any physical contact.

Body-worn camera evidence showed the complainant sitting handcuffed on the stairs speaking with officers when the brother arrived, carrying an infant in his arms. The brother and the complainant exchanged words using raised voices in passing on the stairwell. The video showed no physical contact between the two men.

The incident report written by the named officer contained an accurate and complete narrative of the comments made by the accusers and victims in the crimes documented in the report. Department records show all body-worn camera footage of the incident and additional surveillance video footage was booked as evidence.

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: 08/10/20 **DATE OF COMPLETION:** 05/05/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers spread lies about the complainant during a stay at a shelter.

Department records showed the named officers responded to a call-for-service regarding a fight between the complainant and another resident at a shelter. The officers spoke with both parties, mediated the dispute, and left.

The named officers' body-worn cameras captured all the officers' actions at the shelter. There was no indication of the described inappropriate behavior or comments.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/20 **DATE OF COMPLETION:** 05/19/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1 The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated that the officer failed to prepare an incident report.

The named officer could not recall the incident in question.

No witnesses were identified.

There is insufficient evidence to either prove or disprove the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/20 DATE OF COMPLETION: 05/28/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that medication and miscellaneous documents were stolen from his apartment and officers failed to fully investigate the incident. The complainant reported that his landlord had been coming into his apartment and taking his papers over a period of 20 years.

The named officers' body-worn camera footage covered the contact with the complainant. The video showed that they investigated by asking the complainant about the crime he was reporting, looked inside the apartment, and found no merit to his allegations. There was no evidence of forced entry into the complainant's apartment.

Body-worn camera footage proved that the officers conducted an appropriate investigation under the circumstances.

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

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DATE OF COMPLAINT: 08/01/20 **DATE OF COMPLETION:** 05/28/21 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he called police to report that his landlord stole his medication and financial records, that an unknown person changed the settings on one of his appliances, and that he had found sheet metal in a can of beans. The officers listened to the complainant and left without preparing a report. The complainant stated he did not request a report because he thought officers would automatically prepare a report regarding a burglary.

Body-worn camera footage showed the complainant telling the officers that he believed his landlord was entering his apartment. The officers told the complainant to notify them if he obtained any surveillance footage of the landlord entering his unit and taking items.

There was no evidence of a neglect of duty for failure to write a report because the officers correctly determined there was no evidence of the crime the complainant was reporting.

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: 08/17/20 DATE OF COMPLETION: 05/22/21 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: Cuo FINDING: M DEPT. ACTION:

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 5/20/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/3/21 **DATE OF COMPLETION:** 05/03/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the station representative, the complaint was mediated and resolved in a non-disciplinary manner on 4/23/21.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 1 of 5**

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

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

FINDINGS OF FACT: The complainant said she and her father were having an argument, and her father gestured and threatened to pour boiling water on her, so she called 911. When the officers came, she told them her father pushed her onto the countertop three years ago. Then the named officer said to her, “if you’re bothered by something that happened three years ago, then you need to see professional help of some sort.” The complainant felt that the officer had dismissed everything she said and did not want to hear her story.

The named officer said he felt sorry the complainant felt like that. However, he did not dismiss the things she said. He offered her alternate services as the incident was historical. The officer said he was told by other officers that there was no merit to the elements of felony harassment in the complainant’s statement.

Department records indicate that the complainant called 911, stating that her father threatened to pour boiling water on her. The officers on the scene separated and interviewed the parties, and determined that no crime occurred, and provided social services to the family.

Body-worn camera footage showed officers spoke to the parties separately, including the complainant’s sister, who witnessed the incident. The sister told the officers that it was the complainant who instigated the argument. The father denied pouring hot water onto the complainant and said the complainant yells at him all day. The complainant confirmed that she yelled at her father for pushing her in the past, and the father did not actually pour hot water on her. Then the named officer advised that if the complainant brought up things that are three years-old and it was still dwelling on in her mind, she probably needed to seek some professional help. The footage also captured that an officer provided some social worker contacts to them.

Witness did not remember the details of the incident.

The evidence collected proves that the complainant was bothered by an incident three years ago and confronted her father about it. The named officer merely offered social services for the complainant to settle the issue that has been bothering her. The incident was investigated but did not have any merit.

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

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DATE OF COMPLAINT: 10/02/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 2 of 5**

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

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

FINDINGS OF FACT: The complainant stated her father punched her in the face a month after the first incident and busted her lips. The officers interviewed both of them, and an officer called and conferred with a senior officer who was the named officer from the first incident. She said both her father and her were charged with battery. The complainant said that she was taken to the police station while her father was not. The complainant opined that the named officer should have taken her father to the police station.

The named officer said that he was not on scene when the incident happened but was contacted by one of the officers on the scene. He was advised that two subjects had battered each other with a witness present. He believed that there was a reason to bring the complainant back to the police station to determine if a felony charge was required and discuss possible mental health detention in a different setting. The officer said he agreed for the complainant to be transported to the station to complete their investigation. He denied placing the complainant under arrest but said the officers on the scene did. He said the officers placed both the complainant and her father under arrest for battery based on the statements provided, with a third-party family member present and a visible mark on both parties. He approved of an officer's request to bring the complainant to the station for further determination.

Department records confirmed that the named officer was not on scene during the investigation and was the senior officer in the case. The officers on scene interviewed both the complainant, her father and the complainant's mother as a witness. The complainant's father stated that the complainant brought up an incident that happened years ago and started throwing bread and his mug on the floor. Then the complainant started punching him and slapping him in the face. The father said he had to punch the complainant back to stop her from hitting him. The document also records that the complainant's mother said she heard a loud argument and immediately went into the room and saw the daughter and father "intertwined" on the couch as they were fighting. The officers on the scene called the named officer, who approved citing and releasing the complainant's father and directed them to have the complainant transported to the station pending investigation. When at the police station, the complainant was placed under a mental health detention and transported to hospital.

Body-worn camera footage captured that the officers on the scene interviewed both parties and witnesses. The complainant told the officer that she was just yelling at her father and then he started hitting her. The complainant admitted that she threw the bread, got ready to throw a cup when her father started punching her. The footage shows that the father told the officers that her daughter started throwing stuff around and punched him 3-4 times. His wife did not see how it started but tried to intervene and fell. The complainant's mother said both of them have constant arguments, and the complainant constantly insults

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and scolds her father. Both complainant and the father appear to have redness and injuries on their faces.

Witness said he did not remember the details of the incident.

The evidence gathered proves that the named officer was not on the scene during the investigation. The other officers interviewed all parties on scene and determined that since both the complainant and the father hit each other, they were placed under arrest for battery. They also determined that the complainant could be suitable for a mental health hold and was taken to the police station and then hospital for treatment.

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

SUMMARY OF ALLEGATION #3: The officer filed false charges.

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

FINDINGS OF FACT: The complainant stated that the officers on scene followed the order of the named officer and charged her with a felony of senior abuse because her father was over 65 years old. She said her charge was dropped later.

The named officer said he was not on scene during the investigation and denied giving orders to the officers on the scene regarding the complainant. He was contacted regarding whether the complainant needed to be taken to the station to determine if a felony charge was required and discuss possible mental health detention. The officer confirmed that the complainant's father was over 65 years old at the time of the incident.

Department records did not indicate that the complainant was charged with elder abuse but indicated that the named officer directed the primary officer to transport the complainant to the station pending further investigation.

The body-worn camera captured that the primary officer explained to the complainant that it was mutual combat. However, he said he consulted his senior that because there was a domestic assault and the father's over 65, the incident could be considered elder abuse. The footage did not capture the phone conversation between the primary officer and the named officer.

Witness did not remember the details of the incident.

The evidence gathered proves that although the primary officer stated that he had consulted with the

**DEPARTMENT OF POLICE ACCOUNTABILITY
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named officer regarding the charge, there is insufficient evidence to prove the named officer placed the order. The complainant was not charged with elder abuse but was transported to the station for further investigation.

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

SUMMARY OF ALLEGATION #4: The officer detained the complainant without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that she was uncontrollably crying and screaming while she was in the police station. The officer eventually detained her for a 5150 mental health hold.

The named officer stated that both the complainant's parents believed that the complainant was in a possible mental health crisis based on the prior documented incidents. As the complainant attacked her father again, the named officer decided to place the complainant on a 5150 detention. The named officer further explained that the complainant was a danger to others at the time of the investigation.

Department records indicate that both the complainant's parents said the complainant had some mental health issues and could lose her temper quickly. The primary officer believed that the complainant was a danger to others based on the investigation and interviews with the complainant's parents. Other records indicate that the complainant has anger issues, threw a cup at her father, and destroyed things in the house. The records also documented that the complainant had been placed on 5150 detentions before.

The body-worn camera captured that the complainant admitted that she was yelling at her father and was throwing bread across the room. The officer interviewed the complainant's mother, who said the daughter is constantly stirring things up and is a troublemaker. The complainant's sister said the complainant throws a lot of tantrums. The footage also captured that the complainant screamed hysterically after hearing that she would be under arrest for elder abuse. The next moment, she became calm, asking how long she would be in jail and asked to talk to her mom. The complainant then continued to scream while being escorted to the police station.

Witness did not remember the details of the incident.

The evidence gathered proves that the complainant instigated the argument and started throwing bread at her father. The complainant has a history of mental health issues and was a danger to others during the

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incident. The officer had reasonable suspicions to detain the complainant on a 5150 hold.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/20 **DATE OF COMPLETION:** 05/25/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Complainant requested a withdrawal of the complaint.

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DATE OF COMPLAINT: 10/05/20 **DATE OF COMPLETION:** 05/21/21 **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 stated that he was cited for a moving violation while he was on his bicycle. The complainant did not deny the moving violation but felt that the SFPD should prioritize motorists over bicyclists.

The named officer stated that he observed the complainant failing to stop at a stop sign. He also observed the complainant turn left onto a northbound lane and failed to yield to a vehicle that was traveling eastbound. The named officer cited the complainant for 22450(A) and 21800 (B) of the California Vehicle Code.

The DPA obtained the named officer's body-worn camera footage of the incident. The footage shows the named officer pulling over the complainant and informing him of the violations he witnessed. The complainant does not object about the violations at any point during the traffic stop.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 10/05/20 **DATE OF COMPLETION:** 05/21/21 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer condescendingly explained to him the rules of the road during a traffic stop.

The named officer stated that he was professional when speaking with the complainant and denied the allegation.

The DPA obtained the named officer's body-worn camera footage of the incident. The footage shows the named officer speaking to the complainant and explaining to him that bicycles are still subject to the same rules of the road as vehicles. He is not condescending when he explains this to the complainant.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 10/09/20 **DATE OF COMPLETION:** 05/28/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called the police because he had a medical emergency. The complainant stated the incident landed him in a mental institution.

According to the Incident Report (IR), the complainant called the police to inquire how to file a report against his neighbors who the complainant believed bugged the house and hacked the complainant's internet. The report indicated the named officer responded, discussed the complainant's concerns with the complainant and his husband and suggested the complainant consider getting mental help.

According to the husband's written statement, the complainant became belligerent, abusive and tried to set the house on fire after the named officer left. The husband stated that he was scared of the complainant and the complainant needed psychiatric help.

The named officer is no longer with the Department and therefore is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated he was stopped by a police officer as he was walked alone at night. The complainant stated the named officer intentionally blinded him using the spotlight mounted on the police vehicle. The complainant stated the named officer did not speak but took his photo. The complainant stated he was unable to see the named officer's face, badge or the vehicle number because the spotlight was directly shone on the complainant's face.

A search was conducted for the officer as described by the complainant. No officer was found. The complainant was unable to provide a name, badge number or identifiable description of the officer. The officer could not be reasonably identified.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/20 DATE OF COMPLETION: 05/14/21 PAGE# 1 of 4

SUMMARY OF ALLEGATION #1: The officer arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated an officer wrongfully arrested him and his spouse. The complainant stated he was in a physical fight with a woman who accused him of stealing from her yard. The complainant stated the woman hit him with a hammer multiple times on his back, head, and arm. The complainant stated that at some point, his spouse, a co-complainant in this case, arrived and called 911. The complainant stated the officer should have arrested the other party who attacked him with the hammer.

The named officer stated that the complainants were arrested for aggravated assault. He stated he found the complainants to be the dominant aggressors based on the statements of independent witnesses and a comparison of injuries on both parties.

The body-camera video footage of the named officer's partner showed civilian witnesses giving statements that the complainant initiated the fight. One witness heard yelling and saw someone throw a beer bottle at another person. The witness observed the complainant punching and knocking a woman to the ground. The witness recalled the woman holding a hammer but did not see her hit the complainant with it. The witness stated that the co-complainant also punched and kicked the woman. A second witness gave a statement that the incident was an unprovoked attack, that the complainant hit the woman with a beer bottle, took her to the ground, and punched her several times. A third witness saw the woman and the complainant arguing about a plant. The witness saw the co-complainant throw a bottle at the woman and miss hitting her before pushing the woman against a van, tackling her to the ground, and punching her face several times. The witness stated the woman was holding a hammer, but he never saw the woman raise the hammer against the complainant or chase the complainant with the hammer. The witness also saw the co-complainant kick the woman while the latter was on the ground.

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

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DATE OF COMPLAINT: 09/05/20 DATE OF COMPLETION: 05/14/21 PAGE# 2 of 4

SUMMARY OF ALLEGATION #2: The officer failed to provide medical assistance.

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

FINDINGS OF FACT: The complainant stated that he was in a physical fight with a woman who had accused him on the street of stealing from her yard. The complainant stated the woman hit him with a hammer multiple times on his back, head, and arm. The complainant stated that at some point, his spouse, a co-complainant in this case, arrived and called 911. Officers arrived in minutes. The complainant stated he asked the officers for an ambulance, but the officers refused, saying that he was not hurt.

The named officer stated that two ambulances responded, and they assessed or treated both parties.

A witness officer stated that she summoned an ambulance to the scene for the complainant, whose hands were bleeding. Another witness officer stated that two ambulances were requested within three minutes of the call being broadcast, but the complainant felt they took too long to arrive. The officer stated he told the complainant the ambulance was on its way, but the complainant refused to believe him. The officer stated other officers on scene advised the complainant as well that an ambulance was already dispatched to the location.

Department records show ambulances were requested within minutes of officers arriving at the scene.

Body-camera video showed ambulances at the scene and both parties being given medical assistance.

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

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DATE OF COMPLAINT: 09/05/20 DATE OF COMPLETION: 05/14/21 PAGE# 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that he asked for a supervisor, but no officer called one to the scene.

The named officer refuted the allegation. He stated that a supervisor responded to the scene and spoke with the complainant upon his request. The officer stated that the supervisor explained to the complainant the investigation and its follow up process.

Other officers on scene stated that a supervisor responded to the scene.

The co-complainant stated that she recalled the complainant asking for a supervisor and recalled that one came to the scene and talked to them.

The named officer's body-worn camera footage shows a supervisor contacting the complainant and asking him if he had asked for a supervisor. The complainant told the officer he had, and the supervisor asked the complainant how he could help him. The complainant then gave a statement about the incident.

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

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DATE OF COMPLAINT: 09/05/20 DATE OF COMPLETION: 05/14/21 PAGE# 4 of 4

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

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

FINDINGS OF FACT: The officer separated from the Department and is no longer subject to discipline.

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

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

FINDINGS OF FACT: The officer separated from the Department and is no longer subject to discipline.

SUMMARY OF ALLEGATION #6: The officer improperly arrested a person.

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

FINDINGS OF FACT: The officer separated from the Department and is no longer subject to discipline.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/20 **DATE OF COMPLETION:** 05/13/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated that she and a co-worker were working with a male client suffering from a mental crisis. The male ran into traffic until the named officer arrived and secured the male until the paramedics arrived. The named officer asked the complainant and co-worker accusatory questions regarding the male's narcotics use and who provided the narcotics to him. The complainant opined that the named officer's questions were unprofessional.

The named officer stated he responded to a male possibly under the influence of narcotics running in and out of traffic. The male ran to the police vehicle, placed his hands on the hood, and stated that he did not want to die. The officer immediately exited his vehicle and secured the male before he ran back into traffic. The officer noticed that the complainant and co-worker were watching the interactions with the officers. The officer asked the co-worker what drugs the male had consumed, and she replied nothing. The co-worker then replied that the male had taken LSD. The officer was able to secure the male and then activated his body-worn camera with a delay.

The named officer approached the co-worker and asked if she was under the influence of a controlled substance because of her conflicting statements and noticeable objective symptoms of being under the influence of a controlled substance.

The complainant would not provide contact information for the co-worker or male client.

Body-worn camera footage revealed that a male was in distress and need of medical attention. The named officer and his partner assisted the paramedics in restraining the male for transport. The named officer asked the co-worker if she was high, and she replied that she was an essential worker and laughed. The complainant objected to the question by the officer and stated she would make a complaint.

The comments by the named officer to the co-worker, which was captured on body worn camera-footage, do not rise to the level of misconduct. However, the initial conversation between the named officer and co-worker and the complainant over what specific narcotic questions were asked was not recorded.

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

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DATE OF COMPLAINT: 11/08/20 **DATE OF COMPLETION:** 05/06/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved or spoke in a manner unbecoming of an officer.

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

FINDINGS OF FACT: The complainant stated that he observed a marked SFPD vehicle that had a “Blue Lives Matter” sticker on it.

The DPA attempted to obtain the equipment logs for the vehicle in question to identify the parties that put the sticker on the vehicle. The DPA was advised by the department that they could not locate the equipment logs pertaining to that specific vehicle.

The DPA contacted SFPD to remove the sticker.

No witnesses were identified.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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DATE OF COMPLAINT: 11/10/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the named officers responded to a 911 call for assistance and failed to take any police action at the scene. The complainant stated that her father was the victim of a crime during an altercation. The complainant opined a police report should have been taken at the scene of the incident. The complainant responded to the police station after the incident to obtain a police report.

The complainant refused to be interviewed for this investigation.

Body-worn camera footage indicated that the officers responded to the call for service and conducted a proper investigation. The complainant's father told the officer numerous times he was not a victim of a crime and that officers could depart the location. The complainant responded to the police station and advised the named officers that she was also a victim of a crime. The named officers completed a police report and provided the complainant a report number.

The footage revealed that the complainant did not advise the officers she had been a victim of a crime when the officers were at the scene.

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

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DATE OF COMPLAINT: 11/14/20 **DATE OF COMPLETION:** 05/28/21 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was at a business to pick up his tools. He stated that he did not have a key and the business owner gave him permission to break into the front door. Two plainclothes officers then detained him for no reason.

The named officer stated he was driving with the named sergeant in an unmarked police vehicle. The two were looking for burglary suspects after a rise in burglary reports in the area. The named officer saw someone in an alcove of a pet store with his back to the street. The business was closed and there was nobody else walking in the area. The named sergeant stated he also witnessed the complainant engaged in a suspected burglary. After the complainant was detained, the complainant was unable to provide the name of the business, the business owner's contact information and the reason why he was not provided with a key for access.

The incident report shows that the officers made contact with the complainant at approximately 3:00 A.M. Photo evidence taken by the officers showed the windows of the business were covered with brown paper, pry marks on the door, wood particles on the ground and a tool used for burglary. Evidence marked in the incident report also indicated the complainant was in possession of tool that could be used for burglary.

No witnesses came forward and a neighboring business would not provide surveillance footage.

Both the sergeant and officer were experienced plainclothes officers who were working to abate a rise in burglaries in the area. Given the time of the incident, evidence at the scene, what they witnessed and the totality of the circumstances, they had reasonable suspicion to detain the complainant.

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

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DATE OF COMPLAINT: 11/14/20 **DATE OF COMPLETION:** 05/28/21 **PAGE# 2 of 3**

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 that he was a carpenter hired to complete a job at a previous work location when the complainant was detained by the police. The complainant stated he was detained because he is an African American male.

The named sergeant and the named officer stated when they first took notice of the complainant, the complainant was a figure in an alcove with his back to the street. They were not aware of his race because the back of his head was obscured, and it was dark outside. The named officers stated that the first time they became aware of the complainant's race was when they stopped and spoke to him because they suspected him of committing a burglary. Both officers stated the complainant's race was not a factor when the complainant was questioned.

No witnesses came forward and a neighboring business would not provide surveillance footage.

The named officers had a legitimate reason for detaining the complainant on suspicion of burglary. They stated they did not realize the complainant's race until they already made the decision to detain him.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #5-6: The officers failed to comply with Department General Order 5.01.

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

FINDINGS OF FACT: The complainant stated the officers pointed their gun at the complainant and handcuffs were purposely placed tightly on his wrists. The complainant was unable to provide any evidence of injury.

The named sergeant and the named officer stated they never pointed their gun at the complainant. Both named officers stated their service weapons were never removed from their holsters during the encounter with the complainant. The named officer stated that if he had drawn his service weapon, the incident would have been recorded in the Incident Report as required by DGO 5.01 as a reportable use of force.

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The named officer also stated that he was partnered with his Sergeant who reviewed and approved the Incident Report.

DGO 5.01, G, 1, d: HANDLING, DRAWING AND POINTING FIREARMS, in part, states:

“POINTING A FIREARM AT A PERSON. The pointing of a firearm at a person is a seizure and requires legal justification. No officer shall point a firearm at or in the direction of a person or have the firearm at the low ready positions unless there are objectively reasonable facts to believe the situation may escalate to justify deadly or lethal force. If an officer points a firearm at a person, the officer shall, if feasible, safe and when appropriate, advise the subject the reason why the officer(s) pointed the firearm. Officers shall document in their incident reports their justification for drawing, exhibiting, pointing their firearm, or having the firearm at the low-ready position.”

The named officer also stated that if he was made aware that tight handcuffs were placed on the complainant, he would have corrected it and the occurrence would also have been written in the Incident Report.

DGO 5.01, VII, A: USE OF FORCE REPORTING, in part states:

“REPORTABLE USES OF FORCE. Officers shall report any use of force involving physical controls that are used in any attempt to overcome any physical resistance, regardless of injury or complaint of pain. Use of control holds to effect handcuffing, where the person does not offer physical resistance, is not injured, and does not complain of pain, are not included.”

No witnesses came forward and a neighboring business would not provide surveillance footage.

The named officer stated he placed the handcuffs on the complainant per his training and experience. The named officer stated he checked for the tightness of the handcuff when he placed his index finger between the bone of the complainant’s wrist and the metal of the handcuff, as per his training and his normal practice. The named officer stated the complainant never made the officer aware of any discomfort. The named sergeant stated he never heard the complainant say anything or make sounds indicating the handcuffs were on tight.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/20 **DATE OF COMPLETION:** 05/21/21 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that she was upset due to a miscommunication with her parents, and they called police. The complainant stated that no one was hurt, and she should not have been detained.

The named officer stated that when he spoke to the complainant, she appeared extremely agitated, frustrated and was waving her arms. The named officer stated the complainant's speech and facial expressions showed that she was angry. The named officer determined the complainant may have been in an altered mental state. The named officer stated the complainant actively resisted the named officer's orders and physical control. The complainant's parents said that she suffered from mental health illnesses and had threatened to injure them. The complainant refused treatment and medication. The named officer stated he detained the complainant because he believed the complainant was likely suffering from a mental health episode and was a danger to herself and her family.

An incident report and dispatch records showed the named officer responded to the location because of threats/harassment. The dispatch records also indicated that an elderly person made the 911 call.

Body-worn camera footage showed the named officer evaluating the complainant for a mental-health detention. Footage from the named officer's partner also showed the parents confirming that the complainant threatened them with physical harm.

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: 11/26/20 **DATE OF COMPLETION:** 05/21/21 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated it was inappropriate when the named officer asked her if she was in possession of needles and suggested she work at Target or join the military.

The named officer stated he did engage the complainant in a conversation about employment and had provided the suggestion of working in retail or joining the military. The named officer stated he believed the complainant's primary conflict in this incident was that the complainant's living situation and lack of finances. The named officer stated he made those statements to inform the complainant that she had options for employment. He stated he suggested work in retail as the named officer knows of many people who transferred to retail-type positions after losing their job and that those type of businesses were hiring. The named officer stated that he believed he showed empathy and compassion by validating the complainant's statements and the questions were part of a de-escalation tactic.

The body-worn camera footage showed the named officer did not ask the complainant specifically if she had needles on her person. The named officer asked if the complainant had any weapons on her to which the complainant responded she did not have anything sharp. The footage also showed the officer calmly conversing with the complainant, and that she became more compliant as the conversation continued.

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: 11/26/20 **DATE OF COMPLETION:** 05/21/21 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #3: The officer improperly touched an adult in a sexual manner.

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

FINDINGS OF FACT: The complainant stated that the officer patted her on her butt and the mid-section of her body in a sexual manner.

The named officer stated he performed a cursory pat search for weapons on the complainant consistent with his training. The named officer stated he searched the upper arms of the complainant's clothing, the outermost cloth on her shirt at her chest, stomach, waistline and back area and the cloth portion of the front side of the complainant's shirt but did not touch her breasts. The named officer stated that the complainant was constantly jerking her body during the pat search and stated that it is possible that a portion of the complainant's body may have come in contact with equipment on the named officer's duty belt, arm or hand.

An incident report stated that the complainant had threatened her parents with a weapon.

The named officer's statement is consistent with the body-worn camera footage. The footage showed the complainant moving around, side stepping and resisting the named officer. The named officer patted down the complainant's chest area, pulled the clothing away from the complainant's skin to search the shirt chest pocket and shook the shirt to determine if she possessed any weapons. The complainant can be seen moving around and asking why she is being touched as the officer searches her person.

The named officer had reason to believe the complainant could have been armed and conducted a pat-search consistent with policy and before she was taken by paramedics. The evidence proves 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/SFFD** **DEPT. ACTION:**

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

San Francisco Fire Department
Department Headquarters
698 2nd Street
San Francisco, CA 94107

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/20 **DATE OF COMPLETION:** 05/06/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer failed to provide her with an incident report regarding her relative's death. The complainant spoke to the named officer two weeks after the death, but the officer informed her that he was not yet able to release the report due to Department procedures which permit the release of such an incident report only after the toxicology report from the Medical Examiner's Office is received and reviewed.

Complainant further stated she eventually did receive the incident report a few months later but she stated the named officer should have released the report when she asked him earlier.

The named officer stated he was the inspector at the Homicide Detail assigned to this death and bore the responsibility of releasing any related incident reports. The named officer confirmed that he spoke with the complainant and explained that he could not release the incident report until the Medical Examiner concluded their forensic investigation and released the toxicology results. The named officer informed the complainant that these toxicology results were not complete at the time of complainant's inquiry, but the complainant disagreed with the policy and demanded an immediate explanation regarding the death of her relative. The named officer explained to the complainant that once the toxicology results were in, she could again request the incident report and he would release it.

Additionally, the named officer stated that the Medical Examiner needs all the facts before they close out a forensic investigation and the Homicide Records units can release that report to the public. The named officer further stated the final decision was his, and that it is against policy to release an incident report while toxicology results are pending.

Department General Order 3.16, Release of Police Reports, states in pertinent part: "The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation."

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: 08/25/20 **DATE OF COMPLETION:** 05/13/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the Department failed to address the ongoing problem of sideshows in his neighborhood, which he stated are a community nuisance. The complainant provided correspondence regarding these concerns between him and the former captain of his district station, who has since retired.

The current captain of the district station stated that he has no knowledge of the sideshows in question as he was not the station captain at that time. However, he advised that the Department has since created a Stunt Driving Response Unit to address the issue.

Department records reflect that the Department created the Stunt Driving Response Unit in reaction to the increased displays of stunt driving on public roadways. The Stunt Driving Unit has conducted numerous operations to quell dangerous sideshows, such as dispersing, towing, and impounding vehicles found at the scene. The unit also issues notices cautioning would-be participants that illegal stunt driving will subject them not only to the potential loss of their vehicles, but also possible criminal and potential civil charges.

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: 12/21/20 **DATE OF COMPLETION:** 05/13/21 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers knowingly engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated that he was pulled over because of his race.

Named officer #1 stated that he saw a car speeding and cut across another driver in a reckless maneuver. He was aware that another driver also committed traffic violations but saw the complainant and his traffic violations first. Named officer #1 stated that he pulled the complainant over with the intention of giving him words of advice. He stated that he did not know his race before he pulled the complainant over and that the complainant's race played no role in how he dealt with the situation.

Named officer #2 stated that he was working with named officer #1 when the complainant was stopped for speeding. Named officer #1 noticed the violation first and initiated the stop. Named officer #2 stated that named officer #1 advised the complainant. He stated that he was not aware of the complainant's race before his vehicle was stopped.

Records showed the complainant was stopped for unsafe speed and reckless maneuver and was given a warning. The CAD showed that the driver insisted the officers should have pulled over the car in front of him.

Body-worn camera footage did not capture the incident that led to the traffic stop. The footage showed named officer #1 explaining the reason for the stop. He told the complainant that he did not pull him over because of his skin and was not trying to harass the complainant. No citation was given to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 2 of 3**

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant was stopped for alleged traffic violations. The complainant stated that officers failed to stop another driver he felt was to blame for the traffic violations.

Named officer #1 stated that he saw a car speeding and cut across another driver in a reckless maneuver. He was aware that another driver also committed traffic violations but saw the complainant and his traffic violations first.

Named officer #2 stated that he was working with named officer #1 when the complainant was stopped for speeding. Named officer #1 noticed the violation first and initiated the stop. Named officer #2 stated that named officer #1 advised the complainant.

Records showed the complainant was stopped for unsafe speed and reckless maneuver and was given a warning. The CAD showed that the driver insisted the officers should have pulled over the car in front of him.

Body-worn camera footage did not capture the incident that led to the traffic stop. The footage showed named officer #1 explaining the reason for the stop and the complainant maintaining that the other driver was at fault. Named officer #1 told the complainant he was only there to advise him about his speed, not give him a citation. Named officer #1 explained that he was trained in speed enforcement and advised the complainant that he needed to slow down. No citation was given to the complainant.

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: 12/21/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer claimed to be a Traffic Enforcement Officer which the complainant believed to be false.

The named officer stated that he has been focused on traffic enforcement for years and has received extra training from different agencies specifically on traffic enforcement.

Body-worn camera footage showed the named officer explain that he was trained in speed enforcement.

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: 12/21/20 **DATE OF COMPLETION:** 05/06/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer used an inaccurate database system to run the complainant's warrants and records check.

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

FINDINGS OF FACT: The complainant stated that an officer wrongly identified him as being on active parole during an investigative detention over fourteen years ago. The complainant stated he had not been on parole since 2004, and that the information regarding his parole status that the officer received after running his name in the database was inaccurate. The complainant believed that the officer should have conducted further investigation into his parole status. The complainant also stated that he recently learned from the California Department of Corrections (CDC) that his parole status was never changed from active to inactive in the parole database.

The named officer stated he did not recall the incident since it occurred over 13 years ago. The named officer stated that his review of the incident report confirmed that he was the investigating officer and that he briefly detained and released the complainant during a narcotics investigation. The named officer also confirmed that he conducted a routine warrant check on the complainant. He ran the complainant via dispatch and dispatch confirmed that the complainant was on active parole. The named officer stated that because the complainant was not placed on a parole hold (which would return him to prison per Penal Code §3056), but instead released at the scene, he did not contact the CDC. Finally, the named officer noted that the complainant did not advise officers on scene that he was not on parole, nor did he contradict information the information they received regarding his parole status.

Witness officers did not recall the incident. After reviewing the incident report, witness officers stated that, based on their procedures, the complainant was lawfully detained for a narcotics investigation and routine queries for records and warrants were conducted. The witness officers also stated that the complainant was briefly detained and admonished for 11532 H&S (loitering in a high narcotics area with the suspected intent to engage in narcotic activity) and was subsequently released at the scene despite his parole status. The witness officers also noted that the complainant did not show any documents or otherwise indicate that he was not on active parole at the time of the incident.

No dispatch records were available due to the age of this incident. However, other Department records indicate that the complainant was detained and a "warrants/record check" showed him as being on active parole status at the time of the incident. Officers routinely communicate with dispatch regarding records checks on subjects, but the Department is not the custodian of information related to parole status. Officers must rely on the information provided to them by dispatch. It is the responsibility of the individual to notify the CDC with any changes or updates to parole status. 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: 12/21/20 **DATE OF COMPLETION:** 05/10/21 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that an officer falsely arrested and booked him in a traffic stop that occurred over fourteen years ago. The complainant admitted his failure to activate his car's turn signal. However, when the officer ran his name, he informed the complainant that he had an arrest warrant and was on probation from another county. The complainant maintains that, while he had had parole violations in the past, his parole was completed three years prior to the incident, and he had no warrants for his arrest. The complainant stated that the officer should have further investigated his parole status before deciding to arrest him based on erroneous information from the California Department of Corrections (CDC). The complainant also stated that he recently discovered through contacting the CDC that his parole status was never returned to inactive in the parole database.

The named officer did not recall this incident due to its age, but stated he was likely a recruit at that time, partnered with a field training officer. After reviewing the incident report, he acknowledged conducting a traffic stop investigation after the complainant failed to activate his car turn signal as required by law. The officer stated that because the complainant lacked any form of identification, he conducted checks with dispatch and the Central Warrants Bureau. The checks returned confirmation that the complainant was on probation and had misdemeanor arrest warrants.

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: 12/21/20 **DATE OF COMPLETION:** 05/10/21 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #2: The officer conducted an improper search and seizure.

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

FINDINGS OF FACT: The complainant stated that fourteen years ago, the officer searched his car after his arrest. The complainant was adamant that he was not on active parole and that had no outstanding warrants at the time of the search.

Due to its age, the named officer did not recall this incident. After reviewing the incident report, the named officer confirmed that he initiated a traffic stop after the complainant failed to activate his turn signal. The named officer stated that after dispatch informed him of the complainant's outstanding warrants, he arrested the complainant and conducted a vehicle search incident to the arrest. The named officer stated he observed narcotics paraphernalia inside the complainant's car and seized it as evidence.

A witness officer also did not recall the incident. After reviewing the incident report in this matter, the witness officer, relying on the incident report, confirmed that the complainant was lawfully arrested for outstanding warrants and officers conducted a search of his vehicle incident to his arrest.

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: 12/21/20 **DATE OF COMPLETION:** 05/10/21 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #3: The officer relied upon an inaccurate database system to run the complainant's warrants and records check.

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

FINDINGS OF FACT: The complainant stated that fourteen years ago, the officer wrongly identified him as being on active parole during a traffic stop. The complainant stated he had not been on parole since 2004, and that the information regarding his parole status that the officer received after running his name in the database was inaccurate. The complainant believed that the officer should have conducted further investigation into his parole status. The complainant also stated that he recently learned from the California Department of Corrections (CDC) that his parole status was never changed from active to inactive in the parole database.

The named officer did not recall the incident since it occurred over fourteen years ago. Relying on a review of his incident report, the named officer stated that he was the investigating officer who conducted a traffic stop investigation which led to the complainant's arrest. The named officer stated that, because the complainant was unable to produce a driver's license, registration, or proof of insurance, he conducted a records check and a routine warrant check during his investigation. The named officer stated that dispatch confirmed not only that the complainant had a valid driver's license, but also that he was on probation in another county and had two misdemeanor warrants for his arrest. Additionally, the named officer did not recall the complainant did not attempt to correct the officers on scene or dispute that he was on parole.

A witness officer stated that he did not recall the incident. After reviewing the related incident report, the witness officer indicated that the complainant was lawfully detained for a traffic violation, and a routine query subsequently revealed his parole and warrant status. The witness officer added that the Central Warrants Bureau confirmed the complainant's warrants and probation status.

Department records indicate that the named officer communicated with dispatch and the Central Warrants Bureau to obtain details regarding the complainant's warrant and probation status. These inquiries demonstrated that at the time of the incident, the complainant was on active parole and had two outstanding warrants for his arrest. Officers must rely on the information provided to them by such inquiries. Additionally, the Department is not the custodian of court or parole information related to the complainant's parole status at the time of the incident. It is the responsibility of the individual to notify the California Department of Corrections with any changes or updates to parole status.

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: 12/21/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer called him and said he would not be arrested and was only required to sign an EPO document. The complainant stated he was arrested and believed the named officer lied to him.

San Francisco Police Department documents revealed that the complainant was a suspect in multiple domestic violence cases involving violence and threats of violence. The documents showed SFPD officers responded to the complainant's home address, issued an EPO, and arrested the complainant. The documents also stated the named officer did speak to the complainant before the complainant's arrest but did not detail the conversation.

The named officer stated that he did call the complainant to tell him about the EPO document to be signed. The officer stated that he told the complainant that he would not arrest him. The named officer stated he was aware of the possibility that another officer might arrest the complainant but did not believe he was misrepresenting the truth as he stated that he personally would not arrest the complainant.

There are no other witnesses or evidence available to confirm or refute the accounts of the telephone conversation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/20 **DATE OF COMPLETION:** 05/13/21 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him. The complainant stated the named officer was rough with him, placing him in handcuffs and gripping his arm tight.

Body-worn camera footage showed the named officer placing the complainant into handcuffs. The handcuffing was applied with no use of force. The footage shows the officer holding the complainant's arm as he guides him into a foyer and then to a police wagon.

The named officer stated that he did not use force on the complainant. The officer said that the complainant was compliant during his detainment and denied holding the complainant's arm tight.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him and refused to answer any of his questions or listen to what the complainant had to say.

Body-worn camera footage showed the named officer place the complainant into handcuffs. The complainant asks the named officer questions and tries to provide details of what happened. The officer and his colleague can be heard telling the complainant they are not the investigating officers and can't answer his questions. At no time did the named officer use rude or inappropriate comments.

The named officer stated that he did not believe he was rude or inappropriate to the complainant. The named officer believed he treated the complainant with dignity and respect. The named officer stated he had not *Mirandized* the complainant and only answered questions that did not pertain to the investigation.

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: 12/24/20 **DATE OF COMPLETION:** 05/14/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant submitted a complaint stating that he was inside a grocery store when an employee allegedly harassed him and denied him service. The complainant called for police assistance. The complainant alleged that one of the responding officers behaved and spoke inappropriately.

The complainant failed to come forward.

The complainant failed to provide additional details and requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/21 **DATE OF COMPLETION:** 05/02/21 **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: In the complainant's mailed complaint to DPA, she wrote that she was not provided a chair or pad so she could fill out an incident report regarding a theft. She also stated that officers failed to investigate the theft.

DPA made several attempts to contact the complainant; however, the complainant did not respond to DPA's request for further information.

Based on the information provided in the complaint, DPA could not move forward with the investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/21 DATE OF COMPLETION: 05/17/21 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 he has contacted his district police station numerous times regarding motorcycle and dirt bike riders in his area making noise and breaking traffic laws. He was told that the Department does not have the resources to track down riders or conduct surveillance in the area and stated that the police's responsibility is to show up and enforce laws.

Aside from a discussion he had with an officer who has retired, the complainant did not provide any additional information related to a specific incident or officer that would allow the DPA to conduct an investigation.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/21 **DATE OF COMPLETION:** 05/14/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 2.01 and Department Bulletin 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 5/11/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/21 DATE OF COMPLETION: 05/10/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she contacted the police station directly and was transferred to a dispatcher. The complainant stated she suffers from ringing in her ears and requested that a police officer bring her to the hospital. The complainant stated the officer refused and stated that the complainant's issue was not a police matter. The complainant also stated that she had expected the police to show up but did not.

The DPA could not identify any records associated with the complainant's call. An identification poll was conducted but did not produce results.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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 female dispatcher informed her that the police cannot bring the complainant to the hospital, the dispatcher rudely hung up the phone on the complainant.

The DPA could not identify any records associated with the complainant's call. An identification poll was conducted but did not produce results.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/21 **DATE OF COMPLETION:** 05/26/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 5/25/2021.

SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 5/25/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/21 DATE OF COMPLETION: 05/10/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was nearly hit by another motorist. The complainant saw a motorcycle officer in the area and approached him. The officer spoke with the other motorist but did not give the motorist a citation and let him go.

A query was conducted based on the complainant's recollection and the information provided. The DPA reviewed staffing records and unit histories to identify the officer but was unsuccessful. A second interview with the complainant did not produce sufficient information to identify the officer.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated that an officer spoke to him profanely.

A query was conducted based on the complainant's recollection and the information provided. The DPA reviewed staffing records and unit histories to identify the officer but was unsuccessful. A second interview with the complainant did not produce sufficient information to identify the officer.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/21 DATE OF COMPLETION: 05/10/21 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide a name and star number upon request.

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

FINDINGS OF FACT: The complainant stated he asked an officer for his name and badge number several times. The named officer would not provide the information until after five minutes. The complainant also stated the information the named officer provided was false.

A query was conducted based on the complainant's recollection and the information provided. The DPA reviewed staffing records and unit histories to identify the officer but was unsuccessful. A second interview with the complainant did not produce sufficient information to identify the officer.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/21 DATE OF COMPLETION: 05/14/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 5/14/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/21 **DATE OF COMPLETION:** 05/21/21 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated she was pulled over and cited because she is a black woman, not because she violated any laws.

The named officer denied engaging in biased policing. He stated that nothing about the vehicle stood out for him except for the code violation, which he observed occur. The named officer stated he noticed the driver's gender and race once the vehicle had stopped and he spoke to the complainant. The demeanor of the driver was calm during the initial contact but changed when the complainant was issued the citation. The named officer stated the complainant became agitated and told him she was stopped because of her race.

The named officer also stated he issued a total of two citations for the same code violation on the day of the complaint. The named officer provided a breakdown of citations he issued for that month. Of the 44 citations he issued that month, two percent were issued to African American females.

The named officer's body-worn camera showed that he was professional throughout the encounter. While the complainant did become upset when the officer issued a citation, the named officer did not provoke the complainant in any other way.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/21 DATE OF COMPLETION: 05/21/21 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that she was purposely driving below the speed limit because she was unfamiliar with the streets and was being careful. The complainant stated that she did stop at the stop sign.

The named officer stated on the day he stopped the complainant he was posted on a corner where he had a clear, unobstructed view of the traffic flow in the intersection. The named officer stated he was at this location due to complaints from the community. The named officer initiated a traffic stop on the complainant after he observed her failing to stop at the intersection, which is a violation of CVC 22450(a). The named officer stated the intersection had a clearly marked and posted stop sign.

California Vehicle Code Division 11, Chapter 8. Special Stops Required 22450(a) in part states:

“The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection.

If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.”

The named officer’s BWC engaged just after the violation occurred and did not capture the violation.

An observation of the intersection confirmed the intersection had four pedestrian crossings and each had a clearly marked “STOP” sign posted at each corner. Additionally, the word “STOP” is painted at each intersection on the street in white letters right below the white crosswalk stripes.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/2021 DATE OF COMPLETION: 05/17/2021 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he went to a police station and reported having been attacked by an individual and his dog. He stated that he spoke to the named officers and provided details regarding his report, but that the named officers did not properly investigate the incident and did not respond to the scene of the incident to look for the suspect and the dog.

The first named officer stated that he spoke with the complainant at the station and asked him questions regarding what had occurred and gathered information regarding the suspect and the dog. He offered the complainant medical assistance, went to the scene where the incident occurred to locate a possible suspect (with negative results), contacted Animal Care Control regarding the incident, and authored a detailed incident report. He denied that he failed to properly investigate this incident.

The second named officer stated that he was training and supervising the first named officer during this incident. He made sure the first named officer obtained all the pertinent information for an initial report. He stated that he and the first named officer went to the scene of the incident and were unable to locate the suspect or the dog. The first named officer contacted Animal Care Control and completed an initial report for the complainant. He stated that he and the first named officer were thorough with their investigation.

Department records showed that an incident report was authored by the first named officer. It documented that a photo of the dog bite was taken and that the complainant was provided follow up forms. Records showed that pursuant to applicable policy, the first named officer completed an Animal Bite Form and sent the form to Animal Care Control

Body-worn camera (BWC) footage showed that the named officers spoke to the complainant at a police station and obtained information from him regarding the incident, the suspect, and the dog. Footage also showed medical personnel responded to the police station and provided treatment to the complainant. Footage further showed that the first named officer took a photograph of the complainant's injury.

The evidence proves that the misconduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/21 DATE OF COMPLETION: 05/13/21 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: Cuo FINDING: U DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that the officer drove his police vehicle past the complainant while revving the engine and staring. The complainant believed the officer was doing this to intimidate him as they have had previous encounters.

The named officer stated that he was not in the area on the date the complainant stated the incident happened. The named officer stated he was working overtime in a different part of the city in a static location.

Department records confirmed that on the date and time in question the named officer was working overtime at a location different from that described by the complainant.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/21 **DATE OF COMPLETION:** 05/13/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved in a threatening, intimidating, or harassing manner.

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

FINDINGS OF FACT: The complainant did not provide sufficient information to conduct an investigation.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/21 **DATE OF COMPLETION:** 05/24/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that a patrol vehicle stopped near him. He stated that he spoke with the named officer seated inside who insulted him by calling him fat and bald.

The named officer denied the allegation and stated that he did not recall calling the complainant any names during their interaction. He stated he was unaware what the complainant was referring to when he could be heard on body-worn camera footage questioning him about calling him names earlier.

Witness officers did not recall the named officer calling the complainant fat and bald.

Body-worn camera footage did not show the named officer call the complainant fat and bald. Footage showed the complainant question the named officer about calling him names earlier.

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

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

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

FINDINGS OF FACT: The complainant stated that he was filming officers interact with a detainee and an officer directed him to stand back. He asked how far, and the officer grabbed him by his jacket and shoulder and pushed him back away from the area.

The named officer stated he asked the complainant to stay back from the detention area because he was shining his phone light at officers, questioning officers on scene, obstructing the investigation, and creating safety concerns. He stated the complainant's actions angered the detainee, but he continued to record against the detainee's wishes causing her to lunge toward the complainant. The named officer stated the complainant refused to move away and he grabbed the complainant by his coat and led him away from the detention area. He stated he did not grab and push the complainant and denied using force during the incident.

Witness officers did not recall any officers on scene making physical contact with the complainant.

Witness officers stated that the complainant was aggravating the detainee during this incident. A witness

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/21 DATE OF COMPLETION: 05/24/21 PAGE# 2 of 2

officer stated that the complainant caused the detainee duress and jeopardized the safety of those on scene.

Body-worn camera footage showed that the detainee was aggravated by the complainant and advanced toward him before being reseated by the named officer. Body-worn camera footage showed that another officer told the complainant to stay back. The footage further showed that the named officer ordered the complainant to move across the courtyard. Complainant did not comply. Instead, he continued to ask questions. Body-worn camera footage showed that the named officer grabbed the complainant by his jacket and/or arm and walked with him across the courtyard. Body-worn camera footage did not show the named officer push the complainant.

Department General Order 5.07 allows officers to ask onlookers to move to a safe distance for safety purposes. It also allows officers to ask onlookers to move out of earshot if the suspect objects to the person overhearing the conversation. Here the named officer asked Complainant to move because he was irritating the suspect.

Department General Order 5.01 Use of Force states in part that officers may use reasonable force options to gain compliance with a lawful order. Here, when Complainant did not move pursuant to the named officer's request, the named officer used reasonable force to move the Complainant a reasonable distance from the arrest scene.

The evidence proves that the underlying events occurred; however, the conduct was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/21 DATE OF COMPLETION: 05/10/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that an officer flipped him off for crossing the crosswalk too slowly while the officer was speeding down the street in his patrol car.

The named officer stated he was performing patrol duties as a solo unit in the area. The named officer stated he had a solid green light as he drove at the posted speed limit in his marked police vehicle. The named officer stated just before the intersection, the complainant entered the crosswalk without looking for traffic. The named officer immediately slammed on his brakes to allow the complainant to cross the street. The named officer pointed to the green traffic light, hoping the complainant would see that he did not have the right of way. The named officer stated he threw his hands up to express his concern for the subject's lack of regard for the traffic signal or oncoming cars. The complainant became upset and accused the officer of flipping him off, which the officer denied. The named officer attempted to explain that he raised his hands to get the subject's attention. The named officer informed the upset complainant that oncoming traffic had the green light, and that he had nearly struck him when he stepped off the curb without looking.

The anonymous complainant could not be contacted.

No witnesses were identified.

Body-worn camera did not capture the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/21 **DATE OF COMPLETION:** 05/10/21 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that after he accused the officer of flipping him off, the officer threatened to write him a ticket.

The named officer stated that he remained calm during the encounter, whereas the complainant grew increasingly upset. The named officer denied threatening the complainant with a citation. The named officer stated he explained to the complainant that, because the complainant was crossing against the light, he could have received a ticket. The named officer told the complainant that he chose to gesticulate to get his attention instead of writing him a ticket. The named officer emphasized that he did not issue a citation, but rather admonished the subject, who walked away from the scene.

The anonymous complainant could not be contacted.

No witnesses were identified.

Body-worn camera did not capture the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/21 DATE OF COMPLETION: 05/28/21 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: 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 a San Francisco Police Department (SFPD) officer abused the buzzer of her building's intercom. She stated Named Officer #1 did this during multiple incidents.

The Department of Police Accountability (DPA) reviewed the CADs concerning the incidents the complainant described. Named Officer #1 only responded to one of the incidents.

Named Officer #1's body-worn camera (BWC) footage was reviewed. The footage showed he was polite and professional when speaking with the complainant. Also, the footage showed Named Officer #1 did not touch the buzzer on the complainant's intercom.

SFPD General Order 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. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual."

The BWC footage of the incident showed Named Officer #1 did not engage in any of the conduct the complainant described and was professional when speaking with the complainant.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/21 **DATE OF COMPLETION:** 05/28/21 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated an SFPD officer abused the buzzer of her building's intercom.

While reviewing body-worn camera footage of the incident, the DPA learned Named Officer #2 was holding down the buzzer to the complainant's building whenever the complainant attempted to speak through the intercom. The CAD for the incident showed the SFPD was contacted because the complainant was in a verbal argument with another person as they were attempting to move out of their building. The BWC footage of the incident showed the complainant was accusing the individual of being a sex trafficker, torturer, and rapist. The complainant was utilizing the building's intercom to yell these accusations at the individual and the officers at the scene until Named Officer #2 began to utilize the building's intercom buzzer. Each time Named Officer #2 pressed the intercom's buzzer, it cut off the complainant's yelling. This tactic resulted in the complainant exiting her apartment to speak with the officers directly. The BWC footage showed Named Officer #2 did not speak with the complainant while at the scene.

Named Officer #2 stated he did this to keep the peace at the scene, and to stop the complainant from screaming her unfounded and derogatory allegations at the other tenant. He stated this tactic was successful because it refocused the complainant on communicating with the on-scene police officers.

SFPD General Order 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. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual." By utilizing the intercom's buzzer, Named Officer #2 maintained the safety of the scene by blocking the other tenant from hearing the complainant's derogatory and offensive accusations. As a result, the complainant stopped utilizing the buzzer and exited her apartment to speak with the officer directly.

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: 03/03/21 **DATE OF COMPLETION:** 05/13/21 **PAGE#** 1 of 1

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

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 Division
1245 3rd Street
San Francisco
CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/21 DATE OF COMPLETION: 05/24/21 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: FINDING: IO1/CHP DEPT. ACTION:

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

California Highway Patrol
Office of Investigations
601 North 7th Street
PO Box 942898
Sacramento, CA 94298

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/21 DATE OF COMPLETION: 05/21/21 PAGE# 1 of 1

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

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

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

SF Safe
850 Bryant Street Room 135
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/21 DATE OF COMPLETION: 05/25/21 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/21 DATE OF COMPLETION: 05/24/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant reported a threat-related incident and alleged that the named officer did not fully investigate his case.

DPA attempted to reach the complainant multiple times for further details regarding his complaint with negative results.

Department records showed that the named officer completed an incident report regarding the complainant's description of events. The incident report detailed the complainant's statement regarding the incident and documented information regarding the suspect the complainant believed made the threat.

Body-worn camera footage showed that the named officer met with the complainant at a police station and took his statement regarding a threat-related incident. Footage also showed that the named officer provided the complainant with a case number and instructed him to contact police immediately should anything further occur.

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: 03/15/21 DATE OF COMPLETION: 05/13/21 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated that he went to a police station to report an individual in possession of a gun. The complainant stated that the officer did not prepare an incident report, but instead instructed him to go online to file the report.

The complainant did not provide information regarding the date of the incident or the identity of the officer. The complainant did not respond to multiple requests for additional information.

The identity of the alleged officer could not be established.

No witnesses were identified.

This complainant has a documented history of frequent complaints of a similar nature that lacked merit. DPA has taken this record into account when assessing the complainant's credibility in this matter.

No finding outcomes occur under four circumstances: the complainant failed to provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/21 DATE OF COMPLETION: 05/10/21 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA 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: 04/06/21 DATE OF COMPLETION: 05/26/21 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 an officer at a station did not update his case.

DPA attempted to reach the complainant for further information, but the complainant was not responsive.

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

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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 an officer provided him with misinformation regarding the DPA.

The complainant did not provide sufficient information to conduct an investigation. DPA attempted to reach the complainant for further information, but the complainant was not responsive.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/21 DATE OF COMPLETION: 05/13/21 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1-2: The officer used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that he had a medical episode. The complainant stated that he does not remember what happened but was told by his wife that the named officers used unnecessary and excessive force to hold him to the ground. The complainant subsequently found he had three fractures to his back. The complainant failed to provide medical records.

A witness, the complainant's wife, stated that the complainant had a seizure, so she called 911. Police arrived and physically held the complainant to the floor. She stated that this was unnecessary and excessive force and cause injury to the complainant's back. The witness later stated she was kept separate from the complainant and did not see the complainant while the police interacted with him.

Department records show that the named officers attended a medical call with a reported unconscious male, foaming at the mouth, agonal and ineffective breathing, inside a motorhome. Medics also attended the scene.

Body-worn camera footage showed the named officers arrived on the scene and assisted medics already on the scene in moving the complainant to a safe place where the medics could assess him. The footage showed the complainant screaming and moving his arms, legs, and torso as the medics tried to make a medical assessment. The named officers can be seen carefully holding the complainant's legs and arms at the instruction of the medics. The medics eventually ask the officers to let go, which the officers do, moving back to create space. The footage shows that the medics were in control of the situation and treated the complainant at the scene. The complainant was left in the care of the medics.

At no time did the officers use unnecessary or excessive force on the complainant. The officers moved and secured the complainant under the supervision and assistance of medics.

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: 04/14/21 DATE OF COMPLETION: 05/13/21 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #3-6: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that he had a medical episode. The complainant stated that he does not remember what happened but was told by his wife that the named officers used unnecessary and excessive force to hold him to the ground. The complainant subsequently found he had three fractures to his back. The complainant failed to provide medical records.

A witness, the complainant's wife, stated that the complainant had a seizure, so she called 911. Police arrived and physically held the complainant to the floor. She later stated she was kept separate from the complainant and did not see the complainant while the police were with him.

Department records show that the named officers attended a medical call with a reported unconscious male, foaming at the mouth, agonal and ineffective breathing, inside a motorhome. Medics also attended the scene.

Body-worn camera footage showed the named officers attending the scene of the incident, attempt to ascertain what had occurred, and attempt to gain information from the complainant's wife. None of the named officers were involved in restraining the complainant at any point during the incident.

The evidence proves that the alleged conduct did not occur or that the accused officers were not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/21 DATE OF COMPLETION: 05/17/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: DPA received a complaint stating that the named officer stopped an individual, identified as the complainant, without cause.

Upon contact, the listed complainant stated that he did not file the complaint. Rather, his friend, who recently committed suicide may have used his email and contact information to file the complaint. Contacted complainant denied any knowledge of the alleged facts.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/21 **DATE OF COMPLETION:** 05/04/21 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1/IAD **DEPT. ACTION:**

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/21 DATE OF COMPLETION: 05/24/21 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/21 **DATE OF COMPLETION:** 05/17/21 **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 an online complaint that she was being stalked and harassed.

DPA made several attempts to reach the complainant in order to clarify the nature of her complaint and the entity she was accusing, because it was unclear whether her complaint was against sworn members of the SFPD. The complainant was unresponsive.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/21 **DATE OF COMPLETION:** 05/04/21 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/21 **DATE OF COMPLETION:** 05/06/21 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/21 **DATE OF COMPLETION:** 05/13/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant mistakenly filed a DPA complaint about a missing parcel and then withdrew her complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/21 DATE OF COMPLETION: 05/13/21 PAGE# 1 of 1

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

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

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

Division of Emergency Communications
Operations Manager
1011 Turk Street
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

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

California Highway Patrol
Office of Investigations
601 North 7th Street
PO Box 942898
Sacramento, CA 94298

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/21 **DATE OF COMPLETION:** 05/11/21 **PAGE# 1 of 1**

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

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

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

San Francisco Sheriff's Office
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/21 **DATE OF COMPLETION:** 05/27/21 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/21 **DATE OF COMPLETION:** 05/24/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to a scene.

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

FINDINGS OF FACT: The complainant stated that he observed three men with a gun inside a store; however, officers did not respond to the scene for two hours.

The complainant left a telephone message with DPA, but refused to provide any personal information, including contact details. In addition, the complainant did not provide necessary information such as the date, time, and/or location of the incident. Based on the limited information provided, DPA was unable to locate the incident and therefore could not investigate the complaint.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated that the officers held the men on the ground for an excessive amount of time.

The complainant refused to provide any personal information, including contact details. In addition, the complainant did not provide sufficient information regarding the incident to allow DPA to locate or investigate the complaint.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/21 **DATE OF COMPLETION:** 05/28/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant went to a district police station to report an incident of sexual assault. A male officer brought him to a room where he could wait to make a statement. The complainant stated that two officers already inside the room were in the middle of getting dressed. The officers told the complainant that they had just engaged in sexual activity and left. When the original officer returned to take the complainant's statement, the complainant informed him of the inappropriate sexual activity. The complainant stated the officer refused to believe him and continued taking his statement.

Department records contain no indication of the complainant filing a report at the district police station. Other information provided by the complainant, including the officer's name, did not match Department records.

An identification poll failed to identify any officer engaging with the complainant or taking a report from him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/21 **DATE OF COMPLETION:** 05/20/21 **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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/21 DATE OF COMPLETION: 05/20/21 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/21 DATE OF COMPLETION: 05/20/21 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/21 **DATE OF COMPLETION:** 05/22/21 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/21 **DATE OF COMPLETION:** 05/26/21 **PAGE# 1 of 1**

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

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

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

Sun Country Airlines
Attn: Customer Service
2005 Cargo Road
Minneapolis, MN 55450

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT 05/23/21 **DATE OF COMPLETION:** 05/26/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: 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:

Manager's Office
565 18th Avenue
San Francisco, CA 94122

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/21 **DATE OF COMPLETION:** 05/26/21 **PAGE# 1 of 1**

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

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

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

FedEx Shipping Center
Attn: Claims Department
1875 Marin St
San Francisco, CA 94124

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/21 **DATE OF COMPLETION:** 05/26/21 **PAGE#** 1 of 1

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

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

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

Metropolitan Police Department
Attn: Complaints Dept.
300 Indiana Avenue, NW, Room 5059,
Washington, DC 20001