

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/18 **DATE OF COMPLETION:** 06/29/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while driving on Mission Street, two officers in an SFPD SUV pulled up on her driver's side to discuss that she was in the bus lane. She stated she was not cited, however, the officer in the passenger seat stated to her, "How about you let Jesus take the wheel?" which she felt was unnecessary, unprofessional, and made her uncomfortable. The complainant identified the vehicle's license plate.

The Equipment Sign In/Sign Out records from the district station showed that the named officer checked out the vehicle identified by the complainant.

Department of Emergency Management records showed that the named officer and his partner were in the area at the relevant time.

The named officer said he did not remember the incident, and did not recall who was driving.

The named officer's partner stated he was driving the vehicle at the time. He could not recall the incident in question.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #1 - 4: The officers illegally entered a residence.

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

FINDINGS OF FACT: The complainant stated that the named officers entered his apartment using a key provided to them by the building manager.

The named officers denied entering the complainant's apartment during a well-being check. They stated they spoke to the complainant in the hallway and evaluated him for a mental health detention, but that the complainant did not meet the criteria for a mental health detention.

Records from the Department of Emergency Management (DEM) show that DEM received a 911 call about the complainant threatening to blow up the apartment building.

DPA attempted to interview the manager who called 911, but the person is no longer employed at the apartment building. The new manager, however, told DPA that it is not common practice for the building manager to provide apartment keys to police officers. No other witnesses were identified.

A preponderance of the evidence established that the named officer did not enter the complainant's apartment as alleged.

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

SUMMARY OF ALLEGATION #5: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the named officer told her that she would never see the body worn camera footage.

The named officer and witness officers denied the allegation. A preponderance of the evidence established that the named officer did not make the alleged comment. The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant did not respond to DPA's request for an interview.

The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated she was stopped for driving on the wrong side of the street to pass two cars. She said the named officers were mistaken, however. She said that the section of road she was on had two lanes going in her direction, that later merged into one. The complainant said she never crossed into the oncoming lane, was not speeding, and she only passed one car.

The named officers stated that, from their vantage point, they believed that the complainant had crossed a double-yellow line and was driving fast for the road conditions. The named officers stated that it was dark and raining. The named officers stated that, after getting the complainant's explanation, one of them checked on Google Maps to see if there was a section of road with two lanes, and they confirmed that there was. The named officers stated they were still not sure whether the complainant had or had not crossed a double-yellow line, and they noted that construction in the area may also have affected lane configuration. However, the named officers said they let the complainant leave after advising her to slow down in the rain when passing cars.

Body Worn Camera (BWC) footage documents the named officers discussing whether they were mistaken about the number of lanes in the area where they believed the complainant had crossed into the oncoming lane. The footage showed one of the named officers apparently checking online. The footage then shows one of the named officers informing the complainant and letting her go.

SFPD General Order 9.01, Traffic Enforcement, states that, "Officers shall act on moving violations ... After witnessing a violation ..." The DGO also allows for the use of discretion in deciding whether to enforce traffic laws. Generally, in order to detain a person, officers need reasonable suspicion that the person has violated the law. Reasonable suspicion requires more than a hunch, and requires that an officer be able to articulate the reasons for their belief, among other things. In this case, the named officers were able to articulate that they believed the complainant had violated the law by unsafely crossing a double yellow line. During the detention, they were able to further investigate, and realize that they may have been mistaken. As a result, they ultimately decided they did not have enough cause to cite the complainant.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers engaged in biased policing.

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

FINDINGS OF FACT: The complainant believed the traffic stop was racially motivated because she was stopped for no logical reason.

The named officers denied the allegation. The named officers stated it was dark and raining and they were focused on the movement of the car that passed up two vehicles. The named officers said they did not notice her race until contact was made.

BWC footage shows that the area where the complainant was stopped was dark, and there was light rain falling. The footage shows that the named officers had a conversation among themselves about the lanes of traffic and whether the complainant had crossed a double yellow line. The footage shows that the named officer who had direct contact with the complainant spoke professionally and, upon informing her that she could go, apologized to her.

A preponderance of the evidence established that the named officers did not engage in biased policing.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with DB-16-208, eStop Contact Data Collection Program.

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

FINDINGS OF FACT: SFPD records do not show an eStop entry for the stop of the complainant.

The named officer, the driver, stated that he believed he made the entry for this stop using his cell phone. He had no explanation for why department records showed no entry for this stop.

SFPD Bulletin 16-208 requires officers make eStop entries for every stop they make. It states, "In order to avoid duplicate entries, if more than one member is involved in a stop, the member who initiated the stop is required to collect the [relevant] information and ensure it is properly entered into eStop."

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

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SUMMARY OF ALLEGATION #1: The sergeant behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was driving a taxi cab and was waiting to pick up patrons where the named sergeant was directing the taxi line after an event. The complainant stated that when he attempted to speak to the named sergeant about the loading process, the named sergeant insulted him, threatened to send him to taxi school and called him a whining girl.

The named sergeant stated that he was directing all vehicles to move forward along the curb line in order to facilitate drop off and pick up following a ballet gala. The named sergeant stated that the complainant was upset regarding the lack of a taxi stand and did not comply with his requests to move his cab forward. The named sergeant denied threatening the complainant with taxi school and denied calling the complainant a whining girl. He stated that his intent was to deescalate the situation and calm the upset driver.

A witness officer stated that he observed the interaction between the named sergeant and the complainant from a distance. The witness officer stated that he did not hear the interaction between the named sergeant and the complainant, but stated that the named sergeant appeared calm during the interaction. After the complainant drove away, the named sergeant told the witness officer that he was having a hard time making the complainant move his vehicle to keep the flow of traffic moving.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was towed for no apparent reason.

Department records show that the complainant's vehicle was towed for being parked in a tow away zone.

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

SUMMARY OF ALLEGATIONS #2 - 3: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that officers came to his apartment and spoke to his daughter about noise complaints before towing the complainant's vehicle. The complainant alleged that the officers told her that neighbors did not want them in the neighborhood because they must be "Section 8" renters.

Both named officers stated that they never went to the complainant's house. They stated that they spoke with a male and female in the street by the complainant's parked car. One named officer stated that a neighbor came up to the officers and said there were Section 8 renters in the neighborhood and that there was a lot of noise. That named officer stated that he never repeated this neighbor's comments about Section 8. The second named officer stated that he did not recall saying anything about Section 8.

No witnesses came forward.

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

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

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

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

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SUMMARY OF ALLEGATIONS #1-4: The officers engaged in threatening and/or intimidating behavior.

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

FINDINGS OF FACT: The complainant said she observed the named officers intimidating a suspect who was being compliant and apologetic. She said she was seated twenty to thirty yards away from the incident and could only see the officer's backs. The complainant heard the officers threaten the suspect with FBI involvement.

The named officers either did not see, do not recall, or deny that any officers acted aggressively or rudely toward the suspect. According to some of the named officers, the suspect was reported to have committed a crime outside of California's airspace. One of the named officers acknowledged telling the complainant that, because of this, the FBI was informed as it was within their jurisdiction.

The incident report documents that the suspect was detained because he had been using an electronic cigarette during a flight, and the report confirms that the FBI was notified.

A flight attendant from the suspect's flight said she witnessed the police interacting with the suspect. She stated she was standing approximately one hundred feet from the police and the suspect. She said she could not hear what was being said between the suspect and the police. The flight attendant described the officers' and suspect's conversation as quiet. She said she did not see the officers exhibit any negative behavior.

SFPD General Order 2.01 states, "When acting in the performance of their duties . . . members shall treat the public with courtesy and respect."

The complainant states she saw the officers intimidating the suspect and threatening him with FBI involvement, but she was not familiar with the situation and was some distance from the interaction. The named officers had reason to tell the suspect that the FBI would be involved, and, in fact, they did call the FBI due to the jurisdictional issues.

The suspect was unwilling to give a statement to the DPA and the only other witness contradicted the complainant's account.

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SUMMARY OF ALLEGATIONS #1-4 continued:

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

SUMMARY OF ALLEGATIONS #5-8: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that the named officers intimidated and threatened a suspect. The complainant believes the named officers treated the suspect this way because of his race.

The named officers involved either don't recall the suspect's race, are unaware of any actions taken based on his race or deny the complainant's allegation. Additionally, the named officers either did not see, do not recall, or deny intimidating the suspect altogether.

A witness described the officers' and suspect's conversation as quiet. She said she did not see the officers exhibit any negative behavior.

No other witnesses came forward.

The SFPD General Order 5.17 states, "Department personnel may not use, to any extent or degree, actual or perceived race, color, ethnicity, national origin...in conducting ... activities following stops or detentions except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group."

A preponderance of the evidence does not support the allegation of biased policing.

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

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that she observed the officer hovering over the driver's side door of her sister's parked car. As she neared, the officer got in his patrol car and left the scene. The complainant stated that she observed that the driver's side mirror was broken.

Department of Emergency Management records identified one officer who was in the area at the relevant time. That officer denied making contact in any way with a parked vehicle.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated that she observed the officer hovering over the driver's side door of her sister's parked car. As she neared, the officer got in his patrol car and left the scene. The complainant stated that she observed that the driver's side mirror was broken.

Department of Emergency Management records identified one officer who was in the area at the relevant time. That officer denied making contact in any way with a parked vehicle.

The identity of the alleged officer could not be established.

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that his wife witnessed an officer drive through multiple red lights without activating his lights or sirens.

The named officer acknowledged that he was driving his patrol car and ran the red lights. He stated he was transporting a subject to Psych Emergency Services at San Francisco General Hospital. The named officer stated that, at the same time, a car chase and a protest were occurring in other parts of the City. The named officer wanted to drop off the subject he was transporting as soon as possible so he could assist his fellow officers with these other incidents.

The named officer's partner said he was in the passenger seat at the time of the incident. He did not recall the named officer running any red lights. He did recall that there was a car chase going on in the City at the time.

The complainant's wife said she witnessed the SFPD squad car run several red lights while driving.

The Daily Equipment Sign-out Sign-in log from Central Station shows that car 1258 was signed out by the named officer and his partner.

The video from the complainant's camera shows a squad car running at least three red lights. The video shows the car's number is 1258.

The named officer's BWC footage shows him running four red lights.

SFPD General Order 5.05, Response and Pursuit Driving, allows an officer to go "Code 3" when it appears reasonably necessary to prevent serious injuries or if they are pursuing a suspect. The DGO defines a "Code 3" response as, "When an emergency vehicle is displaying a lighted red light visible from the front and is sounding the siren as necessary under the circumstances to provide suitable warning to afford other users of the highways an opportunity to yield the right-of-way." If the officer is not responding "Code 3," she or he must observe all traffic laws.

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SUMMARY OF ALLEGATION #1:continued.

The named officer was not engaged in a Code 3 response. As such, the named officer must observe all traffic laws. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated he went to the Mayor's Office, and the named officer interrupted the complainant's conversation with the receptionist. The complainant said the named officer, in a stern voice, told the complainant to leave the office. The named officer then grabbed the complainant by the complainant's right bicep and escorted the complainant out of the office. The complainant stated the named officer made the inappropriate comment "I don't care about you" and released the complainant. The complainant alleged the named officer acted in a hostile, thuggish and unprofessional manner.

The named officer denied behaving or speaking inappropriately. He stated he removed the complainant from the office after the complainant became loud and aggressive toward the staff. The named officer repeatedly asked the complainant nicely to leave and when he refused, ordered the complainant to leave. He then took the complainant by either the elbow or wrist and escorted the complainant out. The named officer told the complainant how to make a citizen's complaint. The complainant continued to yell at the named officer, and the named officer said to the complainant that he did not care what the complainant thought about him. The named officer stated he acted professionally with the complainant the entire time.

Another officer who was present stated the named officer removed the complainant after the complainant yelled at the staff. The officer said the named officer advised and then ordered the complainant to leave. The complainant continued to refuse, and the named officer used an armbar control technique to remove the complainant from the Mayor's office reception area. The witness officer stated he did not hear the named officer make any inappropriate comment.

A witness to the contact who was present for some of the incident stated the complainant acted in a hostile and aggressive manner towards her, and that the named officer interrupted and told the complainant to leave. The complainant refused, and the named officer, in a stern, authoritative way, asked the complainant to leave. The named officer then took the complainant by the complainant's arm and escorted the complainant out of the office.

A review of video footage from the Mayor's office showed the complainant walking into the office and speaking with a receptionist. After a few moments, the named officer spoke to the complainant. A few seconds later, the named officer held the complainant by the elbow and escorted the complainant out of the office. A preponderance of the evidence established that the officer's actions were proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: Two civilians complained to the Department of Police Accountability (DPA) that police officers responding to a call of a theft and violent dispute between two Spanish speakers could not communicate with the suspect in his native language, which may have led to the officers shooting the suspect. The complainants stated that because the named officers were unable to speak to the suspect in Spanish, they violated Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

Department General Order 5.20 states that officers shall take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. The order also states that in exigent circumstances such as threats to life, safety, or property, a member can deviate from established procedures.

Dispatch records showed that the A-priority call was about a man with a large knife chasing another man, both yelling in Spanish. The 911 caller was an eyewitness who told DPA he heard both parties yelling in what may have been a dialect other than traditional Spanish, while the suspect ran rapidly after the victim wielding a knife. He said both ran close enough to him that it was apparent the suspect intended to harm the victim.

The intended victim stated that he and the suspect spoke to each other in Spanish and that the named officers intervened as the suspect was running after him with a knife, intending to kill him.

One named officer stated that he did not hear radio broadcasts reporting the subjects were Spanish speakers. The other named officer stated that he heard the broadcasts, but his unit was so close to the reported location that he and his partner arrived before any other unit. Both officers described the situation as unfolding rapidly.

The named officer who first approached the suspect stated he identified himself as police, but the suspect appeared intoxicated, with a crazed look in his eyes. He said the suspect lunged at him, slashing toward his chest with a large butcher knife, and then raised the weapon to face level before running toward his partner, while continuing to chase his intended victim. Both named officers stated the suspect never spoke, and his attempts to stab the victim and both officers represented an exigent circumstance requiring deviation from established procedures.

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SUMMARY OF ALLEGATIONS #1-2 continued:

The DPA made indirect contact with three critical eyewitnesses. Multiple requests by DPA for their interviews were ignored or declined by counsel representing the estate of the deceased. Moreover, complainants and organizers of a coalition protesting some police shootings petitioned the DPA to stop the assigned DPA investigator from attempting to interview the three eyewitnesses. However, counsel allowed the District Attorney' office to interview them provided their testimonies would not be shared with S.F.P.D. or the OCC/DPA. Therefore, the DPA was unable to interview the eyewitnesses to the shooting.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to comply with DGO 5.08, Non-Uniformed Officers.

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

FINDINGS OF FACT: Two complainants not present during an officer-involved shooting complained that eyewitnesses reported that two plainclothes officers attempted to detain an armed suspect from behind, in darkness, without identifying themselves as police officers. The named officers were the officers initially responding to the incident, and who ultimately shot a knife-wielding assailant.

Department General Order 5.08 establishes policies regarding non-uniformed officers and requirements for identification before detention and arrest. The order establishes that officers shall not initiate such contacts except when witnessing an aggravated situation requiring immediate action to protect life or property.

A man who said he was the intended victim of the armed suspect told homicide inspectors that he was in the street near a parked car, being chased by a man with a knife, when both named officers, displaying their stars, exited their unmarked vehicle. The victim stated that everything happened rapidly, but had the named officers not intervened, the suspect would have killed him.

A 911 caller who reported the incident confirmed that he saw the suspect chasing the intended victim with a knife, but said he was no longer present when the officers interacted with the suspect.

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SUMMARY OF ALLEGATIONS #3-4 continued:

The named officers stated they were about three blocks from the scene when they heard the broadcast of a call for service involving a man chasing another man with a knife. The officers stated that due to their proximity, they did not activate their lights or siren while responding in their car. One named officer said he pushed a button to alert dispatch they were responding as a backup unit, but there was no electronic or voice evidence found for their response. However, they were the first unit on scene. One named officer stated his star was clipped to his belt, fully exposed, when he approached the victim on the street and later on when the suspect advanced toward him on the sidewalk while making slashing motions with a knife. The other named officer said he announced himself as, "police," and held his star in front of his chest to show it as he approached the suspect and asked him to step away from a car. That named officer said the suspect gave no verbal response, appeared intoxicated and "looked through" him. The officer said the man had "a bloodlust-crazed look" in his eyes before lunging and slashing toward the officer's chest with a knife, and then running toward his partner and his original intended victim.

Two additional officers who arrived seconds after the officers discharged their weapons could not discern whether the named officers displayed their stars on their outermost clothing. Many officers who arrived thereafter gave conflicting accounts to DPA over how the officers displayed their stars.

No other witnesses came forward.

The evidence established that the incident was an aggravated situation, requiring immediate action by the named officers.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers used excessive force during a detention

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

FINDINGS OF FACT: Two complainants stated that the named officers used excessive force when they discharged their firearms six times into the rear torso and back of the head of one of two men in a dispute, after that man had dropped a knife and was running away, thereby no longer posing a threat to officers or his intended victim.

Department General Order 5.01, Use of Force, as it read in 2015, defined unnecessary force as the type or degree of force employed that is neither necessary nor appropriate and any degree of force utilized as

summary punishment or for vengeance. Justification for the use of force, including lethal force, is limited to what is reasonably known or perceived by the officer at the time and facts discovered after the fact, no matter how compelling, cannot be considered in determining whether the force was justified.

The DPA reviewed the Homicide Detail case file and recordings, the crime scene report, two autopsy reports conducted by the San Francisco Medical Examiner and a private forensic pathologist, interviewed assigned homicide personnel, the CSI members who photographed, videotaped, and documented in a report this officer-involved shooting crime scene. DPA also interviewed the two officers involved in the shooting, the first four officers who arrived as backup, and patrol supervisors involved in briefing homicide, CSI, and directing the required tasks of first responders.

The DPA investigation established that the suspect and victim knew each other. For reasons unknown beyond a bicycle theft or a dispute over a cell phone, a verbal argument arose between them. The evidence further established that during the verbal argument on the street, the suspect entered his residence, retrieved a butcher knife and began a running chase of his intended victim around parked vehicles throughout a residential block. A 911 caller who reported the violent dispute said he watched as the suspect chased another man while both yelled in language like Spanish. DEM records and a SFMTA bus video further corroborated that the chase lasted several minutes before 911 was notified.

The named officers stated they responded to a call of a man chasing another man with a knife. When the officers arrived at the scene, they saw two men, apparently in a dispute. The first officer attempted to detain one subject in the street beside a parked car, while the second officer attempted to detain the other subject on the sidewalk side of the car. The officers said when they arrived, they did not know which subject had the knife.

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SUMMARY OF ALLEGATIONS #5-6 continued:

The officer who approached the subject on the sidewalk said he announced himself as, "Police," and showed his star in case the subject did not speak English, while gesturing for the man to step away from the car, but the suspect did not respond and displayed a crazed, determined look. As the officer was struggling with the subject on the sidewalk, the subject resisted, and the officer attempted to take him to the ground. The officer realized his attempt to subdue the subject was not going to be successful, so he disengaged and pushed the subject away from him and jumped back. The subject countered by lunging at him and, with his right hand, made a stabbing motion across the officer's chest. Only when the subject raised his hand to face level did the officer say he saw a knife. He said at that time, he drew his weapon and yelled at the subject, who had turned and was facing the officer's partner, to drop the knife.

Meanwhile, the officer attempting to subdue the subject in the street saw his partner struggling with the man on the sidewalk, separated from the man in the street and ran to his partner's aid. The man he had been trying to subdue ran around the parked car in the street.

At this time, both officers were at different locations on the sidewalk, aiming their handguns at the man with the knife. They said they ordered him to drop the knife or they would shoot. One officer said the man with the knife turned and moved past him, running toward the man in the street with his knife raised. That officer said he fired at least one shot to prevent the continued knife attack against the victim in the street. When he saw that the suspect just flinched at the shot and continued moving in between two parked cars, the officer said he repositioned to continue shooting, while hearing one shot from his partner on his left.

The other named officer said from the moment he drew his weapon, things slowed down and his focus was on the knife, but he saw the suspect take a step in his partner's direction somewhere to his right, swipe with the knife raised in his partner's direction, and then he heard shots. As those shots were fired, this officer said he saw the suspect still moving away, seemingly fixated on something in the street. The officer stated that, at that point, he could not be sure where the suspect's intended victim was, but that he had last seen the man on the street side of the parked car. The officer then saw the suspect take a step in between two parked cars, look down on the street, and raise the knife overhead. He believed the suspect was intending on harming the man in the street, which led him to fire his weapon once, after which the suspect dropped.

The SF Medical Examiner's toxicological report indicated that the level of alcohol in the suspect's body was measured at a point where subjects predictably experience stupor and severe impairment of all mental, physical, and sensory functions. The Medical Examiner's report indicated that the suspect would have had a high propensity for accidents, increased motor impairment, diminished comprehension, and impaired mental judgment.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 6 of 9

SUMMARY OF ALLEGATIONS #5-6 continued:

The suspect's intended victim stated the officers saved his life.

The first back up officer on scene said the victim told him something to the effect that once the named officers showed up, the suspect turned on the officers, allowing him to move away.

Numerous witnesses on the street heard commands to either get on the ground or get down immediately before hearing discharges. The man who reported the dispute to 911 told the DPA that, based on his observations of the foot chase, the suspect's intent was to use the knife to harm the victim.

No other witnesses came forward. The DPA made contact with three witnesses, two of whom were described as having seen the shooting from a nearby porch, but those witnesses provided their account of the incident only to the District Attorney, and did not respond to requests to be interviewed by the DPA.

The evidence established that the named officers had reasonable cause to believe that they and another person were in imminent danger of death or serious bodily injury. Given the totality of the circumstances, the named officers' use of their firearms was justified, lawful, and proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 7 of 9

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to properly handle evidence.

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

FINDINGS OF FACT: Two complainants stated before the SF Police Commission that, according to the District Attorney, the SFPD did not notify the D.A.'s on-call team as required in the event of an officer-involved shooting. The complainants also contended that the SFPD ordered the body of the deceased removed from the crime scene before the D.A.'s team could investigate for criminal misconduct, making the D.A.'s investigation more difficult and delaying its outcome. Additionally, the DPA learned during its investigation that an unknown officer altered the crime scene by removing the vehicle driven by the involved officers before the SFPD Crime Scene Investigation personnel could document the scene.

This officer-involved shooting occurred at 2147 hours.

SFPD Paramedics documented in the Patient's Care Report that they notified the Medical Examiner at 2159 hours.

SFPD's Operation Center began its required notifications of the command staff at 2203 hours.

The San Francisco Medical Examiner's office stated it was notified at 2203 hours, but the SFPD notification list indicates the ME was notified at 2213 hours.

Two District Attorney investigators on the list were notified by telephone at 2212 hours and the Assistant District Attorney on the list was notified at 2230 hours.

Section II. F. of the SFPD General Order 8.11, INVESTIGATION OF OFFICER-INVOLVED SHOOTINGS AND DISCHARGES, states that a member who has discharged his/her weapon in an officer-involved shooting should limit his/her investigation and activity to the following:

...

3. As soon as practical, protect the crime scene and preserve all evidence. Prior to the arrival of the homicide detail investigators as provided under II.F.5., no person(s) shall be permitted to enter the scene except to perform emergency medical assistance or assist in the preservation of the scene and evidence contained therein.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 8 of 9

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2 continued:

An Assistant Medical Examiner stated to SFPD Homicide that SFPD members did not interfere with her examination of the body, that SFPD does not direct her team, and that the Medical Examiner's office

investigates independently. The Assistant Medical Examiner stated there was no remarkable or unusual police interaction during this response, that she decided to remove the body when she was ready. Her account is consistent with what is documented on scene by the CSI videotape of her examination and removal of the body and property items found with the deceased.

Counsel representing the estate of the deceased did not respond to DPA requests for HIPAA authorization to enable independent interviews of SFPD paramedics and Medical Examiner personnel.

Regarding the removal from the scene of the vehicle driven by the officers who shot the suspect, dispatch records indicate that an unknown member broadcast after the shooting, "Please clear this lane for medics to get in here, to ensure there is a lane for medics to get in." The DPA's interviews of officers on the scene failed to identify who issued the request to clear the lane, or whether the request was the reason the car was moved.

CSI investigators told the DPA that the unmarked vehicle driven by the involved officers was pertinent evidence of what happened at the shooting scene. The CSI report and diagrams drawn by CSI officers did not include the location of the car in which the shooting officers responded. The lead officer of the CSI team stated the unmarked vehicle was not on the scene when his team arrived. A CSI photographer reported he was told to proceed to Mission Station to photograph an unmarked vehicle, and stated he did so, but did not know why the vehicle was photographed. The CSI report contained photographs of a silver Crown Victoria like the one the shooting officers had driven to the scene, but there was no mention in the report of its identification or significance.

The two named sergeants acknowledged they were on scene early in this incident, and issued various orders as they were ranking members at the time. Two other officers recalled that one of the named sergeants issued an order to separately transport the shooting officers from the scene. Those two officers stated that one of the named sergeants identified one marked vehicle as a transport vehicle but did not specify a second vehicle. The transporting officers could not recall if they used the involved officers' unmarked vehicle to transport one of the officers.

One named sergeant did not recall giving specific instructions to officers to transport and sequester the involved officers at the police station.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 9 of 9

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2 continued:

Numerous officers interviewed, who acknowledged being on the scene soon after the shooting took place, said they did not know who removed the unmarked vehicle from the scene or why it was removed.

The second named sergeant wrote in the incident report that he directed two officers to transport the involved officers separately shortly after he had taken the public safety statements from the two officers involved in the shooting. However, both transporting officers denied such directive being issued by this named sergeant.

Although evidence implicates both named officers in the removal of the unmarked vehicle from the crime scene before it was documented for investigation of the OIS, there was insufficient evidence to either prove or disprove the allegation against either one of them.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/18 **DATE OF COMPLETION:** 06/20/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he observed a police officer using a hand-held device against his ear while driving a patrol vehicle.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/18 **DATE OF COMPLETION:** 06/04/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she and her friend were detained by the named officers. She stated that her friend was just sitting in the driver seat of her sister's car while the car was parked. The complainant stated that her friend's mother had been driving the car and had parked and went upstairs to her apartment while they sat and waited for her. She said the named officers pulled up to detain her friend, claiming they observed her driving. The complainant stated that her friend did not have a license, and that was why her mother had been driving.

The Incident Report documents that the complainant was listed as a witness and the complainant's friend as detained. The report documents that the complainant's friend had a suspended driver's license, and that the named officers were aware of this due to numerous past contacts. The report documents that the driver's license status was confirmed prior to effecting the traffic stop. The report documents that the complainant's friend was cited for a violation of California Vehicle Code (CVC) section 14601.1a, driving with a suspended or revoked license, and that she had been cited for CVC 14601.1 six months prior to this incident.

The Body Worn Camera (BWC) footage documents that the complainant's friend was handcuffed while the complainant was told, at one point, to stay where she was. The footage shows the complainant's friend explaining to the named officers that she had been driving the car, but only to move it from the highway after an accident. The footage shows the complainant stating that the named officers should have pulled them over when they saw her friend driving, not when they were already parked.

The BWC footage supports that the complainant's friend had been driving the car, and the investigation also showed that the friend had a suspended license. Under the circumstances, the named officers had reasonable suspicion to detain the complainant and her friend.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/18 **DATE OF COMPLETION:** 06/04/18 **PAGE #2** of 3

SUMMARY OF ALLEGATIONS #3-4: The officers unlawfully towed the vehicle.

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

FINDINGS OF FACT: The complainant stated she did not believe the named officers had the right to tow her sister's vehicle because neither her nor her friend had done anything wrong.

The Incident Report documents that the complainant's friend had a suspended driver's license and that she had been cited for the same violation six months prior to this incident. DMV Form 310, Verbal Notice By Peace Officer, DMV or Court Employee, documents the complainant's friend's Driver's License was suspended and/or revoked three times over the last ten years. The citation issued to the complainant's friend was for a suspended driver's license violation.

The BWC footage shows the complainant friend admitting that she had been driving the car. The footage shows that the complainant's friend did not deny having a suspended license, and simply responding with "so what," when confronted with the violation.

SFPD General Order 9.06, Vehicle Tows, states, "It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked ... The vehicle shall not be released to anyone at the scene ..."

Under the circumstances, the named officers were required to tow the vehicle driven by the complainant's friend.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/18 **DATE OF COMPLETION:** 06/04/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5-6: The officers conducted an unlawful search of the vehicle.

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

FINDINGS OF FACT: The complainant stated the named officers searched her sister's car unlawfully. The complainant stated that the named officers told her that they were doing an inventory search.

The incident report documents that the officers conducted an inventory search of the vehicle because they were preparing to tow it.

Auto Return Documents included a copy of the inventory tow slip which documented the search and the visible property.

The BWC footage documented the officers conducting an inventory search of the vehicle and that they allowed the complainant's friend to remove items.

SFPD General Order 9.06, Vehicle Tows, states, "When towing a vehicle, officers shall inventory the contents of the vehicle ... When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle."

Under the circumstances, the named officers were required to search the vehicle. Furthermore, the scope of their search was within the bounds set out by department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/18 **DATE OF COMPLETION:** 06/29/18 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-4: The officers drove improperly.

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

FINDINGS OF FACT: The complainant stated that he was jogging when he observed five or six officers on dirt bikes driving in a dangerous manner. He said they failed to give way, and did not wait their turn to cross the intersection.

The named officers indicated they were assigned to make passing calls in the area because the Palace of Fine Arts is well known for auto burglaries. The named officers indicated they observed all traffic laws and regulations; yielded to pedestrian traffic while they drove, and stopped within a reasonable distance of the intersection.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/18 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he and his wife were displaying jewelry on the street when the named officer stopped and approached them. The complainant said the named officer immediately engaged them under the assumption that his wife was selling jewelry illegally. The complainant felt the named officer treated them with hostility and perceived the communication as though she was discriminating against them because they were “hippies.”

The named officer stated she approached the complainant’s wife after observing her selling jewelry. She said she asked the complainant’s wife whether they had a valid permit to sell merchandise and after reviewing the permit, told her she was not authorized to do so in San Francisco. The named officer stated the complainant intervened physically and told her that his wife did not understand the question. The named officer noted she did not approach them because of the way they looked, but rather, due to their selling of merchandise. The named officer said that the complainant’s wife was violating Municipal Police Code (MPC) 869, but she complied with her order not to sell her items and, in the interest of justice, she did not cite the complainant’s wife.

MPC 869 states, “it shall be unlawful for any person to peddle goods, wares or merchandise ... on the public streets or sidewalks of the City and County of San Francisco without first having obtained a permit from the Chief of Police and having paid the fees and been granted a license as required by law.”

The named officer approached the complainant’s wife to investigate whether she was selling items without a permit. There is no evidence that she did so because of their appearance, lifestyle or identity, and she actually decided not to cite them, despite the fact that she would have been justified if she had.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/18 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer acted rudely.

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

FINDINGS OF FACT: The complainant said the named officer approached him and his wife with hostility, even though he told her they were not selling anything, and were only displaying artwork. He also said the named officer made several threats to cite them, but never actually issued a citation.

The named officer denied the allegation. She stated she approached the complainant's wife after observing her selling jewelry. She said she asked the complainant's wife whether they had a valid permit to sell merchandise and after reviewing the permit, told her she was not authorized to do so in San Francisco. The named officer noted she did not approach them because of the way they looked, but rather, due to their selling of merchandise. The named officer said that the complainant's wife was violating Municipal Police Code (MPC) 869, but she complied with her order not to sell her items and, in the interest of justice, she did not cite the complainant's wife.

It is more likely than not that the complainant's wife was attempting to sell items on the street without a valid permit, bringing question to the complainant's credibility about the officer's alleged behavior. A preponderance of the evidence suggests that the named officer acted professionally and her conduct during this incident did not violate Department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/18 **DATE OF COMPLETION:** 06/26/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was involved in an argument when the named officer approached her and said something. The complainant said she told him to “mind his business.” The complainant said approximately half an hour later, she made a right turn onto a one-way street, and the named officer pulled her over. The complainant said she told him she did not have a license, but she provided her learner’s permit. The complainant said when the named officer returned, he asked her to step out of the vehicle and sign tickets. She said that the named officer then informed her he was going to tow her car, because she did not have a license and she had been arrested for this offense before.

The named officer stated he saw the complainant driving down a one-way street and recognized her from an earlier incident where she was honking and yelling at someone nearby. The named officer said when he pulled her over, the complainant did not have a driver’s license and he discovered this was her second arrest for that same violation, prompting him to tow her vehicle.

The Body Worn Camera (BWC) video captures the complainant presenting a permit rather than a license and it also shows the named officer discovering the complainant’s prior arrest for driving without a license. The traffic citation lists 12500(a) CVC-No D/L Issued as one of the violations committed by the complainant.

The incident report states that the complainant was convicted of 12500(a) CVC a few months before, and she could not produce a license when the named officer asked for it.

Department Bulletin 16-115 states a vehicle shall be towed when CLETS/DMV records confirm the driver of the vehicle has been cited at least once for a 14601/12500 CVC related violation in the past.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/18 **DATE OF COMPLETION:** 06/26/18 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said she told the named officer to “mind his business,” when he attempted to intervene in an argument she had with someone earlier on the date of the incident. The complainant said the named officer was upset about what she said to him, so he looked for “any reason” to detain her after that. She acknowledged that she had driven the wrong way on a one-way street, but stated it was a mistake. The complainant also stated that the named officer told her she could have a licensed and insured driver pick up her car, but when she went to retrieve her vehicle the next day, it had a 30-day hold. The complainant believes the named officer acted out of spite.

The named officer said he stopped the complainant after observing her driving in the wrong direction on a one-way street. He denied detaining her based on their earlier encounter.

The named officer’s partner said the complainant’s detention was not based on her earlier encounter with the named officer.

The BWC footage shows the named officer approaching the complainant’s car and immediately saying, “So, I didn’t really appreciate how you talked to me earlier when we walked up on your car.”

The Traffic Citation lists a violation of 5200(a) CVC.

The incident report states the named officer observed a silver Honda Civic with paper plates driving the wrong direction.

The evidence established that the complainant was stopped after she drove in the wrong direction on a one-way street.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/18 **DATE OF COMPLETION:** 06/26/18 **PAGE#** 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 16-114 & 16-115.

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

FINDINGS OF FACT: The named officer admitted he forgot to provide the complainant with an SFPD 387 form, and did not include anything regarding the form in his incident report.

The incident report does not mention SFPD form 387.

Department Bulletin 16-114 states the narrative in a report regarding 14601/12500 CVC Enforcement, “shall contain the following information...that SFPD 387 was issued to owner.”

Department Bulletin 16-115, Vehicle Tow Policy & Procedure 14601/12500 CVC Enforcement, directs the officer to, “give the cited driver a copy of the San Francisco Traffic Offender Program (STOP) Follow-up form (SFPD 387).”

The named officer did not provide the SFPD 387 to the complainant or provide any information regarding SFPD 387 in the narrative.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/18 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant called the Department of Police Accountability and left a message, stating that an officer used profanity towards her. The complainant did not provide the date, time and location of where the alleged incident occurred.

The complainant did not respond to DPA's request for an interview.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/18 **DATE OF COMPLETION:** 06/14/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was attacked by a San Francisco Police Department officer. The DPA determined the man who attacked the complainant was not a current or former SFPD officer. This complaint raises matters outside DPA's jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/18 **DATE OF COMPLETION:** 06/12/18 **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 contacted the Police Commission regarding a domestic violence incident between the complainant and her partner. The complaint was forwarded to the DPA for follow-up. The complainant did not respond to repeated attempts to take her complaint.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/18 **DATE OF COMPLETION:** 06/06/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she called police and reported several men standing in front of a building. The complainant acknowledged that she did not report a crime.

A review of Department records found no evidence that the complainant or anyone reported a crime at the time, date and location she provided.

The alleged 911 call could not be located.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 5/27/18 **DATE OF COMPLETION:** 06/29/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/18 **DATE OF COMPLETION:** 06/28/18 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #2: The complaint raises matters outside the DPA's jurisdiction.

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

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

Oakland Police Department
Internal Affairs Division
250 Frank Ogawa, Ste. C
Oakland, CA 94612

Citizens' Police Review Agency
City of Oakland-Dalziel Bldg.
250 Frank H. Ogawa Plaza, Ste. 6302 (floor 6)
Oakland, CA 94612

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/18 **DATE OF COMPLETION:** 06/20/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) harassed the complainant's boyfriend due to bias.

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

FINDINGS OF FACT: The complainant stated that she and her African American boyfriend were in the park across from her residence when an SFPD squad car pulled up and parked near them. The complainant stated that after she went into her building and her boyfriend began to walk down the street, the police followed him, shined a light in his face, then sped away.

The complainant could not provide any identifying information for either the squad car or the officers.

No cameras were located in the area of the incident.

A station poll yielded negative results.

No witnesses were identified.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/18 **DATE OF COMPLETION:** 06/13/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/18 **DATE OF COMPLETION:** 06/08/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The 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: 06/03/18 **DATE OF COMPLETION:** 06/29/18 **PAGE#** 1 of 1

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

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/18 **DATE OF COMPLETION:** 06/29/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: The 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: 06/07/18 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/18 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/18 **DATE OF COMPLETION:** 06/21/18 **PAGE#** 1 of 1

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

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

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

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

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was 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: 06/12/18 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: The 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: 06/13/18 **DATE OF COMPLETION:** 06/28/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: The 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: 06/13/18 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1 **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: 06/26/17 **DATE OF COMPLETION:** 06/01/18 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainants were out of town when their former housemate broke into their house. A neighbor went to check the complainants' house and found the suspect on the side of the house standing near a broken window. The suspect told the neighbor that he locked his keys inside. The neighbor did not believe the suspect's story and called 9-1-1, asking the call taker for telephone contact by responding officers. The named officer and his partner responded to the scene to investigate the incident. Their supervisor also arrived. The named officer, who was more senior than his partner, handled the investigation. The complainants alleged that the named officer failed to properly investigate the incident, ultimately allowing the suspect to enter the house. The complainant stated the named officer merely did not gather enough evidence to prove that the suspect lived in the house and did not talk to neighbors, who would have told him the suspect was not allowed in the house. The complainants stated that because of the named officer's inadequate investigation, the suspect caused property damage.

The named officer stated that he questioned the suspect and asked for his identification. The officer stated he queried the suspect's driver's license and found a DMV record that gave his address as that of the complainants' house. The named officer stated that he also found a stayaway order naming the suspect, but it was only to restrict him from contact with the complainants' upstairs neighbor.

The named officer's partner and supervisor supported his contention that he investigated the incident properly.

The neighbor who confirmed that he called 9-1-1 to report the attempted burglary stated that none of the officers at the scene called him.

SFPD General Order 1.03, Duties of Patrol Officers, dated April 7, 1996 states, in part, that it is considered neglect of duty if officers fail to discover serious crimes committed in their areas, which could have been discovered through the exercise of reasonable diligence. The General Order also requires officers to obtain and document witness information.

The evidence, including Body Worn Camera footage from the named and several witness officers' cameras, shows that upon contact, the named officer questioned the suspect briefly and asked for his identification. He walked to his vehicle and queried the suspect's information. The named officer then returned and gave the suspect his identification without further probing or asking additional proof of residency even after learning about the stayaway order. The named officer performed no other actions.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/17 **DATE OF COMPLETION:** 06/01/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #1 continued:

He did not talk to any neighbor or the 9-1-1 caller who specifically asked for a callback. Had the named officer been reasonably thorough and diligent in his investigation, he would have had discovered that the suspect had committed a crime and arrested him. He also would have had collected the witness information as required under DGO 1.03.

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

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

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

FINDINGS OF FACT: The complainants in this case said they were notified remotely that their house was being burglarized. They stated that the officers who responded failed to investigate the crime report properly, and allowed a former housemate who was banned from the property to enter the home. As stated above, the neighbor who witnessed the attempted burglary, when calling 9-1-1, asked for a callback from the responding officers.

The named sergeant acknowledged that he was the supervisor present during the investigation of the incident. He admitted it was his responsibility to make sure that the investigation was done thoroughly. The sergeant also said that as the supervisor, he was aware of all information that had been put out onto the air by dispatchers in this case.

The named sergeant acknowledged that none of the officers he was supervising contacted the 9-1-1 caller, stating that he did not order them to make the call because he thought it was unnecessary. He also stated that he may have missed the transmission by dispatch that the reporting party requested a callback. The named sergeant also said the investigating officer, when the suspect showed an ID with the address of the complainants' home and the officer confirmed the address in a query of DMV records, had conducted an adequate investigation.

Department records, including a CAD record of the incident, showed that the reporting party requested a telephone contact from the responding officers. The investigating officer, when shown this evidence, said he must have misinterpreted the entry by the dispatcher. The named sergeant stated he might have missed

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/17 **DATE OF COMPLETION:** 06/01/18 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #2 continued:

the entry in which the complainant requested the callback because he was busy dealing with the suspect at that time.

SFPD General Order 1.04, Duties of Sergeants, states, in part, that supervisors must have immediate control and supervision of assigned officers, and shall require them to comply with the policies and procedures of the Department, and take appropriate action when violations occur.

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

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

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

FINDINGS OF FACT: The complainants received electronic notification that someone broke into their house. Using their cell phones, the complainants accessed their home security system and saw the suspect inside their house. They immediately called 9-1-1. The complainant alleged that one of the responding officers took his bag out of the house and gave it to the suspect.

One of the named officers recalled transporting two bags together with the suspect to a police station and giving the bags to the station keeper. The officer stated that he did not look into the bags and believed that they were the property of the suspect.

The other named officer was the investigating officer. The officer stated that he could not recall any officer taking property from the complainant's house. The named officer stated that he knows nothing about what the other named officer took from the house.

Department records, specifically the incident report in this case, showed that the investigating officer booked no evidence that property was taken during the burglary of the house. A property receipt ostensibly showing the personal property of the suspect in the burglary listed three bags and various items, including cash, passports and credit cards. Body Worn Camera footage of officers on the scene shows the suspect exiting the house holding a bag, and shows one of the named officers removing other items and bags from the home.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/17 **DATE OF COMPLETION:** 06/01/18 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #3-4 continued:

The chronological report of the investigation prepared by the assigned SVU inspector showed that the complainant reported to the inspector that officers had removed a bag from the house that belonged to the complainant. The inspector reported that he contacted the suspect in the case, who acknowledged that he had received some of the complainant's property when he was released from jail. He turned in the bag and some of the complainant's property to the inspector, who returned the property to the complainant.

SFPD Department General Order 6.15, Property Processing, states, in part: that "the member who first receives or take property is responsible for it until the item is processes as property for identification and is received at the district station or at the Property Control Section."

SFPD Department General Order 6.02, Physical Evidence and Crime Scenes, states, in part that "at on-major crime scenes, when specialized units are not required, the responsibility for proper collection of physical evidence rests with the senior investigating officer present."

Pursuant to DGO 6.02, the investigating officer had the duty to make sure that the items were properly collected and processed. He was supposed to examine them and determine what should be booked as evidence and what was property. The evidence shows the investigating officer did not examine the items that the suspect and the officers took from the house when he was arrested.

Pursuant to DGO 6.15, the other named officer is equally responsible for the neglectful conduct. He took the questioned items without checking if indeed they belonged to the suspect. Had the officer diligently examined them, he would have known that among those things taken were not from the suspect.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/18 **DATE OF COMPLETION:** 06/29/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing due to race.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/18 **DATE OF COMPLETION:** 06/20/18 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/17 **DATE OF COMPLETION:** 06/11/18 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that multiple officers made inappropriate comments to him about his use of obscenities in public while they arrested him and issued him a citation. He stated that one of the named officers was mocking him and other named officers began to tell him that he should not use certain kinds of language, even though others use that kind of language all the time.

One named officer denied the allegation while another did not recall any specifics of their interaction with the complainant. The officers interviewed stated the complainant was yelling at the officers using derogatory language including a racial slur particularly offensive to African Americans, when a passerby overheard and confronted the complainant. One of the named officers stated that the complainant was cited for violating Park Code Section 4.14 (Fighting, Disturbing Peace, Offensive Words). The named officer acknowledged that he commented on the complainant's language; however, it was in the context of explaining to the complainant the reason for the citation.

DPA interviewed several officers who stated they did not recall specific interaction between the complainant and the named officers; however, they recalled the complainant yelling obscenities and racial slurs. A sergeant stated that, although not present during the entire incident, he heard the verbal abuse from the complainant towards the officers and described the complainant's demeanor as agitated.

San Francisco Body Worn Camera (BWC) footage showed the complainant in a public place repeatedly yelling at officers using obscenities and racial slurs. The footage shows a bystander approach the complainant and the two appearing to challenge each other. The footage also captures the officers' explanations to the complainant of the citation violations which were related to his words and conduct. The named officers appeared patient and professional during their contact with him.

Although the named officers did discuss the complainant's language with the complainant, the purpose was to explain the reason they were arresting and citing him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/17 **DATE OF COMPLETION:** 06/11/18 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #4-5: The officers did not properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers did not pursue and adequately investigate the other party involved in the altercation related to his citation. The complainant stated the other individual had threatened him, yet that person was allowed to leave while he was handcuffed and cited.

One of the named officers stated that he observed the violations by the complainant then arrested and handcuffed the complainant with the assistance of the other named officer. He stated the other named officer spoke to the other individual, determined he was a victim, and obtained that person's statement and contact information for the incident report.

The Incident Report included information from an individual identified as the victim.

BWC footage showed that the other party in the altercation was still in the area; however, it did not capture any officers speaking with him.

The Notice to Appear shows the complainant was cited for a violation of SF Park Code 4.14, Fighting, Disturbing Peace, Offensive Words.

The named officers witnessed the complainant's conduct and questioned an individual who was upset by his comments. The named officers also activated their BWC's and were aware that the footage would capture the incident. This was sufficient to investigate the incident and issue the ticket for an infraction to the complainant. As such, the allegation that the officers failed to properly investigate is unfounded.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/17 **DATE OF COMPLETION:** 06/11/18 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #6-7: The officers handcuffed without justification.

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

FINDINGS OF FACT: The complainant stated he was handcuffed by officers based on statements he was making in public, even though he had been threatened with bodily harm by the other party in the altercation. The complainant acknowledged he was shouting racial slurs and that he had responded to the bystanders threats by saying, “kick my fucking ass then.”

One of the named officers stated the complainant violated Park Code 4.14 and was handcuffed due to the complainant’s aggressive behavior towards the officers.

BWC footage shows the complainant belligerently yelling at officers using obscenities, racial slurs, and homophobic slurs. It shows the complainant and another individual beginning to confront each other, and officers intervening. The footage shows the named officers explaining the reason for the detention and citation while placing the complainant in handcuffs.

The SFPD Arrest and Control manual states that an individual, “should be handcuffed ... When the subject is a violent misdemeanor or a misdemeanor who exhibits a tendency to escape ...”

The evidence established that the complainant was acting aggressively and appeared prepared to fight another individual. As such, the handcuffing was justified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/17 **DATE OF COMPLETION:** 06/11/18 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #8: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated an officer issued him a meritless citation for using offensive words, fighting, and disturbing the peace.

DPA interviewed several officers who stated that they observed and heard the complainant make multiple derogatory statements including specific racial slurs directed towards African Americans. Two of the witness officers stated they observed an African American passerby in the area react to a racial slur and confront the complainant. They stated that the complainant was subsequently cited by the named officer.

Department records reflect that the complainant was issued a citation by the named officer for violating Park Code Section 4.14 (fighting, disturbing the peace, offensive words).

The incident report narrative described the observed violation of the complainant and the resulting reaction of an African American passerby and his subsequent confrontation of the complainant.

BWC footage shows the complainant in a public area yelling various obscenities, including a racial slur particularly offensive to African Americans. Available footage shows the interaction between the complainant and the other party as described by the officers interviewed by the DPA.

SF Park Code Section 4.14 references California Penal Code section 415, which prohibits “the use of offensive words in a public place which are inherently likely to provoke an immediate violent reaction.”

The evidence established that the named officer had probable cause to cite the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/17 **DATE OF COMPLETION:** 06/11/18 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #9: The officer used unnecessary force.

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

FINDINGS OF FACT: During the issuance of the citation and after the complainant was in handcuffs, the complainant stated that an officer violently kicked him in his left leg to force him to sit, although he was already sitting on the ground. The complainant said that he did not complain of pain during the incident.

The named officer denied the allegation. He stated that the complainant was repeatedly non-compliant to his requests that he sit completely on the ground. The named officer said he used a leg sweep underneath the complainant's left leg, which ultimately made the complainant reach the ground. He stated that this move was a physical control which was not reportable, as the complainant did not appear injured nor did he complain of pain or injury. The named officer said it was necessary to have the complainant sit on the ground because he was a flight risk.

Two witness officers stated the complainant was argumentative and refusing to get all the way down to the ground after being ordered to do so by the named officer. They recalled observing the named officer using a leg sweep under the complainant's leg to move him to the ground. A sergeant stated he was not present during the leg sweep, but that the complainant had neither observable injuries nor complaints of pain. The remaining officers interviewed stated they were cover officers and did not observe or recall the interaction between the complainant and the named officer.

A civilian witness stated that he observed an officer violently kick the complainant while the complainant was in handcuffs and already sitting on the ledge of a public entrance curb with multiple officers in the area.

BWC footage shows the complainant in handcuffs sitting on the edge of a wall near a public transit entrance. After repeated requests by both the named officer and a witness officer to sit all the way down on the ground, the named officer is shown using a leg sweep to the complainant's left leg while holding onto the complainant's left arm and shoulder. The footage did not show the named officer kicking the complainant directly in the leg nor using any other type of force.

The named officer gave the complainant a lawful order, and gave him an opportunity to comply. The named officer then used reasonable force to gain compliance. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/17 **DATE OF COMPLETION:** 06/04/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said two officers entered a private firm and the male officer mumbled something about a dropped 911 call, and that they needed to ensure nobody was being held against their will before walking down a hallway without further conversation. The complainant felt the officers acted inappropriately by not checking with someone to be shown around the office.

The named officers could not recall whether there was someone at the reception but said someone other than the female complainant contacted them almost after they completed their walk through the office to whom they notified of the 911 dropped call, which required them to check if there was a medical emergency or someone held against their will.

No witnesses came forward

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/18 **DATE OF COMPLETION:** 06/29/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was mistakenly arrested.

Department records show that officers were responding to a call regarding a possible sexual assault. When the officers arrived, the complainant was identified as the suspect. When one of the responding officers attempted to detain the complainant, the complainant resisted, refusing to get on the ground. After the complainant was taken into custody, the victim signed a Citizen's arrest form and the complainant was subsequently arrested and booked.

The evidence established that the complainant was arrested, in part, pursuant to a private person's arrest.

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

SUMMARY OF ALLEGATION #3: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officer struck him with a baton numerous times on his legs and thighs, causing him severe physical pain.

The named officer stated that when he ordered the complainant to get on the ground, the complainant refused. In addition, the officer stated the complainant nervously looked side to side as if he were about to flee, prompting the named officer to strike the complainant with his baton once on the leg to gain compliance. The complainant was subsequently handcuffed without further incident.

No witnesses came forward.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3 continued:

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

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

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that Body Worn Camera (BWC) captured the named officer ask the detaining officer, "Are we gonna get to use the stick on one tonight?"

The body worn camera recording failed to support the complainant's allegation against the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/17 **DATE OF COMPLETION:** 06/26/18 **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 officer retired and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated her ex-boyfriend stole her car from her Oakland home. The car was found in San Francisco by an SFPD officer, who then contacted the complainant. The complainant stated the officer then let her ex-boyfriend take the car despite the fact that he was the person who had stolen her vehicle.

The named officers stated that their license plate reader alerted them to a stolen car parked outside a house. The complainant was listed as the registered owner who had reported the theft. The officers stated that they contacted the complainant, who told them she was on her way but never arrived. The officers said that a man emerged from the house and claimed that the car was his. The man told the officers that he was the complainant's boyfriend and provided the officers with registration paperwork in his name. The officers then ran a computer check, which revealed that the man's name was newly registered to the vehicle. Finally, the man showed the named officers a text message from the complainant directing him to show the officers his paperwork. The officers verified that the text came from the complainant's phone. They then let the man go with the vehicle.

Department of Motor Vehicle records showed that at one point around the date of the incident, the man's name had been added to the registration of the vehicle. Other documents and an interview with a DMV employee were inconclusive.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/17 **DATE OF COMPLETION:** 06/26/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4 - 5: The officers displayed rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated that her vehicle was stolen. She stated that when officers called her to inform her that her car had been recovered, the officer she spoke with was rude.

The named officers stated that they do not remember speaking with the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/17 **DATE OF COMPLETION:** 06/11/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named officer has been released from the San Francisco Police Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants stated a driver struck one of their parked cars and initially left the scene but returned later in the evening. The complainants stated they waited for the police to arrive and investigate the vehicle collision. The complainants stated the investigating officer told them the incident was a non-injury collision that did not require a report. The complainants stated the officer initially was reluctant to complete a report as well as to investigate a DUI with the other driver. The complainant said they did not like that they repeatedly asked the officer on scene to complete a report. The complainants admitted the officer eventually investigated the incident and provided a case number to one of the complainants.

The named officer stated he and his partner officer both responded to a vehicle collision call. The named officer did not recall other individuals at the scene who wanted to make contact or provide their statements to him or his partner. The named officer stated he was the investigating officer who interviewed both parties involved. The named officer stated he interviewed a complainant whose parked vehicle was struck by the other driver. The named officer also stated he interviewed the other driver. The named officer further stated he smelled alcohol emanating from the other driver and other objective DUI signs with the other party. The named officer conducted Field Sobriety Tests (FST) on the other driver. The named officer stated he subsequently arrested the other driver for violation of 23152(a) for driving under the influence of alcohol. The named officer stated that he investigated, interviewed and conducted FSTs based on his two separate investigations.

Body Worn Camera (BWC) footage showed the officers contacted the parties involved and the named officer's investigation and FSTs with the other driver.

One of the co-complainants stated he was not directly at the scene when the officers contacted the other complainants.

The driver who was arrested for DUI did not respond to DPA's request for an interview. No other witnesses were identified. While the named officer ultimately prepared a Traffic Collision Report and eventually conducted Field Sobriety Tests on the driver, there was insufficient evidence to either prove or disprove that the named officer reluctantly took these actions. As such, there was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainants stated that one of them told the officer that she wanted a report and that the other party was DUI. The complainants stated the officer was reluctant to complete a collision report and to investigate a possible DUI. One of the complainants interviewed by the named officer stated the officer commented to her that the other party was able to park being proof of sobriety. The complainants further stated the other driver was subsequently arrested for DUI and a traffic collision report was made and a case number given to one of the complainants.

The named officer stated that he was the investigating officer at the traffic collision scene. The named officer stated he was calm and professional with the complainant. The named officer recalled the complainant was upset and angry when she was told that a report was not going to be generated due to a non-injury collision. The named officer did not recall other individuals at the scene who wanted to make contact or provide their statements to him or his partner officer. The named officer stated he recalled agreeing with the complainant who was the other party involved with the collision that he would write up a collision report and conduct FSTs on the other party involved. The named officer denied that he told the complainant that the other party was able to park his car was a sign that the he was sober and not drunk.

Body Worn Camera (BWC) footage showed a small crowd of individuals at the scene dispersed when the officers arrived. The footage showed an unknown male bystander who stood next to by a female, a co-complainant. The footage outlined the officers' contacts with the parties involved and the named officer's investigation and FSTs with the other driver.

One of the co-complainants stated he did not hear the conversations between the officers and the other complainants.

The driver who was arrested for DUI did not respond to DPA's request for an interview.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/17 **DATE OF COMPLETION:** 06/20/18 **PAGE#** 1 of 2

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

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

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

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

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

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

SUMMARY OF ALLEGATION #3: The officer searched the complainant's vehicle without cause.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/17 **DATE OF COMPLETION:** 06/20/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/17 **DATE OF COMPLETION:** 06/19/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer had a rude attitude.

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

FINDINGS OF FACT: The complainant stated the named officer was rude over the phone.

The named officer denied the allegation, stating that she had to end her conversation with the complainant after the complainant became verbally abusive.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/17 **DATE OF COMPLETION:** 06/19/18 **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: An anonymous complainant wrote that he/she was told by “a few people in the area” that the victim who was murdered attempted to flag down a police car prior to the victim being shot and that the police car failed to stop.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she called 9-1-1 and reported that she was held hostage by her boyfriend, prompting several officers to respond to her apartment. The complainant stated that when she told the responding officers that she was raped, one of the officers said, "Don't go down that road." The complainant also stated that when she told the officers that she wanted to press charges, an officer threatened to arrest her.

The officer who prepared the incident report is no longer with the San Francisco Police Department.

The backup officers denied the allegation, stating they did not make the alleged comment and they tried to help the complainant.

The identity of the alleged officer could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/16/17 **DATE OF COMPLETION:** 06/08/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he was at the San Francisco International Airport when he encountered the named officer who accused the complainant of being belligerent and taunted him for consuming alcohol during his flight.

The named officer denied the allegation. The named officer stated he believed the complainant thought he was going to be arrested for being drunk in public, but the named officer stated he had no intention of arresting the complainant.

Other officers at the scene did not witness the named officer's interaction with the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/17 **DATE OF COMPLETION:** 06/27/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that his wife's credit cards were stolen and that the credit cards were used fraudulently. The complainant stated that the SFPD failed to investigate the reported crime.

Department records show that a police report was taken and that no suspect was identified. Records also show that the case was not assigned for investigation because it did not meet the case assignment criteria outlined in Department Bulletin No. 15-200, Case Assignments for Investigation.

DPA's investigation established that the crime, reported by the complainant's wife, did not meet the criteria for case assignment.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/17 **DATE OF COMPLETION:** 06/21/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant, who was the victim of a shooting, stated that the responding officers negligently failed to keep him still after had been shot, dragging him from the street onto the sidewalk.

Body Worn Camera recordings show that none of the responding officers moved the complainant. The complainant was left on the street until the medics arrived.

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

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

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

FINDINGS OF FACT: The complainant stated that he was named as a victim in a police report, and that his address was improperly listed in the police report. The complainant acknowledged that the officers obtained the address from his driver's license.

Department records show that the named officer obtained the complainant's address from the complainant's driver's license.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was unlawfully arrested after hitting her neighbor. The complainant stated that she mistakenly thought her neighbor was her grandson's girlfriend.

Department records show that the complainant was arrested after she had hit her neighbor with her cane. Records show that the complainant was arrested pursuant to a private person's arrest. The victim signed a Citizen's Arrest form against the complainant for battery.

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

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

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

FINDINGS OF FACT: The complainant stated that she was taken to the hospital against her will.

The named officer and his partner stated that the complainant was placed on a mental health detention hold because she told them that she was going to kill herself.

SFPD General Order 6.14, Psychological Evaluation of Adults, states that officers may detain an individual for psychiatric evaluation pursuant to 5150 of the Welfare and Institutions Code only when the officer believes that, because of mental illness, an individual is a danger to herself.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/17 **DATE OF COMPLETION:** 06/18/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant stated the named officer did not properly investigate the incident.

The named officer stated that he obtained statements from the victim and the complainant. He stated that the complainant admitted to hitting the victim.

The BWC footage shows the named officer took reasonable investigative steps to determine if a crime had been committed.

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

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named officer told her that she should move to a senior home.

The named officer stated that he advised the complainant that she should consider moving to a senior home, because the complainant was living by herself. He stated that the complainant's caretaker told him that she would no longer take care of the complainant. He stated that due to the age of the complainant and the fact that she needed a caretaker, he advised her that it would be wise to move.

Given the totality of the circumstances, the named officer's comment was not inappropriate.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/17 **DATE OF COMPLETION:** 06/12/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he parked his motor home in a yellow curb commercial zone and that the meter had a red top. He said he had a right to park there because he had a vehicle with 6 wheels and commercial plates. The complainant also believed he had a right to park there without putting funds in the meter, because he had a disabled person placard hanging from his mirror. The complainant stated the named officer approached him and told him the meter was expired and that if he did not move the vehicle he would issue him a citation.

The named officer stated he observed a camper van parked in the yellow zone in front of a store during commercial loading zone hours. He stated he told the complainant that he should put money in the meter, or the DPT (now the San Francisco Municipal Transportation Agency or SFMTA) would give him a ticket. He never said he would issue him a ticket and he did not issue the complainant a ticket. The officer stated there is a sign on the meter indicating it is to be used for metered commercial vehicle loading or unloading only; highlighted with red ink is a section regarding disabled placards indicating that they do not allow one to park in yellow top or red top metered spaces during commercial loading zone hours.

Section 7.2.26 of the San Francisco Transportation Code prohibits parking “in a yellow zone indicated by yellow paint on the curb or signage, except for the purpose of loading or unloading passengers or freight, during any time in which Parking is restricted or prohibited at that yellow zone.” The code also states, “Non-commercial vehicles shall not be Parked in a yellow zone in excess of a period of three minutes, during which the operator must be in attendance, under any circumstances during times when Parking is restricted at a yellow zone.”

SFMTA guidelines state a disabled placard does not allow you to park in the following times or places:

- No-parking, no-stopping or other red zones
- During street-cleaning hours
- During posted commercial loading hours (look for signs, yellow curb, or yellow or red meters)
- During posted passenger loading hours (look for signs or white curb)
- During posted commuter tow-away hours (check for tow-away signs within 100 feet in both directions of a parking space).

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/17 **DATE OF COMPLETION:** 06/12/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #1 cont.: Photos of the location show the curb is a painted yellow zone and has yellow-capped meters along the curb. Signs are posted on the meters restricting parking, stating, “No Stopping 9 am – 4 pm MON-FRI, 7 am -6 pm SATURDAY, EXCEPT METERED COMMERCIAL VEHICLE LOADING,” and including an image of a commercial cargo truck.

The complainant’s vehicle was parked in a yellow curb commercial loading zone at 10 a.m. with a yellow-capped meter. He was not loading or unloading passengers or freight. The named officer correctly informed the complainant he should move his vehicle, or it could be cited by the SFMTA.

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

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

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

FINDINGS OF FACT: The complainant wrote in his complaint that he asked the named officer for his name and badge number to be written down and the officer refused. The complainant stated the officer’s name pin was covered, and the officer flashed it to him. In his recorded statement, the complainant stated he asked the named officer his name, and the officer did not respond. He then asked the officer to see his “pin,” and the officer flashed his name pin from under his jacket.

The named officer denied the allegation. The named officer stated the complainant asked him if he was a police officer and he replied, “yes.” The named officer stated he provided his name and star number to the complainant. He also stated that his name and star number were embroidered, and clearly visible, on his Department-issued jacket. The named officer also said he showed the complainant his department issued silver star on his front left chest in response to the complainant’s request.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/17 **DATE OF COMPLETION:** 06/12/18 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer raised his voice when he spoke to him and that he had a horrible attitude. The complainant also stated he returned to the location later and the named officer was still there. He stated the named officer glared at him the whole time, in an intimidating manner.

The named officer denied the allegation. The named officer stated he did not raise his voice to the complainant and that his demeanor was professional. The named officer stated he did not see the complainant return to the area.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/17 **DATE OF COMPLETION:** 06/12/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officers lied about why they towed her car. She stated that she was told her car was being towed for delinquent payments, but later discovered it was being held for investigation.

The named officers remember speaking with a male subject at the scene. One of the named officers admitted he lied to the complainant as a deceptive tactic. He stated the car was part of a police investigation, and he did not want to compromise the investigation.

The incident report documents that the complainant's car was suspected of being involved in an armed robbery, three days before it was towed.

A supplemental report, authored by one of the named officers, states that a department crime bulletin had been issued regarding the complainant's vehicle. The report documents that the named officers received approval from a SFPD sergeant for the tow.

Records from San Francisco Auto Return show that the complainant's car was being held for investigation because of its use in the commission of a crime.

No witnesses were identified.

Law enforcement officers may use deceptive tactics for investigative purposes in most cases. Here, the named officers lied to protect an ongoing police investigation.

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