

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/19 DATE OF COMPLETION: 06/26/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant said the named officer conducted a traffic stop of her and her passenger without probable cause.

The named officer said he established probable cause based on a tip from a confidential informant. Under Evidence Code § 1040 and § 1041, the officer said that providing information about the tip or the informant could jeopardize his or her safety.

The DPA cannot issue a finding because the relevant evidence is not available for review.

SUMMARY OF ALLEGATIONS #2-3: The officers conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant said the named officer conducted a traffic stop of her and her passenger without probable cause.

The named officer said he established probable cause based on a tip from a confidential informant. Under Evidence Code § 1040 and § 1041, the officer said that providing information about the tip or the informant could jeopardize his or her safety.

The DPA cannot issue a finding because the relevant evidence is not available for review.

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

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

FINDINGS OF FACT: The complainant said the named officer made inappropriate comments. The complainant said she had multiple recordings of the incident, but she did not provide the recordings.

The named officer denied making the comments alleged by the complainant.

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

SUMMARY OF ALLEGATIONS #5-8: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said the officers did not provide a report number and did not provide a reason for the traffic stop or search.

The named officer was not required to provide the incident report number to the complainant under the circumstances. Penal Code § 841, which ordinarily requires officers to explain the basis for a detention, does not apply because the officers believed the suspect was “actually engaged in the commission of or an attempt to commit an offense.”

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

SUMMARY OF ALLEGATION #9: The officer failed to provide his name or star number.

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

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FINDINGS OF FACT: The complainant said she asked for star numbers from all of the officers on scene. All of the officers complied with her request except for the named officer who kept his badge on his side under his shirt.

Photos provided by the complainant show that the named officer's statement that his badge was displayed and visible.

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

SUMMARY OF ALLEGATION #10: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant said that officers refused to tell her why she was being stopped and took her phone away during the detention.

Officers are not required to tell suspects why they are stopped during an ongoing investigation. In addition, the officers imposed reasonable time, place, and manner restrictions on complainant's right to record her own detention.

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

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

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

FINDINGS OF FACT: The complainant alleged that the San Francisco Police Department issued a press release that was disseminated to the media and posted on SFPD’s Facebook page that included inaccurate charges that neither SFPD nor the District Attorney brought against the complainant.

The Department of Police Accountability (DPA) interviewed several officers who acknowledged that the press release issued contained erroneous information. In addition, the officers stated that there was no clear process regarding the confirmation of information contained in a press release to ensure that only accurate information was released.

In this case, SFPD utilized a document that tracked the approvals for a press release prior to the issuance of the press release. However, the tracking document was very general and did not hold a specific individual responsible for checking the accuracy of the press release. Existing Department General Orders and Unit Orders do not address a clear approval process to ensure that information contained in a press release is accurate. No current Order required the Incident Report or any other case-specific document accompany the press release.

DPA’s investigation revealed that the Media Relations Unit did not have specific Unit Orders implementing a process that would ensure that the Press Release was reviewed for accuracy. Therefore, DPA recommends that the Media Relations Unit be subject to a specific Unit Order that requires the press release author to rely upon specific documents for drafting a press release, such as the police report, chronological of investigation, or other case-specific documents, the documents that the press release author relied upon shall accompany the press release for record keeping purposes, and that the press release author is required to check the press release document for accuracy.

The evidence proved that the alleged conduct occurred but did not violate any current Department General Order, Unit Order, or other provision. Therefore, the DPA recommends that the Department issue a Unit Order to the Media Relations Unit to ensure that inaccurate information, which can be detrimental to individuals and the Department in numerous ways, does not get disseminated in press releases.

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SUMMARY OF ALLEGATION #1: The officer displayed threatening behavior.

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

FINDINGS OF FACT: The complainant stated the named officer threatened to arrest her if she did not step away from where he was detaining juvenile subjects.

Body worn camera (BWC) footage showed the complainant observe the interaction between the named officer and two detained juveniles. At one point, the complainant moved within feet of the juveniles and began questioning the named officer as to what he was doing. The named officer, as well as other officers at the scene, ordered the complainant to step back several times but told her she was free to record the incident. After the complainant failed to comply with multiple orders, the named officer explained to the complainant that she was interfering with his investigation by taking his attention off the juveniles in order to interact with her. He informed her that she would be committing a crime if she did not step back. The complainant eventually stepped back several feet and began filming the officers.

Department General Order (DGO) 5.07 (Rights of Onlookers) in relevant part allows onlookers to remain in the immediate vicinity to witness detentions in public areas except when the person jeopardizes the safety of the officer or interferes. In addition, an officer may ask an onlooker to “move on,” but the person shall not be asked to move any farther than necessary.

The action of the named officer was within policy because the complainant was not asked to move farther back than necessary.

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 7.01.

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

FINDINGS OF FACT: The complainant stated the named officer should have read the juveniles their *Miranda* Advisement before speaking with them.

Body worn camera footage showed two officers approach two juveniles and ask them if they were at the scene of an alleged crime and if they knew what occurred. The juveniles responded in the negative and

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the officers ceased questioning about the alleged crime. After getting information needed for the incident report, the named officer read the juveniles a *Miranda* Advisement. The juveniles were subsequently released to an adult.

The *Miranda* warning is a constitutional requirement that an individual in police custody cannot be questioned by police (custodial interrogation) until the individual is made aware of the right to remain silent, the right to consult with an attorney and have the attorney present during questioning, and the right to have an attorney appointed if indigent. However, Department General Order 7.01 requires officers to read the *Miranda* warnings within a half-hour of taking a juvenile into custody, even if there is no custodial interrogation.

For *Miranda* to apply, a person must be subject to custodial interrogation. Here, the juveniles were detained but were not subjected to custodial interrogation. Therefore, the officers were not required by the Constitution to administer *Miranda* warnings before asking the juveniles any questions, and the officers complied with DGO 7.01 by giving the *Miranda* warnings to both juveniles within 30 minutes of their detention.

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

SUMMARY OF ALLEGATIONS #3-5: The officers displayed intimidating behavior.

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

FINDINGS OF FACT: The complainant stated she felt intimidated by the named officers' physical stances toward her.

BWC footage contradicted the complainant's statement. The footage showed the named officers remain calm and patient with the complainant despite her not heeding multiple orders to step back.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #6: The officer behaved in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated she observed an officer read the juveniles a *Miranda* advisement and heard the named officer tell one of the juveniles to answer in the affirmative.

Department records showed that the victim of the crime identified the two juveniles as witnesses to the assault.

BWC footage captured the juveniles receiving the *Miranda* advisement. When one of the juveniles did not verbally answer if he understood his rights, the named officer, who was not providing the juveniles their *Miranda* Advisement, was heard in the background answering in the affirmative, which was followed by the juvenile answering in the affirmative.

DGO 7.01 (Policies and Procedures for Juvenile Detention, Arrest, and Custody) states that when a juvenile is temporarily detained, an officer must read a juvenile a *Miranda* advisement as soon as practicable.

California Welfare and Institutions Code section 625 states that when a juvenile is taken into temporary custody where there is reasonable cause to believe that the juvenile falls under Welfare and Institutions Code section 602, an officer must provide the juvenile a *Miranda* advisement.

The juveniles were identified as witnesses by the victim and treated as such by the officers. During their detention, the juveniles were not subject to interrogation and only asked if they were witnesses to the incident. The juveniles were read the *Miranda* advisement within thirty minutes of detention, as required by DGO 7.01. The DGO and the California Welfare and Institutions Code do not require officers to ask juveniles if they understood their rights.

On multiple occasions the DPA reached out to the parents of the juveniles for permission to interview them about their interaction with the police. The parents were unresponsive to the DPA's request for an interview. Due to the inability of the DPA to interview the juveniles, the DPA does not have enough evidence to determine if the juvenile was in fact induced to answer a *Miranda* advisement question in the affirmative. Therefore, the evidence fails to prove or disprove that the alleged conduct occurred.

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

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

FINDINGS OF FACT: The complainant stated that he was taken against his will from his home, that the police had no warrant for his arrest and that he was unlawfully arrested as he had committed no crime.

The named officer stated the complainant was placed on a mental health detention for being a danger to others as a result of a mental health disorder. The named officer stated that before arriving on scene, he learned from dispatch that one of the complainant's relatives reported receiving messages from the complainant in which he threatened to "shoot people" and "burn houses." Dispatch also advised responding units that the complainant was threatening to commit suicide and suffered from bipolar disorder. The named officer stated he spoke with the relative, who confirmed that the complainant was making such statements and explained that the complainant had just lost his job and was very depressed. The named officer stated he asked the complainant whether he felt like hurting himself or others and the complainant was unable to answer definitively with respect to hurting others. The named officer stated he determined that the complainant was being intentionally evasive and that, combined with his observation that the complainant was acting in a manner he described as paranoid and confused, caused him to conclude that a mental health detention was appropriate.

Police records showed that the named officer had already been dispatched on a Priority A call to the complainant's home an hour earlier based on the reporting of a separate family member concerned for the complainant's well-being. At that time, police were unable to make contact with the complainant. The second Priority A call for service included the information the named officer cited with respect to the complainant's mental state and threatening statements.

Body worn camera footage showed the complainant distressed by the presence of police and unwilling to allow them into his residence or even open the door before calling 911 himself. He denied suicidal ideation, but equivocated with respect to harm of others, referencing self-defense and protecting his life and liberty.

Under Department General Order 6.14, an officer "may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code" when he believes that as a result of mental illness the individual is a danger to himself, a danger to others or gravely disabled. If an individual meets this criteria but has not committed a crime the officer shall detain the individual for psychiatric evaluation and treatment. The evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #2: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that he was woken up by a group of officers knocking at his door with weapons drawn. He stated the actions of the officers confused and frightened him as he had no criminal history and possessed no weapons.

Body worn camera footage showed that the named officer carried an Extended Range Impact Weapon (ERIW) during the beginning of the encounter. The named officer was not seen pointing the ERIW at the complainant at any time. The footage showed that the complainant objected to what he referred to as a “shotgun” and took a photo of it. Officers explained that the ERIW is a bean bag shotgun and the named officer agreed to move it out of sight. The named officer and the ERIW stayed off to the side, avoiding further interaction for the remainder of the encounter.

SFPD Department General Order 5.01 Use of Force defines an Extended Range Impact Weapon (ERIW), such as a beanbag shotgun, as a weapon that fires a bean bag or other projectile designed to temporarily incapacitate a subject. The ERIW may be used in accordance with Department training to subdue an aggressive, unarmed subject who poses an immediate threat of serious injury to another person or the officer. Additionally, an ERIW is generally not considered to be a lethal weapon when used at a range of 15 feet or more.

Given the information the officers had before arriving on scene, it was not unreasonable for the named officer to have held an ERIW. He did not point it at the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department failed to properly investigate the death of her daughter, and that her daughter died under suspicious circumstances that merited a criminal investigation.

The named officer is no longer with the Department and therefore DPA could not compel him to be interviewed. However, the named officer authored the initial incident report and preserved body worn camera footage of his activity at the scene.

Records showed that the named officer responded to the scene to assist the San Francisco Fire Department (SFFD) with an unconscious victim. SFFD Engines and medics were on scene and CPR was being performed when the named officer arrived. The complainant's daughter was resuscitated twice by the medics on scene and was then transported to a hospital emergency room. The medics did not find trauma or marks that would suggest a crime occurred. The named officer remained on scene where he interviewed adults who were present in the home when the incident occurred. The named officer contacted a social service agency, took photos, booked evidence, and authored the initial incident report. The complainant's daughter remained in intensive care for a few additional days before she died from her injuries. A supervisor was assigned to further investigate the complainant's daughter's death. The Medical Examiner determined the cause and manner of the complainant's daughter's death.

Body worn camera footage from the named officer corroborated the incident report. It captured the named officer checking in by phone with a supervising officer who later arrived on scene. The named officer requested and received guidance regarding the scene and investigation. The named officer (1) observed and took photos of the area where the medical emergency occurred, (2) directed additional officers to report to the hospital and provide him updates, (3) created a crime scene log, and (4) made numerous attempts to get a positive identification of the adults who were present on scene. The named officer spent over two hours on scene.

Additional body worn camera footage showed the supervising officer consulting on the phone with another officer and then instructing the named officer to document everything, get a full statement from the adult with the most relevant information, take photos of the room, obtain consent to take an item of potential evidence, and then release the scene.

Department General Order (DGO) 6.05, Death Cases, dated July 27, 1994, describes the procedures for investigating death cases such as homicides, suicides and death by natural causes, as well as delineates

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responsibilities of the investigating officer and of the Medical Examiner. The Order states in parts that the responsibility for investigating cases of suicide rests with the Medical Examiner, while at the scene of an obvious homicide, officers are instructed to immediately protect the crime scene, initiate a Crime Scene Log, notify a field supervisor, and make notifications to the Homicide Section, Crime Scene Investigations Unit, Medical Examiner's Office, and Photo Lab. However, in the present case the complainant's daughter was still alive and there were no obvious signs of an attempted homicide or other criminal act.

Department General Order (DGO) 6.02, Physical Evidence and Crime Scenes, effective October 15, 1997, describes the procedures for determining what constitutes a crime scene and recognizing and preserving physical evidence. The Order states that at a "major crime scene" (defined as a location where there is death, great bodily injury or a potential for a major investigation) physical evidence "shall not be touched, moved, or disturbed prior to the arrival of the CSI Unit, the Medical Examiner, or the investigators." DGO 6.02(II)(B) defines a "major crime scene" as, "a location at which there is death, great bodily injury or a potential for a major investigation." The Order then provides four examples of Major Crime Scenes: homicide, suicide, officer-involved shootings, and felonious assaults in which death or permanent disability may occur.

The plain language of DGO 6.02 suggests that the scene in the present case was one that should have been preserved and treated as a major crime scene to protect it from any contamination as there was great bodily injury to the complainant's daughter. However, the subsequent examples seem to suggest that great bodily injury would only qualify if that injury were a result of a criminal act (or potentially criminal act). Here, it was not clear to officers that what was understood to be an attempted suicide fell within the bounds of this DGO. In the present case, the documentary and video evidence showed that both the named officer and the supervising officer consulted with others about how long the scene should be preserved, as the complainant's daughter was in critical care and, at that time, could be intubated for hours or days. Ultimately, the decision was made to document everything, obtain a full statement from the present adults, obtain consent to take an item of evidence and then release the scene.

DPA does not find the actions of the named officer to have been unreasonable or to constitute misconduct here. Indeed, there does not appear to be a DGO that applies specifically to attempted suicide scenes. For this reason, DPA recommends that the language of both DGO 6.02 and DGO 6.05 be amended to include an attempted suicide where another person is present.

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

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department failed to properly investigate the death of her daughter and an associated burglary.

The named officer was the inspector assigned to conduct the investigation, and at least one officer to whom the complainant reported the associated burglary. The named officer was not interviewed because he prepared a very detailed chronology of his investigation. DPA reviewed and audited the named officer's investigation.

Records showed that the named officer read and reviewed the Incident Report, spoke with the doctor overseeing the complainant's daughter's medical care, interviewed the decedent's family members, collected the decedent's medical records, interviewed numerous friends and associates of the decedent, interviewed the decedent's boyfriend, interviewed the decedent's boyfriend's sister, observed the MDI interviews of the decedent's children, reviewed screenshots and social media posts provided by the decedent's family, spoke with the Medical Examiner, reviewed CAD Audio, reviewed the SFFD Patient Care Record, reviewed the first named officer's body-worn camera footage, spoke with the first named officer, ran records' checks, had items from the scene forensically tested, attempted to obtain HSA records, met the complainant at the decedent's home, researched calls for service prior to the incident date, and followed leads and tips provided to him.

The complainant reported to DPA that later, after the scene had been released, family members of the decedent entered the home with SFPD officers and told the complainant they smelled bleach. DPA questioned officers who were present at that time and none of them recalled a smell of bleach in the household.

The Medical Examiner determined the cause and manner of the complainant's daughter's death and the DPA does not have jurisdiction over the Medical Examiner's Office.

With respect to the burglary, it is not clearly documented when the missing items were first reported. The named officer filed a police report when advised by the complainant that items belonging to her daughter were missing from her daughter's home. However, according to the records, the complainant reported the

burglary to the named officer approximately two months after the items were alleged to have been taken and after her daughter's death. In addition, the individual the complainant suspected of taking the items

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was the complainant's daughter's roommate and that person could have been given the property by the complainant's daughter. Therefore, DPA could not identify any further investigation that the named officer could have or should have conducted related to the burglary.

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

SUMMARY OF ALLEGATION #3: The complaint raises matters outside the DPA's jurisdiction.

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

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

Office of the Chief Medical Examiner
1 Newhall Street
San Francisco, CA 94124

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

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

FINDINGS OF FACT: The complainant said that the officer approached him and his husband and immediately asked where they lived. The complainant believes that the officer should have asked them their side of the story before demanding to know where they lived. The complainant also said the officer was dismissive and belittling.

The incident began when the named officer responded to an assault with a knife call in the parking garage of an apartment building. The named officer, along with other officers, investigated and determined that there was no knife and that the incident was likely part of a protracted dispute between neighbors. The named officer escorted one neighbor to the elevator to avoid contact with the other neighbor.

Later that night, the named officer again responded to the scene after the same neighbors had a second dispute about whether the other was blocking the keypad to the building. The named officer responded and listened briefly as one of the neighbors explain the situation to another officer. The named officer then approached the complainant neighbor and asked them which floor they lived on. The complainant and his husband then became upset and began yelling at the officer.

The named officer stated that he asked the complainants where they lived to determine if they were on the same floor with the reporting party and assess if further issues would arise between them. The officer stated he was calm the entire time and did not point a finger at the complainants.

The named officer's body worn camera corroborates the officer's account. The officer maintained his composure as the complainant and his husband yelled at the officer. The officer explained that this dispute did not rise to the level of a criminal matter.

The evidence proved that the act alleged did not occur.

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

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

FINDINGS OF FACT: The complainants stated that the named officer engaged in biased policing by taking his information without gathering the same information from the other party.

There were numerous officers on scene. The named officer reasonably relied on other officers to obtain information from the other party. In addition, the named officer reasonably concluded that the incident was a dispute between neighbors and did not involve any criminal activity.

There was no evidence that the officer's action was based on bias.

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

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

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

FINDINGS OF FACT: The complainant stated she went to the police station and reported an electronic mail hacking and harassment. The named officer refused to prepare a police report.

The named police officer stated she had no memory of meeting the complainant. The officer had no BWC of the incident and had no recollection of meeting the complainant.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that while inside a store three officers approached and detained him without justification.

All three named officers stated that while on patrol they observed the complainant, whom they knew to be the subject of a stay-away order, walk into a store that was located within 150 yards of the area from which he was ordered to stay away.

SFPD records showed that the three named officers were working in a plainclothes capacity, that the complainant was a known subject to the first named officer and that the first named officer had prior knowledge that the complainant was subject to a court ordered stay away order. Records also showed that the third named officer conducted a computer records check which confirmed that the stay away order was active.

The DPA reviewed San Francisco Superior Court documents that showed that a stay-away order against the complainant from the area in question had issued.

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

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

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

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

SFPD Records show that the named officer was on patrol in a plainclothes capacity and handcuffed the complainant in connection with arrest for violation of the stay away order.

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

SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant without cause.

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

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FINDINGS OF FACT: The complainant stated that the officers arrested him without cause.

The named officers stated that after observing the complainant and recognizing him as the subject of a stay away order, a third officer verified that the order was still in effect and the complainant was arrested.

SFPD records show that the stay-away order was confirmed via a computer records check prior to the officers detaining the complainant.

The DPA reviewed San Francisco Superior Court documents that showed that a stay-away order against the complainant from the area in question had issued.

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

SUMMARY OF ALLEGATIONS #7-8: The officers failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant stated that when the officers escorted him into the police station, they handcuffed him with both of his arms fully outstretched from the side of his body.

Both named officers denied handcuffing the complainant in the manner described. The second named officer further stated that each of the complainant's wrist was individually handcuffed to the handcuff bar and that no apparatus is present in the police station that would allow for handcuffing the complainant in the manner that he described.

SFPD Records showed that the two named officers transported the complainant to the police station after he was arrested by other officers.

Body-worn camera did not capture activities inside the police station.

SFPD Departmental General Order 5.01 specifies that handcuffing is consistent with levels of force usage relative to a suspect's level of resistance.

The evidence proved that the named officers complied with DGO 5.01.

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SUMMARY OF ALLEGATIONS #9-10: The officers made inappropriate comments

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

FINDINGS OF FACT: The complainant stated that while in the police station officers made inappropriate comments to and about him. Specifically, the complainant stated that the officers threatened to tell others that he was cooperating with police and talked openly about the complainant engaging in illegal activity.

Both named officers denied that they made inappropriate comments to or about the complainant and specifically denied that they made the comments alleged by the complainant.

SFPD records showed that the named officers transported the complainant to the police station after he was arrested by other officers.

Body-worn camera did not capture activities inside the police station.

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

SUMMARY OF ALLEGATIONS #11-12: The officers conducted an improper search.

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

FINDINGS OF FACT: The complainant stated that while in the police station the officers subjected him to a strip search. Both named officers denied that they conducted a strip search of the complainant. The second named officer stated that the complainant had already been searched by the arresting officers on scene.

SFPD records showed that the named officers transported the complainant to the police station after he was arrested by other officers. A preponderance of the evidence proved that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS #1-4: The officers detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated in a one-sentence written complaint that his property was seized, and he was told he was under investigation. The complainant did not participate further in this investigation.

Named Officers #1 and #2 stated they were working uniformed patrol when they heard Named Sergeant #1 broadcast that he observed what appeared to be a financial crime in progress and was following the subject vehicle. Named Sergeant #1 broadcast that the driver failed to signal before a lane change. Named Sergeant #1 instructed Named Officers #1 and #2 to conduct a traffic stop on the subject vehicle and identify all subjects inside. Named Officer #1 and #2 did as ordered.

Named Sergeant #2 was assigned to the Special Victims Unit, Financial Crimes and lead investigator investigating a series of felony financial crimes targeting the elderly. A month before the traffic stop, he had issued a crime alert with photos of the subject vehicle and one of the occupants asking officers to notify him upon locating the suspect or vehicle. An officer contacted Named Sergeant #2 in relation to the traffic stop. Named Sergeant #2 contacted Named Sergeant #1 and confirmed that he had more than reasonable suspicion to believe that the complainant and at least one of the other occupants and the subject vehicle were involved in the series of financial crimes based on evidence and information he obtained during his active investigation.

Named Sergeant #1 told Named Sergeant #2 the suspicious activities he observed prior to the traffic stop. This information provided to Named Sergeant #2 gave him further reasonable suspicion that a financial crime had just been committed or was in progress. He directed Named Sergeant #1 to detain the complainant and the others for further investigation and, because he wanted to perform audio-recorded interviews and the traffic stop occurred on a busy road in the midst of rush hour, he asked for the subjects to be transported to the police station. Named Sergeant #1 directed Named Officers #1 and #2 to transport the subject vehicle and occupants to the police station. Sergeant #2 questioned the complainant at the police station and released him after the complainant asserted his right to an attorney.

The DPA obtained a copy of the San Francisco Police Department (SFPD) Incident Report related to this incident. Named Sergeant #1 stated in his written statement that he was working

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plain clothes in an unmarked car when he observed the complainant and another individual speaking with an elderly man in a shopping center parking lot. The elderly man was visibly uncomfortable. The individual with the complainant displayed a white envelope to the elderly man. Named Sergeant #1 watched the complainant get in the passenger side of the subject vehicle. The subject vehicle had dark tinted windows so he could not see if the elderly man got inside the subject vehicle and he lost sight of him as well as the individual with the complainant. The subject vehicle drove to another nearby shopping center and proceeded to circle the parking lot multiple times despite there being several available parking spaces. The individual who had been with the complainant appeared on the sidewalk nearby holding a red bandana. The subject vehicle stopped and the individual got inside. Named Sergeant #1 had previously been involved in the arrest of suspects for “bait and switch” financial crimes and believed he was witnessing the same type of crime in progress. He continued following the subject vehicle and observed the driver fail to signal prior to changing lanes. Named Sergeant #1 requested uniformed officers in a marked patrol car to conduct a traffic stop. Attached to the Incident Report was a copy of the Certificate of Release issued to the complainant stating that he had been in SFPD custody but had not been arrested.

The DPA also obtained SFPD records regarding the active investigation into the series of financial crimes against the elderly. The records confirmed that Sergeant #2 obtained evidence and information implicating the complainant, another individual in the subject vehicle, and the subject vehicle.

No other witnesses came forward.

Traffic Stop

The Fourth Amendment requires only reasonable suspicion in the context of investigative traffic stops. *U.S. v. Lopez-Soto*, (9th Cir. 2000) 205 F.3d 1101, 1105. Sergeant #1 observed the complainant involved in what appeared to be a financial crime in progress. The complainant got in the subject vehicle which Sergeant #1 observed had dark tinted windows in violation of California Vehicle Code (CVC) §26708 (prohibiting application of material or objects to the windshield, side, or rear windows) and the driver failed to signal a lane change in violation of CVC §22107 (prohibiting turning from a direct course without reasonable safety and signaling). Sergeant #1 had articulable reasonable suspicion to conduct the traffic stop. However, Sergeant #1 was in plain clothes and driving an unmarked car. Pursuant to SFPD Department General Order (DGO) 5.08, non-uniformed officers cannot conduct traffic stops with few exceptions. Named Sergeant #1 directed uniformed officers, Named Officers #1 and #2, to conduct the traffic stop based on his observations. Officers who are not personally aware of all the facts on which reasonable suspicion might be based may properly detain “on the basis of a direction or information transmitted by police officers who were personally aware of such facts.” *People v Soun*, (1995) 34 Cal.App. 4th 1499, 1521 [Citations].

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Investigative Detention

Named Sergeant #2 directed Named Sergeant #1 to further detain the complainant and occupants and transport them and the subject vehicle to the police station. Named Sergeant #1 directed Named Officer #1 and #2 to carry out those orders. Once at the station, Sergeant #2 questioned the complainant who asserted his right to an attorney. The interview was terminated, and the complainant was released thereafter with a Certificate of Release indicating he had not been arrested. SFPD DGO 5.03 allows officers to briefly detain a person for questioning or request identification if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The detention must be limited to the amount of time reasonably necessary to conduct the investigation. A traffic stop that lasts longer than reasonably necessary to complete the traffic mission must be based on independent, reasonable suspicion justifying the delay. *Rodriguez v. United States*, (2015) 575 U.S. 348. Moreover, actions taken during a detention must be reasonably necessary to protect officers and complete the investigation. *United States v. Campbell*, (5th Cir. 1999) 178 F.3d 345, 348-9.

Sergeant #2 directed Sergeant #1 to continue the detention and transport the complainant to the police station for further investigation. He gave the directive because he had 'more than reasonable suspicion' to believe that the complainant, another occupant, and the subject vehicle were involved in a series of financial crimes. SFPD records confirmed that the complainant, his associates, and the subject vehicle were implicated in the series of financial crimes. Furthermore, Sergeant #2 had reasonable suspicion to believe that the complainant had been involved in a crime just prior to the traffic stop based on Sergeant #1's observations. The directive to transport the complainant to the police station was reasonable since Sergeant #2 wanted to take recorded statements from the complainant and his associates and the traffic stop occurred on a busy street during rush hour.

Named Sergeant #1 retired and is no longer subject to Department discipline.

As to the other named members, the evidence proved that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5: The officer issued an invalid order.

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 #6: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that his property was seized and he was told he was under investigation.

Named Sergeant #2 stated that he ordered officers to search the complainant because he was on Post Release Community Supervision (PRCS) with a search condition. He ordered officers to seize evidence found on the complainant because he had cause to believe that the items were related to the series of financial crimes, including the crime observed by Sergeant #1.

The DPA obtained documentation confirming that the complainant was on PRCS. The incident report identified the items confiscated from the complainant. The nature of the items seized provided reasonable cause to believe that they were evidence of criminal activity, used as means of carrying out the crimes, or proceeds from the crimes.

PRCS is a form of supervision provided to an offender who has been released from a California Department of Corrections and Rehabilitation institution to the jurisdiction of a county agency, pursuant to the Post Release Community Supervision Act of 2011. Penal Code §3453 provides that conditions of PRCS include, "The person, and his or her residence and possessions, shall be subject to search at any time of the day or night, with or without a warrant, by an agent of the supervising county or by a police officer." The evidence proved that Named Sergeant #2 knew of the complainant's PRCS status and ordered the search on that basis. The nature of the items seized provided reasonable cause to believe that they were evidence of criminal activity, used as means of carrying out crimes, or proceeds from crimes for which the complainant was implicated.

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

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SUMMARY OF ALLEGATION #7: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that his property was seized and he was told he was under investigation.

Named Sergeant #2 stated that the complainant was provided a receipt for all items seized from him.

The SFPD Incident Report indicated that the items seized from the complainant were booked as evidence at the police station. The report also indicated that a property receipt was issued to the complainant. The DPA obtained a copy of the Property Receipt issued to the complainant. The items listed in the Property Receipt are consistent with the property that was listed as seized in the incident report and booked into evidence. The complainant signed the Property Receipt.

SFPD General Order 6.15, Property Processing, states, in relevant part:

I. Policy

- A. RESPONSIBILITIES. The member who first received or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section.

III. Procedures,

A. Property for Identification

- 1. PROPERTY RECEIPT FORM. When taking or receiving Property for Identification from a person (including an arrestee), complete a Property Receipt (SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in your incident report.

Sergeant #2 seized items from the complainant during a lawful search. The nature of the items seized provided reasonable cause to believe that they were evidence of criminal activity, used as means of carrying out crimes, or proceeds from crimes for which the complainant was implicated. A Property Receipt was issued for the items and the items were booked into evidence at the police station.

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

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

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

FINDINGS OF FACT: The complainant was fired from her job but retained the key. Management discovered her on the premises and called police to have her removed. The complainant stated that when police officers responded, they arrested her without cause and took her to jail.

Department records indicate that the named officer restrained the complainant, who was acting in an aggressive manner. The named officer stated the complainant bit his hand while he was restraining her. Department records also indicate that the management requested the complainant be arrested for trespassing. The records further reflect that the complainant was arrested for resisting an officer, resisting, delaying or obstructing peace officer duties, and trespassing.

Body worn camera footage shows the complainant immediately resisting the officers when they move to place her in handcuffs. She was taken to the floor. One of the officers can be heard loudly instructing the complainant to stop biting him. Finally, the footage shows an employee of the company where the complainant used to work requesting a citizen's arrest of the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that when police officers responded to remove her from her former place of employment, they used unnecessary and excessive force on her.

Department records indicate that the named officer restrained the complainant as she began flail her arms. The records show that officers issued verbal commands to the complainant, which she ignored. Officers then tried to place the complainant into handcuffs, but the complainant pulled away. The named officer then took the complainant to the floor with an authorized control hold. A use of force form was completed in compliance with department orders and was reviewed by a supervising officer. The use of force form details the armband take down used on the complainant.

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Body worn camera footage from officers at the incident confirm the account set forth in other Department records.

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

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant is a Mandarin speaker with limited English proficiency. The complainant stated that the named officer did not provide translation or communicate clearly why she had been arrested or what information they wanted from her.

Body worn camera footage shows that the named officer and his partner transported the complainant to a district station. There, an officer who is a certified Mandarin translator explaining to the complainant in Mandarin the reasons for her arrest.

The evidence proved that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #1: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated he was assaulted by an individual ("other party") but had to leave the scene of the incident before the police responded because he had a previous commitment. He stated he met with the named officer and his partner a few hours later to provide his statement. The complainant stated he requested a citizen's arrest for the other party due the alleged assault. He stated the named officer did not make a citizen's arrest, but instead told him that he would have to go the District Attorney's office to file charges.

The named officer stated he and the witness officer responded to a call for service regarding an assault, and when they arrived the complainant was not present. The named officer met with the other party who indicated he was involved in a fight initiated by the complainant. The named officer stated the other party requested a citizen's arrest against the complainant, which he accepted because he believed there was probable cause, based on the other party's statement and injuries, that the complainant initiated the fight. A few hours later, the named officer and the witness officer met with the complainant who provided his statement. The named officer did not recall if the complainant requested a citizen's arrest.

The witness officer stated she and the named officer met with the complainant a few hours after the assault occurred. She stated she did not believe the complainant requested a citizen's arrest. She also stated that after the complainant provided his statement, she and the named officer again determined that the complainant was the aggressor.

Department records indicate that the other party called the police to report that he was assaulted by the complainant. The complainant left the scene before the named and witness officers arrived. The other party reported that the complainant was the aggressor in the altercation and that he wanted the complainant to be arrested. The named officer accepted the other party's request for a citizen's arrest whereby the other party signed the citizen's arrest form. The witness officer canvassed for surveillance cameras but did not find any that would have captured the incident. Later that day, the named and witness officers met with the complainant who stated that the other party initiated the fight and he merely defended himself. The named officer cited the complainant for battery.

BWC footage showed the named and witness officers meet with the other party at the scene of the assault. The complainant was not present. The other party reported that he was involved in an altercation that was initiated by the complainant. The footage showed slight injuries on the other party's head. The individual signed a citizen's arrest form after he requested that the complainant be charged with assault. The footage

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also showed that the named and witness officer met with the complainant later that day. The complainant reported that he was the victim of the assault. The named officer explained to the complainant that the other party signed a citizen's arrest form and was then presented with a citation for the assault. During the body-worn camera footage, the complainant did not ask for the other party to be arrested.

Department General Order 5.04 states in relevant part that when a private person summons police officers to take custody of an individual that the private person has arrested or wants to arrest, officers shall:

1. Respond to the location of the "private person arrest."
2. Determine if a crime has, in fact, been committed.
3. Determine if reasonable suspicion exists to justify detaining the individual pending further investigation. If reasonable suspicion does not exist, the individual is free to leave.
4. Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, the individual is free to leave.

The evidence does not support the complainant's contention that he requested a private person's arrest. Furthermore, police officers are not required to accept a private person's arrest. They are required to document the incident in a police report, which did occur here.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated he was involved in an altercation and when the named and witness officers met with him, the named officer informed the witness officer that he knew the complainant from a previous incident involving an assault. The complainant felt that the named officer's comment was inappropriate as it poorly portrayed his character in front of the witness officer.

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The named officer stated he did not feel the information he provided to the witness officer about a past encounter with the complainant was inappropriate.

The witness officer stated she did not believe that the named officer was inappropriate when he informed her that the complainant was involved in another incident involving an assault. She stated the sharing of information between officers of prior interactions is information officers routinely share with each other because such information could be useful to officers for officer safety purposes.

Body worn camera footage showed the named officer ask the complainant if he was involved in a prior assault at a restaurant. The complainant replied in the affirmative. The footage showed that the conversation took place only between the named officer and the complainant. The witness officer was not engaged in the interaction.

Department General Order 2.01 states in relevant part that officers shall treat the public with courtesy and respect.

The evidence collected does not support the complainant's assertion that the named officer made inappropriate remarks about him to his partner. The remarks that the officer made were appropriate. Therefore, there is no evidence proving that the named officer violated DGO 2.01.

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

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force

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

FINDINGS OF FACT: The complainant stated she observed a suspect had resisted arrest by a female officer for shoplifting. The named officer came and assisted the female officer as the suspect fought with her. The named officer tackled and struck the suspect in the head area to subdue him. The complainant opined that the named officer used unnecessary force.

The named officer stated that the suspect attempted to escape and resisted arrest during a shoplift investigation. The officer said his BWC was knocked off during the physical struggle to control the suspect. He then utilized hand strikes to the co-complainant's face area during the physical struggle per SFPD policy.

No other witnesses came forward.

Body-Worn Camera footage of the named officer and witness officer revealed the suspect actively resisted arrest, attempted to get away, and fought with officers. The suspect refused to obey several verbal commands and swung around a pole in an attempt to escape. The co-complainant actively resisted until the officers handcuffed him.

Body-Worn Camera footage and Department records indicated that there were no visible injuries to the suspect, and the suspect did not complain of injuries. The records showed that officers used team takedown techniques, and personal body strikes to control the suspect. However, the Body-Worn Camera footage did not capture the hand strikes used by the named officer due to proximity to the suspect and the camera becoming dislodged during the struggle.

Department General Order 5.01 Use of Force III A states, in part, "Officers may use reasonable force options in the performance of their duties, in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape."

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

The suspect actively resisted the officers. However, due to the lack of Body Worn Camera footage, there was insufficient evidence to either prove or disprove that the named officer's use of force was

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unnecessary as described by the complainant. The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATIONS #: The officer spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer approached her and made a specific inappropriate comment.

Body Worn Camera footage revealed the named officer never made that specific inappropriate comment to the complainant.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #1: The officer failed to process an incident report in a timely manner.

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

FINDINGS OF FACT: The complainant stated that the officer attempted to dissuade her from filing an incident report and in doing so failed to process the report in a timely manner.

SFPD records show that the complainant reported the incident to the named officer at approximately 10:00 PM and a report was processed at approximately 10:22 PM on the same date.

The named officer denied that he delayed processing the incident report. The officer stated that he informed the complainant that the nature of the report was not criminal; however, the complainant wished to make a report regardless. The officer complied and processed the incident report.

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

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

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

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

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

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SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated he and his family were eating at a restaurant when he got ill and vomited. The complainant and his family were asked to leave the restaurant by restaurant staff and were informed that the police were called. The complainant stated police arrived, and he attempted to speak with one of the named officers regarding the incident but was subsequently arrested without cause.

The first named officer stated he responded to a call for service regarding a dispute between a group of intoxicated subjects and a restaurant manager. He received a description from dispatch of the main aggressor and when he arrived on scene, the complainant, who matched that description, approached his patrol vehicle in the street. The first named officer stated the complainant appeared highly intoxicated and admitted that he had consumed alcohol. He stated he ordered the complainant to the sidewalk multiple times for his safety and the complainant refused to comply with his verbal commands and only moved a few feet. The first named officer stated he physically removed the complainant from the street and the complainant immediately became resistant, prompting him to place the complainant into handcuffs for the safety of the complainant and himself. The first named officer stated he attempted to place the complainant inside his patrol vehicle, but he refused to comply with his verbal orders and physically resisted going into the vehicle. He stated the complainant was arrested and issued a citation because he refused to comply with lawful commands and was physically resistant.

The second named officer also stated he responded to a call for service regarding a dispute between a group of intoxicated subjects and a restaurant manager. He stated he assisted the first named officer with placing the complainant into handcuffs. The second named officer stated the complainant was handcuffed because he resisted the first named officer and appeared intoxicated. He stated the complainant was arrested because he was intoxicated, resisted the first named officer and did not follow orders to get into the patrol vehicle.

DPA interviewed witnesses to the incident. Those who were on scene before police arrived stated that the complainant appeared intoxicated, vomited at the restaurant and resisted police action.

Department records showed a call for service regarding a fight at a restaurant involving the restaurant manager. The caller provided a description of the main aggressor. Department records corroborated the named officers' accounts that the complainant was physically resistant and failed to comply with multiple verbal commands. Witness statements documented in department records differ regarding whether or not the complainant was intoxicated.

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Body-worn camera footage showed the complainant approach the first named officer in the street after he arrived on scene. The officer ordered the complainant to move to the sidewalk and the complainant moved toward the sidewalk but remained in the street. The complainant informed him that he had consumed alcohol. The officer ordered the complainant to move to the sidewalk for a second time and the complainant refused to comply. Body-worn camera footage also showed the first named officer move the complainant to the sidewalk, the complainant resist being placed into handcuffs, the officer order the complainant to get into a patrol vehicle multiple times, the complainant refuse to do so and physically resist the officer's attempts to place him inside. Additionally, body-worn camera footage showed the complainant resist multiple officers as they placed him inside a different police vehicle. The body-worn camera footage showed that the complainant was issued a citation.

Surveillance video footage showed the first named officer take the complainant to a patrol vehicle and attempt to place him inside. The footage showed the complainant lunge away from the patrol vehicle and resist going inside.

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

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

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

FINDINGS OF FACT: The complainant stated that police responded to the scene and when he attempted to speak with the named officer about the incident, the officer pushed him and took him to the ground, causing an injury to his head.

The named officer stated that he brought the complainant to his patrol vehicle after the complainant refused to comply with multiple verbal orders and became physically resistant. The named officer stated that he gave multiple orders to the complainant to get inside the vehicle. The complainant refused to enter the vehicle and resisted going inside. The named officer stated that due to the complainant's large stature and his continued attempts to pull away, he decided to pull the complainant to the ground in order to gain further control. The named officer stated that he attempted to guide the complainant to the ground and the complainant's momentum and effort to pull way caused them both to fall to the ground. The named officer stated that he did not intend for the complainant to injure himself. He stated that he used the minimum amount of force necessary in order gain physical control over the complainant. The named officer stated that he complied with all aspects of Department General Order 5.01 Use of Force.

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A witness officer stated that the complainant resisted the named officer when he tried to place the complainant inside the patrol vehicle. The witness officer stated that the named officer grabbed the complainant and brought him to the ground because the complainant was resisting arrest.

A civilian witness stated that the complainant became physical with police officers that responded to the scene. The witness stated that officers attempted to bring the complainant under control, but he would not submit.

Department records documented that the complainant repeatedly refused to comply with lawful orders and made multiple attempts to pull away from the named officer's grasp. Department records showed the named officer gave multiple verbal orders to the complainant and asked him to get into the patrol vehicle, but he refused. Department records showed that the named officer decided to pull the complainant to the ground in order to gain further control over him, but the complainant fell hard to his side causing both he and the named officer to fall to the ground. The records documented that the complainant sustained a minor laceration to his eyebrow and that medical assistance was called to the scene.

Body-worn camera footage showed the named officer escort the complainant, in handcuffs, to a patrol vehicle. The named officer opened the rear door of the patrol vehicle, ordered the complainant into the vehicle and the complainant refused. The complainant moved his body to the rear of the vehicle and lunged away from the door. Body-worn camera footage showed the complainant fall sideways to the ground with the named officer positioned behind the complainant, holding onto him. Both the complainant and the named officer landed in the street. The complainant landed chest-side down on the street and sustained a visible injury to his eyebrow.

Surveillance video footage showed the named officer take the complainant to a patrol vehicle and attempt to place the complainant inside the vehicle. The footage showed the complainant lunge away from the patrol vehicle and resist going inside. The complainant fell to the ground with the officer holding onto him from behind.

Department General Order 5.01 Use of Force, Section III states, in part, that officers may use reasonable force options to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; and to gain compliance with a lawful order. Additionally, Department General Order 5.01 details, in part, that physical controls, including takedowns, are designed to gain compliance of and/or control over uncooperative or resistant subjects.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer responded to the scene of an incident and failed to properly investigate.

The named officer stated that he and multiple officers responded to the scene and conducted an investigation regarding the incident. He stated that he attempted to interview the complainant but was unable to do so due to the complainant's highly intoxicated state. The named officer stated that the complainant failed to comply with multiple verbal orders and became physically resistant. The named officer stated that he interviewed witnesses after the complainant was taken into custody. He stated that other officers interviewed multiple witnesses and attempted to obtain surveillance footage.

Department records detailed that a report was made regarding the incident and showed that the named officer canvassed for witnesses, interviewed one, and documented his statement. Department records showed that other officers interviewed multiple witnesses regarding the incident, including members of the complainant's party, and documented their statements in the report. Additionally, department records showed that a responding officer spoke with a restaurant employee about obtaining surveillance footage.

Body-worn camera footage showed the complainant fail to comply with commands given by the named officer and showed the complainant become physically resistant. Body-worn camera footage showed the named officer interview a witness after the complainant was taken into custody and showed other officers take multiple statements from other witnesses, including members of the complainant's party. Body-worn camera footage also showed an officer follow up with a restaurant employee regarding obtaining surveillance footage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that an officer stopped traffic to pedestrians to allow vehicles to pass. The officer physically touched the complainant and did not touch anyone else. The complainant also stated that the officer gave the wrong station assignment when asked. The complainant did not return multiple calls and emails for clarification.

The named officer stated she was assigned to traffic and pedestrian control in a high-traffic area. The named officer stated that she was instructing pedestrians to stop crossing the street due to the traffic light about to turn and she observed a woman looking down at her phone while walking. The named officer could tell complainant did not hear the instruction to stop walking and was about to take a step into the roadway as vehicles were already going through the intersection. The named officer held both arms out to her side and the complainant walked directly into the named officer's right arm. The named officer believed the complainant would have walked into the intersection and been hit by oncoming traffic had the named officer not raised her arms. The named officer stated she provided the complainant her name, star number and the station where she was assigned. The named officer stated there may have been confusion because the named officer worked out of a different station than where the incident occurred.

A witness officer stated that he saw the complainant walking into the named officer's raised arm. The witness officer stated that he observed that the complainant was unaware of oncoming traffic and almost walked into the street. The witness officer stated the named officer never pushed her arms forward against any pedestrians.

There was neither documentation nor body-worn camera footage for the incident.

The named officer and witness officer stated that complainant was not paying attention to her surroundings and the instructions provided by named officer, which caused complainant to come into physical contact with named officer's raised arm. The named officer's duty was to ensure the safety of pedestrians. Officers have discretion to raise their arms in such a way to prevent pedestrians from walking into vehicle traffic and use light physical contact when necessary. At the time, the named officer was working overtime at an area covered by a different police station, which is the most probable reason for the confusion. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/19 **DATE OF COMPLETION:** 06/18/20 **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 looking for her homeless son, who police arrested a few months prior. She said that the officer fabricated the arrest for her son.

Department documents indicate that the named officer responded to a 911 call where the complainant's son acted aggressively towards a woman, kicked her dog's water bowl, pushed her, and caused a dent to a nearby car. The documents record that during the detention, the complainant's son refused to provide proper identification to the officers, which delayed and obstructed the officers' investigation. The complainant's son was booked for battery, vandalism to vehicles, resisting arrest, and obstructing peace officers.

The body-worn camera footage showed a member of the public told the officer that she was walking her dog, and the complainant's son kicked her dog's water bowl, started hitting her, and pushed her onto a car. She agreed for the officers to make a citizen's arrest. The footage recorded the officer interviewed a witness who said he saw the complainant's son push the 911 caller, which caused damage to the witness' car. The footage showed the damaged vehicle and the complainant's son's refusal to tell the officer his name and date of birth. The complainant's son refused to answer any further questions regarding his identification and kept mumbling and yelling at the officers.

The evidence collected proved that the officers had probable cause to arrest the complainant's son and did not fabricate an arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/19 **DATE OF COMPLETION:** 06/18/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The complainant behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that her son's name has just an initial as his middle name. However, when she attempted to visit her son in jail, the system showed that there were different names of her son. The system showed a name instead of an initial for the son's middle name, and the last name was spelled differently. She alleged that the named officer has tampered with her son's name.

Department records confirmed that the name the complainant provided for her son was recorded correctly and matched the son's date of birth and other information. The records showed that linked to the son's details were two aliases used by the son in the past. One of the aliases has a name as the middle name, and the other one has a different last name.

The evidence collected confirmed that the complainant's son's real name was recorded in the system accurately.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/19 **DATE OF COMPLETION:** 06/29/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she went to City Hall and had an altercation that resulted in Deputy Sheriffs' dragging her through the building. Subsequently, the complainant went to a Police Station to file a report about the incident and spoke to the named officer. The complainant said the named officer would not take the report but later said a report was filed, but officers failed to investigate. Moreover, the complainant said that the captain did not return her calls.

Department documents showed that the named officer took a police report from the complainant and recorded the complainant's account of the incident in the report.

The San Francisco Sheriff's' Departement confirmed that the Police Department report was forwarded to the Sheriff's Department of Internal Affairs, per proper procedure. The Sheriff's Departement confirmed there was an open investigation into the incident.

Department records show that the last name of the captain provided by the complainant did not exist.

No witnesses were identified.

The evidence collected proved that the named officer did author a police report and forwarded the complaint to the appropriate department for further investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/20 **DATE OF COMPLETION:** 06/18/20 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer made a discourteous statement related to ethnicity or race.

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

FINDINGS OF FACT: The complainant stated that she was being assisted by a salesperson at a store. She stated that the salesperson was 'nasty' to her and summoned the named officer, who was working security. The complainant stated the officer spoke to her in a confrontational manner. The complainant told the named officer she did not need his help, at which point the officer replied with racist comments.

The named officer denied using any racial language against the complainant. The named officer stated he would not use racist language and would not treat any person differently based on their race.

Store surveillance footage, which had no audio, showed the complainant speaking with the salesperson. The complainant then knocked a display of belts to the floor. The manager then called over the named officer, who escorted the complainant from the store.

The store's employees declined to be interviewed.

A witness did not recall any racial language being used by the officer.

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

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

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

FINDINGS OF FACT: The complainant stated that once the officer approached her in the store, he became confrontational and used profanity in response to her questions.

The named officer denied using any profanity towards the complaint and stated that there would be no reason or excuse for police officers to use profanity towards members of the public.

Store surveillance footage, which had no audio, showed the complainant speaking with the salesperson. The complainant then knocked a display of belts to the floor. The manager then called over the named officer, who escorted the complainant from the store.

The store's employees declined to be interviewed.

A witness stated that she believed she heard the officer use profanity when removing the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/20 **DATE OF COMPLETION:** 06/18/20 **PAGE#** 2 of 4

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

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

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

FINDINGS OF FACT: The complainant stated she was being assisted by a manager at a store when the manager was rude to the complainant and called over the named officer. The complainant stated she told the named officer she did not need his help at which point the officer replied using racist terminology. The complainant stated she was targeted due to her race.

The named officer stated he does not treat people differently due to their race. The officer stated that the complainant's race played no part in how he dealt with the situation and he would have handled the situation the same regardless of race.

Store surveillance footage, which had no audio, showed the complainant speaking with the salesperson. The complainant then knocked a display of belts to the floor. The manager then called over the named officer, who escorted the complainant from the store.

The store's employees declined to be interviewed.

A witness did not recall any racial language being used by the officer or anything being said regarding the complainant's race.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/20 **DATE OF COMPLETION:** 06/18/20 **PAGE#** 3 of 4

FINDINGS OF FACT: The named officer removed a customer from a store at the request of store management. The named officer failed to activate his body worn camera.

Store surveillance footage showed that the named officer was equipped with a body-worn camera; however, a request for the officer's BWC yielded no results.

The named officer stated that store management asked him to remove a person from the store. The officer stated that he told the person she was not being detained or placed under arrest and that she needed to leave the store. The named officer stated this was not a police incident; rather, he was assisting the store with escorting a customer out. The named officer stated the person removed was not a witness, victim or suspect in a crime and he did not believe that the situation was hostile.

San Francisco Police Department General Order 10,.11, Body Worn Cameras, states that officers should activate their body-worn cameras during, among other circumstances: detentions and arrests; consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim; and during any citizen encounter that becomes hostile." This incident did not meet any of these conditions.

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

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

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

FINDINGS OF FACT: The named officer removed a customer from a store at the request of store management, but subsequently failed to write an incident report.

A request for the incident report yielded no results.

The named officer stated that this was not a police incident, and he was merely assisting the store in removing a customer. He stated that no crime was being reported or investigated. The named officer

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/20 **DATE OF COMPLETION:** 06/18/20 **PAGE#** 4 of 4

stated that he asked the customer to leave, which she did. The named officer stated that he was not required to write a report under these circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/20 **DATE OF COMPLETION:** 06/13/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant wrote in her complaint that the named officer lied in court. She stated she was charged with assault on an elder, but she never hit the man, and the tapes had been edited. She stated the officer's body camera footage and his testimony would not match. The DPA made numerous attempts to contact the complainant for additional information, with negative results.

The named officer's body-worn camera (BWC) footage captured his response to the scene and subsequent investigation. He interviewed the assistant manager of a retail store. The assistant manager stated that he had been watching the complainant collect items and suspiciously walk around the store. He told the named officer that he tried to block the complainant from leaving with the items in the doorway of the store. When asked if the complainant hit him, the assistant manager answered affirmatively and demonstrated how the complainant put her hands on him to get around and flee. The assistant manager stated that the complainant had hit him during a previous encounter.

According to the transcript of the preliminary hearing, the named officer testified that the assistant manager told him the complainant shoved him. He also testified that the assistant manager told him the complainant had assaulted him in a previous encounter.

The named officer's court testimony is consistent with the information provided to him during the investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she was a passenger in an Uber. Two motorcycle officers stopped the Uber driver and told him that he was driving in the wrong lane. The complainant stated the officers were rude and aggressive to the driver. She said one of the officers told the driver, “Don’t lie to us! Do you want a ticket?” The complainant did not know the names of the officers but provided the badge number of one of the officers. The complainant could not provide any additional requested information such as the incident report or citation numbers for the traffic stop.

The named officer stated that he was assigned for security and traffic aid for a production company on a film set on the date of the incident. However, he did not recall the incident or making a traffic stop at the time and location the complainant provided. The named officer had found no records or citations of the stop and did not know who the other officer was.

There are no department records of the incident. The second officer was not identified.

No witnesses were identified, and no video evidence was available. The evidence fails to prove or disprove that the alleged conduct occurred.

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

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

FINDINGS OF FACT: The complainant stated that the driver was Middle-Eastern, and the officers might have been rude to him because of his race.

The named officer stated that he did not recall the incident or making a traffic stop at the time of the incident. The named officer said he had found no records or citations of the stop and could not provide any further details regarding the stop.

There are no department records of the incident. No witnesses were identified, and no video evidence was available. There were no incident reports or citations located for the traffic stop. The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that he went to a local police station to report a sexual assault which occurred roughly two days prior at his home. The complainant stated that he spoke with the named officer, who informed him that he would dispatch an officer to meet with him. The complainant waited in vain for four hours to speak with an officer. He also alleged that the named officer told him to come back later.

The named officer confirmed that he spoke with the complainant regarding this incident. The named officer stated that the complainant informed him that “Bigfoot” had sexually assaulted him two nights prior. The named officer stated that he then began his investigation and inquired whether the complainant needed medical assistance; however, the complainant refused to speak with him. The named officer stated that the complainant specifically requested to speak with a female officer, so he notified the sergeant on duty and requested one. The sergeant informed him that a female officer was not readily available, but she would broadcast the request via the radio in attempt to locate one. The named officer relayed this information to the complaint. The named officer denied that the complainant waited in the lobby for four hours.

The named officer stated that he did not refuse to take an incident report and he did not tell the complainant to come back later. Rather, he stated that he attempted to inquire about the situation, but the complainant refused to speak with him and left the station.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated that four days later he went back to the same station to attempt to report the sexual assault, and again, waited over four hours to meet with the named officer.

The named officer stated that he somewhat recalled meeting with the complainant on this date. He stated that he did not recall why the complainant waited as long as he did to speak with an officer, but he was assigned to patrol duty and was not responsible for ensuring that the complainant spoke with an officer in a timely manner.

While department records indicate that the complainant waited roughly two hours (not four), department records also indicate that upon being receiving the call for service, the named officer responded a timely manner and was not responsible for any delay.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #3: The officer prepared an incomplete or inaccurate incident report.

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

FINDINGS OF FACT: The complainant met with two officers and informed them of the details of the underlying sexual assault. He told them he felt woozy after drinking a soda from his building’s vending machine. He woke up the next morning in his apartment with a bleeding anus. He told the officers he was almost certain a black male entered his apartment and unlawfully and sexually assaulted him. He stated that despite this account of events, the reporting officer fabricated the incident report by recounting that he was assaulted by an “entity” or “silhouette.”

The named officer stated that he somewhat recalled the interaction with the complainant. The named officer denied writing an inaccurate incident report and stated he wrote exactly what the complainant told him.

A witness officer, who was present during the interview with the complainant, also stated that the report narrative accurately reflects the complainant’s account. After hearing the complaint’s account, the witness officer stated that he had the named officer repeat the notes back to the complainant because the account was admittedly difficult to follow. He stated that the complainant did not give a description of a suspect, and recalled the complainant stating that the suspect was an “entity.” The witness officer stated that he asked the complainant to clarify what he meant, to which the complainant responded, “It was like a dark silhouette, similar to a shadow.” The witness officer stated that several times they requested the complainant to clarify what he meant; however, the complainant was unable to provide any additional information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 4 of 4**

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

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

FINDINGS OF FACT: The complainant stated that his case was referred to the Special Victims Unit (“SVU”), where he met with another officer regarding the incident. The officer at SVU showed him the incident report written by the officer at the district station. The complainant stated that he immediately saw that the report narrative was inaccurate and informed the SVU officer of this. He also stated that he informed the SVU officer that he was certain a black male sexually assaulted him, but the officer failed to fix the inaccuracies by taking a new statement.

The named officer confirmed meeting with the complainant. The named officer also confirmed that he and the complainant reviewed the incident report, at which point the complainant informed him that the narrative was inaccurate and that the reporting officer had lied. The named officer did not recall whether the complainant mentioned that the suspect was a black male.

The named officer did not generate a new incident report. However, the named officer stated that while the complainant did not describe supernatural beings on this date, he listened to the complainant’s account of events and felt that he still appeared to have difficulty discerning reality from fantasy. The named officer also stated that, due to the complainant’s apparent confusion, he decided not to conduct any further investigation.

The officer acted within his discretion in not generating a new incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/20 **DATE OF COMPLETION:** 06/09/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that an officer was pulling over and citing drivers that were picking up passengers and that her tax dollars should be put to better use.

The named officer stated that he was conducting traffic enforcement and observed chronic traffic congestion due to vehicles stopped in lanes of traffic. He stated that he stopped multiple vehicles and issued citations to drivers that were stopped illegally in the roadway. He stated that safety was a factor for issuing the citations.

A search of department records showed that the name officer conducted multiple traffic stops and issued citations to drivers.

Body-worn camera footage showed the named officer stop and issue citations to multiple drivers. Body-worn camera footage showed the named officer inform the drivers that they were not allowed to stop in lanes of traffic to either pick up or drop off passengers. The named officer advised drivers that they have to pull to a curb to pick up or drop off passengers and cannot drive in a bus lane. A red bus lane is visible in the footage. Body-worn camera footage showed the named officer state to a driver that it is dangerous for passengers to enter the street to get inside his vehicle.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/20/20 **DATE OF COMPLETION:** 06/18/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove a City vehicle in a grossly reckless manner.

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

FINDINGS OF FACT: The complainant stated a motorcycle officer almost hit him while he was walking in a crosswalk on a green light.

An officer identification poll was sent to the traffic division. The poll came back with negative results.

DPA requested traffic camera footage, however the cameras were not operational at the time the incident occurred.

No independent witnesses were identified.

The identity of the alleged officer could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/20 **DATE OF COMPLETION:** 06/01/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant said that officers violated her medical privacy rights by disclosing her medical information to a roommate. The complainant said that she initially called the police to report that her roommate had installed hidden cameras in her home. The complainant said she received a text several weeks later from a roommate mentioning that she had called the police and had been hallucinating. The complainant said the officers must have told her roommate about the hallucinations because she hadn't told them.

The named officers said they were dispatched to a call of possible hidden cameras in an apartment. The named officers said they spoke with the complainant and investigated her claims but located no hidden cameras. The named officers stated they spoke to the complainant's boyfriend on the scene and that he told them she had not been sleeping and had been having increasing hallucinations and lucid dreams. The named officers denied knowing the complainant's roommates and said they had no contact or discussion with any of her roommates during or after the incident.

Dispatch records showed that the complainant's roommates called the police approximately two hours before the complainant called to report hidden cameras. In this earlier call, the roommate requested a well-being check of the complainant due to hallucinations.

The Dispatch records demonstrate that the roommates knew about complainant's hallucinations before the officers arrived on scene. The DPA therefore finds that the conduct alleged likely did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that the named officer was texting while driving a police vehicle and failed to stop at a posted stop sign and almost collided with the complainant's vehicle. The complainant did not know the name of the streets where the incident occurred. The complainant took a picture of the named officer's vehicle and reported the incident.

The named officer stated that he recalled the complainant had contacted him about texting and not stopping for a stop sign. The officer attempted to explain to the complainant that there was not a posted stop sign and that he was holding a cellular telephone and reading a work message. The officer denied driving improperly and stated he had stopped his police vehicle before reading the phone message. The complainant drove away before the named officer could respond to the complainant's accusations.

No other witnesses came forward and no video was obtained for this incident.

DPA investigation discovered that the intersection the named officer spoke of did not have any stop signs at the intersection. The complainant was not sure where the alleged improper driving took place.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/18/20 **DATE OF COMPLETION:** 06/05/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant withdrew her complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/20 **DATE OF COMPLETION:** 06/13/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she went to a district station and reported that front desk staff at her residential hotel told her she could not be in the lobby due to shelter-in-place restrictions. The complainant said the officer at the district station refused to take a report because, according to the officer, no crime had occurred. The complainant could not identify the officer she spoke to.

The DPA searched for calls for service related to this complaint but could not locate any relevant information. The DPA also sent an officer identification poll to the district station, but the DPA could not identify the officer in question.

The DPA could not identify an officer or incident. The DPA cannot therefore issue any finding.

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

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

FINDINGS OF FACT: The complainant stated that she went to a district station and reported that front desk staff at her residential hotel told her she could not be in the lobby due to shelter-in-place restrictions. The complainant said the officer at the district station refused to take a report because, according to the officer, no crime had occurred. The complaint and the officer had a verbal argument about the issue.

The DPA searched for calls for service related to this complaint but could not locate any relevant information. The DPA also sent an officer identification poll to the district station, but the DPA could not identify the officer in question.

The DPA could not identify an officer or incident. The DPA cannot therefore issue any finding.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/20 **DATE OF COMPLETION:** 06/13/20 **PAGE# 2 of 2**

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

FINDINGS OF FACT: The complainant stated that she went to a district station and reported that front desk staff at her residential hotel told her she could not be in the lobby due to shelter-in-place restrictions. The complainant said the officer at the district station refused to take a report because, according to the officer, no crime had occurred. The complainant and the officer had a verbal argument about the issue. The complainant said that a second officer arrived and did not take her side.

The DPA searched for calls for service related to this complaint but could not locate any relevant information. The DPA also sent an officer identification poll to the district station, but the DPA could not identify the officer in question.

The DPA could not identify an officer or incident. The DPA cannot therefore issue any finding.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/20 **DATE OF COMPLETION:** 06/24/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/20 **DATE OF COMPLETION:** 06/22/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/20 **DATE OF COMPLETION:** 06/18/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers violated a department rule or law.

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: 05/04/20 **DATE OF COMPLETION:** 06/18/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated an officer stopped him because he was not wearing a face mask during the COVID-19 pandemic. He stated the officer pulled out his gun and yelled at him to go home.

The complainant failed to respond to DPA's multiple requests for an interview. Therefore, DPA was unable to fully investigate the complainant's allegations.

No independent witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

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

Daly City Police Department
Internal Affairs Unit
333 90th Street
Daly City, CA 94015

South San Francisco Police Department
P.O. Box 711
South San Francisco, CA 94083

Colma Police Department
1199 El Camino Real
Colma, CA, 94014

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/2020 **DATE OF COMPLETION:** 06/23/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she was pulled over for expired vehicle registration tags. The complainant stated the officer treated her poorly and that he used misogynistic language during the stop.

The complainant requested a withdrawal of the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 **DATE OF COMPLETION:** 06/09/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint has been 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: 05/28/20 **DATE OF COMPLETION:** 06/12/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/20 **DATE OF COMPLETION:** 06/20/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer responded dismissively to her inquiry into why he was not wearing a mask. However, complainant requested a withdrawal of the complaint after speaking to the sergeant from the named officer's station, who assured her that he would address her concerns.

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

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

FINDINGS OF FACT: The complainant stated that the named officer responded dismissively to her inquiry into why he was not wearing a mask. However, complainant requested a withdrawal of the complaint after speaking to the sergeant from the named officer's station, who assured her that he would address her concerns.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 **DATE OF COMPLETION:** 06/22/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/20 **DATE OF COMPLETION:** 06/26/20 **PAGE# 1 of 1**

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

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

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

New York City Police Department
Police Service Area Two
560 Sutter Avenue
Brooklyn. NY. 11207

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/20 **DATE OF COMPLETION:** 06/29/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1-2: The complaint raises matters outside the DPA's jurisdiction.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/20 **DATE OF COMPLETION:** 06/23/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/21/20 **DATE OF COMPLETION:** 06/23/20 **PAGE# 1 of 1**

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

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

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

Dallas Police Department
1400 S. Lamar Street
Dallas, TX, 75215

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/20 **DATE OF COMPLETION:** 06/26/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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:

Eureka Police Department
604 C Street
Eureka, CA. 95501

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/20 **DATE OF COMPLETION:** 06/26/20 **PAGE# 1 of 1**

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

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

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

Department of Public Works
Operations Bureau
2323 Cesar Chavez Street
San Francisco, CA 94110