

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.01, Use of Force.

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

FINDINGS OF FACT: The co-complainants stated they witnessed the named officer pointing a firearm at protestors. One of the co-complainants stated the protestors were standing with their hands in the air and none of them attempted to move toward, touch or grab the named officer. The complainant stated it was a generally peaceful protest that became tense after the named officer pointed his firearm. A photograph of the named officer was provided to the Department of Police Accountability (DPA).

DPA reviewed the CAD for the protest occurring at the time and location of the incident. The CAD shows that San Francisco Police Department (SFPD) officers responded to a serious incident where an officer was attacked. Officers initiated two arrests and requested backup, stating that protestors had surrounded the officers. The CAD indicated that bottles were then thrown at the officers.

The Incident Report described an individual attacking an SFPD motorcycle officer. The officer attempted to take the individual into custody and they both fell to the ground. While on the ground, another individual struck the motorcycle officer in the back of the helmet. The Incident Report explains that a crowd of approximately 200 protestors surrounded the officers. The officers who drafted portions of the Incident Report described the crowd as volatile and aggressive. Additionally, it described the attack on an SFPD vehicle where protestors threw numerous bottles at the vehicle and struck it with unknown objects, smashing one window. Photographs documenting the damage to the vehicle were attached to the report.

The DPA analyzed several photos taken by one of the co-complainants. These photos show the named officer holding an Extended Range Impact Weapon (ERIW) in front of several protestors. The named officer is looking over the ERIW's scope at the protestors.

The DPA reviewed the named officer's body-worn camera (BWC). It showed the named officer sweep the muzzle of his ERIW past several protestors as he ordered them to back away from him. At several points in the footage, the muzzle appears pointed at the torso of protestors.

The DPA interviewed the named officer. He stated was assigned to a Specialist Unit providing rapid response to the patrol force supervising the protest that day. He was armed with a 40mm Less Lethal Launcher. His unit responded to a scene where an officer was attacked and surrounded by the hostile crowd. He was aware that protestors were throwing bottles at the officers. He described the crowd as boisterous and agitated and had concern that the crowd may turn violent. The named officer estimated there were hundreds of protestors in the area.

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The named officer reviewed the co-complainant's photos and his own BWC footage. He explained he was not intentionally aiming the ERIW at the protestors in a way that triggered the reporting responsibilities detailed in San Francisco Police Department General Order (DGO) 5.01, Use of Force. He stated he was not "intentionally aiming" the ERIW because he had not taken a "sight picture", meaning he had not aimed down the optical sight of the ERIW. Additionally, he stated he had been trained that the 40mm Less Lethal Launcher did not have a minimum safe distance from which it could be deployed.

The DPA interviewed the SFPD's subject matter expert (SME) on the use of the 40mm Less Lethal Launcher. The SME explained that the 40mm Less Lethal Launcher does not have a minimum safe distance. After reviewing the evidence in this incident, the SME stated the named officer never raised the ERIW beyond a "high-ready" position. He concluded that the named officer never took a "sight picture", therefore, he did not intentionally aim the ERIW at any of the protestors.

DGO 5.01 (Rev. 12/21/16) states, in part, "The ERIW officer's point of aim shall be Zone 2 (waist and below). The ERIW officer's point of aim may be Zone 1 (waist and above) [if certain conditions not present in this case are met]...Officer shall articulate in writing the reason for intentionally aiming the ERIW at Zone 1." (*Id.* at IV.E.2.b.) The DGO further explains that "The ERIW should not be used in the following circumstances (unless the use of deadly force is appropriate) ... At ranges of less than 15 feet." (*Id.* at IV.E.3.d.)

The present case highlights several conflicts between department policy and the Specialist 40mm Less Lethal Launcher training. First, the policy uses the undefined terms "point of aim" and "intentionally aiming." After reviewing the footage, a reasonable person would conclude the named officer swept the muzzle of the ERIW across at Zone 1 on several protestors. However, the named officer was taught in training that he is not taking a "point of aim" or "intentionally aiming" unless he takes a "sight picture." This was confirmed by the SME, who trains the Specialist team on use of the device. Therefore, the named officer and SME contend that the above conduct did not trigger a reporting requirement for "intentionally aiming the ERIW at Zone 1."

DPA recommends that the Department remedy this policy failure by drafting a section for "pointing an ERIW at a person" that mirrors the rules for "pointing a firearm at a person."¹ However, this new section

¹ Like a firearm, the pointing of an ERIW is a seizure and requires a legal justification. (Nelson v. City of Davis, (9th Cir. 2012) 685 F.3d 867, 873 [Appellee was "unquestionably seized under the Fourth Amendment" when officers intentionally fired pepper balls toward a group of which he was a member]; (Deorle v. Rutherford, (9th Cir. 2001) 272 F.3d 1272, 1280 [Use of a less-lethal round is permissible only when a strong governmental interest compels the employment of such force].) Additionally, members of the public are not trained in the intricacies of weapon systems and a reasonable person might believe that an officer pointing a 40mm Less Lethal Launcher is actually pointing a firearm (as our complainant thought).

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should allow for officers to hold the ERIW in the “low ready” position during protest and crowd control situations.

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 5.01, Use of Force.

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

FINDINGS OF FACT: The co-complainants stated they witnessed the named officer pointing a firearm at protestors. A photograph confirms the officer was pointing an Extended Range Impact Weapon (ERIW) with its muzzle pointed at protestors within a 15-foot distance.

The named officer stated he held the ERIW in accordance with his training.

The DPA already determined that there was a policy failure involved with this allegation. In addition, the DPA found that the department’s *training* undercuts the policy that officers *should not* use an ERIW at ranges less than 15 feet “unless the use of deadly force is appropriate.” Here, the named officer was within arms reach of several protestors when his muzzle pointed at their torsos. While the officer did not use the weapon, DPA’s questions elicited the officer’s understanding that the 40mm Less Lethal Launcher has “no minimum safe distance,” meaning he could safely use it from any distance.

The subject matter expert on the case confirmed that he teaches Specialists that the 40mm Less Lethal Launcher can be used at any range, but that at close range they can use the 40mm as an impact weapon (if necessary). Because of this, training enforces the idea it is safe to use the 40mm Less Lethal Launcher within mere feet of a subject when deadly force is not appropriate.

During the investigation, DPA found that the manufacturer states on their website that the 40mm Less Lethal Launcher “may cause serious injury or death.” They further provide a caution on the 4557 40mm Sponge Spin Stabilized projectile, stating that “shots to the head, neck, thorax, heart, or spine can result in fatal or serious injury.”

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DPA recommends that SFPD remedy this training failure by teaching officers that they should not use their ERIW within 15 feet of a suspect “unless there is a reasonable perception that the situation may escalate to justify the use of deadly force.”

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

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SUMMARY OF ALLEGATION: #1 The officer engaged in unwarranted action.

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

FINDINGS OF FACT: The complainant stated that during the "HSOC" removal operation, she believes the named member directed officers to contact homeless individuals, depriving the homeless of sleep and a restful environment. In the complainant's view, officers in the named member's command violated city policy and CDC recommendations concerning homeless individuals sheltering in a tent during Covid-19. The complainant alleged the named member told her that officers would respond to complaints and calls regarding individuals who have pitched their tents, despite complying with the city's safe sleeping guidelines.

The named member reported that he directs all his staff to comply with Department Notice 20-100, the "Legal Enforcement Options for Addressing Lodging and Illegal Tents, Living Structures, and Encampments during Covid-19", as well as city policy and CDC guidelines. He stated that he does not direct officers to take action against encampments that comply with SF safe sleeping guidelines. He stated that he conducts regular training covering the guidelines and makes an effort to link vulnerable people to city resources.

Department Notice 20-100 states, in part;

The Center for Disease Control (CDC) guideline recommends to not disrupt tent encampments due to the potential spread of the COVID-19 virus during the pandemic. However, the City's Health Officer, Department of Public Health (DPH), and Healthy Streets Operations Center (HSOC) recommend that SFPD observe the following rules for tents, living structures, or encampments under the current Shelter in Place Public Health Order.

Tents, Living Structures, and Encampments: Cannot be within 6 feet of a doorway to a business, residence, or transit stop; Cannot block a doorway or exit; Cannot make sidewalks impassable (including by people in wheelchairs or with other disabilities) or impede traffic; Must be 6 feet apart from other tents in the front (door) and three feet on the side; If unsanitary items or excess items in the encampment are creating safety or health hazards, SFPD will follow Department of Public Works (DPW) Bag and Tag Policy; If there are fire hazards violations - such as blocking a fire escape or come within 5 feet of a fire hydrant, open flames or combustible materials - Members may ask the individual to move the tent."

Department Notice 20-100 goes on to state, "if any of the above-listed criteria is met, officers may conduct enforcement as appropriate to abate the violation. When conducting enforcement of any

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violations, officers will first attempt to obtain voluntary compliance. After the request for compliance is made, the officer can issue an admonishment, followed by citation, or arrest when appropriate."

Although Department policy allows enforcement action during Covid-19, there is insufficient evidence to prove or disprove the complainant's allegation or the named member's statements on the matter.

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

SUMMARY OF ALLEGATION #2: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant stated she observed a Healthy Streets Operations Center ("HSOC") operation where homeless encampments were being disbanded. Subsequently, the complainant spoke to and emailed the named member asking him to identify a location where one of the displaced homeless individuals could safely pitch his tent, free from police intrusion. The complainant stated the named member replied that he could not identify a place where a homeless individual could safely erect a tent.

The complainant provided a copy of the email to the named member dated two weeks after the incident occurred. The email includes the complainant's request for the named member to identify a safe pitching space.

The named member does not recall either an email or a conversation with the complainant regarding this issue. He stated that the homeless encampment removal operation was under the command of "HSOC" and not under his station's command. Concerning identifying a safe site to erect a homeless tent, he stated that he does not possess the requested information to identify such a location.

Department Notice 20-100, Legal Enforcement Options for Addressing Lodging and Illegal Tents, Living Structures, and Encampments during Covid-19, places no requirement for officers to identify safe pitching sites.

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

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

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

FINDINGS OF FACT: The complainant stated that a homeless camper told her that the named officer asked him to move his tent and threatened him with arrest if he failed to comply.

The named officer was not on duty at the time of the incident.

The evidence proves that the accused officer was not involved, and the allegation is unfounded.

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

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

FINDINGS OF FACT: The complainant stated that he was driving on northbound on 17th street when he approached a stop light. While sitting at the stop light, the named officer and a witness officer were in their patrol vehicle in the next lane. The named officer and witness officer's vehicle got ahead of the complainant's vehicle, flipped around, activated their traffic lights, and pulled the complainant over. The complainant was advised that he was stopped for running a red light. He was later cited for running the red light, as well as driving on a suspended license, and resisting arrest.

Named Officer #1 stated that while on patrol, she observed the complainant's vehicle driving westbound on 17th street make no attempt to stop at the limit line or before entering the crosswalk that spans north/south across Harrison street. Named Officer #1 activated her patrol vehicle lights and initiated a traffic stop. Named Officer #1 cited the complainant for running a red light, as well as driving on a suspended license, and resisting arrest.

A Witness Officer stated that she observed the complainant's vehicle fail to come to a stop at the limit line or before entering the crosswalk on Harrison street.

The DPA obtained the citation related to this incident. The citation showed that the complainant was cited for 21453(a) CVC for failing to stop at a red light, 14601.1(a) CVC for driving on a suspended license, and 148(a)(1) PC for resisting arrest.

The DPA also obtained the named officer's body-worn camera footage of the incident. The body-worn camera footage showed Named Officer #1 stopping the complainant's vehicle. Named Officer #1 informed the complainant of the moving violation to which he responded with an expletive. Named Officer #1 ran the complainant's driver's license, and it came back as suspended. Later in Named Officer #1's body-worn camera footage, the complainant refused to sign a copy of the citation.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 9.06.

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

FINDINGS OF FACT: The complainant stated that the named officer had his vehicle towed. The complainant stated that the named officer would not allow him to call the owner of the vehicle before it was towed.

Named Officer #1 stated that the complainant was not the registered owner of the vehicle, and that the complainant was driving on a suspended license. Named Officer #1 stated that an attempt was made to contact the registered owner of the vehicle prior to towing it, but there was no answer at the door of the residence of the registered owner.

DPA obtained the named officer's body-worn camera footage of the incident. The body-worn camera footage shows Named Officer #1 running the complainant's ID and it showing up as suspended. The footage also shows that the complainant parked his vehicle in a tow-away zone when he was pulled over. The footage also showed the complainant requesting a SFPD unit go to the vehicle's owner's address and attempt to establish contact.

No other witnesses came forward.

Department General Order 9.06, "Vehicle Tows", Section 2 states, "It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked or by a person who has never been issued a driver's license."

The evidence showed that the named officer acted within department policy when she had the complainant's vehicle towed. It also showed that the named officer exhausted other options by attempting to release the vehicle to the registered owner, but she was not able to establish contact.

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

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SUMMARY OF ALLEGATIONS #3-5: The officers conduct an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that his vehicle was searched without justification.

Named Officer #1, Named Officer #2, and Named Officer #3 stated that they conducted an inventory search of the complainant's vehicle after a decision was made to tow the vehicle.

The DPA obtained the incident report related to the incident. The incident report showed that the complainant's vehicle was towed due to the complainant driving on a suspended license. The tow was approved by a sergeant that arrived on scene shortly after.

No other witnesses came forward.

Department General Order 9.06, "Vehicle Tows," Section B states, "When towing a vehicle, officers shall inventory the contents of the vehicle. The purpose of the inventory is to locate and secure any valuable property, to guard against false claims, and to protect officers and others from dangerous objects. When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle."

The evidence showed the Named Officer #1, Named Officer #2, and Named Officer #3, acted within department policy when they searched the complainant's vehicle.

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

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SUMMARY OF ALLEGATIONS #6-7: The officers seized money or property without justification.

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

FINDINGS OF FACT: In his online complaint, the complainant stated that \$1,000 was stolen from him by officers on scene during the incident. In his follow-up interview with DPA investigators, the complainant stated that \$4,000 was stolen from him by officers on scene. He stated that it was in a wad or stack and that it was removed from his pants.

Named Officer #1 and Named Officer #2 denied the allegation and denied ever seeing a large sum of money on the complainant's person or in his vehicle.

The DPA obtained the named officers' body-worn camera footage of the incident. The footage shows Named Officer #2 removing the complainant's wallet from his pants and then placing it on the roof of his vehicle. It later shows Named Officer #1 taking the wallet and placing it nearby him on the sidewalk. A large wad of money is not seen removed from the complainant's pants or his vehicle in the video footage.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #8-9: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that while he was dialing his phone in his vehicle, the named officers pulled their firearms and pointed them at him.

Named Officer #1 stated that the complainant was ordered by a witness officer to exit his vehicle. Named Officer #1 stated that the complainant leaned forward and with his right hand reached around under his jacket toward the right side of his lower back. Named Officer #1 saw this movement as consistent with someone reaching for a weapon. Named Officer #1 drew his firearm and pointed it at the complainant and ordered him to stop reaching. The complainant complied with the order.

A witness officer stated he ordered the complainant to exit his vehicle so he could be placed under arrest. The witness officer stated he watched the complainant make a movement with his right hand to the small area of his back. Upon removing the complainant from his vehicle, the witness officer stated that a knife was located on the complainant's person as well as inside the vehicle near the driver's side floorboard.

The DPA obtained the named officers' body-worn camera footage of the incident. The body-worn camera footage shows the complainant being ordered out of the vehicle by a witness officer. The complainant leans forward and begins to reach behind his jacket towards his lower back with his right hand. Named Officer #1 and Named Officer #2 retreat backwards, draw their firearms, and point them at the complainant. They order the complainant to stop reaching. The complainant complies. The complainant is removed from the vehicle by the witness officer. During the search of the complainant and his vehicle, two knives are located: one on his person and one inside his vehicle on the driver's side toward the floorboards. The DPA obtained a copy of the incident report, use of force log, and the supervisory use of force evaluation. The use of force was appropriately investigated and documented by SFPD officers.

Department General Order 5.01, "Use of Force" Section A states, "Officers may use reasonable force options in the performance of their duties in the following circumstances..." It continues, "In defense of other or in self-defense" and "To gain compliance with a lawful order."

Named Officer #1 and Named Officer #2 acted accordingly when seeing movements from the complainant they perceived as a potential threat.

Named Officer #2 is no longer employed with SFPD. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #10-11: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officers threw the complainant to the ground when he was removed from the vehicle.

Named Officer #1 and Named Officer #2 both denied the allegation.

The DPA obtained the named officers' body-worn camera footage of the incident. The footage shows the complainant being removed from the vehicle by Named Officer #1 and pat searched for weapons. He is not thrown to the ground at any point during the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The DPA confirmed that this complaint is a duplicate of a complaint filed in 2016, which was investigated and resulted in an unfounded finding.

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

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

FINDINGS OF FACT: The DPA confirmed that this complaint is a duplicate of a complaint filed in 2016, which was investigated and resulted in an unfounded finding.

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

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

FINDINGS OF FACT: The complainant stated that officers placed a female individual on a 5150 hold without any justification.

The named officer stated he and a witness officer responded to a call for service regarding a fight between family members. When they arrived on scene, they spoke to Witness #1 who informed them that his daughter had just thrown an iron skillet and a frying pan at him when he entered the kitchen. Witness #1 and Witness #2 informed the named officer that their daughter had been diagnosed with bipolar disorder at age 11, but they were unaware if she was actively seeking treatment for it or if she was on any medication. Witness #1 stated that he had a handgun that was also missing in the home and was concerned that his daughter might have it.

The named officer stated he spoke with Witness #1's daughter who was physically resistant and non-compliant during the contact. Witness #1's daughter denied throwing the skillet and frying pan at her father. She also denied being diagnosed with a mental health condition. Due to the statements provided by Witness #1 and Witness #2 and his observations at the scene, the named officer determined that Witness #1's daughter was a danger to others. The named officer then placed Witness #1's daughter on a 5150 hold.

DPA obtained the named officer's body-worn camera footage of the incident. His body-worn camera footage is consistent with the statement he provided to DPA. DPA also obtained a copy of the incident report related to this incident. The incident report is consistent with the body-worn camera footage as well.

Witness #1 reiterated the information provided to officers on scene during the incident. Witness #1 as well as Witness #2 stated that they felt threatened and that was why they initially called the police. When asked if they felt their daughter was danger to themselves or herself at the time, they stated that she was.

Department General Order 6.14 "Psychological Evaluation of Adults" states, "It is the policy of the San Francisco Police Department that incidents involving psychologically distressed adults, officers shall detain if an individual has not committed a crime but is, as a result of a mental disorder, a danger to himself/herself, a danger to others, or gravely disabled, detain the individual for psychiatric evaluation and treatment."

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Due to the daughter's mental health condition, the circumstances leading up to the call for service, the missing firearm in the house, and Witness #1 and Witness #2's fear of their daughter, the psychological evaluation was appropriate.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer was twisting the handcuffs on the female individual during the incident causing pain to her wrist.

The named officer denied the allegation. The named officer stated that he held onto the chain of the handcuffs while the complainant was on the ground to keep her from standing. He stated that the female individual complained of wrist pain and the medics were called to assess her.

Witness Officer #1, Witness Officer #2, and Witness Officer #3 denied seeing the named officer intentionally twist the handcuffs on the female individual.

The DPA obtained the named officer's body-worn camera footage of the incident. The body-worn camera footage shows the named officer applying the handcuffs to the female individual and checking the tightness. The female individual becomes physically resistive when ordered to sit down and a takedown maneuver is conducted. The named officer can be seen holding on to the chain of the handcuffs as the complainant attempts to stand multiple times. The named officer does not twist the handcuffs at any point during the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer attempted to go underneath her bathrobe during a search and tried to remove her bathrobe during the incident.

The named officer denied the allegation.

The DPA obtained the named officer's body-worn camera footage of the incident. The named officer's body-worn camera footage does not show him going underneath the complainant's bathrobe during the pat search or attempting to remove it.

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

SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the named officers would not let the female individual call her attorney. Later while at the hospital, they provided her with a form that she signed saying that she was allowed to call her attorney, but they never provided her a copy.

Named Officer #1 and Named Officer #2 stated that they informed the female individual that she could call her attorney while at the hospital. Named Officer #2 stated that he went over the Mental Health Detention Form with the female individual at the hospital but denied that she ever signed it or requested the document.

The DPA obtained Named Officer #2's body-worn camera footage of the incident. The body-worn camera footage showed Named Officer #2 and Named Officer #1 advising the female individual she could call an attorney at the hospital. The body-worn camera footage also showed Named Officer #2 going over the Mental Health Detention Form with the female individual at the hospital. She never signs the document, nor does she request a copy.

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

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SUMMARY OF ALLEGATIONS #1-3: The officers engaged in improper driving of a water vessel.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 06/14/2021.

SUMMARY OF ALLEGATION #4: The officer had inappropriate behavior or comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 06/14/2021.

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with Department General Order 9.06, Vehicle Tows.

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

FINDINGS OF FACT: The complainant stated that when he went to get his vehicle, his vehicle was no longer where it was parked. The complainant stated he saw a tow truck and police officers. The complainant stated the vehicle was still in the vicinity, but the named officer would not allow him to get his wallet from inside his vehicle, would not tell him where the vehicle was towed, and did not provide the complainant a tow receipt. The complainant also stated the named officer left him stranded without a ride.

Named Officer #1 stated the complainant was never at the scene before, during or immediately after the tow. Named Officer #1 stated that he was flagged down by the complainant hours after the tow and provided the complainant information about vehicle retrieval. Named Officer #1 stated the complainant yelled profanities at the officer then drove away.

Body-worn camera footage from both officers showed that the officers were at the location for nearly 45 minutes and the complainant never made an appearance. The body-worn footage also showed the named officers complying with DGO 9.06.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #3-4: The officers towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that he parked his vehicle one block from his home on a curb. The complainant stated the vehicle had paper plates, but the vehicle was paid for. The complainant stated his vehicle was no longer where it was parked when he returned to retrieve it and alleged that police towed it for no reason.

Named Officer #1 stated the vehicle was towed because it was illegally parked partially on the curb, partially on the street, in a no-parking zone, and facing the wrong way. Named Officer #1 also stated the vehicle's VIN number was covered and had a paper license plate.

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CVC 22500 in part states:

A person shall not stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(f) On a portion of a sidewalk, or with the body of the vehicle extending over a portion of a sidewalk, except electric carts when authorized by local ordinance, as specified in Section 21114.5. Lights, mirrors, or devices that are required to be mounted upon a vehicle under this code may extend from the body of the vehicle over the sidewalk to a distance of not more than 10 inches.

Documents collected and the body-worn camera videos confirmed the vehicle was parked as stated.

Per DGO 9.06 B. RECOVERED VEHICLE TOWS in part states:

1. PERMISSIBLE CIRCUMSTANCES: It is the policy of the Department that an officer may, in addition to other circumstances described in this order, tow a recovered vehicle when either of the following conditions exists:

b. The officer believes a hold must be placed on the vehicle, *e.g.*, the vehicle was involved in the commission of a crime, contains physical evidence, altered VIN.

The named officers were justified in towing the vehicle because the vehicle was in violation of CVC 22500 and its VIN number was obscured. Additionally, complainant admitted the vehicle was parked illegally and had paper plates.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/20 **DATE OF COMPLETION:** 06/02/21 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that her daughter was arrested without cause in connection with a domestic incident involving the daughter and her boyfriend.

The named officer stated that upon arrival at the scene he understood that two individuals were in a dating relationship and were involved in a physical altercation inside an apartment. He separated both parties and interviewed them. The named officer stated the boyfriend told him that they had been yelling at each other and then the daughter began to slap him multiple times. The boyfriend told the named officer that in self-defense and in order to prevent the continuation of the assault he punched the daughter in the face, yet the daughter continued to hit him, ultimately striking him with a cooking pot. The named officer stated the daughter confirmed that the argument began with yelling and that she initiated the physical altercation by slapping the boyfriend multiple times. The daughter told the named officer that the boyfriend punched her in the ear, but that she continued to slap him and ultimately hit him with a cooking pot. The named officer stated that he determined that the daughter was the primary aggressor based on the statements made, the physical evidence, observable injuries and complaints of pain, and these were the reasons he arrested her.

A witness officer stated that he briefly spoke with both parties and that the daughter recounted that she and the boyfriend had a verbal argument that then became “physical,” and that the boyfriend placed a hand over her mouth. He stated that the daughter was arrested based on the observed injuries, the physical evidence and the statements made by both parties.

The incident report showed that the named officer and his partner were dispatched to an address regarding a 911 dropped call. The report was consistent with the named officer’s statements regarding the initial interviews with the parties and reason for arrest of the daughter. The report also reflected that medics responded to the scene and medically assessed both parties. The named officer noted that while the daughter was being evaluated, he heard her state to the medics that the boyfriend had choked her and put his hands over her mouth and nose, preventing her from breathing. The report showed that medics assessed the daughter for signs of trauma due to possible strangulation and that she had slight redness to the lower neck, but no complaint of pain, no trouble breathing or discomfort swallowing. She refused transport and further medical services. The report showed that the named officer spoke with the boyfriend who denied these allegations. Photographs of both parties were taken, and officer observations of visible injuries and reported pain were included on other records.

Body-worn camera (“BWC”) footage showed the named officer interviewing the daughter and the boyfriend separately. The boyfriend stated that the daughter pushed him and then got a pan and started

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swinging. The daughter stated that she most likely was the one to get physical first by pushing the boyfriend. She also stated that the boyfriend said he was going to “end her” and put his hand over her mouth. The daughter stated that the boyfriend hit her everywhere and that she hit the boyfriend on the back with a cooking pot. The footage showed the named officer inform the boyfriend that the daughter was the dominant aggressor and return to the daughter to read her rights. The daughter then stated that the boyfriend put her in a strangle hold and choked her. The named officer returned to the boyfriend to ask whether he strangled the daughter, and the boyfriend denied this. The footage showed medics on scene checking out both the daughter and the boyfriend. The named officer showed the boyfriend the dented pot and asked him to confirm that it was not previously in that condition.

The Field Training Manual addresses factors to help determine dominant aggressor and mutual combat in family disputes and provides in part that members “shall avoid ‘mutual combat’ arrests in domestic violence situations. Officers shall make every effort to determine who the dominant aggressor is. Self-defense is not a crime if circumstances show that the party who assaulted first was defending him/herself.”

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

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

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

FINDINGS OF FACT: The complainant’s daughter was arrested in connection with a domestic incident involving the daughter and her boyfriend. The complainant stated that because the boyfriend was also physical, he too should have been arrested.

As previously discussed, the named officer determined the complainant’s daughter to be the dominant aggressor.

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

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

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

FINDINGS OF FACT: The complainant stated that she arrived on scene after the incident and complained that her daughter was arrested while the boyfriend was not. The complainant stated that the officer responded to her in a rude and dismissive manner.

The named officer stated that the complainant approached him once the investigation had concluded outside of the building on the sidewalk and that he summarized the incident for her. He stated that he was calm and did not believe he was being rude.

A witness officer stated he was present when the named officer spoke with the complainant and observed that the named officer was calm and professional and told her about the incident.

Body-worn camera (“BWC”) footage showed the named officer engaging with the complainant outside the building. The named officer was calm in demeanor and explained the process to the complainant. He referred to the complainant as “ma’am” and offered to provide additional information. The complainant expressed frustration regarding the determination and the fact that the daughter was being arrested while the boyfriend was not.

Department General Order 2.01(14) states in relevant part, “[w]hen acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

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

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SUMMARY OF ALLEGATION #1: The complainant stated that officers' presence at a peaceful protest was excessive and unnecessary.

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

FINDINGS OF FACT: The complainant stated that there was a protest of 8-12 people around his neighborhood at Rincon Hill. He stated the police presence seemed large for a small protest. By the complainant's count, there was a 1:1 ratio of police officers to protesters. The police were jovial and there were no altercations. The police remained on scene for 2-3 hours.

Complainant did not want to file a complaint against any of the officers at the scene.

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SUMMARY OF ALLEGATIONS #1-4: The officers engaged in unwarranted action.

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

FINDINGS OF FACT: The complainant stated that officers visited her mother's residence late at night, knocked on the front door and spoke loudly in the hallway of the apartment complex in an attempt to locate her son who was, in fact, incarcerated at the time of the incident. The complainant stated the officers created a disturbance and visited the residence unnecessarily as her son was imprisoned at the time.

Named officer #1 stated that he was patrolling the district and handling calls for service on the date of the incident. He received information that identified a male suspect reported to be in the company of a juvenile runaway and instructions to contact an officer from a separate local police department for further instructions. He stated that there was no information provided that would have led him to believe that the suspect was already incarcerated. Named officer #1 stated that he made a few knocks on the door and announced himself as a police officer in a moderate tone. He noted that he took into consideration the late hour and characterized himself as polite and professional during his encounter.

Named officer #2 stated that he understood this call to be an urgent notification for another agency. He stated that he hoped to make contact with the suspect and contact the other police department. Named officer #2 stated that he did not have any information about the suspect being incarcerated prior to attempting to make contact. He denied that officers knocked or spoke loudly while on scene. Named officer #2 noted that he took into consideration the late hour and was in the hallway of the apartment complex for five minutes.

Named officer #3 stated that he and named officer #4 were cover officers for named officers #1 and #2. He stated that they were attempting to locate a subject who was involved with a juvenile runaway for a separate local police department. He noted that they were tasked with attempting to contact the subject and did not attempt to determine whether the subject was incarcerated. Named officer #3 denied that officers knocked or spoke loudly while on scene. He stated that the resident opened the door and informed that the subject was incarcerated.

Named officer #4 stated that they responded to the location to attempt to locate for a separate local police department. They responded to the location to attempt to locate a suspect who was involved with a juvenile runaway. Named officer #4 denied that the officer who knocked on the door and spoke to the resident did so in a loud manner. She stated that she does not regularly receive calls for service regarding incarcerated subjects and a basic records check does not reveal such information.

The CAD showed that a separate local police department reported an urgent notification with a request to attempt to contact a male suspect involved with a juvenile runaway. The four named officers were

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dispatched and arrived on scene. The CAD showed that officers reported that they made contact with the subject's father who informed that the subject was incarcerated and that he had no information regarding the juvenile. The CAD showed that officers contacted and notified the separate local police department and that no further action was requested by them.

Body-worn camera (BWC) footage showed named officer #1 knocking on the front door firmly and speaking with the individual who answered the door at a normal sound level. The individual who opened the door informed that his son was currently incarcerated and the BWC showed named officer #1 step away and make a call communicating this information. During this time, the other officers remained near the door speaking with the resident for a brief period, then terminated the contact and left. From the time of the knock on the door to the end of the interaction was approximately 5 minutes.

The police officer from the separate local police department was contacted by DPA. He stated that he asked the SFPD to conduct a search for a runaway juvenile at an address he had developed for the male suspect. He stated he did not have information that the male suspect was incarcerated at the time that he spoke with SFPD and only became aware of that fact when he was contacted by an officer who informed him.

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

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DATE OF COMPLAINT: 10/14/20 DATE OF COMPLETION: 06/29/21 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers drove a vehicle improperly.

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

FINDINGS OF FACT: The complainant saw a police vehicle parked on a street in what appeared to be a non-emergency situation, blocking a bicycle lane.

The officers stated they were responding to a call for a fight or dispute at a nearby address. Neither officer recalled who parked the vehicle at that location.

One of the named officers stated they had to park close to the location of the call and within their proximity to allow them to respond to any call for service without delay.

The other named officer stated they parked the vehicle in a manner that enabled them to quickly investigate the incident in question due to it being an ongoing criminal investigation that was possibly an emergency. The officer stated officers can park in a manner to make their work as safe as possible.

Section 21055 of the California Vehicle Code exempts drivers of emergency vehicles from most traffic laws, “(i)f the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law.”

Department records show the officers responded to a call of a fight at an apartment building in the location cited.

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

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DATE OF COMPLAINT: 10/16/20 **DATE OF COMPLETION:** 06/30/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while he was on his way home, he saw officers making an arrest, and he subsequently took his cellphone out and recorded the incident. However, once the arrest was concluded, he stopped the recording, and did not record his interaction with the named officer. The complainant stated the named officer used profane language and was unprofessional during his encounter with the complainant and other bystanders on the street.

The named officer denied the complainant's allegation, explaining that he was at the scene to provide traffic enforcement support for another agency in charge of the scene, the criminal investigation, and the arrest. The named officer noticed bystanders yelling at him and filming the incident but stated he ignored their behavior. He stated that he was in the middle of the street directing traffic while the complainant and the other bystanders were located in the parking lot of a business. The named officer stated that he allowed the complainant and the bystanders to vent their frustrations, as it was their right. The named officer stated that he remained professional throughout the interaction, providing the complainant his name and badge number as well as informing him how to file a complaint with DPA. He stated that he hoped to mediate the incident and speak to the complainant further about his concerns.

DPA reviewed body worn camera and was unable to determine if there were any inappropriate statements made by the named officer. The footage also showed that the incident occurred in a highly trafficked area with pedestrian and vehicle traffic. The complainant and the named officer were a distance away from each other.

Police records confirmed that the named officer provided aid to another agency conducting a traffic investigation.

Based on the totality of evidence, DPA determined that it is more likely than not that the allegations made in the complaint did not occur.

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DATE OF COMPLAINT: 11/11/20 **DATE OF COMPLETION:** 06/30/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he believed an officer was involved in an organized bicycle theft ring. The complainant stated that his bicycle was stolen, reported to police, and his stolen bicycle information was subsequently placed into a stolen bicycle data base. After checking the stolen bicycle data base to check the status of his bicycle, a concerned citizen contacted the complainant, and informed the complainant that his stolen bicycle was for sale and the complainant's bicycle was subsequently returned to him by the concerned citizen. The complainant found the timing of the recovery suspicious and believed that a police officer must have been involved.

The complainant did not wish to be contacted. Based on the information provided by the complainant, the identity of the alleged officer could not be established. There was insufficient evidence to make any finding as to the allegation made in this complaint.

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DATE OF COMPLAINT: 11/11/20 **DATE OF COMPLETION:** 06/02/21 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in a written statement that while shopping at a retail establishment, they overheard heard the named officer engage in an inappropriate conversation with another person. The complainant failed to describe the offensive comments, other than to state the person talking was a “pervert cop.”

The complainant failed to provide further information surrounding the nature of the offensive comments.

The named officer stated that he was working alone on the day in question and used the restroom facilities at the retail establishment. The named officer stated that he did not recall talking to anybody while he was in the retail establishment. The named officer denied making any inappropriate conversation with any person.

There were no additional witnesses or Body-Worn-Camera.

The complainant did not provide additional requested evidence, so no finding could be made on the investigation.

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DATE OF COMPLAINT: 11/17/20 **DATE OF COMPLETION:** 06/19/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated an officer came to her boyfriend's home to escort a former roommate through the home to retrieve belongings. During the accompanied visit, the complainant stated the officer was rude to her and had an accusatory tone when speaking to the complainant.

The named officer stated the person escorted was still a resident in the home and had requested the escort to safely pick up her belongings. The named officer stated he spoke to the complainant to inquire about items the roommate stated were removed from the apartment without the roommate's consent.

The roommate stated she was never separated from the named officer and did not witness the named officer be rude to anyone.

Two witness officers stated they did not notice the named officer acting or speaking rudely to the complainant.

An incident report stated that in addition to escorting the roommate to collect her belongings, officers were also present because they were investigating an allegation of sexual assault.

No body-worn camera footage was available because officers are prohibited from activating them during sexual assault investigations.

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

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SUMMARY OF ALLEGATION #2: The officer was inattentive to duty.

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

FINDINGS OF FACT: The complainant stated her plants were damaged because the named officer did not watch the roommate during the walk-through of the residence.

The named officer stated he briefly separated from the roommate to speak with the complainant. The named officer stated that when he was not with the roommate, another officer accompanied the roommate. The named officer did not observe the roommate damaging the plants.

The roommate stated that she and the named officer were never separated while they were in the house. The roommate stated she was always able to see the named officer and the named officer was always able to see her. The roommate stated she did not damage the complainant's plants.

Witness officers stated they did not see anyone else enter the residence nor did they see the plants.

An incident report stated that in addition to escorting the roommate to collect her belongings, officers were also present because they were investigating an allegation of sexual assault.

No body-worn camera footage was available because officers are prohibited from activating them during sexual assault investigations.

The evidence provided by the complainant was insufficient and could not conclusively determine who caused the damage to the plants or if the plants were damaged during the time of the named officer's visit to the home.

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

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DATE OF COMPLAINT: 11/21/20 **DATE OF COMPLETION:** 06/30/21 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that the named officer pulled her over and did not inform her the reason for the stop. The complainant acknowledged that she did not have her driver's license at the time.

The named officer stated that while conducting traffic enforcement, he saw the complainant talking on her cell phone. He subsequently stopped her and requested her driver's license, registration, and insurance. He stated that the complainant did not have a California driver's license which was a violation of CVC 12500, a misdemeanor.

Body-worn camera footage captured the entire traffic stop; however, it did not capture the cellphone violation. The footage contradicted the complainant's statement. The named officer informed the complainant the reason for the traffic stop, and the complainant acknowledged that she did not have a California driver's license but confirmed that her vehicle was registered in California. The complainant also informed the named officer that her out of state driver's license was at home.

Department General Order 5.03, Investigative Detentions, states that a police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

The named officer observed a traffic violation, and upon stopping the complainant discovered that she was not in possession of a driver's license. The complainant acknowledged that she did not have a California driver's license and that her out of state driver's license was at home.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer treated her like a criminal. She also stated that the named officer was rude and threatened to impound her car, put her in handcuffs, and take her to jail.

The named officer stated that he was professional during the incident and made no threats to the complainant.

Body-worn camera footage corroborated that the named officer was professional throughout the entire incident and went above and beyond to not tow the complainant's vehicle and subject her to a misdemeanor arrest.

The evidence proves that the alleged conduct did not occur.

SUMMARY OF ALLEGATION #3: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant asserted the named officer insisted that she walk to her apartment, which was a block away from the traffic location, to retrieve her out of state driver's license. She stated that after she opened the front door to her apartment, the named officer followed her inside. She stated the named officer did not ask for her permission to enter her apartment nor did she invite him inside.

The named officer stated he could have towed the complainant's vehicle, placed her in handcuffs, and taken her to jail because she was driving without a license and could not be identified. However, he wanted to use discretion and cite and release her for the violations of CVC 12500(a), a misdemeanor, and CVC 23123.5(a), the cell phone violation. He stated that he allowed the complainant to park her vehicle, walk to her apartment, and retrieve her driver's license so he could cite and release her. He stated that he took an officer safety gamble for the complainant to retrieve her identification. He stated that the complainant opened her front door and he hung out in the living room and let her out of his sight when she went to her bedroom to retrieve her identification.

Body-worn camera footage showed that the named officer made several attempts to verify the identity of the complainant. The complainant had work identification; however, her out of state driver's license was not in her possession. It appeared the named officer attempted to verify the complainant's information,

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even coming back to her, verifying that he had the proper spelling of her name and her correct date of birth. Body-worn camera footage also showed that the complainant walked up the stairs to her apartment and the named officer followed behind her. The complainant appeared to hold the front door or pause to close the door behind her, and the named officer walked in. Contrary to her claim, the named officer did not enter her bedroom and did suggest she come outside with him once she retrieved her identification.

While the named officer had sufficient cause to make a custodial arrest, he went above and beyond to avoid having to do so by allowing the complainant to retrieve her driver's license at her apartment. The named officer entered the complainant's apartment believing he had implied consent. However, the officer had no right to enter a private residence absent her consent or some exigency. There were no exigent circumstances in this situation. The complainant went to her home with the officer's permission only to retrieve her identification. The officer did not ask for permission to enter, nor did she explicitly give consent.

Implied consent is not to be lightly inferred. Consent to a warrantless entry of an apartment may not be inferred from the failure to object to a police officer's entry where the officer did not expressly or impliedly request permission and where the occupant did not expressly grant or refuse entry. (*U.S. v. Shaibu* (9th Cir. 1990) 920 F.2d 1423.) *Shaibu* reiterated longstanding Fourth Amendment precedent: "A warrantless search of a house is per se unreasonable, *Payton v. New York*, 445 U.S. 573, 586 (1980), and absent exigency or consent, warrantless entry into the home is impermissible under the Fourth Amendment. *Steagald v. United States*, 451 U.S. 204, 211 (1981); *United States v. Alfonso*, 759 F.2d 728, 742 (9th Cir.1985)." (*U.S. v. Shaibu* (9th Cir. 1990) 920 F.2d 1423, 1425–1426.)

Shaibu went on to say, "'The existence of consent to a search is not lightly to be inferred,' *United States v. Patacchia*, 602 F.2d 218, 219 (9th Cir.1979), and the government 'always bears the burden of proof to establish the existence of effective consent.' *United States v. Impink*, 728 F.2d 1228, 1232 (9th Cir.1984); *Florida v. Royer*, 460 U.S. 491, 497 (1983); *Schneckloth v. Bustamonte*, 412 U.S. 218, 222 (1973); *Bumper v. North Carolina*, 391 U.S. 543, 548 (1968). That burden is heaviest when consent would be inferred to enter and search a home, for protection of the privacy of the home finds its roots in clear and specific constitutional terms..." (*Shaibu, supra*, 920 F.2d at 1426.)

Silence, absent an affirmative statement or conduct, cannot be construed as giving the police implied consent to enter a residence. (*People v. Superior Court (Walker)* (2006) 143 Cal.App.4th 1183, 1212. See *U.S. v. Shaibu* (9th Cir.1990) 920 F.2d 1423, 1427; *People v. Superior Court (Arketa)* (1970) 10 Cal.App.3d 122, 127; but see *People v. Harrington* (1970) 2 Cal.3d 991, 995 [implied consent found where the defendant stepped aside and gestured to officer indicating permission for officer to enter room].)

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In this situation, the named officer did not have a clear understanding of what implied consent was and he believed that by her agreeing to walk to the apartment to retrieve the license and him following her and then her holding the door was implied consent. DPA believes that the entry was unlawful because the complainant's behavior was not a clear enough indication of consent. However, DPA also finds that the officer's training was inadequate on this topic, as revealed by his interview.

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

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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 observed a person who appeared to be in a mental health crisis. Thereafter he informed the named officer, who was working at a nearby retail store. The complainant stated that the named officer asked him evaluative questions to determine whether a crime had been committed or whether an emergency existed warranting immediate action. The complainant stated that the named officer offered to call an ambulance and informed the complainant that he would check on the individual when time permitted. The complainant believed the named officer failed to take necessary action in response to a person in mental health distress.

Police records confirmed that the named officer was assigned to the retail store and was required to stay at that location, barring an emergency.

Based on the complainant's statement, the named officer asked the necessary and relevant questions to determine that there was not a current emergency. Furthermore, there was no indication that emergency services were required.

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

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

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

FINDINGS OF FACT: The complainant stated he was driving his vehicle and the named officers pulled him over and told him that they stopped him because of expired vehicle registration. He stated that he had recently registered the vehicle and that the named officers illegally stopped him.

The first named officer stated he conducted a traffic stop on the complainant's vehicle for expired vehicle registration as a records query of the vehicle showed this to be the case. He stated the complainant did not have a license but did provide his vehicle registration. The first named officer determined through further review of the records query that the complainant had very recently registered the vehicle. He stated that sometimes there is a delay in the records system and accurate vehicle information is not yet reflected at the top of the records query. Ultimately, the driver was cited for not having a license.

The second named officer stated that they stopped the complainant's vehicle as a computer search on the complainant's vehicle showed that the vehicle's registration was expired. He stated that the first named officer contacted the complainant and discovered that the complainant was unlicensed. The complainant provided a valid registration to the first named officer and the complainant was issued a citation for not having a license. The second named officer stated that he believes there was a delay in the computer system in updating the vehicle's accurate registration status.

The incident report showed that a computer query was conducted on the complainant's vehicle which revealed expired registration. The DPA obtained DMV records for the complainant's vehicle which showed that the vehicle's registration was issued two days prior to this incident.

Body-worn camera footage showed that the first named officer asked the complainant during the traffic stop if he was aware that his registration was expired. The first named officer later used the patrol vehicle's computer and told the second named officer that the complainant's vehicle had just been transferred into the complainant's name. Body-worn camera footage showed that the complainant received a citation and was informed by the second named officer that the citation was for driving without a license. Body-worn camera footage showed that the first named officer told the complainant that he did not think the computer system had been updated to reflect the vehicle's current registration status.

A preponderance of evidence shows that the named officers stopped the complainant's vehicle based on the vehicle information from the initial computer query. The evidence proves that the underlying events occurred; however, the conduct does not rise to the level of misconduct. The conduct was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/20 **DATE OF COMPLETION:** 06/02/21 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated that he was a victim of racial profiling and that he was pulled over because of his race.

The first named officer stated that he noticed the complainant's vehicle traveling up and down a hill in an area that was having a lot of vehicle break-ins and that he and his partner believed the vehicle may have been scoping out the area for valuables in other vehicles. He stated that the complainant's vehicle was stopped because a records query of the vehicle showed that the registration was expired. The first named officer stated that he did not know the complainant's race until the vehicle was stopped and he arrived at the vehicle's window.

The second named officer stated that he observed the complainant's vehicle circling a high crime area known for numerous thefts. He stated that they conducted a traffic stop on the vehicle because a computer search on the vehicle showed that the registration was expired. The second named officer stated that he did not know the race of the driver prior to the traffic stop. He stated that the complainant's race was not a factor in this stop and detention.

The incident report documented that a computer query was conducted on the complainant's vehicle which revealed that the vehicle had expired registration.

Body-worn camera footage showed that the first named officer told the complainant that the initial reason for the stop was for expired vehicle registration but after searching through the records query, he believed there was a computer error. Body-worn camera footage for this incident does not show any evidence of biased policing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/20 **DATE OF COMPLETION:** 06/02/21 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-6: The officers conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that he was pat searched during the traffic stop.

The first named officer stated that he conducted a pat search of the complainant for officer safety as he had observed the complainant's vehicle making loops in an area where numerous auto burglaries were occurring and believed it may have been scoping out other vehicles for valuables. He stated that he knows from experience that auto burglars often carry tools on them that could be used as weapons. He also stated that the complainant's clothing was rumpled and oversized, he was aware of the complainant's criminal history for which he was on probation, and that the complainant was larger than him and not placed into handcuffs. He stated that he pat searched the complainant after the second named officer had done so to double check as the second named officer was less experienced.

The second named officer stated that he pat searched the complainant during this incident for safety reasons. He stated that the complainant was taken out of his vehicle and was detained in a high crime area where there had been numerous thefts, robberies, and incidents of violence. He said he was made aware that the complainant was on probation and based on his training and experience of the area he thought it was reasonable to conduct a pat search.

The Fourth Amendment guarantees the right to be free of unreasonable searches and seizures by law enforcement personnel. (*Terry v. Ohio* (1968) 392 U.S. 1, 8-9.) However, a pat search may be conducted during an investigative stop if the officer has reasonable suspicion that the person being searched is armed and dangerous. (*Id.* at 30.) The officer does not need to be certain that the individual is armed; a pat search is constitutional if a "reasonably prudent person in the totality of the circumstances would be warranted in the belief that his or her safety was in danger." (*People v. Avila* (1997) 58 Cal.App.4th 1069, 1074.)

Body-worn camera footage showed that both named officers pat searched the complainant after he exited his vehicle during the traffic stop. Body-worn camera footage showed that the second named officer spoke to the complainant regarding numerous vehicle break-ins occurring in the area. Body-worn camera footage also showed both officers speak with the complainant regarding the incident for which he was on probation.

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: 12/09/20 **DATE OF COMPLETION:** 06/02/21 **PAGE# 4 of 4**

SUMMARY OF ALLEGATIONS #7-8: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officers lied to him regarding the basis for the traffic stop.

The first named officer denied lying to the complainant. He stated that he understood the complainant's confusion during this incident, but that he was truthful with the complainant and stopped the complainant's vehicle because he thought the vehicle's registration was expired.

The second named officer also denied lying to the complainant. He stated that the complainant's vehicle caught their attention because it was making numerous laps in a high crime area, but the basis for the traffic stop was the expired vehicle registration.

Body-worn camera footage showed that the first named officer asked the complainant when he was first contacted whether he knew that the vehicle's registration was expired. Footage also showed that the second named officer told the complainant that there had been a lot of vehicle break-ins in the area, and that they try to check up on vehicles they see making numerous laps in the area. Body-worn camera footage showed that the first named officer told the complainant that the expired vehicle registration was the reason they stopped his vehicle.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/24/20 DATE OF COMPLETION: 06/17/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he tried to file a report for the theft of his motor vehicle. The complainant stated the named officers refused to write a report.

San Francisco Police Department documents were obtained and reviewed. The documents showed no report was written.

Body-camera footage was obtained and reviewed. The footage showed the named officers speaking to the complainant. The named officers took down the details of the complainant and the motor vehicle that had been stolen.

The named officers were interviewed about this allegation. The officers stated that they spoke to the complainant and took down the theft details to write a report. The officers stated that on running checks, they found the complainant was not the vehicle's registered owner. The officers stated that they could not file a report until the complainant was able to show he was the registered owner of the vehicle.

Department policies and procedures do not have a clear policy on who can and can not file a stolen vehicle report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/21 **DATE OF COMPLETION:** 06/30/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was requesting medical records from the SFPD for an incident nine years ago. He contacted the Public Records Department, spoke to the named officer, and provided a time range of two years when the incident happened but did not receive the medical record. He was referred to another department instead. He also provided additional information to the named officer about the incident, but this information was not added to the police report. The other department identified the Incident Report. However, the complainant wished to file a complaint against the named officer because he felt she should have provided the medical records. The complainant confirmed he had contacted the medical provider for the records but stated he was told to contact the SFPD Public Records Department for the records.

The named officer stated that the complainant emailed the request and could not provide a case number but provided a possible time range of two years for the officer to locate the incident. She said the complainant did not remember the incident details and requested to drop the case but recalled details regarding the specific night and suspects' names. The complainant did not provide this information to her. The officer did not provide the medical records to the complainant because under Government Code section 6254(f), the information is protected from public disclosure. As such, it is the policy for the Public Records Department not to release any medical records. Instead, the officer did provide information for the Special Victim's Unit. The complainant could make an appointment to view the evidence and discuss the overall investigation with an investigator. She said the complainant did not ask her to write a supplemental report, and no additional information was given to her. The named officer said she advised the complainant to make an appointment with an investigator who could review the case.

The DPA reviewed the email exchange between the complainant and the named officer. The complainant wanted to schedule an appointment. In the email, he provided a range of two years in total that the previous incident happened. The complainant wanted evidence and past medical records, said he requested to drop the case because he did not remember the details, and was uncomfortable proceeding. He also said, after several years, he recalled details regarding the incident and the suspect's info. The named officer replied, asking for more information, and told the complainant he needed to contact the Special Victim's Unit to make an appointment and speak with the investigator.

Department Incident Report records showed that the complainant was subject to an incident in which he was taken to the hospital for a medical examination.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/21 DATE OF COMPLETION: 06/30/21 PAGE# 2 of 2

Government Code Chapter 3.5 Inspection of Public Records, section 6254(f)(c) states prohibit the disclosure of any of the following records including, "Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy."

The evidence collected proves that the complainant could not provide a case number and only gave a vague time frame of when the incident occurred. The named officer could not locate the specific incident with the information provided and could not produce any medical records of the case due to the government code. Furthermore, the complainant was unclear about adding supplemental information in his case and said in the email that he does not remember details of the incident but recalled the suspects' names. The named officer eventually referred the complainant to another department that would assist him in locating the incident and adding supplemental information to his case.

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: 12/28/20 **DATE OF COMPLETION:** 06/17/21 **PAGE# 1 of 1**
SUMMARY OF ALLEGATIONS #1-2: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he called the police every day regarding cars parked illegally outside his tenant's driveway. The complainant provided multiple dates of the 911 calls he made. He described multiple incidents where cars were parked illegally on the tenant's driveway and said the officers sometimes issued citations, and sometimes they did not. The complainant said the issue persists.

The DPA could not locate the incidents that match the complainant's dates and events but located an incident when the complainant called, and the officers did not cite the drivers.

Named officer #1 stated that he observed two vehicles illegally parked on the sidewalk in front of the location. The officer said an unknown resident communicated with him from a nearby building that the owners of the vehicles were inside the location. The officer attempted to knock on the door, but no one answered. His partner then spoke with a separate resident who moved one of the vehicles away from the parking spot. This resident also stated he would have the other owner move the car. The officer said he contacted the vehicle owners to have them moved instead of issuing citations which could cause monetary strain on individuals, especially during the ongoing global pandemic. The officer said they used their discretion not to cite the vehicles.

Named officer #2 said the two cars were partially on the sidewalk at the location. He was going to issue citations to the vehicles, but a male approached them and informed them that he would move one of the vehicles there and contact the responsible party of the other vehicle to move it as well. Therefore, the officer did not issue citations because he believed it to be within the spirit of community policing to use discretion and advised him to move the cars instead.

Department records indicate that the named officers responded to the location and located the vehicles but did not cite anyone on the scene. Other department records show that in other calls that the complainant made regarding cars illegally parked, the officers either cited the owners or had the owners moved them.

Department General Order 9.01 Traffic Enforcement I. Policy 3. Discretion states that "members enforcing traffic and parking laws must also use discretion."

The evidence gathered proves that the named officer did notice the vehicles illegally parked on scene; however, they used their discretion to not cite the owners because the owners were to move their vehicles away from the spots. The evidence proves that the conduct alleged occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/0 DATE OF COMPLETION: 06/04/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: Packages were stolen from the complainant and his neighbor. The complainant stated that the Police Department should investigate package theft because it will deter future crime.

There is no record of the complainant reporting the theft.

The complainant failed to come forward to provide additional requested information or evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/21 **DATE OF COMPLETION:** 06/29/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he was at a park with his family when an officer drove a police vehicle on the pedestrian path instead of a directly adjacent vehicle path. The complainant stated he saw no reason for the officer to drive down the pedestrian path, forcing him and other pedestrians to step off the path and onto the grass.

The unit to which the vehicle was assigned reported that it had no record of which officer used the vehicle on the day in question. An identification poll sent to the unit failed to identify the officers in the vehicle.

The officers could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/21 DATE OF COMPLETION: 06/29/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that two officers stopped her and her boyfriend and accused them of stealing vehicles.

Inquiries made yielded negative results in locating the incident and the officers involved.

The complainant failed to come forward.

The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated her boyfriend is Hispanic. She believes that the contact was racially motivated.

Inquiries made yielded negative results in locating the incident and the officers involved.

The complainant failed to come forward.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/21 **DATE OF COMPLETION:** 06/17/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer was rude and inappropriate to him. The complainant also stated the named office failed to enter a vehicle to recover property belonging to him.

The named officer denied behaving or speaking inappropriately. The officer said she attended a citizen standby call. Parties at the scene provided conflicting and inconsistent accounts, including ownership of tools in a vehicle. The officer stated that the complainant insisted that the officer enter a vehicle owned by the other party, take out tools of disputed ownership, and give the tools to the complainant. The officer stated told the complainant became agitated when she told him she did not have permission to enter the vehicle. The officer described locating and providing the complainant undisputed property.

San Francisco Police Department documents were obtained and reviewed. The documents showed the named officer was called to an ongoing incident. The documents also showed the named officer returned some property to the complainant.

Body-worn camera footage was obtained and reviewed. The footage showed the officer speaking to all parties involved in the incident. The named officer attempts to learn what has happened and relay information back to the parties, including the complainant. The named officer attempts to discern which property items belong to the complainant and return them to the complainant. The footage captures a conversation between the complainant and the named officer. The complainant asks if he can get his property out of the other party's car. The officer tries to explain, but the complainant keeps talking over the officer and getting angry. The officer states that because the other party disputed the property ownership, that the complainant would need to take it to civil court. The officer states she can only legally get into the other person's car with the other party's permission. The other party states that all the complainant's property had already been removed from the car. At no time does the named officer behave or speak inappropriately.

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: 01/26/21 **DATE OF COMPLETION:** 06/17/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer asked her where she lived in a manner she felt to be harassing.

The named officer stated that he attended a neighbor dispute where the complainant was acting erratic, and he asked about her address to get her away from the scene and calm the situation down. The named officer denied the allegation of being threatening, intimidating, or harassing.

San Francisco Police Department documents were obtained and reviewed. The documents showed the named officer attended a report of a verbal fight between neighbors.

Body-worn camera footage was obtained and reviewed. The footage showed the named officer approached the complainant and asked what had happened. The complainant described a verbal argument with the other parties involved. The named officers asked the complainant if she lived nearby and offered to escort the complainant back to her house. The complainant did not want to answer the question. The named officer then spoke to the other parties involved and eventually advised both parties involved to cease before leaving. At no point did the officer say anything inappropriate.

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: 01/27/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant believed the administrative team at her SRO issued a warrant for the complainant to be removed from the SRO. She stated that the SRO called the police to report that she engaged in fraud, theft, prostitution, and narcotics use. When the officers arrived, they made discourteous statements about her which tripped her out. She stated that she ran from the officers and called her social worker and probation officer.

DPA conducted multiple computer queries and was unable to find a police record that matched the incident reported by the complainant.

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

DPA could not move forward with the investigation without additional information. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/21 **DATE OF COMPLETION:** 06/19/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's discourteous behavior or statements were related to ethnicity or race.

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

FINDINGS OF FACT: The complainant stated he went to his neighborhood store to purchase items and was followed by an officer because of his race. The complainant stated the named officer did not do this to other customers.

The named officer stated he was in uniform working a privately funded "10-B" assignment. The named officer stated his employer asked him to walk up and down the aisles of the store to deter people from shoplifting. The named officer stated he escorted several people out of the store during his shift because they were caught attempting to steal that day but did not recall specifically the complainant.

The named officer was equipped with a body-worn camera but the equipment was not engaged. The named officer stated that the situation as described by the complainant did not require it per DGO 10.11.

The in-store closed-circuit video was no longer available for viewing.

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

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

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

FINDINGS OF FACT: The complainant stated the officer stared him down while he was shopping. The complainant stated the officer's behavior was incredibly inappropriate and unprofessional.

The named officer stated he was in uniform working a privately funded 10-B assignment. The named officer stated his employer asked him to walk up and down the aisles of the store to deter people from shoplifting. The named officer stated he did not recall staring anyone down during his shift on the day of the complaint. The named officer was equipped with a body-worn camera but the equipment was not engaged. The named officer stated that the situation as described by the complainant did not require it per DGO 10.11. The in-store closed-circuit video was no longer available for viewing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was walking with friends when they witnessed officers arresting and using force on an unknown individual. He stated the officers accused him of being drunk and subsequently transported to the station and detained him for two hours. He was later released and issued a certificate of release.

There were no Department records available for the date of the incident involving the arrest of the unknown individual that the complainant witnessed, the complainant's detention, or the approximate location the complainant believed the incident occurred.

DPA made multiple requests to the complainant for a copy of his Certificate of Release; however, the complainant was unresponsive to DPA's evidence request.

This incident occurred 14 years ago and there was no available information to proceed with the investigation.

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

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

FINDINGS OF FACT: The complainant witnessed officers brutalize an unknown individual they were chasing. The complainant stated the officer then pushed him in the chest and was tackled. The complainant did not know the badge numbers of the officers and could not provide a physical description of the officers.

There were no Department records available for the date of the incident as described by the complainant.

The identity of the alleged officer(s) could not be established. Therefore, there was no finding in this case.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/21 **DATE OF COMPLETION:** 06/09/21 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in an unwarranted action.

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

FINDINGS OF FACT: By mutual agreement of the co-complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 6/08/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/21 DATE OF COMPLETION: 06/1/2021 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she contacted the named officer as she had located the Zodiac Killer. The complainant stated the named officer did not investigate her allegation.

The named officer stated he spoke to the complainant and took down the information provided by the complainant. The named officer stated he did not have enough evidence to provide probable cause to arrest the suspect. The named officer stated he took investigatory steps, and the case is still open.

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: 02/12/21 DATE OF COMPLETION: 06/09/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he left work and began walking to his vehicle parked in a near-by parking lot, when officers suddenly approached and wrongfully detained him as a suspect in a recent stabbing. The complainant stated that the officers detained him in handcuffs until one of his supervisors provided evidence that he had, in fact, just left work.

Despite several requests, the complainant did not provide DPA with the date of incident or any additional identifiers. Thus, DPA could not locate any documents pertaining to this incident.

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

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

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

FINDINGS OF FACT: The complainant stated that when the officers approached him, they immediately grabbed him and questioned him about whether he had any sharp objects in his pockets, to which he responded that he had a pocketknife. He stated that the officers then handcuffed him, as mentioned above, and illegally searched his pockets on the grounds that he was a suspect in a recent stabbing.

Despite several requests, the complainant did not provide DPA with the date of incident or any additional identifiers. Therefore, DPA could not locate any documents pertaining to this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/21 DATE OF COMPLETION: 06/09/21 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that during his detention, officers immediately threw him up against a wall, and throughout the course of the incident twisted his arms and continued to push his body against the wall.

Despite several requests, the complainant did not provide DPA with the date of incident or any additional identifiers. Therefore, DPA could not locate any documents pertaining to this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/21 **DATE OF COMPLETION:** 06/20/21 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in an unwarranted action.

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

FINDINGS OF FACT: The complainant stated the named officer inappropriately referred his property to the San Francisco City Attorney's Office for being messy. He stated the witness officer told him the named officer had made the referral.

The witness officer stated he was unaware the complainant's property had been referred to the City Attorney's Office and he did not tell the complainant the named officer was responsible for the referral.

The city attorney who handled the case against the complainant's property would not provide any information on who referred the case to their office as it would violate their attorney/client privilege. However, they recommended the DPA review the complaint against the complainant's property.

The DPA reviewed the complaint against the complainant's property. The complaint listed numerous violations cited by the Department of Building Inspection and the Department of Public Health. The violations included, but were not limited to, overgrowth in the backyard, rodent infestations, and excessive garbage. The property owners failed to address the violations over the course of the next two years. At no point in the complaint does it state the property was referred to the City Attorney's office by any member of the San Francisco Police Department.

On page 295 of the Field Training Manual is a section titled Code Enforcement. It describes a "Teamwork approach to solving community problems related to real estate properties...Problems include... (a)andoned, dangerous, or eyesore property: broken windows. stairs, trash, squatters..." The manual describes the procedure for handling these properties. It states the Code Enforcement Officer at the station will be notified. The problem will then be verified and then the City Attorney will be notified to place the property on the Code Enforcement List.

The City Attorney's complaint showed numerous issues with the complainant's property. Even if the named officer had referred the complainant's property to the City Attorney's Office, it would have fallen under the guidelines provided by the San Francisco Police Department's teamwork approach to code enforcement.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/21 **DATE OF COMPLETION:** 06/09/21 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer arrested her for violating a restraining order. When she appeared in court the next day, he retaliated against her by making her remain in jail after the judge ordered her release.

Department records indicate that the complainant was arrested for violation of a restraining order. However, the record indicates that the named officer was not present when she was arrested, and he was not involved in the call for service.

Body-worn camera (BWC) showed that the complainant was arrested for violation of a restraining order. It did not show the named officer present on the scene.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated the named officer did not have cause to arrest her for violating a restraining order because she resided in the residence where she was arrested.

Department records indicate that two individuals (protected parties) reported to the named officer that the complainant violated a restraining order they had obtained against the complainant. One of the protected parties signed a Citizen's Arrest Form against the complainant, resulting in the named officer placing the complainant under arrest.

A Citizen's Arrest Form documents that a protected party signed the document requesting the complainant be placed under arrest.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/21 DATE OF COMPLETION: 06/09/21 PAGE# 2 of 5

Court records indicate that the two individuals reporting the violation were named protected parties in a valid restraining order against the complainant. The court document also indicates that an arrest is required if the order is violated.

BWC showed the named officer interview the protected parties who reported that the complainant violated a restraining order they had obtained against the complainant. The named officer reviewed the restraining order and confirmed its validity through dispatch. The protected parties indicated to the named officer that they wanted the complainant arrested. They signed a Citizen's Arrest Form resulting in the named officer placing the complainant under arrest.

Department General Order 5.04 (Arrests by Private Persons) states in relevant part, "[W]henever a private person summons an officer to take custody of an individual that the private person has arrested, officers shall . . . determine if probable cause exists to believe that 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."

Department General Order 5.06 (Citation and Release) permits an officer to place a person under custodial arrest if the person violates a protective court order.

Penal Code § 836 permits police officers to make arrests for violations of a restraining order. It provides that violations need not occur in the presence of an officer.

The named officer placed the complainant under arrest for violating a restraining order where protected parties reported such a violation. In doing so, the officer complied with a court order, Department General Orders, and the California Penal Code.

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: 02/16/21 **DATE OF COMPLETION:** 06/09/21 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officers used unnecessary force when they placed her under arrest. She stated they twisted her arm and shoved her into a broken fence.

Department records indicate that two individuals (protected parties) reported to the named officer that the complainant violated a restraining order they had obtained against the complainant. One of the protected parties signed a Citizen's Arrest Form against the complainant, resulting in the named officer placing the complainant under arrest.

A Citizen's Arrest Form documents that a protected party signed the document requesting the complainant be placed under arrest.

Court records indicate that the two individuals were named protected parties in a valid restraining order against the complainant. It also indicates that an arrest is required if the order is violated.

BWC showed that after the named officers determined they would place the complainant under arrest for violating a restraining order, the named officers ordered the complainant to exit her apartment. She did not comply and attempted to run away. After a very brief delay, the named officers calmly placed the complainant in handcuffs, despite her resistance. The complainant complained that her handcuffs were too tight, causing her skin condition to become irritated, and demanded the handcuffs be removed. The complainant was informed that handcuffs were required because she was under arrest. However, another officer checked her handcuffs and informed her that the handcuffs were not touching her skin. The officer also informed the complainant that the handcuffs would not cause her pain if she stopped moving. BWC did not show the named officer push the complainant into a fence.

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

The evidence does not show that the named officers used any force on the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/21 **DATE OF COMPLETION:** 06/09/21 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #5-7: The officers failed to properly care for, process, or book property.

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

FINDINGS OF FACT: The complainant stated that an officer removed her necklace while she was detained, which was never returned.

Named officer #1 stated named officer #2 removed the complainant's necklace, securing it in a property envelope. He did not recall having custody of the necklace and was not aware who did.

Named officer #2 stated she removed the complainant's necklace but did not recall what she did with the necklace after she removed it. The officer indicated that generally, she places all property in an evidence bag. She did not find the necklace in the patrol vehicle or her uniform, which she routinely checks after each shift. She stated that she did not take the necklace.

Department records indicate that the named officer detained the complainant for violating a restraining order. Shortly after that, the complainant complained that she suffered from pre-existing health issues and requested medical aid. The protected parties to the restraining order chose not to press charges because they wanted the complainant to receive psychological aid instead. The complainant was subsequently released from police custody and was transported to the hospital by ambulance voluntarily.

BWC showed the named officers speak with two protected parties on a restraining order against the complainant. They reported that the complainant violated a restraining order. Named officer #2 placed the complainant in handcuffs and escorted her outside, where she removed the complainant's necklace. Shortly after that, the complainant complained that she suffered from pre-existing health issues and requested medical aid. Named officer #2's BWC fell off during part of the incident and did not capture all the events. BWC did not show where the necklace was placed or if it was returned to the complainant.

It is unclear what happened to the complainant's necklace, partially because named officer #2's BWC fell off and did not capture all of the events. In addition, the complainant was released to paramedics and transported to hospital, where the necklace could have been misplaced.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/21 **DATE OF COMPLETION:** 06/09/21 **PAGE# 5 of 5**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/21 **DATE OF COMPLETION:** 06/01/21 **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: 04/01/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated officers did nothing to stop the verbal abuse from an San Francisco Fire Department EMT toward a homeless individual who needed medical assistance. She also stated that the officers prevented her from intervening and did not provide her any information.

Department records indicated the named officers responded to an assault and battery call. It was reported that an individual was assaulted inside a store and was bleeding. Paramedics and named officers arrived at the scene, and determined that the individual was not presently injured, but that the gash was an old abscess. Records also indicated that the subject refused medical and police assistance.

Body-worn camera footage showed that upon their arrival, an EMT told the named officers they were familiar with the individual and that they were not needed. As the named officers walked to their patrol car, they heard yelling. The named officers and the complainant simultaneously approached the ambulance. Named officer #1 stopped the complainant from interfering with the contact between the EMT and the individual, while named officer #2 told the individual to step down from the ambulance. The EMT yelled and used profanity toward the individual to get out of the ambulance. The complainant asked named officer #1 for the name or badge number of the EMT and she told the complainant she did not know the EMT's name, and that the complainant could ask the EMT for their name. Named Officer #2 assisted the EMT by having the individual step out of the ambulance. The individual stepped out of the ambulance with a lit cigarette in his hand. Named officer #1 continued to prevent the complainant from approaching ambulance, as he did not know what had transpired.

The officers did not know the EMT's name or badge number and there was no police action required as the incident was a medical assist and not an incident related to a crime.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/21 DATE OF COMPLETION: 06/30/21 PAGE# 2 of 2

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/21 DATE OF COMPLETION: 06/09/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that her daughter was involved in a vehicle accident and injured her head. The complainant stated that after the incident was reported, a dispatcher called and spoke with her daughter who told the dispatcher that she did not need medical attention. The complainant stated that her daughter waited an unreasonable amount of time for police to respond to the scene before leaving the area without any police response.

The named officer did not independently recall this incident but stated after reviewing department records that she had responded to this call which had been reported as a non-injury collision. The named officer stated that according to department records the parties were gone upon her arrival at the scene. She stated that she was assigned as a backing unit for this call, assumed that the primary unit was responding prior to her, and according to her review of department records, had been looking for a vehicle burglary suspect which may have delayed her response.

DPA reviewed a computer-aided dispatch (CAD) report regarding this incident. The call was categorized as a non-injury vehicle accident and assigned a medium priority. The CAD showed that the named officer was dispatched to this call for service as a backup unit, arrived on scene within forty-five minutes of being dispatched, and provided a disposition of gone on arrival.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/21 **DATE OF COMPLETION:** 06/09/21 **PAGE# 2 of 2**

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/21 DATE OF COMPLETION: 06/17/21 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was the victim of an assault and that the named officer did not accurately document it in an incident report.

The named officer stated the complainant reported that he was assaulted by a suspect who smashed him into a wall as he attempted to enter his building. The officer stated he reviewed building surveillance footage which did not show a suspect smash the complainant into a wall. The officer stated the video showed the complainant and the suspect, who was holding his young daughter's hand, attempting to enter and exit the building simultaneously. He said the video showed the suspect place his arm against the wall, as if blocking the complainant from entering, so he could move his daughter out of the way. The officer stated that based on his investigation, which included speaking with the complainant, the suspect, and reviewing the building surveillance video, he did not find sufficient probable cause that an assault occurred.

A witness officer stated the complainant reported that he was assaulted. He stated he reviewed building surveillance video, and the complainant's account of the incident did not match what was captured on the video. He stated the video showed the complainant and the suspect with two children attempting to enter and exit the building simultaneously. He said it appeared that the complainant and the suspect exchanged words, at which time the complainant became agitated and walked past the suspect. He said the video showed the suspect put his forearm up to protect his child from being walked into by the complainant. The witness officer stated that he did not believe the suspect's actions met the criteria required for an assault.

Department records indicate that the complainant reported that a suspect pushed him as he tried to enter his building. The record also indicates that the named and witness officers reviewed building surveillance footage which showed the complainant and the suspect, who was holding his daughter's hand, attempt to enter and exit the building at the same time. The complainant attempted to walk through the entrance. The suspect put his arm against the wall, blocking the complainant from entering, allowing the suspect to move his daughter out of the way. The named officer did not find sufficient probable cause to believe that an assault occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/21 DATE OF COMPLETION: 06/17/21 PAGE# 2 of 2

Body-worn camera footage showed the named and witness officers interview the complainant, who stated that as he was trying to enter his building, the suspect blocked him with his arm, pushed him, and grabbed his shoulder, bringing him down to the ground. The named and witness officers then interviewed the suspect, who stated the complainant became upset and tried to storm into the building. He stated he placed his arm up to protect his daughter.

Building video surveillance (no audio) showed the complainant and the suspect, who was with two young children, attempting to enter and exit the building simultaneously. When the suspect and his daughter began to exit, he placed his arm against the wall blocking the complainant from entering the building. The suspect yielded and allowed the complainant to enter the building, at which time the suspect slightly nudges the complainant as he passed. The video did not show the suspect push or grab the complainant.

Based on the evidence, the incident report authored by the named officer was accurate.

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

SUMMARY OF ALLEGATION #2: 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 the DPA's jurisdiction. This complaint was partially referred to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/21 **DATE OF COMPLETION:** 06/17/21 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she observed an unprofessional officer who mocked an agitated person in crisis with crying baby noises. The complainant could not provide the name or star numbers of the officers and provided a general description.

Department records failed to show any police activity at the time and location described by the complainant.

An attempt to try and identify the officer by polling the local police station failed. No video footage was identified.

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

In this instance, the officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/21 **DATE OF COMPLETION:** 06/17/21 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated an officer lied to him when she told him a detective would meet him at his house. He stated a detective never contacted him. The complainant did not provide sufficient information to conduct an investigation.

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

The identity of the alleged officer could not be established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he went to the police station and reported that money was fraudulently withdrawn from his bank account. He stated he never received an incident report. The complainant did not provide sufficient information to conduct an investigation.

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

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/21 **DATE OF COMPLETION:** 06/17/21 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated he went to the police station and reported that money was fraudulently withdrawn from his bank account. He stated he never received an incident report, nor was his case investigated. The complainant did not provide sufficient information to conduct an investigation.

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

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/21 DATE OF COMPLETION: 06/02/21 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the named officers acted inappropriately by siding with the people who called them. The complainant also stated the officers spoke to her inappropriately.

The named officers denied acting and speaking inappropriately to any party involved.

Department documents showed that the named officers attended an incident where the complainant was accused of falsely representing herself as an attorney. The documents showed this was concluded as a civil issue.

Body-worn camera footage showed the named officers talk to all parties involved and determined that the matter is a civil dispute. The footage showed the named officers spoke to the complainant and tried to explain why they were there and why the other party was upset. The complainant appeared to be grieved by the accusations against her and unwilling to listen to the officers. The footage showed that the officers treated all the parties professionally. At no time did the officers behave or speak inappropriately.

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: 05/04/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 1

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

**CATEGORY OF CONDUCT: FINDING: IO-1/Human Services Agency (HSA) DEPT.
ACTION:**

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

San Francisco Human Services Agency
1650 Mission Street #5
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/21 **DATE OF COMPLETION:** 06/04/21 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: **FINDING:** **IO-1/SFSD** **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: 05/18/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 1

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

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

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

SFPD Internal Affairs Division
1245 3rd Street
San Francisco
CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/21 DATE OF COMPLETION: 06/01/21 PAGE# 1 of 1

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

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

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

SAN FRANCISCO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
1245 THIRD STREET
SAN FRANCISCO, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/21 DATE OF COMPLETION: 06/01/21 PAGE# 1 of 1

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

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

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

DIVISION OF EMERGENCY COMMUNICATIONS
DEPARTMENT OF EMERGENCY MANAGEMENT
1011 TURK STREET
SAN FRANCISCO, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/21 DATE OF COMPLETION: 06/01/21 PAGE# 1 of 1

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

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

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

DIVISION OF EMERGENCY COMMUNICATIONS
OPERATIONS MANAGER
DEPARTMENT OF EMERGENCY MANAGEMENT
1011 TURK STREET
SAN FRANCISCO, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/21 **DATE OF COMPLETION:** 06/17/21 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/21 **DATE OF COMPLETION:** 06/30/21 **PAGE# 1 of 1**

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

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

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

San Francisco Municipal Transport Agency
1 South Van Ness Avenue 8th Floor
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/21 **DATE OF COMPLETION:** 06/11/21 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/21 DATE OF COMPLETION: 06/17/21 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/21 DATE OF COMPLETION: 06/24/21 PAGE# 1 of 1

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

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

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

San Joaquin County Sheriff's Office
Internal Affairs
7000 Michael Canlis Boulevard
French Camp, CA 95231

And:

Stockton Police
Internal Affairs
22 E. Weber Avenue
Stockton, CA 95202

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/21 DATE OF COMPLETION: 06/24/21 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/21 DATE OF COMPLETION: 06/17/21 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:

DEM Division of Emergency Communication
1011 Turk Street
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/21 **DATE OF COMPLETION:** 06/19/21 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/21 DATE OF COMPLETION: 06/19/21 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/21 DATE OF COMPLETION: 06/30/21 PAGE# 1 of 2

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

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department Notice 20-094.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/21 **DATE OF COMPLETION:** 06/30/21 **PAGE# 2 of 2**

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

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

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

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

SUMMARY OF ALLEGATION #4: 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