

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/17 **DATE OF COMPLETION:** 07/28/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers searched personal property without cause.

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

FINDINGS OF FACT: The complainant stated that she watched two officers search a man's bag outside a train station. The man pleaded with the officers to stop looking through his belongings, but the officers continued searching the bag. The complainant heard one officer tell the man that they were searching his bag because he had given them permission. The officer also told the man that he could not change his mind once permission was granted.

Video footage of the incident showed that the man briefly gave the named officers permission to search his bag during a detention. One named officer asked if he could look inside the man's bag. The named officer told the man that he could decline. The man gave permission and handed his bag to the named officer. While the named officer was looking through the bag, the man asked what would have happened if he had declined. The named officer said that he would not be looking through the bag. The complainant told the named officer that he changed his mind. The named officer immediately closed the bag and handed it back to the man. The other named officer stood nearby during the search and engaged in dialogue with the man.

Department of Emergency Management records showed that the named officers detained the man while investigating threats made against a municipal bus driver.

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

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DATE OF COMPLAINT: 01/10/17 **DATE OF COMPLETION:** 07/28/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that he observed a patrol car parked on a hill without curbed wheels. The complainant failed to provide additional requested evidence.

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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 her stepson and his mother came to her residence to retrieve her stepson's clothing. The named officers accompanied the stepson and his mother. The complainant stated the named officers entered her stairwell without permission. The complainant instructed the named officers to close her building's front security gate, but the named officers left the gate open. The complainant stated the officers should have secured her premises. The complainant stated the officers put her safety at risk by leaving the front gate open because her stepson's mother was standing nearby.

The named officers stated they responded to a request for a civil standby at the complainant's address to assist the complainant's stepson in retrieving his clothing. The named officers stated another building resident opened the communal security gate and gave them permission to enter the building. The resident called the complainant, who came to her doorway as the named officers were ascending the entryway stairs. The named officers stated they closed the security gate after entering the stairway. The named officers stated they asked the complainant if she would return her stepson's clothing and she refused. The named officers stated they then left the building, making sure the security gate was closed. The named officers stated that the complainant's stepson and his mother waited outside the building.

Department of Emergency Management records showed that the named officers were dispatched to perform a civil standby at the complainant's residence. In the incident report, one named officer noted that he closed the security gate when he left the building.

A witness stated that the named officers rang the doorbell and that a woman inside the building opened the security gate. The witness stated the named officers were inside for about five minutes and closed the security gate when they left the building.

The evidence established that the officers' action were proper.

The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant found a man in the vestibule of one of two entrances at his large apartment building. The man was intoxicated, unstable and complained of knee pain. The complainant called for an ambulance on his way out for the evening. Dispatch asked if the man himself had requested an ambulance and, when the complainant said that he did not, he was transferred to police dispatch. The complainant told police dispatch that there was a very intoxicated man refusing to leave. The complainant identified his location by the street address but clarified that the man was located in the side entrance. When the complainant returned to the building later that night, the man was still in the vestibule of the side entrance.

The named officer stated he responded to a call for service regarding a man sleeping in front of an apartment building four hours after the call was initiated. The lapse in time between the call for service and the response was not the officer's fault, as he responded to the call shortly into his shift. He stated that he did not get out of his car at the scene. He drove by the main entrance, stopped his car, had a clear view of the well-lit entryway, investigated the entryway and surrounding area for a few minutes and did not see anyone. He was not able to find the man and cleared the call as "Gone on Arrival".

Department of Emergency Management (DEM) records indicate that the call for service was initiated by a reporting party other than the complainant at 6:48 p.m. to report a person sleeping in front of the same apartment building as the complainant's. The officer responded to the call at 10:53 p.m. and cleared the call at 11:01 p.m. It is not clear from the Event History Detail that the officer was advised to respond to the side entrance of the building.

The named officer responded to investigate a report of a person sleeping in front of an apartment building. His investigation was reasonably diligent in light of the nature of the call, the four hours that had lapsed between the call and the officer's response, the affirmative identification of the street address as the proper location, and the failure of dispatch to clearly advise the responding officer to investigate a side entrance.

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

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

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

FINDINGS OF FACT: The complainant found a man in the vestibule of one of two entrances at his large apartment building. The man was intoxicated, unstable and complained of knee pain. The complainant called for an ambulance on his way out for the evening. Dispatch asked if the man himself had requested an ambulance and, when the complainant said that he did not, he was transferred to police dispatch. The complainant told police dispatch that there was a very intoxicated man refusing to leave. The complainant identified his location by the street address but clarified that the man was located in the side entrance. When the complainant returned to the building later that night, the man was still in the vestibule of the side entrance.

The named officer stated he responded to a report of a trespasser at an apartment building. He arrived on scene, stopped his car in front of the main entrance, exited his car, walked to the entryway of the apartment building, buzzed apartments to try to gain entry, climbed the iron gate to have an entire view of the entryway and lobby area, called dispatch to call the responding party back for entry, waited on scene for several minutes and concluded that the trespasser most likely sought shelter from the rain and then left when the rain stopped. He was not able to find the trespasser and cleared the call as "Gone on Arrival".

Department of Emergency Management (DEM) records indicate that the call for service was initiated at 11:39 p.m. The officer responded at 11:46 p.m., and cleared the call at 11:56 p.m. It is not clear from the Event History Detail that the officer was advised to respond to the side entrance of the building.

The named officer responded to an apartment building in response to a report of a trespasser in the vestibule. He was not advised to investigate the side entrance of the building. The named took several affirmative steps to try to search for the trespasser and gain entry into the building. He could not find the trespasser and reasonably concluded that the man had sought refuge from inclement weather and left the premises when the rain stopped.

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

It should be noted that the Department of Emergency Management conducted an investigation on how the complainant's call was handled and "found that we did not respond appropriately."

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DATE OF COMPLAINT: 02/01/17 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was in the community room at her hotel when the named officer showed up and placed her in handcuffs, hurting her back.

The named officer stated that he responded to the hotel due to a mentally disturbed woman, throwing items at tenants. She had also pushed a table into a staff member. The named officer determined that the complainant was a danger to others and placed her on a §5150 Welfare & Institutions Code (W&I) mental health detention. The named officer stated that when he attempted to place the complainant in handcuffs, she refused to place her hands behind her back and continued to clench her fist. To gain control of her wrist, the named officer stated he had to elevate her arms further back, placing her against the couch. The named officer stated he was then able to place her in handcuffs without further incident.

A witness stated that she has seen the complainant resist handcuffing on multiple occasions. While she could not remember the officer handcuffing the complainant in this particular incident, the witness stated she would have intervened if she had seen anything wrong with the manner in which the complainant was being handcuffed. In addition, the witness stated she is extremely familiar with DPA and would not hesitate to file a complaint.

SFPD General Order 5.01, Use of Force, section I.A. states, in part: “The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.”

In this case, the named officer determined the complainant to be such a danger to others that a mental health detention was necessary. The complainant had thrown items at others and pushed a table into a staff member. The complainant resisted when the officer tried to handcuff her. The named officer had to use minimal force to effect a lawful arrest, overcome resistance, defend others from further harm, and gain compliance with a lawful order.

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

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

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

FINDINGS OF FACT: The complainant stated she was taken the hospital with either no shoes or just one shoe on.

The named officer did not recall if the complainant was wearing shoes during the arrest or transport.

A witness stated that the hotel is professionally run and has a strict shirt and shoes policy. She believes she would have noticed if the complainant was barefoot. The witness does not recall seeing the complainant without shoes at any time.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that a security guard at a restaurant stole her purse. The complainant stated that officers responded to the scene, took the security guard's side and told the complainant not to go to the restaurant.

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 officers could not be established.

No witnesses were identified.

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

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

FINDINGS OF FACT: The complainant stated that a security guard at a restaurant stole her purse. The complainant stated that officers responded to the scene, took the security guard's side and told the complainant not to go to the restaurant.

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 officers could not be established.

No witnesses were identified.

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

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

FINDINGS OF FACT: The complainant stated he was walking home from work when he stopped by the store. The complainant stated that after leaving the store, he saw some friends parked in a van. He got into the van to talk to his friends. The complainant stated the van was suddenly surrounded by several unmarked police vehicles. The complainant stated he was ordered out of the van, handcuffed and transported to the station. The complainant stated that, while at the station, he was asked if he had any narcotics. The complainant told the officers he did not know.

Department records show that the named officer and other plainclothes officers were conducting a narcotic abatement operation in the area where the complainant was detained.

The named officer and another officer stated that they detained the complainant after another officer observed the complainant engaging in a hand-to-hand narcotics transaction. The named officer stated he was instructed by the officer who observed the narcotics transaction to detain the complainant.

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

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

SUMMARY OF ALLEGATION #2: The officer placed the complainant in handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated he was detained and placed in handcuffs.

Department records show that the complainant was detained and handcuffed after he was observed engaging in a hand-to-hand narcotics transaction. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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DATE OF COMPLAINT: 02/18/16 **DATE OF COMPLETION:** 07/21/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer detained him at gunpoint.

Department records show that the named officer and other plainclothes officers were conducting a narcotic abatement operation in the area where the complainant was detained.

The named officer and another officer stated that they detained the complainant after the complainant was observed by another officer engaging in a hand-to-hand narcotics transaction. The named officer stated he was instructed by the officer who observed the narcotics transaction to detain the complainant.

The named officer stated he had prior contacts with the complainant, which included a narcotics arrest and an incident involving possession of a firearm. The named officer stated that the complainant was seated in the front passenger seat of a vehicle occupied with two other adult males. The named officer stated that when he approached the vehicle, he had a partial view inside the vehicle where he observed the complainant appear to stuff an unknown item in his waistband area. The named officer stated that for officer safety, he pulled his firearm, pointed it at the complainant and ordered the complainant out of the vehicle.

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

DGO 5.02, Use of Firearms, allows an officer to draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

The totality of the circumstances provided the named officer justification to draw his firearm.

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

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SUMMARY OF ALLEGATION #4: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that following his arrest, his friend's van was searched.

The named officer stated that the complainant was seated in the front passenger seat of the van when the complainant was arrested, providing the named officer probable cause to search the area where the complainant was seated.

Department records show that when the complainant was searched, narcotics and \$130 in various U.S. currency were found on him. In addition, during the search of the van, a brown paper bag, containing suspected cocaine base, was found where the complainant was seated.

The evidence established that the named officer had probable cause for the search he conducted.

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

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity.

The named officer and other officers denied the allegation.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #6: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause.

The named officer stated he observed the complainant engaging in a hand-to-hand narcotics transaction, prompting the complainant's arrest.

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

SUMMARY OF ALLEGATIONS #7-9: The officers strip-searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that after being taken to the police station, he was strip-searched without cause.

Department records established that the complainant was strip-searched following his arrest for narcotics. The appropriate SFPD Strip Search and/or Body Cavity Search Authorization Form was completed and approved by the supervisor.

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

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DATE OF COMPLAINT: 02/22/17 **DATE OF COMPLETION:** 07/14/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was involved in a traffic collision and subsequently arrested. The complainant stated he should have been cited and released rather than arrested. The complainant stated that the named officer chose to arrest the complainant because of the complainant's race.

San Francisco Police Department General Order 5.17, II POLICY A. Policing Impartially, 1. Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches and property seizures.

Department records showed that the named officer conducted a thorough investigation and articulated specific facts to support a probable cause belief that the complainant committed vehicular manslaughter and then fled the scene of a collision. Department records showed that the named officer arrested the complainant pursuant to California Penal Code section 192 (c) for vehicular manslaughter and California Vehicle Code section 20001 (A) for leaving the scene of a traffic collision, wherein he was the driver responsible for the fatal collision.

Two witnesses were interviewed. One witnesses stated that the complainant struck a pedestrian with his car and then attempted to leave the scene of the collision. He advised the complainant not to leave, but the complainant ignored him. Another witness stated that she saw the complainant speeding and attempting to leave the scene of the collision.

No other witnesses came forward.

The named officer articulated sufficient probable cause to believe that the complainant committed vehicular manslaughter and attempted to flee the scene of the fatal collision.

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

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DATE OF COMPLAINT: 03/07/17 **DATE OF COMPLETION:** 07/19/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she went to a police station to file a police report regarding stolen property, and the officers at the station refused to take a police report.

An Officer Identification Poll was sent to the station in an attempt to establish the identity of the alleged officers. The poll came back negative.

No witnesses were identified.

The identity of the alleged officers could not be established.

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DATE OF COMPLAINT: 03/06/17 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that when he called police to report that the front desk clerk of his residence threatened him, the officers sided with the front desk clerk.

The named officers stated that they spoke to the complainant and the front desk clerk and determined that the elements for California Penal Code §422, criminal threats, had not been met.

Department of Emergency Management (DEM) records indicate that the named officers responded to the scene regarding threats.

The front desk clerk stated that officers responded to the complainant's call for service, conducted an investigation by speaking with him and the complainant, and left without further incident.

The named officers responded to the call for service, conducted a thorough investigation by interviewing both the complainant and alleged perpetrator of criminal threats, and determined that the elements for California Penal Code §422, criminal threats, had not been met.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that when police responded to his report that the front desk clerk at his residence threatened him, the officers told him they did not believe him.

The officers stated that they spoke to the complainant and the front desk clerk and determined that the elements for California Penal Code §422, criminal threats, had not been met. The officers do not recall if they explicitly told the complainant that they did not believe him.

Department of Emergency Management (DEM) records indicate that the named officers responded to the scene regarding threats.

The front desk clerk stated that he was in the lobby with both officers while they conducted their investigation, and he did not hear them state that they did not believe the complainant.

The preponderance of 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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DATE OF COMPLAINT: 03/09/17 **DATE OF COMPLETION:** 07/28/17 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused officer, the complaint was mediated and resolved in a non-disciplinary manner on July 24, 2017.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner.

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DATE OF COMPLAINT: 03/26/17 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant said the named officer drove his patrol car with a passenger and a prisoner in the back seat and made an illegal left turn at a controlled intersection.

The named officer acknowledged driving the patrol car on the date in question to transport a prisoner to County Jail, but could not recall making an illegal left turn at the identified intersection.

A second officer in the patrol car stated she could not recall the route the named officer drove on the date in question.

The complainant's girlfriend, who was in the car with him when they saw the police car, confirmed that she was driving with the complainant when she saw a car with two officers in it make an illegal turn in front of her. The witness, however, said she was driving on a different day and different time of day than that reported by the complainant. She also gave a different description of the two officers in the car she saw.

A witness who was in the patrol car did not respond to DPA requests for an interview.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged the officer detained him without justification. The complainant admitted that he was carrying a hatchet and discarded it when he saw the police arrive to the scene.

The named officer stated he and other officers responded to the scene regarding a call about a person wielding a hatchet in a threatening manner. The named officer stated a hatchet was recovered and seized as evidence at the scene. The named officer stated he assessed the complainant was a danger to himself and others. The named officer said he detained the complainant based on §5150 Welfare and Institutions Code criteria, while other officers transported him to Saint Luke's Hospital.

Records from the Department of Emergency Management showed a 9-1-1 call from a person reporting that the complainant was suspiciously walking with an axe.

Witness officers stated the complainant is known in the area of his detention and is known from previous incidents to be mentally disturbed.

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

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the complainant was a danger to himself or others.

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

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SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated an unknown officer placed his boot on his neck as he was lying on the ground during a detention. The complainant failed to respond to requests for additional evidence, specifically a waiver allowing review of his medical records.

The named officers stated they took the complainant into custody without incident. The named officers stated the complainant was agitated, yelling, screaming, sweating and not cooperative. The named officers denied that any officer stepped on the complainant's neck. A supervisor arrived on scene and stated there was no complaint of any officers using unnecessary force, an injury or a request for medical from the complainant. The named officers' use of force, pointing a firearm at the complainant, was documented in the incident report and in the use of force log as required.

The complainant's witness did not respond to DPA's attempts to interview him.

A witness confirmed that he observed the complainant walking in the area carrying a hatchet and called police but said he left when officers arrived and did not see the detention.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #4-6: The officers behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated officers harassed him and caused unneeded anxiety. The complainant stated a transport officer exited the police transport car during transport and threatened him. The complainant stated during the initial contact, officers harassed and called him names like “Dolph Lundgren” with the police car’s speaker.

The named officers denied officers on scene harassed, threatened and name called the complainant. The named officers that transported the complainant denied that they stopped their police car while en route from the scene to Saint Luke’s Hospital.

The complainant’s witness did not respond to DPA’s attempts to obtain a statement from him.

A witness confirmed that he observed the complainant walking in the area carrying a hatchet.

No other witnesses were identified.

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

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

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

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

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/17 **DATE OF COMPLETION:** 07/24/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that an officer in a blue unmarked car followed him for four blocks at an unknown time of day. The complainant could not describe the officer or any other details.

The identity of the alleged officer could not be established.

No witnesses were identified. The complainant provided insufficient information for the DPA to proceed with its investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/17 **DATE OF COMPLETION:** 07/28/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 24, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/17 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated a plainclothes female officer stopped her unmarked green sedan in a crosswalk area. The complainant stated the officer exited her car and shoved her badge in the complainant's face. The complainant stated the officer appeared angry and yelled at the complainant that she deserved a citation for crossing against a red light. The complainant, who said the officer's behavior was aggressive and inappropriate, stated she did not obtain the officer's name, the number on the star the officer showed her, or the license plate on the car. The complainant stated she and the officer left the scene without further action.

SFPD Fleet Division was able to locate a vehicle that matched the complainant's description. The unit to which the vehicle was assigned completed an Officer Identification Poll of female officers working on the day in question, and was unable to identify the officer involved. The Vehicle Maintenance Officer from the Department stated the vehicle logs revealed a male officer was assigned to the car. The complainant was unable to identify an officer from photos shown to her of those officers working for the unit where the distinctive vehicle was assigned.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/17 **DATE OF COMPLETION:** 07/26/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an officer honked his horn unnecessarily and was rude at the complainant.

The evidence established that the officer in question is not a member of the San Francisco Police Department.

The evidence established that a member of the SFPD was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/17 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street, 4TH Floor
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/17 **DATE OF COMPLETION:** 07/28/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD misused information.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/17 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/17 **DATE OF COMPLETION:** 07/19/17 **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 observed an officer in a marked police car drive at a dangerous and high rate of speed. The complainant did not get the vehicle number or any other details because it happened quickly.

The identity of the alleged officer could not be established.

The complainant provided insufficient information for the DPA to proceed with its investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated he was violently attacked at a homeless shelter, but the responding officers refused to arrest his attacker even after the attacker admitted to doing so in the incident report.

The narrative of the incident report states that the complainant was in an altercation with a woman at the shelter. The woman's husband heard about the fight and came to the shelter to sleep. The complainant stood over the husband's bed until he woke up. Frightened, the husband kicked out at the complainant.

The CAD indicates that shelter employees called 911.

The named officers stated that when police responded to the scene, a staff member informed them that the complainant was the aggressor and the shelter wanted him removed from the premises.

The named officers stated that when they spoke to the complainant, he was very angry and said that he wanted to make a citizen's arrest. The named officers said that they accepted this arrest, but because there was no probable cause to detain the other party, officers released him. The named officers stated that the other party did not request a citizen's arrest.

The Citizen's Arrest form and the Certificates of Release for both parties are attached to the Incident Report.

The evidence established that the named officers' actions were proper and complied with SFPD Department General Order 5.04, Arrests by Private Persons.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers selectively enforced the law due to bias.

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

FINDINGS OF FACT: The complainant stated that the named officers exhibited racial bias against him when they failed to arrest the other party.

The named officers stated that they did not arrest the other party because there was no probable cause to do so.

The named officers further stated that they did not know the complainant's race prior to responding to the call, and that his race was not a factor in their interaction with him.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated in a brief interview that he was in an argument with the staff of a hotel and that the named officers arrested him. The complainant failed to respond to DPA requests for a thorough interview on the incident.

One of the named officers stated the reportee, an employee of the hotel, flagged them down and told them that the complainant yelled and threatened a woman and a hotel employee. The named officer stated the reportee pointed out the complainant to them. The named officers stated the complainant was aggressive, not cooperative, and resisted their efforts to investigate. The named officers stated the complainant failed to stop and attempted to flee from them. The named officers stated the complainant was arrested for making threats to shoot and kill the officers, along with assaulting one of the officers by spitting in his face.

Two transport officers stated they arrived after the complainant was taken into custody.

A witness from the hotel staff stated the complainant was in an argument with a woman on scene. The witness further stated the complainant was aggressive with everyone and that the complainant tried to flee from the officers into a traffic area.

Another hotel staff witness stated in her hotel report that she observed the complainant was intoxicated, aggressive, and resisted the officers.

No other witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he sustained wrist, back and hip injuries from the incident. Beyond a brief statement, the complainant failed to respond to DPA requests for a thorough interview on the incident.

The named officers stated the complainant was an aggressive resistor who was angry with the officers. The officers stated the complainant fled from them and failed to stop. The named officers stated one of the officers grabbed the complainant and used a bent wristlock, while the other officer assisted. The named officers stated they took the complainant to the ground but the complainant continued to resist and not show his hands. The named officers stated there were no visible injuries, no complaint of pain or a request for medical aid from the complainant.

Two witness transport officers arrived after the incident when the complainant was taken into custody.

Two witnesses from the staff of a hotel at the scene of the arrest stated the complainant was aggressive and uncooperative.

A hotel staffer wrote in her hotel report that the complainant did not comply with the officer's orders. The witness wrote that the police had to "tackle" the complainant. Witnesses stated the complainant told the officers to shoot him.

No other witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated officers behaved inappropriately and made inappropriate comments toward him. The complainant did not respond to repeated efforts to obtain a thorough interview regarding the incident. The complainant, in his initial brief interview, did not specify or provide details on which officer behaved in an inappropriate manner or made inappropriate comments toward him.

The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #6: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officers used profane language and called him names.

Beyond a brief statement, however, the complainant failed to respond to DPA requests for a thorough interview on the incident.

The complainant failed to provide additional requested evidence.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he erected a basketball court and painted names on a wall of the court to promote pride in achievement among children in a challenging neighborhood. The complainant said the named officer has used the wall to bring discredit to the youth who play on the court and whose names are memorialized. The complainant said the officer has never spoken with him about the matter.

The named officer admitted to photographing the wall as part of his investigations into felony crimes. He stated his testimony in criminal trials is focused on the facts he investigates and is truthful. He stated that he understood that the complainant has stated his reason for the wall is as a memorial or a tribute. He stated that he has heard the complainant testify in court to the reason for the wall and stated that his testimony was unaffected by the complainant's statements. The officer denied that he intended to discredit the neighborhood children or the positive contribution of the wall of names, to create tension in or disrupt the solitude of the neighborhood

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/16 **DATE OF COMPLETION:** 07/06/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants were engaged in an ongoing dispute with their neighbor. The named officer arrived at the complainants' home in response to a request by the neighbor, whose ongoing construction work the complainants said was causing damage to their property. The officer's explanation for his presence led two of the complainants to question the officer's true identity and to call police, a call the complainants said was interrupted by the officer telling them not to call the police because no officer would respond. The two complainants also stated that the officer had come to their home without having been dispatched to do so, which upset and angered them when they contacted the Department to identify the officer and were told that there was no record of an officer having responded to their address.

The named officer denied telling the complainants not to call police but admitted that he had not informed dispatch of his location, stating that as a Permit Officer he was not required to do so.

A preponderance of the evidence established that the named officer inappropriately told the complainants not to call the police when the named officer responded to the complainants' home in response to a request made by the complainants' neighbor. The named officer's comment reflected discredit upon the Department, in violation of Department General Order 2.01, General Rules of Conduct. In addition, the named officer failed to notify the Communication Division of his response to the complainants' home, in violation of Department General Order 1.03, Duties of Patrol Officers.

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

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DATE OF COMPLAINT: 07/18/16 **DATE OF COMPLETION:** 07/06/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer misused his police authority.

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

FINDINGS OF FACT: Two of the complainants believed that the officer engaged in preferential conduct toward their neighbor based on a pre-existing relationship.

The neighbor said his relationship with the officer was based solely on his contacts with the officer while the officer was walking in the Northern District neighborhood.

The named officer denied the allegation.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/16 **DATE OF COMPLETION:** 07/06/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant said while standing on her roof with the named officer, she observed her neighbor and his painter standing on the neighbor's roof. Recognizing the painter as the man who had trespassed on her roof several months before, she informed the officer of the trespass and told the officer that she wanted the painter arrested. The complainant said the officer refused to make the arrest.

The complainant's neighbor stated that while standing on his roof with his painter, he observed the complainant and the officer on the complainant's roof. The neighbor said when the complainant saw him and his painter, she became highly agitated, raised her voice, and demanding that the officer arrest the painter, "right now."

The officer said the complainant identified the painter on the neighbor's roof and accused the painter of trespassing on her property. The officer said the alleged trespass had occurred six to twelve months in the past. The officer said the complainant ultimately withdrew her request and wavered as to whether or not the painter observed on the neighbor's roof was the same painter who had trespassed. The officer said he determined that there was no merit to the trespassing allegation and, therefore, he was not required to write an incident report.

Department General Order 5.04, Arrests by Private Persons, require that in all instances involving requests for a private person's arrest, an incident report shall be prepared.

While the named officer was authorized to establish if the arrest was warranted, he was obligated pursuant to DGO 5.04 to document the request in an incident report, which he failed to do.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/16 **DATE OF COMPLETION:** 07/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The anonymous complainant stated in a phone conversation with a police sergeant that he had been watching a critical incident unfold when he observed an officer make an inappropriate comment to a man who was “heckling” and “provoking” officers who were standing by during the incident. The complainant did not provide contact information and identified the officer only as a white male.

The DPA polled officers in numerous districts and assignments who were dispatched to the scene of this incident, which occurred over an extended period of time. None of the officers polled acknowledged being involved in this incident.

No witnesses were identified.

The identity of the alleged officer could not established.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers followed his car to a gas station, where, as a pretext to detain and question him, they falsely claimed he had failed to signal a turn. After questioning him, the officers warned him about the alleged illegal turn.

The named officers stated they had virtually no recollection of the incident.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 - 4: The officers engaged in biased policing, due to race.

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

FINDINGS OF FACT: The complainant stated that the named officers detained him solely because he is African-American.

The named officers stated that they did not recall the incident, so they did not remember at what point they first saw the complainant. They said that, even if they had known the complainant's race prior to detaining him, this would have had no bearing on their decision to do so.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 1 of 7

SUMMARY OF ALLEGATIONS #1 - 4: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force during his detention and arrest. The complainant did not sign a medical release form. As such, the DPA was unable to obtain his medical records.

The named officers denied the allegation of unnecessary force, stating the amount of force used was reasonable and necessary to remove the complainant from the vehicle because the complainant was physically resisting them.

The first named officer stated he and his partner observed a vehicle parked in a designated disabled parking space. The vehicle did not have a disabled placard or disabled license plate displayed, which is a violation of the California Vehicle Code. When the officers approached the vehicle, the complainant was asked to roll down the window and when he did so, the officers could smell the odor of marijuana come from the car. The officers decided to detain the complainant to conduct a marijuana investigation. The complainant verbally and physically refused to comply with the officers' orders to exit the vehicle and the officer had to physically remove the complainant from the vehicle. One officer stated an immediate use of force was required in order to get the complainant handcuffed for their safety and his.

Video footage from the complainant's cell phone captured 2 minutes 34 seconds of the contact. The video shows the complainant delaying the investigation. The first named officer told the complainant he could smell marijuana and asked him at least 11 times to step out of the car. The complainant refused to comply with the officer's order and continued to argue with the officer, further delaying the investigation. The officer reached into the vehicle and attempted to grab the complainant's right arm to remove him from the vehicle. The complainant is observed actively resisting the officer and the complainant is heard yelling that the officer is hurting him.

During the struggle with the complainant, one officer sustained a cut to her left ring finger, another officer sustained an abrasion to his upper right lip and a third officer sustained a small puncture to his right ring finger.

A civilian witness corroborated the officers' version of the incident. The witness stated he noticed the passenger (complainant) and one of the officers interacting. The police officer was trying to get an ID or

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SUMMARY OF ALLEGATIONS #1 – 4 (continued): license or some sort of ID from the passenger and the passenger had his phone on and was recording the contact. He heard the passenger say to the officer – “Why, why do want my ID?” The passenger was not cooperating with the officer. The officer kept repeating 10 or 15 times, “Get out of the car. I need some ID.” The witness stated the passenger got out and the officer walked towards him and the passenger gave the officer like a stiff arm and once the passenger touched the cop, they got into a scuffle. Another officer arrived just before they got into a scuffle. Two officers secured the complainant and put him in handcuffs.

The witness stated he thought the force used by the officers was reasonable under the circumstances. The witness stated he did not see the officers punch or hit the complainant. He saw the officers tackle the complainant, place his arms behind his back and handcuff the complainant.

Department records show that the named officers reported their use of force to their supervisor, and the supervisor made the entry into the Use of Force Log, as required.

SFPD General Order 5.01, Use of Force, states, in part: “officers may use force during the performance of their duties...to effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.”

The video footage did not provide any evidence of unnecessary force being used on the complainant. The evidence established that the named officers acted reasonably and the physical control used by the officers was necessary to affect the detention and arrest of the complainant.

The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 3 of 7

SUMMARY OF ALLEGATIONS #5 - 6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. He stated that he and his brother were parked in a car in a handicapped parking space when officers approached their vehicle.

The named officers stated they initially detained the complainant for violation of California Vehicle Code section 22507.8 – Parking in spaces designated for disabled persons. The vehicle did not have a disabled placard. After they approached the vehicle and the complainant rolled down the window, they could smell marijuana coming from the car, providing the officers reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #7 - 8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause.

The named officers stated the complainant was initially detained for a vehicle code violation that escalated into a marijuana investigation. The complainant verbally and physically resisted the officers' attempts to detain him and he was subsequently arrested for felony resisting. The complainant was also charged with possession of marijuana and having prescription pills without a valid prescription. Both officers stated they smelled marijuana coming from the vehicle. The complainant told the officers he had a medical marijuana card but he never produced it to the officers, nor was a card found when he was searched. During the arrest search, an officer found a plastic container of marijuana in his right front sweatshirt pocket.

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

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DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 4 of 7

SUMMARY OF ALLEGATIONS #9: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him without justification.

As previously stated above, the officers had reasonable suspicion to detain the complainant. In addition, the evidence established that the officers had probable cause to arrest the complainant. As such, the handcuffing was proper.

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

SUMMARY OF ALLEGATIONS #10 - 11: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the officers engaged in biased policing due to race. He stated he felt he was being discriminated against because he is a Latino male.

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. The officers denied they engaged in any action due to the race of the complainant. The officers stated they observed two white males sitting in a vehicle that was parked in the handicapped zone and the vehicle did not have a disabled parking placard or license plate displayed. The vehicle was also missing the front license plate. Once the complainant rolled down the window and they smelled marijuana, the contact escalated to an investigative detention for the marijuana violation.

SFPD General Order 5.17, Policy Prohibiting Biased Policing, states, "Investigative detentions, traffic stops, arrests, searches and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment to the U.S. Constitution."

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SUMMARY OF ALLEGATIONS #10 – 11 (continued): In the video recording, the named officers are heard telling the complainant and his brother about the traffic infractions. The officers are very clear about the reasons for the contact – smoking marijuana in the car, no front license plate, parked in a handicapped space without a disabled placard or license plate.

Department records show that one of the named officers is Hispanic.

There is no evidence to indicate that the initial detention and subsequent investigation was based on the complainant's race, but rather the stated traffic code, vehicle code and Health and Safety codes.

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

SUMMARY OF ALLEGATIONS #12 - 13: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers behaved inappropriately and made inappropriate comments.

The complainant stated that when the first named officer approached the vehicle, the officer was slowly grabbing his knuckles and cracking them when he approached his vehicle.

The named officer denied the allegation.

The identity of the other alleged officer could not be established.

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

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DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 6 of 7

SUMMARY OF ALLEGATIONS #14 - 15: The officers searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched the vehicle without cause.

The named officers stated there was probable cause to search the vehicle incident to the complainant's arrest.

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

SUMMARY OF ALLEGATIONS #16 - 17: The officers searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched his belongings.

The named officers stated they searched the complainant's wallet looking for a medical marijuana card because the complainant told them he had a card in his wallet. The card could not be located.

Officers are permitted to search a person's personal property incident to an arrest.

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

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SUMMARY OF ALLEGATIONS #18: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued a citation without cause.

The named officer stated there was probable cause to issue the citation because the vehicle was parked in a handicapped spot and there was no placard or disabled license plate displayed. The officer stated he observed the vehicle parked in a disabled space with a blue painted icon.

Photographs taken at the scene and booked as evidence show the vehicle parked in a designated disabled space, which is clearly marked and painted in blue.

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

SUMMARY OF ALLEGATION #19: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated unknown officers used profanity during the contact.

All of the involved officers were interviewed and denied using any profanity.

The identity of the alleged officers could not be established.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/15 **DATE OF COMPLETION:** 07/27/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated he jumped over a police barricade while attempting to rejoin his group. The complainant stated that just as he did so, a fight broke out between some individuals and the police near his location. The complainant stated the police pushed a man involved in the fight, which caused the complainant to fall onto the ground. The complainant stated when he got up to leave, another officer detained and handcuffed him. The complainant stated he told officers that he was not involved in the fight between the other men and the other officer. The complainant stated that he told the named officer that his right leg was injured and that he was in pain from the fall caused by the officer's actions. The complainant stated the named officer did not provide him with medical assistance while he was detained. The complainant stated the officer released him and issued him a Certificate of Release. The complainant stated the next morning he went to the local hospital for medical care. The complainant failed to respond to requests for additional evidence, specifically a waiver allowing review of medical records regarding his injury.

The named officer stated the complainant did not have visible injuries. The named officer stated that neither the complainant nor anyone else complained of pain, injuries or requested medical aid at the scene.

A witness officer denied that the complainant was injured, complained of pain or made a request for medical assistance at the scene.

The complainant's witnesses stated the complainant told the named officer that he incurred hip pain and that the named officer did not provide medical assistance.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In a written statement, the complainant said that she cashed in a lottery ticket worth \$15 at a bodega and in return purchased three \$3 lottery tickets and two food items. She stated that the cashier never gave her the lottery tickets. She stated that when she demanded the tickets, the cashier told her, "You're not getting anything." She said that the cashier told police the complainant had said that she wanted to kill a white man that day, which she denied. She stated the police then arrested her without cause. The complainant did not respond to multiple requests for an interview.

Surveillance video from the bodega shows the complainant arguing with the cashier (the video has no sound). As the argument progresses, the complainant produces a taser from her pocket and appears to stun a customer. The video then shows the complainant twice lunging across the counter with the taser in her hand and attempting to stun the cashier. Police then arrive and arrest the complainant.

Records from the Department of Emergency Management indicate that the call was for an alleged assault with a deadly weapon. The records included comments indicating that the dispatcher was able to hear a taser being activated. The incident report documenting the complainant's arrest shows that the officers charged the complainant with assault with a deadly weapon.

Court records show that, two days after this incident, the cashier and the customer who the complainant attacked successfully obtained a criminal protective order against her. Under the terms of the order, the complainant is mandated to stay 150 yards away from them for three years. Court records also indicate that the complainant pleaded guilty to assault with a stun gun and was sentenced to three years probation and 58 days in county jail.

The evidence established that the named officers had probable cause to arrest the complainant.

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

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DATE OF COMPLAINT: 08/04/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was cited for running a stop sign, which she denied.

The complainant's passenger stated that they were told they were stopped for failing to yield the right-of-way.

The named officer stated he cited the complainant after witnessing the violation.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer listed the wrong location of the alleged violation on the citation.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error cause harm to the complainant or others).

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

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DATE OF COMPLAINT: 08/04/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer was discourteous and disrespectful.

The complainant's passenger stated only that the named officer failed to explain the nature of the violation until he was asked to do so.

The named officer denied being discourteous or disrespectful and stated that it was the complainant that was discourteous and who repeatedly interrupted him, making it difficult for him to explain the nature of the violation.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 08/08/16 **DATE OF COMPLETION:** 07/21/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that four officers, dressed in brown and beige army fatigue uniforms wearing bulletproof vests, pulled up to his location in a white unmarked Ford Crown Victoria. He stated the officers asked him why he was not wearing a concert wristband. The complainant told the officers he was not attending the concert and was on the public street. The complainant stated he really did not know if the officers were SFPD officers, the federal government or a SWAT team. He stated his girlfriend was present but the complainant refused to provide DPA with his girlfriend's contact information. The complainant provided DPA with a California license plate of the Ford sedan. The complainant stated two of the officers were White and the other two officers were Asian.

An Officer Identification Poll was sent to the district station with negative results. Two SFPD special units were queried with negative results. Two allied agencies and a security company were also contacted with negative results. There was no record on file matching the California license plate of the white sedan with SFPD, the allied agencies nor the security company. In addition, a query search was conducted of the sector, with no records of activity matching the incident.

The identity of the alleged officers could not be established.

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

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

FINDINGS OF FACT: The complainant stated one of the officers got kind of mad and kept grabbing his gun. The complainant stated that same officer took his gun out of his holster, though he did not point his gun at the complainant.

The identity of the alleged officer could not be established.

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DATE OF COMPLAINT: 08/08/16 **DATE OF COMPLETION:** 07/21/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the Asian officers mocked him by asking what he was going to do about being detained. The complainant stated one of the Asian officers yelled at him.

The identity of the alleged officers could not be established.

SUMMARY OF ALLEGATION #4: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant identified himself as an African American male and stated that his girlfriend is Asian. The complainant stated the two Asian officers were making a big deal about him bringing his girlfriend something to eat. The complainant stated he believes the officers detaining him on the public street about a wristband for a concert was racially motivated.

The identity of the alleged officers could not be established.

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DATE OF COMPLAINT: 08/10/16 **DATE OF COMPLETION:** 07/26/17 **PAGE#** 1 of 2

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 was a caretaker for her employer's ill sister and elderly father. She stated that in lieu of money, she and her employer verbally agreed that the complainant could live rent-free in her employer's sister's apartment. The complainant stated that her employer terminated her employment and subsequently told her to move out of the apartment. She stated her employer called SFPD and reported that she was trespassing. The complainant stated that she did not have any proof of tenancy, but the named officer could have interviewed other residents in the apartment to corroborate the complainant's claim that she had lived in the apartment for over 30 days. She stated the named officer took her employer's word over hers and put her out of the apartment.

The named officer denied the allegation. The named officer stated he obtained statements from the complainant and her employer. The named officer stated that he asked the complainant for any indicia or evidence that proved her tenancy, and the complainant could not provide any.

The backup officers stated that they had no independent recollection of the incident.

No other witnesses were identified.

SFPD records show that the named officer took reasonable investigative steps to determine if a crime had been committed.

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

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

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

FINDINGS OF FACT: The complainant stated that she lived in the apartment for over 30 days and that the named officer illegally evicted her. She stated the named officer told her that she was trespassing and ordered her out of the apartment.

The named officer denied the allegation. The named officer stated the complainant was unable to provide any indicia that corroborated her statement. The named officer stated he did not ask or order the complainant to leave the apartment. The named officer stated the complainant picked up her bag and abruptly left the apartment.

The backup officers stated that they had no independent recollection of the incident.

No other witnesses were identified.

SFPD Records show that the complainant's employer signed a Citizen's Arrest form against the complainant for trespassing. Records show that the named officer prepared an incident report as required.

DGO 5.04 requires that an officer accept a citizen's arrest if there is probable cause to believe a crime had been committed and the victim signs a Citizen's Arrest form.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to take required action in their investigation of the incident.

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

FINDINGS OF FACT: The complainant, whose son wrote the complaint on her behalf, is a 73-year-old woman with Alzheimer's dementia who lives in an assisted care facility. She is deaf and also cannot speak (dementia-related aphasia.) Her son and caregivers at the residential facility communicate with her primarily through simple written notes.

A resident from the residential facility called 911 and said she had been attacked by another resident. When the named officers arrived, one officer interviewed the victim who said she had sat down in an unoccupied chair and the complainant had grabbed her wrist and attempted to pull her out of the chair. The victim said that the complainant had also removed the victim's shoe and hit the victim on her head.

One of the named officers interviewed a nurse who confirmed the complainant had tried to remove the victim from the chair the complainant had previously been sitting in. The nurse denied that the victim had been hit on the head. One of the named officers attempted to interview the complainant and could not because of the complainant's inability to communicate.

Proper investigation and assessment required effective communication with the complainant in light of her medical condition and cognitive disabilities. (See Title II of the American with Disabilities Act (ADA), 42 U.S.C. 12131-12134.) The named officers stated that they believed that the complainant could read lips. One of the named officers stated that, because the complainant does not know or use sign language, she thought the complainant was hard of hearing as opposed to deaf. The named officers also said that staff never said that the complainant could not understand spoken language, and in fact informed them that they spoke slowly face to face in addition to writing simple notes. One of the officers stated she wrote a note to the complainant about moving her. They further said that the complainant appeared to understand and respond to what they were saying verbally.

A witness officer stated that the named officers were attempting to communicate with the complainant verbally. Another witness officer stated that the complainant appeared to understand because she responded angrily when told she would be transported to the hospital.

Witnesses stated that the officers were told they had to write everything down for the complainant, but they ignored these instructions. The manner in which the officers communicated with complainant was problematic and served to escalate rather than de-escalate the situation in light of the complainant's dementia, deafness and aphasia.

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SUMMARY OF ALLEGATIONS #1-2 continued: Although the incident report states that several other residents approached the officers with accounts of prior incidents of aggression by the complainant, the officers did not obtain to get the residents' names or the details of their accounts. They also failed to interview the complainant's son, who had arrived at the scene, or any of the facility's staff members with the exception of one nurse.

One named officer stated that she did not get any details from residents regarding their accounts of prior aggressive incidents involving the complainant because they were not interested in providing this information.

One named officer said that the reason why she did not interview other staff members at the scene is because the named officer was in training and in charge of conducting the interviews. The other named officer stated that she only interviewed one staff member because she believed he was the best witness, and other staff members would not be able to tell her any additional information. Facility staff had information relevant to the complainant's medical condition and history that was relevant to assessing whether it was appropriate to remove the complainant from the residential treatment facility or whether other alternatives were available in light of the complainant's vulnerable and fragile condition.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action in their investigation of the incident.

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

FINDINGS OF FACT: The named officers responded thirty minutes later as backup to a call regarding a battery at a residential care facility. They stated that by the time they arrived at the residential facility, the primary officers had nearly completed their investigation. They stated that they arrived at the scene with the intention of observing and providing security if needed. They stated that they did not interview anyone at the facility, but they added that they were not there to conduct any further investigation unless they were asked to by the primary officers on the scene.

The evidence proved that the alleged acts occurred; however, the acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #5: The officer failed to take required action when she wrote an incomplete incident report.

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

FINDINGS OF FACT: The named officer prepared the incident report in this matter. It includes that the complainant has dementia and is deaf but does not state she cannot speak. It does not document how the officers communicated with the complainant, including the Welfare and Institution Code §5150 advisement. The incident report should have documented the manner in which the officers communicated with the complainant.

The named officer's report identifies and includes a statement from one nurse despite numerous residents and staff in the lobby where the incident occurred. The report refers to several residents of the facility who approached the named officer about previous assaults by the complainant. However, the report includes neither the names of these witnesses nor any details of the past incidents.

The named officer stated the nurse she interviewed was the only one who was willing to speak with her. She stated that the other staff members were uncooperative and distressed that officers were present at the facility. She stated that these other staff members were trying to get officers to dismiss the incident and leave it to the facility to handle it themselves.

The SFPD Report Writing Manual instructs officers as follows:

“Preparing factual and thorough incident reports is one of the most important duties of a professional police officer.” (SFPD Report Writing Manual, Introduction).

“You are responsible for interviewing all involved parties, and including their statements in the initial report and investigation.” (SFPD Report Writing Manual §8, page 1.)

“To be complete, a narrative must include all known information about the incident, whether favorable to the prosecution or the defense....To be complete, a narrative must...[i]dentify all involved persons and describe their actions prior to, during and after the incident, [and]...[s]how compliance with...Department policies and procedures.” (SFPD Report Writing Manual, §10, page 1.)

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SUMMARY OF ALLEGATION #5 continued:

Additionally, the Report Writing Manual states:

“Statements are an important part of the investigative process. It gives the reporting party and/or suspect an opportunity to tell exactly what happened, from their perspective.” (SFPD Report Writing Manual §8, page 1.)

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

SUMMARY OF ALLEGATIONS #6-9: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she had not committed a crime and was not gravely disabled or a danger to herself or others as the result of a mental health disorder. The officers therefore wrongly detained her.

The named officers stated that the probable cause for taking the complainant into psychiatric detention was that she was a danger to others. The officers said they based this on the fact that the initial call for service was that the complainant had attacked someone, and witnesses corroborated this. Additionally, the officers stated that the complainant attempted to strike an unrelated party with a pillow at the scene and when an officer took the pillow from the complainant, she lunged at the officer. The officer stated that the complainant also displayed aggression when she learned that she was going to be taken to the hospital.

Department General Order 6.14 sets forth the procedures for dealing with psychologically distressed adults. It has not been updated since 1994. DGO 6.14 does not address adults with dementia living in a residential care facility. Although it states that an officer may detain an individual for psychiatric evaluation pursuant to §5150 only when the officer believes that, as a result of mental illness, an individual is a “danger to others,” it does not define a mental illness and does not define “a danger to others.”

The evaluating doctor at PES concluded that the complainant’s presentation was not consistent with psychiatric illness and that her behavioral outburst was due to difficulty with communication due to deafness as well as progressing dementia. One of the named officers also concluded that the altercation was the result of the complainant’s frustration about her inability to communicate and dementia.

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SUMMARY OF ALLEGATIONS #6-9 continued:

The Police Department's Subject Matter Expert (SME) stated that while for purposes of the DSM (Diagnostic and Statistical Manual of Mental Disorders), dementia falls under mental health, the psychiatric emergency unit is not really an appropriate place for individuals with dementia because they cannot offer individuals who have dementia any treatment there. The SME also noted that by removing individuals with dementia from the environment they are familiar with causes more distress and decompensation.

The current Department General Order 6.14 provides the officers two options—jail or psychiatric emergency services pursuant to a §5150 hold. DGO 6.14 did not instruct officers to obtain the assistance or information from residential staff, Adult Protective Services or Mobile Crisis Support or other Department of Public Health evaluators to assist in determining whether an individual poses a danger to others that requires immediate removal from the facility or can be addressed by additional services or in an alternative manner. The Department of Police Accountability recommends that the Chief of Police appoint a member of Command Staff to work with the DPA, stakeholders and subject matter experts to revise the Department's §5150 policies and procedures. The allegations of detention without justification are the result of a Policy Failure.

SUMMARY OF ALLEGATIONS #10-13: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated that officers used excessive force when they tightly handcuffed her, and the cuffs left red marks on her.

One named officer stated that handcuffing techniques are taught at the Academy, and these procedures are standard for all individuals. This officer added that consideration is taken for a party's age and frailty, as she stated was done here. She added that she delayed placing handcuffs on the complainant for as long as possible, and when she did eventually do so, the complainant's son assisted her.

Department General Order 6.14 sets forth the procedures for dealing with psychologically distressed adults. It has not been updated since 1994. DGO 6.14 does not address adults with dementia living in a residential care facility. Although it states that an officer may detain an individual for psychiatric evaluation pursuant to §5150 only when the officer believes that, as a result of mental illness, an individual is a "danger to others," it does not define a mental illness and does not define "a danger to

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SUMMARY OF ALLEGATIONS #10-13 continued:

others.” It does not provide for alternative restraint procedures and transportation methods that may be more appropriate for individuals with dementia or other disabilities.

The evaluating doctor at PES concluded that the complainant’s presentation was not consistent with psychiatric illness and that her behavioral outburst was due to difficulty with communication due to deafness as well as progressing dementia. One of the named officers also concluded that the altercation was the result of the complainant’s frustration about her inability to communicate and dementia.

The Police Department’s Subject Matter Expert (SME) stated that while for purposes of the DSM (Diagnostic and Statistical Manual of Mental Disorders), dementia falls under mental health, \the psychiatric emergency unit is not really an appropriate place for individuals with dementia because they cannot offer individuals who have dementia any treatment there. The SME also noted that by removing individuals with dementia from the environment they are familiar with causes more distress and decompensation.

The current Department General Order 6.14 provides the officers two options—jail or psychiatric emergency services pursuant to a §5150 hold. DGO 6.14 did not instruct officers to obtain the assistance or information from residential staff, Adult Protective Services or Mobile Crisis Support or other Department of Public Health evaluators to assist in determining whether an individual poses a danger to others that requires immediate removal from the facility or can be addressed by additional services or in an alternative manner. The Department of Police Accountability recommends that the Chief of Police appoint a member of Command Staff to work with the DPA, stakeholders and subject matter experts to revise the Department’s §5150 policies and procedures, including the manner in which individuals are restrained and transported during a §5150 detention. The allegations of unnecessary force while handcuffing are the result of a Policy Failure.

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SUMMARY OF ALLEGATIONS #14-17: The officers failed to comply with DGO 6.14.

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

FINDINGS OF FACT: The complainant stated that the officers violated DGO 6.14, Psychological Evaluation of Adults, when they proceeded to detain her under W&I §5150 (the provisions of which are mirrored in the DGO) as if her dementia were a mental illness or mental disorder. This statute is summarized in DGO 6.14, which provides, “If an individual has not committed a crime but is, as the 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.” One of the named officers told the complainant’s son that his mother was being detained under this order because she was a danger to others. The complainant’s son maintained (on her behalf) that his mother should never have been detained because dementia is not a mental illness, and his mother’s release from Psychiatric Emergency Services at SFGH the same evening illustrates this.

The named officers stated that the probable cause for taking the complainant into psychiatric detention was that she was a danger to others. The officers said they based this on the fact that the initial call for service was that the complainant had attacked someone, and witnesses corroborated this. Additionally, the officers stated that the complainant attempted to strike an unrelated party with a pillow at the scene and when an officer took the pillow from the complainant, she lunged at the officer. The officer stated that the complainant also displayed aggression when she learned that she was going to be taken to the hospital.

Department General Order 6.14 sets forth the procedures for dealing with psychologically distressed adults. It has not be updated since 1994. DGO 6.14 does not address adults with dementia living in a residential care facility. Although it states that an officer may detain an individual for psychiatric evaluation pursuant to §5150 only when the officer believes that, as a result of mental illness, an individual is a “danger to others,” it does not define a mental illness and does not define “a danger to others.”

The evaluating doctor at PES concluded that the complainant’s presentation was not consistent with psychiatric illness and that her behavioral outburst was due to difficulty with communication due to deafness as well as progressing dementia. One of the named officers also concluded that the altercation was the result of the complainant’s frustration about her inability to communicate and her Alzheimer’s and dementia.

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SUMMARY OF ALLEGATIONS #14-17 continued: The Police Department's Subject Matter Expert (SME) stated that while for purposes of the DSM (Diagnostic and Statistical Manual of Mental Disorders), dementia falls under mental health, \the psychiatric emergency unit is not really an appropriate place for individuals with dementia because they cannot offer individuals who have dementia any treatment there. The SME also noted that by removing individuals with dementia from the environment they are familiar with causes more distress and decompensation.

The current Department General Order 6.14 provides the officers two options—jail or psychiatric emergency services pursuant to a §5150 hold. DGO 6.14 did not instruct officers to obtain the assistance or information from residential staff, Adult Protective Services or Mobile Crisis Support or other Department of Public Health evaluators to assist in determining whether an individual poses a danger to others that requires immediate removal from the facility or can be addressed by additional services or in an alternative manner. The Department of Police Accountability recommends that the Chief of Police appoint a member of Command Staff to work with the DPA, stakeholders and subject matter experts to revise the Department's §5150 policies and procedures. The allegations of failure to comply with DGO 6.14 are the result of a Policy Failure.

SUMMARY OF ALLEGATIONS #18-21: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated that her son asked the named officers for business cards in order to obtain their names and star numbers. She said that no officers had them, but one officer handed her son a slip of paper with the incident report number and told him he could obtain all of their information from there.

Two of the named officers stated that they never heard the complainant's son request either a business card or their names and star numbers.

The third officer did not recall if the complainant's son asked for business cards, but she stated that he did ask for names and star numbers, as well as the incident report number. She stated that she provided him with her name and star number, and that another officer provided him with the incident report number.

A fourth officer said that the complainant's son asked her for her star number towards the end of the incident. She stated that she was in training and did not have business cards, so she wrote down her last name and her star number on an SFPD follow-up sheet and handed it to him. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #22: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant's son requested a copy of the report from this incident. He said that marked his request for "immediate disclosure" under the Sunshine Ordinance and submitted it on August 1, 2016. He received a copy of the report on August 9, 2016.

The named officer stated that the redaction policy for incident reports depends on the identity of the requestor. She noted that, per HIPAA, most medical information not related to the requestor is redacted, as is anything CLETS related. She said that when she first received the complainant's request, she went to SFPD Legal with the legal documents attached to the request and spoke to an attorney to determine if they gave the complainant's son the right to her medical information contained in the incident report. The attorney informed her that the report could be released to the complainant's son with the same redactions that would be present if the complainant herself had made the request. The attorney stated that information such as the victim's name and injuries could not be released. The named officer said that she sent the report to the complainant's son after she made these redactions.

The evidence proved that the alleged acts occurred; however, the acts were justified, lawful, and proper.

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SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The named officer reviewed and approved the incident report in this matter.

The incident report includes that the complainant has dementia and is deaf but does not state that the complainant cannot speak. It does not document how the officers communicated with the complainant, including the Welfare and Institution Code §5150 advisement. The report refers to several residents of the facility who approached the named officer about previous assaults by the complainant. However, the report includes neither the names of these witnesses nor any details of the past incidents.

The named officer said that the role of the reviewing officer on a police report is to ensure that SFPD policy is followed. The reviewing officer must also be certain that the elements of any crimes alleged are included in the report, and check for proper format, structure, and grammar. He stated that in this instance he believed the officers were communicating with the complainants via written notes, and that the complainant understood spoken conversation from her son and some of the facility staff members. He then acknowledged that this information was not in the incident report.

Documenting the complainant's inability to speak, the manner in which the officers communicated with her, and specific witness contact information and details are components of an accurate and complete incident report.

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

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

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

FINDINGS OF FACT: The complainant had a physical altercation with a male store employee whom the complainant said had been calling her names. The complainant stated that she told the employee that he was a bad person and that she was tired of him calling her names. The complainant stated that as she walked away, the employee grabbed her from behind and shoved her into the store's glass window, breaking it. The complainant stated that the employee held her down to the ground and called 911. The complainant alleged that the named officers refused to take her statement, did not believe that the employee had attacked her and refused to arrest him.

One of the named officers stated that he spoke with both parties and three other witnesses during his investigation. The named officer stated he took the complainant's statement and offered her an arrest form that she refused to sign. The named officer stated that the complainant had no injuries consistent with the type of assault that she alleged.

The other named officer stated that his partner interviewed the complainant.

A witness officer stated that he and other officers listened to the complainant. The officer stated that based on the other party's statement and those of witnesses, as well as the complainant's erratic behavior and lack of apparent physical injury, they found the other party to be more believable. Another officer present at the scene stated that the named officers interviewed all parties and witnesses.

A civilian who was able to witness the incident stated that the officers talked to both parties.

The complainant's medical records do not show that she suffered serious injuries.

Department records show the named officers responded to the scene and conducted an investigation. The incident report contains the complainant's detailed statement, as well as statements from the other party and a witness. The officers also attempted to locate surveillance cameras with negative results.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/16 **DATE OF COMPLETION:** 07/14/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3: The officer behaved and/or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer forced her to sign a citation and made threats to arrest her if she refused to sign the document.

The named officer stated the complainant refused to sign the citation, so he advised her that signing the citation was not an admission of guilt but a promise to appear in court. The officer stated he advised the complainant that if she refused to sign the citation, she would be transported to a county jail. The officer stated a sergeant present at the scene gave similar advise to the complainant.

SFPD General Order 5.06, Citation Release, states that, "If a person is arrested for a misdemeanor offense(s), he/she shall be subject to custodial arrest rather the citation release when any of the following condition exists ... The person refuses to sign the citation ..."

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

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the day after the incident, she went to a police station and spoke with the named officer about filing a report. The complainant stated the named officer refused to take her report.

The named officer stated the complainant never asked for a report.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/16 **DATE OF COMPLETION:** 07/14/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5: The officer failed to take a DPA complaint.

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

FINDINGS OF FACT: The complainant stated the named officer refused to take her complaint against officers. The complainant stated the named officer gave her a DPA complaint form and told her to go to DPA to make a complaint.

The named officer denied the allegation, stating that he offered the complainant several options. The named officer stated he told the complainant he could take her complaint and offered her a DPA complaint form. The officer stated he offered to fill out the DPA form and told the complainant that she could also take the form with her. The officer stated the complainant did not respond to any of the options.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer failed to take a DPA complaint.

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

FINDINGS OF FACT: The complainant stated that the day after the incident, she called a police station and spoke with the named officer about filing a complaint against investigating officers. The complainant stated the named officer refused to take her complaint and told her to proceed to the station to make her complaint.

The named officer acknowledged that the complainant wanted to file a complaint. He admitted not taking her complaint over the phone and advising her to proceed to the station to make her complaint. The named officer acknowledged not filling out a DPA complaint form or referring the matter to a senior-ranking officer. The named officer acknowledged making a mistake and said that he thought he did not have to take the complaint over the phone.

To his credit, the named officer admitted not taking the complainant's complaint over the phone, in violation of DGO 2.04, Citizen Complaints Against Officers. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATIONS #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to take a police report.

The named officer stated he could not recall the complainant saying that she wanted to file such a report.

The evidence established that a report had already been prepared by the responding officers. As such, there is no requirement for the named officer to prepare another report regarding the same incident.

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

SUMMARY OF ALLEGATION #8: The officer behaved and/or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer accused her of being the aggressor as well as the individual who broke the storefront window.

The officer denied the allegation, stating that he never accused the complainant of anything.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: This complaint has already been investigated in 2014.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: This complaint has already been investigated in 2014.

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 08/16/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: This complaint has already been investigated in 2014.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS 1-3: The officers entered the complainant's building without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered his apartment building and went to his door and began to question him about the whereabouts of his father, who had been identified as a suspect in an attempted homicide investigation.

Department records showed that the named officers entered the complainant's apartment building in an attempt to apprehend the complainant's father, who had an arrest warrant. The evidence showed that the officers remained in the hallway, a common area where there is no expectation of privacy, while questioning the complainant about his father's whereabouts.

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

SUMMARY OF ALLEGATIONS 4-7: The officers made inappropriate comments and engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the officers behaved inappropriately, making threatening comments.

Department records showed that the named officers were looking for the complainant's father, who had been identified as a suspect in a homicide investigation, and that an arrest warrant had been issued for the complainant's father's arrest. Three of the named officers responded to the complainant's home and questioned the complainant regarding his father's whereabouts. Part of the complainant's contact with the officers was captured on video. The video evidence failed to show any evidence of the officers behaving inappropriately. The fourth named officer contacted the complainant by phone in the course of his investigation.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION 8: The officer arrested the complainant's father without cause.

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

FINDINGS OF FACT: The complainant stated that the officer arrested his father without cause.

Department records showed that the complainant's father was arrested on a warrant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/16 **DATE OF COMPLETION:** 07/27/17 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he drove up to a local restaurant, parked very close to the restaurant, and dined alone. When he finished eating, the complainant stated he greeted and only spoke to two acquaintances on the street outside the restaurant. The complainant denied having physical contact with either of the parties. The complainant stated the named officer arrived in a marked patrol car and searched his person without probable cause. He said the officer found a prescription bottle containing “Norco.” The complainant stated he had a prescription for “Norco” following an ankle injury and denied engaging in a narcotics sales transaction.

The named officer stated he observed two suspects standing in front of a particular address. The officer stated a black four-door vehicle driven by the complainant had arrived earlier and parked near the address. The named officer stated he had a continuous line of sight on the complainant and saw him loiter on foot in front of the same address as the two suspects. One suspect handed the complainant currency and the complainant provided the suspect with a pill from a pill bottle in his pants pocket. The named officer detained the complainant, searched him and found narcotics among a mix of other prescription pills in a pill bottle of the complainant’s pants pocket.

The named officer’s partner corroborated the named officer’s account of what occurred.

The complainant admitted to DPA that he had an interdicted substance in his possession. The complainant described the suspects by their street names and admitted he did not know them. The complainant failed to provide the DPA with a medical release authorizing the verification of his prescription history. The named officer’s description of what occurred reflected contemporaneous, specific observations of a hand to hand transaction in a stream of continuous observations, including the complainant’s car, arrival time, and the description of the suspects’ actions, leading the named officer to reasonably conclude the complainant was holding contraband.

The DPA investigation established that the named officer was credible.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/16 **DATE OF COMPLETION:** 07/27/17 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #2: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the named officer arrived in a marked patrol car. The complainant stated the officer searched his person and found a prescription bottle containing narcotics. The complainant stated he had a prescription for the narcotics following an ankle injury and denied selling the drug. The complainant stated the two strangers got into a physical altercation with other officers on scene. He stated that the named officer tried to blame the altercation on him.

The named officer stated he observed two suspects standing in front of a particular address. The officer stated a black four-door vehicle driven by the complainant had arrived earlier and parked. The named officer stated he had a continuous line of sight on the complainant and saw him loiter on foot in front of the same address as the two suspects. One suspect handed the complainant currency and the complainant provided the suspect with a pill from a pill bottle in his pants pocket. The named officer detained, then searched the complainant and found narcotics among a mix of other prescription pills in the same pill bottle during his search of the complainant's pants pocket.

The complainant admitted to DPA that he had an interdicted substance in his possession. The complainant described the suspects by their street names and admitted he did not know them. The complainant failed to provide the DPA with a medical release authorizing the verification of his prescription history. The named officer's description of what occurred reflected contemporaneous, specific observations of a hand to hand transaction in a stream of continuous observations, including the complainant's car, arrival time, and the description of the suspects' actions, leading the named officer to reasonably conclude the complainant was holding contraband.

The DPA investigation established that the officer's statements and other forms of evidence were considered more credible.

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

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COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATIONS #3-4: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officers harassed him by stopping him, asking what was going on and searching him. The complainant did not provide the DPA with specifics about the dates and times and locations of the alleged contacts and search. The complainant stated, in effect, he spoke to the officers in a consensual contact on at least one of the occasions.

One of the named officers stated the complainant had a stay away order and was subject to arrest when he contacted the complainant in the past.

Documentary records indicate that the complainant had a court imposed stay away order from a specific area; however, the order was issued after the arrest complained of.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer searched the complainant's vehicle following the complainant's narcotics arrest for sales. The complainant was not in his car at the time and stood at least 10-15 feet away from his vehicle, which was legally parked. In his incident report, the named officer failed to articulate the probable cause for searching the complainant's vehicle.

The named officer stated the complainant's vehicle was parked near the scene of the complainant's arrest, but he did not write where the car was parked. The officer used the complainant's key fob to unlock the car and searched it for narcotics, with negative results. The named officer also referred to potential video evidence that was reviewed by his partner, but the officer's partner did not describe the referenced video.

Department General Order 3.01, *Written Communications*, requires all officers to adhere to relevant and applicable manuals and Department Bulletins (DBs). DB 16-125 states:

The San Francisco Police Department expects professional incident reports from its members, sworn and non-sworn. Thorough investigation(s) memorialized in well-prepared incident reports are essential to follow-up investigations and eventual prosecution. Officers...are responsible for preparing incident reports that are complete and accurate when memorializing an incident. A properly completed incident report creates the foundation for any further legal action.

...

The following is a list of common errors which could undermine officer credibility and potential prosecution:

- Reasonable suspicion or probable cause not articulated in narrative
- Exhaustive canvassing for evidence (video) not completed/noted and/or proper documentation of BWC
- Evidence missing/not listed and/or failing to articulate chain of custody for evidence

The named officer may have had probable cause to believe that evidence of the complainant's alleged criminal acts existed in his parked vehicle. Regardless of whether or not narcotics were found in the complainant's vehicle, the officer was required to document his probable cause for searching the complainant's vehicle in the narrative of his incident report. Furthermore, the officer's failure to eliminate a careless mistake regarding the existence or non-existence of video evidence gave the appearance of missing or unlisted evidence. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The named officer was a supervisor who reviewed another officer's flawed incident report. The flawed incident report failed to articulate the probable cause for searching a suspect's vehicle following the suspect's arrest for narcotics on his person. The suspect was arrested on the sidewalk on the same block as his vehicle, but it was unclear from the report exactly where the suspect was arrested in relation to his vehicle. The named officer read and reviewed his subordinate's report. The named officer stated both he and his subordinate knew the applicable case law and claimed it was unnecessary for his subordinate to document the probable cause for the search of the complainant's vehicle in the incident report because "it was allowed by law and procedure." The named officer further stated he would not have returned the report for remediation.

Department General Order (DGO) 1.04, Duties of Sergeants, requires sergeants to review their subordinates' reports for appropriateness and completeness. DGO 3.01, *Written Communications*, requires all officers to adhere to relevant and applicable manuals and Department Bulletins (DBs). DB 16-125 states:

Officers...are responsible for preparing incident reports that are complete and accurate when memorializing an incident. A properly completed incident report creates the foundation for any further legal action.

...

The following is a list of common errors which could undermine officer credibility and potential prosecution:

- Reasonable suspicion or probable cause not articulated in narrative

The named officer's conclusions of law were contrary to Department Policies and Procedures. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINANT/LAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/16 **DATE OF COMPLAINT:** 07/27/17 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that she asked her sister to call the police and have them respond to her home because her former boyfriend, who is the father of her two children, was at her home in violation of a restraining order. The complainant stated the named officer initially refused to arrest her ex-boyfriend and said he would only remove him from her own residence.

The named officer stated he told the complainant that he would need to confirm the restraining order. He denied telling the complainant that he would remove her former boyfriend from her home but would not arrest him.

The evidence established that the named officer's partner ran a computer check on the complainant's former boyfriend, which indicated that he had several restraining orders barring him from coming within 150 yards of the complainant or her home. The evidence established that the named officer and his partner had the complainant's boyfriend transported to the police station. The officers arrested the former boyfriend for violating the restraining orders and he was transported to the county jail.

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

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

FINDINGS OF FACT: The complainant stated the police responded to her home to investigate her former boyfriend's restraining order violation. The complainant stated that the named officer made an inappropriate statement about being sick and tired of coming to her home and threatened to arrest her for violating the restraining order by allowing her former boyfriend to enter her home.

The named officer denied making any statements of being frustrated about having to respond to the complainant's home. He stated that he did not recall previously responding to her home or being aware of other officers responding to the complainant's home. The named officer stated that he told the complainant that she was violating the restraining order, but said he did not recall telling her that she could be arrested. The named officer denied telling the complainant that he was sick and tired of coming to her home.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINANT LAIN SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/16 **DATE OF COMPLAINT:** 07/27/17 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #1 continued: The named officer's partner stated that he did not recall the named officer telling the complainant that she might be subject to arrest or saying that he was sick and tired of coming to her home. He stated that he did not recall the named officer indicating that he was aware of prior police responses to the complainant's home.

SFPD and San Francisco Superior Court records established that at the time of this incident, there were three active restraining orders prohibiting the complainant's former boyfriend from coming within 150 yards of the complainant or her home. The records established that all three orders had been served on the complainant's former boyfriend and entered into the SFPD computer system and the Central Warrants Bureau.

SFPD and Department of Emergency Management records established that the complainant had called 911 and filed police reports multiple times in the seven months preceding this incident about her former boyfriend violating the restraining orders. These records established that on several occasions, the complainant told responding officers that she had allowed her former boyfriend inside her home. These records established that the named officer responded to 911 calls from the complainant in the three months preceding this incident.

The complainant's credibility regarding her claim that the named officer threatened to arrest her is enhanced because: Her sister stated that the named officer told her the complainant was violating the restraining order "as much as" her former boyfriend was; The complainant's sister stated that the complainant told her the officers threatened to arrest her for letting her former boyfriend into her home; The complainant's father stated that the named officer told him that the next time the complainant allowed her former boyfriend into her home and called the police, she would be arrested;

The named officer's credibility is diminished because he stated that the complainant told him that she only wanted her former boyfriend removed from her home, and not that she wanted him arrested. This is contradicted by: The complainant's former boyfriend, who stated that the complainant told the officers she wanted him arrested; DEM Communications records, which document a 911 call made by the former boyfriend's Probation Officer in response to a phone call from the complainant about officers refusing to arrest the former boyfriend; the statement of the Probation Officer; A police report filed by the complainant two days before this incident about her former boyfriend repeatedly violating the restraining order by coming to her workplace, which buttresses the complainant's statements that she wanted police to come to her home and arrest her former boyfriend to stop his visits to her workplace.

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COMPLAINANT/LAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/16 **DATE OF COMPLAINT:** 07/27/17 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #1 continued: The named officer's credibility is also diminished because he stated that he did not recall previously responding to the complainant's home or being aware of previous calls for service at that address. This is contradicted by: The complainant's father, who stated that the named officer told him that he had been to the complainant's home before; The complainant's sister, who stated that the named officer told her that he had previously been to the complainant's home multiple times; the complainant's former boyfriend, who stated that the named officer told him that officers had been called to the complainant's home several times before; SFPD Dispatch records, which indicate that the named officer responded to the complainant's calls twice in the three months preceding this incident.

The evidence described above provides a preponderance of the evidence that the named officer threatened to arrest the complainant without justification, and made inappropriate remarks regarding the complainant's calls to police to enforce a restraining order against her former boyfriend.

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

SUMMARY OF ALLEGATIONS #3: The officer failed to prepare an accurate incident report.

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

FINDINGS OF FACT: The complainant stated the named officer failed to prepare an accurate incident report. She stated that certain statements in the narrative section of the incident report inaccurately reflect or misrepresent her statements to him.

The named officer denied the allegation. The named officer stated that he took minimal notes during his interview with the complainant. The officer failed to provide the DPA with copies of his notes.

There is insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINANT/LAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/16 **DATE OF COMPLAINT:** 07/27/17 **PAGE#** 4 of 4

SUMMARY OF DPA ADDED ALLEGATIONS #1: The officer failed to follow proper procedures.

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

FINDINGS OF FACT: The evidence established that the named officer included an irrelevant and inappropriate statement in his incident report narrative that was in conflict with state law regarding enforcement of restraining orders, with POST Learning Domain 25 – Domestic Violence, and with the SFPD Report Writing Manual.

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

SUMMARY DPA ADDED OF ALLEGATIONS #2: The sergeant failed to properly supervise.

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

FINDINGS OF FACT: The evidence established that the named officer, a sergeant, reviewed and approved an incident report written by a subordinate officer that included an irrelevant and inappropriate statement that was in conflict with state law regarding enforcement of restraining orders, with POST Learning Domain 25 – Domestic Violence, the SFPD Report Writing Manual and DGO 1.04 regarding duties of Sergeants. The named officer therefore, failed to properly supervise the preparation of his subordinate's incident report.

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

**0DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/16 **DATE OF COMPLETION:** 07/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that someone smashed the rear window of his rental car while he was out to dinner with his wife. A man standing near the car described seeing three people smash the window approximately 20 minutes earlier. The complainant called for police assistance and was instructed to visit a nearby police station. The complainant encountered the named officer on his way to the police station. The complainant said that he described the three individuals who smashed his window, but the officer said there was nothing he could do. The complainant stated that the named officer refused to file a report, explaining that due to Proposition 47, he could only take a report if there was \$900 or more of damage. The complainant stated that the named officer told him to visit a police station to file a report.

The named officer stated that he was responding to a theft call when the complainant approached him about his broken car window. The named officer said that he offered to put in a call to Dispatch regarding the incident and also suggested that the complainant could go around the corner to the police station to file an incident report. The named officer said that he mentioned Proposition 47 as a cause for the increase in vehicle break-ins, not as the reason he was unable to take an incident report. The named officer said that he spoke with the potential witness, who stated that he saw three men standing around the complainant's car but did not see anyone break into the car.

Department of Emergency Management records indicated that the named officer was in the middle of a petty theft investigation at the time he encountered the complainant. Records also indicated that the complainant contacted the named officer 0.1 mile from a police station.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained pursuant to W&I Code §5150 without justification. The complainant stated he called another police department and talked with a dispatcher three times that day because he read a newspaper article about a month prior regarding an officer charged with raping five women. The complainant stated he was irate but made no threats.

Evidence established that another police agency's dispatcher called SFPD Dispatch to report they had received several calls from the complainant that he was an ex-military, had weapons and wanted to blow an officer's brains out. The other agency's dispatcher stated that the complainant might have a mental health issue and asked SFPD to conduct a well-being check.

The named officer, his partner, and eight assisting officers responded to this emergency well-being check. A sergeant at the scene recorded the complainant's detention with his body worn camera.

Video footage revealed that the complainant was cooperative, may have been under the influence of drugs or alcohol, repeated himself and at times provided answers that were non-responsive to the officers' questions. The complainant acknowledged calling the other police department though denied that he made any threats. Based on the nature of the threatening statements and the complainant's conduct, the complainant was taken into custody for a psychiatric evaluation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer did not lock his apartment door after detaining him and transporting him to psychiatric emergency services.

SFGH body worn camera video showed the named officer locking the complainant's door with the complainant's key before transporting him to psychiatric emergency services. .

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

SUMMARY OF ALLEGATIONS #3-6: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated officers entered and searched his residence without cause.

The named officers stated they responded to an emergency well-being request made by another law enforcement agency, which had received repeated threatening phone calls from the complainant stating, among other things, that he had weapons and wanted to blow the brains out of an officer.

A sergeant at the scene recorded the incident with his body worn camera. The body worn camera footage revealed that officers asked the complainant if anyone or any weapons were inside his apartment and he replied, "No." The four named officers entered the residence. In their DPA interrogatories, the named officers stated they entered the complainant's apartment due to the threatening nature of his phone calls to the other law enforcement agency. In his DPA interview, the sergeant wearing the body worn camera stated the officers went inside to conduct a protective sweep for weapons and possible victims.

The complainant's threats to shoot officers with a law enforcement agency and his claim that he had weapons provided probable cause and exigent circumstances to justify the warrantless entry into the complainant's home to search for possible victims and weapons. The officers' actions were proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 3 of 4

SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to prepare a complete and accurate incident report.

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

FINDINGS OF FACT: The named officer prepared the incident report in regards to this incident. The incident report did not state that officers entered and searched the complainant's residence. The incident report did not state that an officer, armed with an Extended Range Impact Weapon, assisted in taking the complainant into custody. The incident report did not identify the presence or actions of the officer with the Extended Range Impact Weapon and also failed to identify another officer at the scene.

The named officer stated that it was probable that two officers were at the scene and he mistakenly did not include them in his report. He also stated that the report should have included the details of the protective sweep, and that it was an oversight on his part.

The Report Writing Manual requires that the incident report provide an accurate and comprehensive narrative that identifies all involved persons, describes their actions prior to, during, and after the incident, details searches and shows compliance with the laws of arrest, search and seizure, along with Department policies and procedures. In mitigation, the named officer was a probationary officer at the time he wrote the report. His sergeant reviewed the report and did not advise him to include the entry and search of the complainant's apartment, the presence and actions of the officer who took the complainant into custody, and the presence of another officer at the scene.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/16 **DATE OF COMPLETION:** 07/20/17 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: A preponderance of evidence established that the probationary officer prepared an incident that was incomplete. The incident report did not state that officers entered and searched the complainant's residence. The incident report did not state that an officer, armed with an Extended Range Impact Weapon, assisted in taking the complainant into custody. The incident report did not identify the presence or actions of the officer with the Extended Range Impact Weapon and also failed to identify another officer at the scene.

The named officer was present at the scene and reviewed the incident report. The officer videotaped the incident with his body worn camera. The video shows that at the time officers contacted the complainant, an officer was positioned across from the complainant's apartment door, and held his Extended Range Impact Weapon (ERIW) pointed downward at the door. When the complainant answered the door and complied with the officers' commands to step into the hallway, the officer lowered the ERIW to hang in front of officer's torso and grabbed the complainant's arm. The officer physically held the complainant, while at least four officers entered the residence to conduct a protective sweep for weapons and people. The video also shows that there were twelve officers at the scene though only ten officers identified in the incident report.

The named officer stated that, based on his training, it was not necessary to include the entry into the complainant's apartment in the report. He stated he did not recall whether the two officers not mentioned in the incident report were at the scene.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 1 of 7

SUMMARY OF ALLEGATIONS #1: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant saw the named officer trying to open the door to his vehicle. The complainant asked the officer what he was doing. The complainant stated the officer told him there was a fight in the area earlier and to go and get his son from a nearby store. The complainant stated that when he turned his back around, the named officer forcibly detained him.

The named officer stated he responded to a call about a person with a gun and was directed by the victim to the suspect's car. The named officer stated the complainant approached and told him that it was his car. The named officer stated the complainant also fit the description provided by the victim. The named officer stated the victim told him that the complainant had threatened him and his father during a parking dispute. The named officer stated the victim said the complainant berated them and threatened to shoot them with a gun he had in his car. The named officer stated the complainant told him it was his son who was driving the vehicle. The named officer stated he asked the complainant to go and get his son so he could talk to him, but the complainant refused. The named officer stated he told the complainant the car was parked illegally, and the complainant responded by moving his vehicle, though it remained in a commercial loading zone. The named officer stated the complainant then began crossing the street, and he ordered the complainant to stop. The named officer stated that the complainant was detained because he was still investigating him as the suspect who had threatened the victim. The named officer stated the complainant ignored his order to stop, prompting the named officer to physically control and handcuff him.

Another officer, who arrived at the scene, stated that he was not present when the named officer initially detained the complainant.

The victim stated the complainant's vehicle was occupying two parking spots in a commercial loading zone. The victim stated the complainant refused to move his vehicle, became angry and aggressive, and made threatening comments. The victim stated that when he was finally able to park his commercial vehicle, the complainant violently confronted him and said that he had a gun in his vehicle. The victim stated he called for police assistance, and the named officer arrived. The victim said that he told the named officer what had happened and identified the complainant and his vehicle.

Department records show that the named officer responded to a "person with a gun" call.

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DATE OF COMPLAINT: 09/12/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 2 of 7

SUMMARY OF ALLEGATIONS #1 continued:

SFPD General Order 5.03, Investigative Detentions, states:

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 officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.

The victim positively identified the complainant as the suspect who had threatened him.

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

SUMMARY OF ALLEGATIONS #2 - 3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that the named officers used unnecessary force. He stated one of the officers choked him. The complainant stated both officers took him to the ground and hit him in different parts of his body, trying to break his leg and ribs. The complainant stated he suffered injuries to his neck and back but said there were no visible injuries and he did not seek medical treatment.

The named officers stated the complainant was taken to the ground after he pulled his arm away from one of the named officers. After a brief struggle, the complainant was placed in handcuffs without further incident. The named officers stated the complainant never complained of pain and had no visible injuries.

The victim stated the complainant kept walking away with his hands up and refused to comply with orders, prompting the named officers to take him to the ground. The victim stated the complainant continued to resist while on the ground.

SFPD General Order 5.01, Use of Force, states, in part: "The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task."

The evidence established that the named officers used only the force necessary to lawfully detain the complainant. There is no evidence that the officers used unnecessary force.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 3 of 7

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

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

FINDINGS OF FACT: The complainant stated that he spent four days in jail until all the charges against him were dismissed or dropped. The complainant acknowledged that he struggled with the named officer and refused to comply with his orders to get on the ground. The complainant did not deny the other booking charges.

The named officer stated the complainant resisted and delayed his duties as a peace officer. The named officer stated that the complainant made threats of death or great bodily injury to the victim. The named officer stated the complainant was operating his vehicle without a license, had a suspended license, could produce no proof of insurance, and crossed the street outside of a crosswalk.

The victim stated the complainant resisted and refused to comply with orders.

Department records show the complainant was arrested for violations of the penal code and vehicle code, as outlined by the named officer.

Court records show that the threat charge was discharged for lack of evidence, while the others were discharged in the interest of justice.

Since the detention was proper, the arrest of the complainant, in response to his resisting that detention, was also justified.

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

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DATE OF COMPLAINT: 09/12/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 4 of 7

SUMMARY OF ALLEGATIONS #5: The officer improperly searched the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated the named officer opened the door of his parked vehicle without cause.

The named officer stated he wanted to check for a gun in the vehicle and for documents identifying the owner of the vehicle.

The victim stated the complainant made threats to shoot him with a gun that was in his vehicle.

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

SUMMARY OF ALLEGATION #6: The officer issued citations without cause.

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

FINDINGS OF FACT: The complainant alleged that the named officer issued him citations without cause. The complainant believed he was parked legally.

The named officer stated he cited the complainant for parking his vehicle in both a yellow commercial zone and a red zone. The named officer stated he also cited the complainant for parking his vehicle over the line and into a second space, as well as being in a space with an expired parking meter.

The victim stated that the complainant was parked in two spaces, in a commercial loading zone.

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

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SUMMARY OF ALLEGATIONS #7: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant alleged that the named officer cited him for two conflicting violations: parking his vehicle in a yellow zone and parking his vehicle in a red zone.

The named officer admitted that he cited the complainant for these two violations. However, the named officer stated the vehicle was simultaneously parked, illegally, in both a red and yellow zone.

The victim stated the vehicle was occupying two parking spots, in a commercial loading zone.

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

SUMMARY OF ALLEGATION #8: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged that his property was never inventoried or returned. The complainant stated the named officer also took his wallet, which was returned to him only after two months.

The named officer stated no property was seized from the vehicle, and he could not recall the complainant having a wallet.

One of the officers at the scene stated that he could not recall items being seized from the vehicle.

An inspector at the station where the complainant was booked stated that no property was booked or held for safekeeping.

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SUMMARY OF ALLEGATIONS #8 continued: The Station Keeper on duty stated that properties seized from the complainant during booking were itemized and listed on a receipt.

The victim stated he could not recall how the officers searched the vehicle and processed the complainant's property.

The SFPD Inventory of Towed Vehicle listed only a "dolly" in the property section.

San Francisco Property Inventory Arrest Record listed cash, keys, and a cell phone, but not a wallet or any other property. The "prisoner signature" was "refused."

An AutoReturn Claim Form, filled out by the complainant, indicated he was missing various pieces of jewelry, a computer system, a wallet, money, and stereo speaker equipment.

A photo of a box, submitted by the complainant, which was said to have been used to return his wallet, had an address label indicating it was not sent from the SFPD.

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

SUMMARY OF ALLEGATION #9: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated named officer arrested him because of his race.

The named officer stated the complainant's race had nothing to do with the contact or his arrest. The officer stated he arrested the complainant because he resisted and refused to comply with orders.

The victim stated the complainant walked away from the officer and refused to comply with his orders.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 7 of 7

SUMMARY OF DPA ADDED ALLEGATION #1: The officer wrote an incomplete/inaccurate report.

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

FINDINGS OF FACT: If the named officer had seized property, he would have also neglected his duty to document this in his report.

The named officer stated that nothing was seized from the vehicle.

One of the officers at the scene stated that he could not recall items being seized from the vehicle.

An inspector from the station where the complainant was booked stated that no property was booked or held for safekeeping.

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

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DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 07/07/17 **PAGE#** 1 of 6

SUMMARY OF ALLEGATIONS #1, 3: The officers failed to comply with DGO 5.20.

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

FINDINGS OF FACT: Complainant and co-complainant stated that named officers responded to a fight between co-complainant and a suspected shoplifter at their store on San Bruno Avenue. Co-complainant and the suspected shoplifter were cited for battery, and each signed citizen arrest forms against each other. Complainant, co-complainant and a key witness have Limited English Proficiency (LEP Individuals). Complainant and co-complainant stated that their native language is Vietnamese. Co-complainant stated that he told the named officers, “No English.” Co-complainant stated that he did not understand what the named officers were saying and did not know what he was being asked to sign. Complainant and co-complainant stated that a family member was reached by phone during the incident and was able to help interpret. Co-complainant stated that one of the named officers later called an interpreter using Language Line. Co-complainant stated that the interpreter told him about his court date, but one of the named officers snapped back the phone when he further attempted to utilize the service. Complainant and co-complainant stated that the named officers never got co-complainant’s side of the story.

One of the named officers stated that he thought all the LEP Individuals present spoke some English, and that the co-complainant seemed to understand what he was being told because he would nod in response. That named officer stated that he believed he put a call out for Vietnamese speakers, and he was certain that he encouraged the other named officer to call Language Line. The named officer stated that he believed Language Line was called because he saw the other named officer using a mobile phone and handing it to the LEP Individuals, though he did not hear any of the substance of the conversation. The other named officer admitted that he utilized family members to help communicate with co-complainant. That named officer stated that he could not recall exactly when he called Language Line, but agreed that it did not seem he had called before co-complainant signed the Notice to Appear and Citizens Arrest Form. That named officer stated that the call with Language Line took maybe 5 minutes and the interpreter did give him some information from co-complainant about the incident. That named officer stated that he did not snap the phone away from co-complainant.

The family member, who had been helping interpret via phone during the incident, stated that Language Line was called after co-complainant signed the documents. The family member was also able to watch the store cameras remotely. No other witnesses came forward.

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SUMMARY OF ALLEGATIONS #1, 3 continued:

In the related Incident Report, one of the named officers wrote that co-complainant “did not speak English so I used a language interpreter from the Language Line to learn what happened during this incident.” The named officer also wrote that the interpreter told him that co-complainant “understood that he was being cited for Battery – 242 PC upon [the suspected shoplifter] and assigned a court date and time ...”

An invoice from Language Line Services, Inc. to the San Francisco Police Department showed that the service was used at 6:27 p.m. by one of the named officers. The record showed that the call lasted 9 minutes.

Body Worn Camera (BWC) footage documented named officers getting information from and providing options to the alleged shoplifter, who appeared to be a native English speaker. The BWC footage also showed named officers acknowledging the difficulty in communicating with the LEP individuals. The BWC footage showed complainant explaining that he, co-complainant, and a witness did not speak very good English, their native language was Vietnamese, and that the co-complainant needed an interpreter. The BWC footage confirmed that the family member on the phone was used to help interpret. The BWC footage showed one of the named officers encouraging the other named officer to call Language Line and acknowledging that he had already tried to find a Vietnamese speaker. The BWC footage showed that Language Line was not called until sometime after co-complainant had signed the Notice to Appear and the Citizens Arrest Form.

Surveillance video from the store did not have audio, but showed the initial incident between co-complainant and the alleged shoplifter. It showed the named officers arriving about two minutes after this and interacting with all of the LEP individuals at the scene.

Audio records from the Department of Emergency Management included a male voice at 5:26 p.m. asking about any available Vietnamese speakers, followed by the dispatcher broadcasting the request. There was no indication of anyone responding or of any follow up by officers at the scene.

SFPD General Order 5.20 states that, “It shall be the policy of the San Francisco Police Department to take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language.” It further states that Members shall provide oral interpretation services to Limited English Proficiency (LEP) persons in the following order:

Direct Communication by Qualified Bilingual Member: The preferred method of providing services to LEP persons is through the use of a Qualified Bilingual Member.

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DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 07/07/17 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #1, 3 continued:

Use of Qualified Civilian Interpreter: When Qualified Bilingual Members are unavailable, members shall use a Qualified Civilian Interpreter or a professional interpreter to provide in person interpretation services.

Telephone Interpreter: When qualified interpreters are not available to provide service in person, SFPD members may utilize DEM/ECD or use the language card to access the professional language service provider or Qualified Civilian Interpreter to provide interpretation services by telephone.

SFPD General Order 5.20 further states, “SFPD members should not use family members ... to interpret for a LEP person unless exigent circumstances exist ...”

The named officers communicated freely with the alleged shoplifter, who was able to provide his side of the story and tell the named officers how he wanted to proceed. The same courtesies were not extended to co-complainant. The evidence proved that Language Line was not used by the time co-complainant signed the Notice to Appear and Citizens Arrest Form, and it was not called until more than an hour after the named officers first arrived on the scene. The evidence proved that the service was not utilized until after most or nearly all of the on-scene investigation had been completed. It is more likely than not that a Language Line interpreter was used to tell co-complainant about his court date, and little if anything else.

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

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DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 07/07/17 **PAGE#** 4 of 6

SUMMARY OF ALLEGATIONS #2, 4: The officers failed to properly investigate.

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

FINDINGS OF FACT: Complainant and co-complainant stated that the named officers failed to get co-complainant's statement regarding a confrontation between him and a suspected shoplifter. Co-complainant also stated that the officers did not want to watch the store's surveillance video, which recorded the incident between the him and the suspected shoplifter.

The named officers acknowledged that co-complainant and others present were Limited English Proficient individuals. One of the named officers admitted that he utilized family members to help communicate with co-complainant. The named officer agreed that it did not seem he had called Language Line before co-complainant signed the Notice to Appear and Citizens Arrest Form. The named officers stated they thought the surveillance video was unavailable at the time.

A family member, who communicated with the parties by phone during the incident, stated that he was able to watch the store cameras remotely and had the ability to play the video for the officers during their investigation. No other witnesses came forward.

In the related Incident Report, one of the named officers wrote that Language Line was contacted to "learn what happened during this incident." The report also noted, "The market has surveillance equipment, but [co-complainant] was not able to retrieve the footage at this time."

Body Worn Camera (BWC) footage showed that both named officers were aware of the limited English abilities of the complainant and co-complainant. BWC footage showed that Language Line was not utilized until after co-complainant signed the Notice to Appear and Citizens Arrest forms and after most of the investigation was complete. The BWC footage showed that one of the named officers was present when complainant stated that the store's surveillance video was available for viewing.

SFPD General Order 5.20 states that, "Hampered communication with limited English proficient victims, witnesses, suspects, and community members can jeopardize safety and create evidentiary and *investigative challenges*. [emphasis added]" SFPD Bulletin 16-107 reiterates that language barriers between officers and individuals with limited English proficiency can "thwart investigations ..." It further states that Members shall provide oral interpretation services to Limited English Proficiency persons, and should not use family members to interpret, absent exigent circumstances.

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DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 07/07/17 **PAGE#** 5 of 6

SUMMARY OF ALLEGATIONS #2, 4 continued:

SFPD General Order 1.03 § I.A.3. states, "Patrol Officers Shall ... Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence."

SFPD General Order 2.01 § 9 states, "MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action." Section 20 states, "INVESTIGATIVE RESPONSIBILITY. When an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation."

The named officers did not utilize Language Line in a timely and effective manner to appropriately communicate with complainant, co-complainant and available witnesses. The named officers did not view the store's surveillance video during the incident. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 09/16/16 **DATE OF COMPLETION:** 07/07/17 **PAGE#** 6 of 6

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

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

FINDINGS OF FACT: Co-Complainant stated that the Language Line interpreter told him about his court date, but the named officer “snapped back the phone” and would not let them communicate any further.

The named officer denied snapping back the phone.

SFPD General Order 2.01 § 14 states, “PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

The evidence established that the named officer, more likely than not, cut short the Language Line phone call in an inappropriate and disrespectful manner. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the named officer was aggressive, mad and disrespectful. The complainant stated the officer aggressively grabbed the complainant's permit out his hand. The complainant admitted refusing to give the officer the permit when he asked for it.

The named officer stated he responded to the scene regarding a call about a vendor selling hot dogs without a valid permit for the location. The named officer stated he was calm, professional, and respectful with the complainant, as he explained the problem. The named officer stated the complainant was uncooperative, defensive, and aggressive. The named officer stated the complainant physically withheld his permit and refused to let the officers inspect it, and that he removed it from the complainant so that he could inspect it closely without putting his face close to the complainant's hand.

Body Worn Camera footage from the named officer showed that the two officers who approached the complainant behaved appropriately while speaking to the complainant. The named officer did become frustrated with the complainant's refusal to cooperate, but his behavior did not rise to the level of misconduct. The footage showed the officer taking the permit from the complainant, but not in an aggressive manner.

A second officer stated the named officer was calm, polite and professional, while the complainant was argumentative, verbally combative, ungracious and not cooperative. The officer stated the complainant refused to hand over his permit copy to the officers. The witness officer stated the named officer took the permit copy from the complainant's hand and reviewed it for the investigation.

The complainant's witnesses did not respond to DPA's attempts to obtain statements from them.

Another witness stated the complainant was aggressive, argumentative and not cooperating with the officers on scene. This witness stated the officers were professional.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 09/28/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited when his brother's mobile food truck business had valid permits from the City, allowing him to sell food at any location in San Francisco.

The named officer stated that after reviewing the complainant's and the reportee's permits, the complainant was found to be in violation of 869 MPC for vending without a valid permit. The named officer stated the complainant's permit showed that his mobile food truck was permitted to sell in a different location than where he was operating during this incident. The named officer further stated after reviewing the reportee's permit, the reportee was found to have a valid operating permit with the correct location and times, as he claimed.

Records from the Department of Public Works showed that the complainant's mobile food truck did not have a valid permit to sell food at the particular location the reportee complained about.

The complainant's witness and the reportee's witness both did not respond to DPA's attempts to obtain statements from them. The complainant's brother, the food truck owner, acknowledged that he did not have a valid permit for vending at the location of the incident.

A witness to the incident, who reported the complainant to the police, stated he has a valid permit to sell food from his mobile food truck in the location where the incident took place.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/04/16 **DATE OF COMPLETION:** 07/21/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated officers took too long to respond to a request for service regarding threats made by two individuals. When the officers finally arrived, they refused to take a report.

The named officers stated that they did not have a recollection of the incident and, therefore, could not recall if the complainant had requested a report.

Records from the Department of Emergency Management showed that the officers were dispatched to the complainant's apartment regarding "threats/harassment." A call back was made and the complainant was told to meet the officers downstairs. It should be noted that the complainant's call was initially placed on "HOLD" by dispatch.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/16 **DATE OF COMPLETION:** 07/19/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he saw the named officer making contact with an African America male in a vehicle. The complainant stated something did not seem right, so he took out his cell phone and started recording the incident. The complainant stated that seconds thereafter, the named officer physically attacked him, demanded his camera, and arrested him when he would not comply.

The named officer stated that while he and his partner were engaged in a traffic stop investigation, the complainant ran towards the middle of the street holding a cell phone in his hands. The named officer stated the complainant remained standing in the middle of the street, endangering himself and creating a hazard for passing motorists. The named officer stated the complainant refused to comply with orders as he was trying to detain him and attempted to walk away numerous times. The named officer stated that when he stopped the complainant from leaving, the complainant physically resisted. The named officer stated he smelled an odor of alcohol from the complainant's breath upon close contact with him. The named officer stated he observed that the complainant had a sweaty face, was incoherent and irrational, and was unable to control his demeanor. The named officer further stated that the complainant had an open alcohol container with him.

The named officer's partner stated the complainant was actively resisting. She also stated the complainant was unable to care for himself because of his intoxication and had to be helped to the sidewalk by the named officer. She reiterated the fact that the complainant had an open container of alcohol and was in the middle of the road. Another officer at the scene stated that he performed an arrest search on the complainant and found an open bottle of alcohol inside the complainant's left jacket pocket. The officer also stated the complainant was visibly intoxicated, had the smell of alcohol on his breath, and struggled to stay standing during the search of his person. A different officer stated that he was not present when the complainant was taken into custody but heard one of the primary officers over the radio saying that she and her partner were engaged in a physical struggle with the complainant. The officer confirmed the outward signs that the complainant was intoxicated. Another officer stated that he saw the complainant resisting and refusing to comply with lawful orders. The officer also confirmed that the complainant appeared intoxicated.

No other witnesses came forward.

Department records show the complainant was arrested for resisting arrest, public intoxication, having an open container of alcohol, and walking into a lane of traffic outside a crosswalk. Photographs, listed as

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SUMMARY OF ALLEGATIONS #1 continued:

evidence in the incident report, showed minor injuries on the named officer's leg and the complainant's hands. A half-filled bottle of alcohol was also seized from the complainant and booked into evidence.

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

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

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

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

FINDINGS OF FACT: The complainant stated the named officer bashed his head on the ground and jumped on his ribcage, leaving him with a bloody face and hands, as well as bruised ribs.

The named officer denied bashing the complainant's head and jumping on his ribcage. The named officer stated no other force was used aside from taking the complainant to the ground as he resisted.

The named officer's partner denied that the named officer used the type of force described, and stated that she reported possible use of force later, when she noticed some scratches on the complainant's hands while at the station. The other officers present at the scene stated that they did not see the named officer bash the complainant's head or jump on his ribcage. These officers also stated that they did not hear the complainant complain of pain or see any visible injuries on the complainant.

No other witnesses came forward.

Photos marked as evidence in the incident report show the complainant did not have any obvious injuries on his face or head and did not have any blood on his clothes. The complainant's facial expression did not appear to indicate that he was in pain. The photos showed some minor scrapes on the complainant's knuckles.

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

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SUMMARY OF ALLEGATIONS #3: The officer behaved and/or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer yelled at him, demanding his cell phone.

The named officer denied yelling at the complainant for his phone.

The named officer's partner stated that the named officer was calm and did not yell or become verbally aggressive towards the complainant. The other officers present at the scene stated that they did not witness the initial contact, and otherwise did not see the named officer yelling at the complainant.

No other witnesses came forward.

A preponderance of evidence established that the alleged conduct did not occur. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATIONS #4: The officer failed to comply with DGO 5.07, Rights of Onlookers.

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

FINDINGS OF FACT: The complainant stated he began filming the named officer as he conducted a traffic stop. The complainant stated the named officer yelled at him and demanded his camera, then physically detained him.

The named officer stated he neither asked for the phone nor stopped the complainant from recording. The named officer stated he asked the complainant to move to the sidewalk because he was standing in the middle of the street and interfering with his investigation.

The named officer's partner stated that the named officer neither yelled at the complainant for his phone nor stopped the complainant from recording. A preponderance of evidence established that the alleged conduct did not occur. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated officers tackled him to the ground. He stated he sustained an injury to his left shoulder area. The complainant's medical records revealed that the complainant sustained a fracture clavicle from his contact with the police. The complainant, who delayed speaking to the DPA for more than a year while a criminal case was pending against him, failed to respond to requests for more evidence.

The named officer stated he observed the complainant holding a bottle of alcohol. The named officer stated the complainant fled from the officers and refused to obey verbal commands to stop and to get on the ground. The named officer stated he and his partner officer pursued the complainant on foot. During the pursuit, the named officer heard his partner officer yell out that the complainant had a gun. The named officer stated he saw a silver object that appeared to be a gun in the complainant's hand. The named officer stated he observed the complainant discard a gun in a planter box. The named officer stated the complainant, holding a gun while fleeing, presented a safety issue to officers and the public. The named officer stated he used minimal force in tackling the complainant from behind. The named officer stated the complainant resisted on the ground as other officers arrived on scene to assist in taking the complainant into custody. The named officer stated the complainant complained of pain to his shoulders. The named officer stated he requested an ambulance and the complainant was transported to SFGH. The named officer stated a gun was subsequently seized as evidence.

Ten witness officers who arrived to assist during the incident stated they arrived after the detention of the complainant.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The named officer is no longer a member of the SFPD.

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

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

FINDINGS OF FACT: The complainant stated that security personnel at a pharmacy attacked him, knocking two of his teeth out. The complainant stated that the named officers failed to take his statement, interview witnesses, or photograph his injuries.

The named officers denied the allegation, stating that the complainant was photographed and witnesses were interviewed. The named officers stated that the complainant refused to provide a statement after being mirandized.

Store employees stated the named officers spoke to all parties and employees involved.

The SFPD Body Worn Camera (BWC) footage documents that the officers investigated the incident, interviewing the parties involved. The officers attempted to interview the complainant, but he invoked his right to remain silent.

The store surveillance video captured the complainant striking the security officer first and acting as the aggressor.

The incident report documents that witnesses were interviewed. The incident report also documents that the complainant refused to provide a statement to the named officers.

Photographs of the complainant and the other parties involved were included as evidence attached to the incident report.

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

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

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

FINDINGS OF FACT: The complainant stated the officers left his property in the pharmacy.

The named officers stated that the complainant's backpack was put in the ambulance and transported with him to the hospital.

One witness stated that the complainant's belongings were on the ground right after the fight and were picked up and placed in a brown paper bag and given to the complainant while police were present.

Another witness did not recall any missing items on the ground at the time of the incident. He vaguely recalled that the complainant came back to the store after the incident regarding missing property.

The BWC footage documents that an officer attempted to give the complainant a brown paper bag with items in it, but he stated it was not his. The footage documents that the complainant's black backpack was placed in the ambulance with a jacket, identification, and wallet inside.

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

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SUMMARY OF ALLEGATION #5-6: The officers engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers did not assist him in looking for his teeth and laughed at him.

The named officers denied the allegation.

One witness did not recall anything about the complainant losing teeth during the fight.

Another witness also did not recall this and added that missing teeth were not mentioned at the subsequent criminal trial.

The BWC footage documents that no officer was laughing or making sarcastic remarks when the complainant asked for help in locating missing teeth. It documents that one of the named officers even searched the ground where the complainant indicated his tooth might be located. The BWC footage also documents the complainant was argumentative, yelling, and irate during his interaction with the officers and paramedics.

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

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

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

FINDINGS OF FACT: The complainant stated she heard a loud bass sound in her home. There was an event happening about two blocks away and across the street from her house. The music and announcements were so loud that she could hear everything clearly, even with the windows closed. She called for officers to come to her house to check the sound and no officers arrived after several hours. The complainant stated her neighbors were upset about the noise as well but would not provide any of their contact information.

One named officer stated that he and the other named officer responded to the area and determined that the volume of the music was lawful and the event had all the proper permits. They determined it was not a nuisance. The officer admitted that he and the other named officer did not respond to the complainant's house.

The second named officer stated that he did not remember responding to the call.

The evidence established that the named officers should have at least responded to the complainant's house to talk to the complainant regarding her complaint.

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

SUMMARY OF ALLEGATION #: Part of this complaint raises matters outside DPA's jurisdiction.

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

FINDINGS OF FACT: Part of this complaint raises matters outside DPA's jurisdiction. Part of this complaint has been referred to the Department of Emergency Management.

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

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

FINDINGS OF FACT: The complainant stated he was standing on a public sidewalk when the named officer approached him on foot and told him that there were complaints about him, and he needed to leave. The complainant stated he proceeded to leave when the named officer grabbed him by his shirt and pushed him. The named officer then followed him around the block, telling the complainant repeatedly that he was following him, before heading in a different direction. The complainant later returned to the same public sidewalk and the named officer told him he was going to harass him everyday until he got out of the neighborhood.

The named officer made contact with the complainant due to a complaint of loitering outside a restaurant. The named officer denied having any physical contact with the complainant and stated that he commented to dispatch at the time that there was no physical contact due to prior allegations the complainant had made against officers using excessive force. The named officer also denied following the complainant or telling him that he was going to harass him everyday until he left the neighborhood. He stated he was walking his beat 75-100 feet behind the complainant until the two walked in different directions.

Department of Emergency Management (DEM) records indicate that the officer responded to the call for service regarding a suspicious person. The records indicate that the officer communicated that the complainant left the scene and that there was no physical contact.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #2: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer told him to “get out of here” and that he wanted the complainant out of the neighborhood.

The named officer denied that he told the complainant that he was unwelcome in the neighborhood but did tell him to stay away from a certain restaurant due to the amount of complaints.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a member of the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on July 11, 2017.

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

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

FINDINGS OF FACT: The complainant stated the named officers detained her husband. The complainant stated that she and her sister went to the scene on foot and saw that her husband was in handcuffs outside of his car, which was being searched by one of the named officers. The complainant stated that another one of the named officers told her and her sister to "stay back," and then moved her husband to the back of the patrol car. The complainant stated she and her sister watched the officers search the car and eventually release her husband with a ticket for a broken taillight. She stated the car had a broken headlight, not a broken taillight.

One of the named officers stated that she was a Field Training Sergeant on a ride along with the other named officers, who were recruits. One of the other named officers stated that he initiated the traffic stop because he observed a broken taillight. The named officer stated he approached the vehicle from the driver side and noticed a strong odor of marijuana. The named officer stated he placed the driver, complainant's husband, in the police vehicle while he and the other named officers searched the car. The named officer stated he and the other named officers left when the search was completed and the complainant's husband had been issued a citation for the taillight. A third named officer stated that he and the other recruit decided to stop the vehicle, and he recalled that it was because the front headlight was out.

The complainant's husband stated the named officers followed him as he drove around looking for a parking space near the complainant's house. He said he was stopped and one of the named officers approached him and asked for his license and registration. The complainant's husband said he asked the named officer why he was being stopped and the named officer replied that he already knew why. The complainant's husband said that the complainant called him and he was able to tell her where he was. The complainant's husband stated that the named officer removed him from the car and asked him about marijuana. The complainant's husband said he was moved away from his car, and that is when the complainant and her sister "came running down the street" to the traffic stop location. The complainant's husband stated that he was eventually released with a citation for a broken taillight, though it was his headlight that was broken.

The complainant's sister confirmed that she went with complainant to the location of the traffic stop.

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SUMMARY OF ALLEGATIONS #1 – 3 continued: Department records show that the complainant's husband was cited for a tail light violation.

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

The evidence established that the vehicle that the complainant's husband was driving had a mechanical violation, providing the named officers reasonable suspicion to detain the complainant's husband.

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

SUMMARY OF ALLEGATIONS #4 - 6: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that her husband is always getting harassed and pulled over, and that officers always search the vehicles he is in.

All of the named officers stated that they were not familiar with the complainant's husband before the traffic stop. The named sergeant stated that she could not see the complainant's husband in his car before he was stopped. Another named officer stated that he could only tell there was a male driving, and that he stopped the car only because of the broken taillight.

The complainant's husband stated he had never encountered the named officers before.

The evidence established that the vehicle that the complainant's husband was driving had a mechanical violation, providing the named officers reasonable suspicion to detain the complainant's husband. In addition, the complainant's husband stated he had never encountered the named officers before.

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 #7 - 8: The officers searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that her husband's vehicle was searched. The complainant stated that there was no marijuana in the car, but acknowledged it may have smelled like marijuana. The complainant stated that her husband had a medical marijuana card.

The named sergeant stated that during the traffic stop another officer present told her that he smelled marijuana in the vehicle. The named sergeant stated she authorized the removal of complainant's husband from the car. The other named officer stated that he also smelled the marijuana and that the odor was "pretty strong." The named officers agreed that a search was permissible due to the smell of marijuana. One of the named officers stated that he found a marijuana grinder with some marijuana particles during the search of the car.

The smell of marijuana provided the named officers probable cause to search the vehicle.

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

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SUMMARY OF ALLEGATIONS #9: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated she and her sister were about five to eight feet away from the named officer and her husband, but that they were not moving closer. The complainant stated the named officer told them to “stay back” more than once. The complainant stated her husband was moved to the back of the police car, and that she and her sister were able to watch the search of his car.

The named officer stated the complainant and her sister arrived and were angry and yelling. The named officer stated she told them to “stop” and “back up.” The named officer stated she gave this order loud enough so that they could hear, but she was not rude. The named officer stated the complainant and her sister would not back up, though they had stopped moving towards them. The named officer admitted that she then had the complainant’s husband placed in the back of the police car while the search continued, to maintain control of the situation.

Another officer present stated that he did not recall how close complainant and her sister were to them, but he did tell them to stay on the sidewalk. The officer stated he placed the complainant’s husband in the police vehicle while the search was going on because of safety concerns. Another witness officer recalled the complainant and her sister were erratic and upset. The officer thought they were between 10 and 20 feet away and recalls that one of the other officers had to tell them to get back.

The complainant’s sister stated that the named officer yelled at them to, “Stay right there!” The complainant’s sister said that they stopped, but the named officer kept yelling the same order at them.

The complainant’s husband said that, while he was detained, the complainant and her sister “came running down the street” to the traffic stop location. The complainant’s husband stated that the named officer told the complainant and her sister to stay back approximately two times.

SFPD General Order 5.07, Rights of Onlookers, states, “It is the policy of this Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions and arrests of suspects occurring in public areas ...”

The complainant and her sister were never told to leave the area, and they were allowed to watch the detention and vehicle search. The evidence established that the named officer acted properly. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #10 - 11: The officers had a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant described the demeanor of the named officers as “rude.” The complainant stated that she and her sister attempted to ask the named officers questions. One of the named officers – a sergeant – insisted that they could wait. The complainant said she and her sister waited until the search was completed before asking questions. The complainant stated her sister told the named officers that she thought someone was going to eventually talk to them, but they ignored her and got into their police vehicle.

The named sergeant stated that when she gave the complainant and her sister the order to stop their approach and back up, she said it loud enough so that they could hear, but she was not rude. The named sergeant stated she told the complainant and her sister that she could not speak to them because she was conducting an investigation. The named sergeant stated she directed the other officers not to speak to them either.

The other named officer confirmed that complainant or her sister asked for his identifying information, and he responded that it was on the citation. The named officer did not recall if any other officers were asked for their identifying information.

The complainant’s sister stated the named sergeant was yelling at them to stay where they were. The complainant’s sister said that at the end of the incident she asked whether she could now speak to one of the officers, but the named officers just started to get into their police car. The complainant’s sister stated that as one of the named officers was about to shut his door, she asked him about the search and whether he had asked about a medical cannabis card. The complainant’s sister stated the named officer replied, “Don’t have to,” and the named officers then drove off. The complainant’s husband stated that he remembered an officer telling complainant and her sister to stay back approximately two times after they came running to the location of the traffic stop.

SFPD General Order 2.01 Rule 14, Public Courtesy, states, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

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

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SUMMARY OF ALLEGATIONS #12: The officer had a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated that she and her sister attempted to ask the named officer questions. The named officer appeared as if he was going to speak with them, but a sergeant insisted that the complainant and her sister could wait and ordered the named officer to continue a vehicle search.

The named officer stated that he did not remember any of the interactions he had with the complainant or her sister, if any.

The named officer's sergeant stated she directed the named officer not to talk to the complainant or her sister.

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

SUMMARY OF ALLEGATION #13: The officer failed to promptly and politely provide his name and/or star number upon request.

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

FINDINGS OF FACT: The complainant stated that when she asked the named officer for his name and badge number, he shut the police car door and drove off.

The named officer confirmed that complainant or her sister asked for his identifying information, and he responded that it was on the citation.

The other officers present did not recall if the complainant asked them or any other officer for names or star numbers.

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

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SUMMARY OF ALLEGATIONS #14 - 15: The officers wrote an incomplete and/or inaccurate citation.

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

FINDINGS OF FACT: The complainant stated that the named officers were discussing the citation as one of them wrote it out. The complainant stated that the named officers eventually gave her husband a ticket for a broken taillight, but the problem was actually with the front headlight.

The named sergeant said that she and the other named officer had been following the vehicle, so they did not see the front light. The other named officer stated that he initiated the traffic stop because of a taillight not working on the complainant's husband's car. The named officer did not recall if any other vehicle lights were not working properly.

Another officer present stated that he recalled the front headlight being out, but when he examined the citation during the DPA interview, he stated there could have also been a problem with the taillight.

The complainant's sister and husband also stated that the citation was for the wrong light.

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

SUMMARY OF DPA-ADDED ALLEGATIONS #1: The officer failed to take required action (E585/eStop).

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

FINDINGS OF FACT: The named officer stated that her recruit was responsible for the eStop entry for this stop.

The evidence established that the named officer was responsible for the eStop entry.

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 DPA-ADDED ALLEGATIONS #2: The officer failed to take required action (E585/eStop).

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

FINDINGS OF FACT: The named officer stated that he did make an eStop entry and brought his printout of the entry to the DPA interview. The named officer's printout included a CAD number that matched the associated CAD for this traffic stop. The named officer acknowledged that he incorrectly entered the time and intersection. The named officer also listed race as "unknown," but stated that he either unintentionally entered it in this way or the driver's race was not clear to him.

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

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

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

FINDINGS OF FACT: The complainant stated he was recently acquitted of homicide charges and, soon thereafter, was able to get a court order for the release of his property. The complainant stated the named officer refused to sign the property release form. The complainant stated that the named officer is the same officer who arrested him for murder and booked his property. The complainant stated he believed the named officer's refusal to release his property was a form of retaliation, because his case against complainant failed. The complainant stated he eventually received his property but was upset about the delay.

The named officer stated that he was the lead investigator in the homicide case in which complainant was one of the defendants. The named officer stated that complainant's property was seized pursuant to a search warrant from a superior court judge and booked into evidence. The named officer stated he placed a hold on the evidence to ensure chain of custody and prevent destruction. The named officer stated that the District Attorney advised him to lift the hold on the property after the complainant was acquitted, and he did so. The named officer stated that the court order was issued soon after, and he provided the necessary forms for release of property to the complainant's attorney. The named officer denied engaging in any malicious or retaliatory actions regarding the release of complainant's property.

One of the complainant's attorneys stated that the named officer had signed-off on the property release and sent it to the SFPD Legal Department. The attorney stated that the District Attorney failed to communicate this to complainant or his attorneys. The attorney stated that the fault lies with the District Attorney's Office, not the named officer.

The Property Release Form showed that the named officer signed for the release of complainant's property three weeks before the complainant filed his complaint with the DPA. Department records show that the complainant's hearing for return of property occurred on the day after the named officer signed the property release form.

The complainant argued that the named officer refused to release his property, even after there was a court order requiring its release. The evidence established that the named officer authorized the release of the complainant's property before the court order.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/07/16 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he believed the named officer's refusal to release his property was a form of retaliation, because his case against the complainant failed.

The named officer denied engaging in any malicious or retaliatory actions regarding the release of complainant's property.

One of the complainant's attorneys stated that the named officer did what he was supposed to do.

The complainant argued that the named officer refused to release his property, even after there was a court order requiring its release. The evidence established that the named officer authorized the release of the complainant's property before the court order. There is no evidence of the named officer engaging in retaliatory conduct.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/16 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the FBI framed her as a spy, poisoned her twice, and hired her neighbor to hurt and torture her. The complainant stated that she visited the District Station to report attempts on her life and the named officer took her to the hospital without her consent.

The named officer stated that he respectfully and patiently listened to the complainant for twenty minutes tell him that her neighbors and other various individuals, including the FBI were trying to harm her with various chemicals and substances. He stated that the complainant displayed fears and increased anxiety regarding being in great danger from imaginary threats. He stated that he determined that she was gravely disabled based on her mental health condition.

The witness officer corroborated the named officer's statement.

The Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment, filled out by the witness officer, listed the complainant as a "gravely disabled adult." The probable cause for this was that the complainant, "believes FBI and her neighbors are trying to kill her and states the FBI are injecting her with poison and are beating her in the head nightly."

SFPD General Order 6.14, Psychological Evaluation of Adults, states, "Officers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is ... Gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter or clothing."

Although it is possible that the complainant met the criteria for a gravely disabled adult, the 5150 application did not specify how the complainant was unable to care for herself.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/16 **DATE OF COMPLETION:** 07/21/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was arrested by SFPD officers.

Department records showed that the complainant was arrested on an outstanding felony warrant.

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

SUMMARY OF ALLEGATION #4: The officer failed to supervise.

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

FINDINGS OF FACT: The complainant stated that the named officer had him arrested.

Department records showed that the complainant was arrested on an outstanding felony warrant.

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

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DATE OF COMPLAINT: 12/09/16 **DATE OF COMPLETION:** 07/21/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that he was threatened by one of the arresting officers.

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

The arresting officers denied the allegation.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that \$51.00 was stolen from him.

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

The arresting officers denied the allegation.

No witnesses were identified.

It should be noted that Department records showed that the complainant had \$74.61 at the time of his arrest. The complainant signed the property receipt.

The complainant failed to provide additional requested evidence.

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DATE OF COMPLAINT: 11/04/15 **DATE OF COMPLETION:** 07/13/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated in the written complaint initially submitted that he was harassed by officers, but the statement was barely legible and incomplete. The complainant and the complainant's girlfriend failed to respond to numerous attempts to reach them for an interview.

The named officers stated they were not harassing the complainant. The named officers stated they were patrolling the area for stolen and unregistered cars in the area. One of the named officers stated he noticed a parked and unattended van with no rear license plate next to the complainant's parked car. The officer stated the van might have been stolen or had its license plate stolen. The officers stated they exited their police car and further investigated the parked van. The officers stated they noticed the complainant's car next to the van rocking back and forth. One of the officers decided to do a well-being check on the car and the occupants inside. The officers stated they shined their flashlights at the complainant's car and observed two individuals, the complainant and his girlfriend, inside the car having sexual intercourse. The officers stated they were initially not sure if these persons in the complainant's car were in a domestic violence situation or in a fight. The officers stated they also smelled the odor of marijuana emanated from the complainant's car. The officers stated they had reasonable suspicion to detain the complainant and his female companion based on the belief that they were having sexual intercourse in the complainant's car in public as well as the odor of marijuana emanating from the car.

Several officers who arrived as back up stated that they arrived after the detention and initial contact of the named officers.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated in the written complaint initially submitted that the named officers pulled his girlfriend out of his car and placed a knee on her back, but the statement was barely legible and incomplete. The complainant and the complainant's girlfriend failed to respond to numerous attempts to reach them for an interview.

The named officers denied they placed a knee on the complainant's girlfriend's back during the incident. The named officers stated the complainant's girlfriend was not cooperative, resisted and refused numerous verbal orders to exit the complainant's car. The named officers stated the complainant's girlfriend made suspicious movements inside the car. The named officers stated that in order to preserve officer safety, they grabbed her arms and removed her from the vehicle. The named officers further stated the complainant's girlfriend tensed up her body and tucked her arms in front of her body as she stood outside the complainant's car. The named officers and a sergeant who arrived on scene stated that there was no force used that required reporting, and that there were no complaints of pain or injury on the part of the complainant or his girlfriend.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 12/30/16 **DATE OF COMPLETION:** 07/18/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made a detention without justification.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2017.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2017.

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 10, 2017.

SUMMARY OF ALLEGATION #4: The officer failed to properly process property

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on 7/10/17.

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DATE OF COMPLAINT: 12/04/13 **DATE OF COMPLETION:** 07/31/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was detained without justification. The complainant did not provide an interview.

Department records showed that the complainant was detained during a homicide investigation.

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

The identity of the alleged officer could not be established. Nonetheless, the evidence established that the complainant was lawfully detained.

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

SUMMARY OF ALLEGATION #2: The officer strip-searched the complainant without cause.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was strip-searched without cause. The complainant did not provide an interview.

Department records showed that the complainant was detained during a homicide investigation, and that the SFPD's Tactical Unit was at the scene. Records also showed that the inspector assigned to the homicide investigation has retired from the Department. In addition, the officer in charge of the Tactical Unit has also retired from the Department.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was strip-searched in public without cause. The complainant did not provide an interview.

Department records showed that the complainant was detained during a homicide investigation, and that the SFPD's Tactical Unit was at the scene. Records also showed that the inspector assigned to the homicide investigation has retired from the Department. In addition, the officer in charge of the Tactical Unit has also retired from the Department.

The identity of the alleged officer could not be established.

SUMMARY OF ALLEGATION #4: The officer threatened the complainant and behaved inappropriately.

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

FINDINGS OF FACT: In her written complaint, the complainant stated she was threatened. The complainant did not provide an interview.

Department records showed that the complainant was detained during a homicide investigation, and that the SFPD's Tactical Unit was at the scene. Records also showed that the inspector assigned to the homicide investigation has retired from the Department. In addition, the officer in charge of the Tactical Unit has also retired from the Department.

The identity of the alleged officer could not be established.