

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/04/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer detained the complainant 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, 2018.

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

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

FINDINGS OF FACT: The complainant stated he was parked, waiting for his girlfriend, when a parking enforcement officer told him to make a U-turn and move to the other side of the street. The complainant said he did so, and the named officer turned on his lights and sirens in an attempt to stop him. The complainant said he then made another U-turn, so that he could have the parking enforcement officer explain to the named officer that he had ordered him to make the U-turn, but the parking officer left. The complainant said the officer would not listen to his explanation and issued him a citation without cause.

The named officer stated he saw the complainant make two illegal U-turns over two double sets of solid yellow lines. The named officer stated there was probable cause to issue the citation for violations of California Vehicle Code sections 21460(a), crossing a double yellow line, and CVC 22102, making a U-turn in a business district.

The complainant's girlfriend stated she was leaving an event with her co-worker, when she saw the complainant make a U-turn. She said the named officer was right behind him, proceeded to order him out of the car, and cited him.

The parking enforcement officer stated he observed the complainant sitting in his parked vehicle at a meter. The witness stated he approached the complainant's vehicle and told him the street was being closed and to move along. The witness stated he told the complainant there was a white zone across the street where he could pick up passengers, but denied that he told him to make a U-turn. The witness said that the complainant made a U-turn to the other side of the street, but stopped in an area, not in the white zone, but where a sign indicated stopping at any time was prohibited. He said that the named officer pulled up behind the complainant's vehicle and told him to move. The witness then said the complainant made another U-turn over a double yellow line, and the named officer then followed the complainant, activating his lights. The witness said that the complainant then made a third U-turn, and at that point, the named officer used the speaker to tell the complainant to pull over right away.

Another parking enforcement officer who was present at the incident stated he observed the complainant sitting in a parked car. The witness stated his co-worker told the complainant he needed to move his vehicle and directed his attention to the white zone across the street. The witness stated he saw the complainant make a U-turn across the street to the white zone, but stopped his vehicle in a No Parking Anytime zone. He saw a police car try to move the complainant out of the No Parking Anytime area.

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SUMMARY OF ALLEGATION #1 continued:

Instead of moving his vehicle by driving around the block, the witness said the complainant made a U-turn across the double yellow line. He then made another U-turn to where he was previously parked.

An additional witness, who was with the complainant's girlfriend at the time of the incident, could not be interviewed because the complainant declined to provide the witness' contact information and stated the witness did not wish to be involved with the DPA's investigation.

Court records show a bench trial was held a few weeks after the complainant made his complaint to the DPA. The court found the complainant guilty of violating CVC 22102 and 21460(a) and fined the complainant \$515.00.

SFPD General Order 9.01, Traffic Enforcement, states, "Officers shall act on moving violations ... After witnessing a violation."

The complainant admitted that he made two U-turns in front of the named officer.

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 used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated the named officer attempted to stop him after he made a U-turn. He said that he then made another U-turn, and the named officer then stopped him and ordered him out of his car. The complainant said the named officer told him to put his hands behind his back, then grabbed both his hands and elevated them, hurting his shoulder. The complainant stated the named officer also wedged his underwear and sweatpants by pulling them up his back, injuring his groin and back areas. The complainant did not seek medical attention.

The named officer denied he used unnecessary force. He said he ordered the complainant out of the vehicle because the complainant was hostile, angry and yelling at him, and he believed the complainant was going to flee based on his vehicular movements. He also stated the complainant could not provide proof of who owned the vehicle. The named officer said these factors created safety concerns.

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SUMMARY OF ALLEGATION #2 continued:

The complainant's girlfriend stated the named officer forced the complainant's arms behind his head and pushed him forward. She stated the named officer also pulled the complainant's pants all the way up.

A parking enforcement officer stated the complainant was taken out of his vehicle and handcuffed. He stated he saw the complainant seated on the curb behind his vehicle and he did not see any force used by the named officer.

A different parking enforcement officer stated he saw the named officer place car keys on the hood of the car and saw the complainant get out of his vehicle. He later saw the complainant sitting on the sidewalk in handcuffs. The witness stated he did not see any use of force by the named officer.

SFPD General Order 5.01 states, "Officers may use reasonable force options in the performance of their duties...To effect a lawful arrest, detention or search ... To overcome resistance or to prevent escape ..."

The complainant acknowledged that he made two U-turns in front of the named officer, including one made after the officer turned on his lights and siren. The named officer was, therefore, justified in using reasonable force to ensure the complainant was detained. It is more likely than not that the force used by the named officer was reasonable and necessary.

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

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

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

FINDINGS OF FACT: The complainant stated he attempted to explain his actions, but the named officer told him, "I don't care, you're dealing with a police officer now, I am not a meter maid." The complainant stated the named officer ordered him out of the car, asked him if he had any weapons, and frisked him harshly by slapping him between his legs/thighs. The complainant stated the named officer belittled him in front of his girlfriend and her co-worker. The complainant stated the named officer told the complainant's girlfriend that he knows what type of guy the complainant is and that he blames other people for his problems.

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SUMMARY OF ALLEGATION #3 continued

The named officer described his demeanor as stern and said he gave orders to the complainant when he believed he was a danger. The named officer said, he was nonetheless professional. The named officer denied slapping the complainant between his legs and thighs. The named officer stated he did not make any inappropriate statements, nor did he behave inappropriately.

The complainant's girlfriend stated the named officer tried to tell her that the complainant was blaming everyone else for an illegal U-turn. She said the complainant tried to tell the named officer that one of the parking enforcement officers told him to make the turn, and the named officer replied that he was blaming others and refusing to take responsibility for his own actions.

A parking enforcement officer stated he did not hear the conversation between the named officer and the complainant, but he did not see any inappropriate conduct by the named officer.

A different parking enforcement officer stated he did not hear the conversation between the named officer and the complainant, other than something about car keys. He saw the named officer place the car keys on the hood of the car, and saw the complainant get out of his vehicle.

Nobody could confirm the inappropriate statements and actions alleged by the complainant, and other aspects of his allegation were not clearly inappropriate.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The complainant stated he doesn't remember exactly what profanity the officer used, and stated, "I know he was probably telling me to get the fuck out of the car."

The named officer denied he used profanity.

The complainant's girlfriend stated she believed the named officer used the "F" word, but could not articulate what specifically the officer said or the context in which he said it.

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SUMMARY OF ALLEGATION #4 continued:

Other witnesses stated that they did not hear the named officer use any profanity but did not hear the entire interaction.

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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer issued her a citation for running a stop sign. After receiving the citation, the complainant stated she drove around the block and went back to see if there was a stop sign. She said she double parked her car next to another vehicle that was parallel parked. The complainant said she took photos and acknowledged that there was a stop sign, but she had not been aware of it and did not recall running it. The complainant said the named officer drove up to her again, and cited her for double parking, blocking a handicap space, and using a cell phone. She stated that all the charges were dismissed, except for the stop sign violation.

The named officer stated he saw the complainant drive through an intersection without stopping at a stop sign. He said she returned later and saw her double park, block a disabled parking space and, while her engine was still running, use her cell phone by apparently taking photos through her open window. The named officer stated there was probable cause to issue the citations for violations of California Vehicle Code sections 22450 – Stop Requirements; 22500(h) – Prohibited stopping, standing or parking; 22507.8(b) – Disabled persons’ and veterans’ parking spaces; unauthorized parking or obstructing; and 23123(a) - Driving a motor vehicle while using a wireless telephone.

The named officer’s partner stated he was present for both vehicle stops and that he observed the complainant run the stop sign. The officer stated that after the first vehicle stop, he observed the complainant drive her car and stop in the street, blocking parking spots reserved and marked for disabled drivers.

A trial was held in Traffic Court on December 26, 2017. The complainant was found guilty of violating CVC 22450 – Stop Requirements – and fined \$237.00. The complainant was also found guilty of violating CVC 23123(a) – Cell Phone Use. The fine was suspended. No disposition was entered as to the other violations.

The complainant refused to provide the DPA with the names and contact information of her passengers. No other witnesses were identified.

A preponderance of evidence established that the citations were properly issued.

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 behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officer was hostile, rude, aggressive and a bully. The complainant stated that after her vehicle was stopped, her passengers started to get out of the car and the officer said, "Hey, where you guys going!" She thought the named officer was hostile. The passengers explained they needed to call another ride share car, so the named officer allowed them to leave. The complainant stated that after she received the first citation, she returned to the area and the named officer raced over in his SUV, approached her and demanded her license.

The named officer denied the allegations. The named officer described his demeanor as calm and respectful during both contacts. The named officer denied he was hostile towards the complainant's passengers. He said that the front passenger and both rear passenger doors opened, and people began to exit the vehicle. He stated he ordered the passengers to stay in the vehicle and the passengers stated they wanted to order a new ride due to the stop. The officer stated he allowed the passengers to exit the vehicle and leave the scene.

The named officer's partner stated the named officer did not act in a hostile manner toward the passengers. He observed the named officer communicate with the complainant in a professional manner during both stops.

A sergeant who responded to the scene stated the named officer did not act rude, aggressive, behave inappropriately or make any inappropriate comments to the complainant during the time she was on scene.

The complainant refused to provide the DPA with the names and contact information of her passengers so that they could be interviewed.

No other witnesses were identified.

A preponderance of the evidence established 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 #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer parked on the sidewalk. The named officer then raced over to her in his SUV and approached her. The complainant stated the named officer tried to run her over because he came towards her quickly in his vehicle.

The named officer denied the allegations.

The named officer's partner stated the named officer did not park the patrol car on the sidewalk and denied the named officer raced over in his vehicle in an aggressive manner.

A sergeant who responded to the scene said she saw the named officer's patrol car parked behind the complainant's car when she arrived.

The complainant refused to provide the DPA with the names and contact information of her passengers so that they could be interviewed.

No other witnesses were identified.

A preponderance of the evidence established 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 #1-2: The officers behaved inappropriately

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

FINDINGS OF FACT: The complainant stated that he was walking down the street when a patrol vehicle quickly passed him, stopped, backed in, and almost hit him. He believed that the officers were retaliating against him for having filed a complaint with DPA in the past. The complainant stated that the officers did not speak to him.

DPA records show that the complainant filed a complaint with DPA against an officer from another district station 13 months prior to filing his second complaint with DPA.

The named officers stated that they were not familiar with the complainant and do not recall having encountered the complainant on the day of the incident.

Records from the Department of Emergency Management show that the named officers were responding to an “A” priority call regarding a person with a knife.

A preponderance of the evidence established that the named officers did not retaliate against the complainant, and that they were responding to an “A” priority call.

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 #1-2: The officers towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant alleged that her friend's vehicle was towed without justification. She said that her friend had been driving on the freeway, when another person on the road began yelling at him and tailing him. The complainant said that her friend told her that he tried to lose the aggressive driver by pulling off the freeway, but while doing so, debris blew into his front wheel well and he lost control of the vehicle. She acknowledged that her friend hit some parked vehicles in the process. The complainant stated that officers responded and impounded her friend's van.

One of the named officer stated he towed the vehicle because it was severely damaged and disabled. Additionally, the driver told the named officer he could not keep his vehicle from turning to the right. The named officer towed the vehicle to investigate the driver's claim that he could not control his vehicle due to a mechanical malfunction. The other named officer, a sergeant, stated she authorized the tow of the vehicle for evidence and a mechanical inspection under California Vehicle Code 22655.5(b).

Witness officers stated the vehicle was completely disabled. They stated the vehicle's driver had told them the crash occurred because of a mechanical failure. They stated the car was towed to be examined by SFPD investigators.

The incident report confirms the car was towed to investigate the driver's claim that his vehicle had suffered a mechanical failure.

The driver stated he told the officers a mechanical failure caused the accident. He said he was told by the officers the car would need to be impounded for further investigation. Two witnesses stated the driver's vehicle had been severely damaged by the crash. A witness said the vehicle struck numerous cars and kept driving. She informed the police she believed the driver had tried to commit a hit and run because, after he had crashed to a halt, the driver had attempted to reverse. No other witnesses were identified.

Under SFPD General Order 9.06, Vehicle Tows, officers have the authority to tow pursuant to Section 22650 of the California Vehicle Code. Section 22655.5(b) allows an officer to remove a vehicle from a highway, "When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle is itself evidence which tends to show that a crime has 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 ALLEGATION #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the named officer failed to call her back.

The named officer stated he did not recall receiving any messages from the complainant.

A witness officer stated he received a note with the complainant's name and contact information from a police service aid. He called the number several times, but failed to make contact with the complainant.

No witnesses were identified.

The evidence established that the named officer never received the complainant's message.

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

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SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to comply with Department Bulletin 17-156.

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

FINDINGS OF FACT: While investigating the complainant's allegations, it was discovered that the named officers had muted their BWC's without documenting the reasons for doing so.

The named officers stated they either did not recall documenting the reasons for muting their BWC's or they had forgotten to document the reasons for muting their BWC's.

The named officers' BWC footage shows the officers muting their BWC while conducting an investigation. Neither officer documented the reasons for muting their BWC in the incident report, CAD, or in a separate memo.

SFPD General Order 10.11, Body Worn Cameras, requires that officers activate their BWC during, "Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim."

Department Bulletin 17-156, Body Worn Camera Mute Function, states police officers, "shall only use the mute feature with a specific articulable purpose. If a member deactivates (mutes) the audio during an event, the member shall document the reason(s) for terminating the audio recording in CAD, an incident report, written statement or memorandum."

The named officers were speaking with victims, witnesses and suspects and correctly activated their BWC's. However, they muted their BWC and did not document the reasons for doing so in the CAD, incident report, written statement or memorandum.

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

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SUMMARY OF ALLEGATIONS #1-2: The named officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officers yelled at him and shined their hand-held flashlights directly in his eyes in an attempt to injure him.

The named officers stated they were dispatched to the location after a female caller contacted 911 to report the complainant was being belligerent, had threatened to assault her, and that he was approaching her. The first named officer stated he observed the complainant at the top of the stairs and asked the complainant to walk down the stairs and speak to him. The named officer stated he shined his flashlight at the complainant, who was yelling aggressively and in a threatening manner. The named officer stated it was dark and he used his flashlight in order to maintain proper visual of the complainant as he was at the very top of the stairs. The named officer stated he acted professionally, patient and calm toward the complainant. The second named officer stated she and her partner spoke with the complainant and detained him to investigate the threats. The named officer stated she used her flashlight, so she could see the complainant, as it was dark outside. She stated she acted professionally toward the complainant.

Two backup officers stated the named officers were talking to the complainant, who was yelling obscenities and shouting aggressively. The officers acknowledged the named officers were using their flashlights, as it was dark. Both of the witness officers stated that the named officers were not using their flashlights inappropriately, and they did not see them acting inappropriately in any other way.

Body Worn Camera (BWC) footage from the incident shows the complainant yelling loudly, displaying belligerent and verbally aggressive behavior, and using repeated profanities towards the named officers. The footage shows the first named officer displaying a calm and professional demeanor with the complainant throughout the entire contact. The footage shows the named officers explaining to the complainant several times that they are using their flashlights to help them see and for their safety.

BWC footage showed that the named officers acted calmly and professionally, despite the complainant's belligerent behavior. It was reasonable for the officers to utilize their flashlights, so they could see the complainant and his hands. There was no evidence that they were using their flashlights for an improper purpose. The evidence established that the officers' actions were proper.

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

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

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

FINDINGS OF FACT: The complainant stated that he was detained under Welfare and Institutions Code section 5150 without justification.

The named officer stated he was dispatched to the location because of a caller who reported that a male fitting the complainant's description was yelling and threatening to physically assault her. The named officer said he detained the complainant initially to investigate the 911 call, then deemed the complainant needed to be medically evaluated because of his ongoing aggressive and threatening behavior.

The named officer's partner stated the complainant was screaming and yelling throughout the encounter. She said he made several irrational statements and said he was a "homeland terrorist." She believed the complainant was having a mental health crisis.

Records from the Department of Emergency Management show the call was from a female, who reported that a male subject was threatening her verbally and physically.

The Incident Report documented that the named officer detained the complainant on a 5150 hold due to the reporting party's statements, the complainant's threats, and the complainant's "unstable" demeanor.

BWC footage from the incident shows the complainant yelling and cursing at the named officer and other officers who arrived. The footage shows the named officer and his partner calmly speaking to the complainant. Among other things, the footage shows the complainant loudly shouting that he, "got 400 of you sons of bitches fired," that he works or has worked with the governor, the pope, and the president. The footage also shows the complainant stating, "I know you want to kill me. Go ahead and shoot me you bitch."

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 ... A danger to himself/herself, or ... A danger to others ..." Based on the initial 911 call as well as the complainant's statements and demeanor, the named officer had sufficient reason to detain him for psychological evaluation.

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 handcuffed the complainant without justification.

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

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

The named officer stated he handcuffed the complainant because he was detained. The named officer stated the complainant met the criteria for a 5150 W&I detention because of his aggressive and threatening behavior as shown in the body worn camera footage.

The body worn camera footage showed the complainant acting in an aggressive manner and repeatedly yelling at the named officer, who was attempting to investigate reported threats. Given the nature of the 911 call and the complainant's agitated state, it was appropriate to handcuff the complainant while he was detained.

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 #1: 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 failed to release the complainant's property.

The named officer stated he was never assigned to the complainant's case and was not responsible for releasing the complainant's property. In addition, the named officer stated he was not part of the Station Investigations Team at the time the complainant was attempting to get his property released.

Department records show that the complainant's property was eventually released to him by another officer.

A preponderance of the evidence established that the named officer was not responsible for releasing the complainant's property.

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 complaint raises matters outside the DPA's jurisdiction.

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

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

Community Housing Partnership, San Cristina Hotel
1000 Market Street
San Francisco, CA 94102

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SUMMARY OF ALLEGATION #1: The officer made inappropriate statements.

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

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

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

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer seized personal property without cause.

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

FINDINGS OF FACT: The complainant said that unknown SFPD members seized his row boat dinghy without cause after he left it on Aquatic Park beach.

The named officer stated that the U.S. Park Police contacted the SFPD Marine unit about the abandonment of a dingy on Aquatic Park beach and asked SFPD to help transport and keep it for safekeeping. The U.S. Park Police feared it could be used by children to enter dangerous waters of the Bay or stolen while the owner was not present. Therefore, the named officer said he approved the seizure by his subordinate officers.

DGO 5.14 allows SFPD to assist a member of another law enforcement or government agency in spontaneous situations.

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 detained the complainant without justification.

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

FINDINGS OF FACT: The complainant said that he saw SFPD officers on a dock near the Marine Unit office and, after a fisherman allowed him access past a gate, the complainant approached the named officer to inquire about his dinghy. The complainant said he was immediately detained without justification and handed to U.S. Park Police.

Port Code section 2.2 states that signs need to be obeyed within the property of the San Francisco Port Authority. The gate that the complainant entered without legal authorization has a prominent notice on its door stating there is no public access, and that any unauthorized activity is a violation of SF Port Tariff No. 5 #834.

The named officer stated, and a police report substantiated, that the complainant had been warned not to trespass into this specific area the day before. He also said that U.S. Park Police had notified him they were looking for the complainant to arrest him for continuing to illegally harbor his vessel in Aquatic Park cove without a permit of which he was convicted in Federal Court and led to the seizure of his vessel by the San Francisco Port Authority.

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

SUMMARY OF ALLEGATION #3: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said the named officer threatened him.

The named officer denied he threatened the complainant.

Body worn camera evidence from the named and two other officers who were engaged with the complainant showed that the named officer did not threaten the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant stated that the named officers were involved in stopping her, citing her, and towing her car. The complainant stated that another individual had accused her of hitting his motorcycle with her car, and had acted aggressively towards her. She stated that she drove away, because she was afraid, and parked nearby, when the named officers arrived. The complainant indicated the named officers used foul language, laughed at her when she asked for their names and star numbers, and snatched her car keys out of her hand.

The named officers stated that they were engaged in the detention of the complainant, along with two other officers. The named officers said they did not use profanity when speaking to the complainant. The named officers did not know who had taken the keys, but said that the keys were needed so that the complainant did not leave while she was being detained, and because the car was being towed.

The witness who reported the collision indicated he did not observe the named officers use profanity during the time he was at the scene.

The Body Worn Camera (BWC) footage shows the complainant asking for the names of the officers who are present, but does not show any laughter.

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

The BWC footage contradicted the statement by the complainant.

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: 02/11/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 2 of 8

SUMMARY OF ALLEGATIONS #5-8: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officers improperly detained her. She said officers accused her of being involved in a hit and run, which she denied. The complainant acknowledged she was driving and had tried to park near the allegedly damaged motorcycle.

The two named officers who initially detained the complainant stated that a witness told them that his motorcycle had just been hit by the complainant. Those named officers said that they then saw the complainant drive away, so they turned on their lights and sirens to detain her. The other named officers stopped later to assist in the detention. The named officers said that during the investigation of the complainant, they discovered that she had been previously cited for driving without a license, and that she still did not have a valid license. The named officers stated that they released the complainant after she was cited and after she relinquished the keys to the car.

The witness indicated he notified the officers that the complainant hit his motorcycle and he was present while they attempted to collect her insurance information and issue her a citation.

Surveillance video showed the complainant's vehicle hit the witness' motorcycle and drove away.

The Body Worn Camera (BWC) footage shows the witness accusing the complainant of hitting his motorcycle. The BWC footage also shows one of the named officers attempting to determine if the complainant has a valid license, if the car is insured, and the extent of the witness' motorcycle damage. The BWC footage shows that the complainant was allowed to leave after she gave up the keys to her car.

Department General Order 5.03, Investigative Detentions, section I.B. allows an officer to 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 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: 02/11/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 3 of 8

SUMMARY OF ALLEGATION #9: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the named officer wrongfully issued her a citation for a hit and run.

The named officer stated that a reporting party stated that the complainant had hit his motorcycle and left the scene of the accident. The named officer said the reporting party pointed out the complainant in a parking space, and the complainant then started to drive away again. The named officer said that he did not have the reporting party sign a citizen's arrest form because the violation happened in his presence. The named officer said the complainant was cited and released at the scene.

The witness indicated he went to Tenderloin Station to find police after the complainant hit his motorcycle and left the scene.

Surveillance video shows the complainant attempting to park in a space along the road, and then hitting a motorcycle that was parked adjacent to that space. The video shows the complainant then driving away.

The Traffic Collision report states the named officer cited the complainant for violating section 20002(a) of the California Vehicle Code. The report documents that the person whose motorcycle had been hit stated that the complainant was fleeing the scene and that when the named officer first saw the complainant, she was traveling through an intersection.

CA Vehicle Code section 2002(a) states, "The driver of any vehicle involved in an accident resulting only in damage to any property, including vehicles, shall immediately stop the vehicle at the nearest location that will not impede traffic or otherwise jeopardize the safety of other motorists." It also describes a driver's responsibility to make efforts to contact the parties' whose vehicle or vehicles were hit.

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 #10: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated her vehicle was unlawfully towed. She stated that the car was parked in a safe and legal space, and towing it was unnecessary and burdensome.

The named officer stated the vehicle was towed because the complainant had a suspended license and, during his investigation, he discovered that she had been previously cited for the same violation. The named officer said that towing it was required under the circumstances.

The Traffic Collision report documents that the complainant was driving with a suspended license and had, "numerous prior convictions." The report states that the complainant's car was towed to Auto Return due to a violation of California Vehicle Code section 14601.

SFPD General Order 9.06, Vehicle Tows, states, "It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked ..."

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

The complainant had previously been cited for a violation of California Vehicle Code section 14601, and towing her car would have been mandatory under the circumstances.

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 #11-14: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated that the named officers threw her onto the ground and beat her during a detention. The complainant stated that she was injured as a result of the named officers' actions. She said she went to the emergency room for back pain and bruising.

The named officers stated they used the force necessary to restrain the complainant after she became aggressive and attempted to leave the scene with her car keys. The named officers stated the complainant was guided to the ground and never thrown to the ground. They stated the complainant continued to refuse to hand over her keys while on the ground, but they were eventually able to retrieve them and allow the complainant to leave. The named officers acknowledged that she was complaining of pain during this use of force, but they stated that the complainant did not continue to complain of pain once she was no longer restrained. The named officers said that the complainant never said she was injured.

The Body Worn Camera footage shows the complainant shouting aggressively at some of the named officers early in the encounter. The footage shows the complainant pointing and waving her hand at one of the named officers. The footage shows the named officers later engaging in a physical struggle with the complainant while repeatedly asking her to give them her car keys. The footage shows two of the named officers attempting to place handcuffs on the complainant, then it shows the complainant on the ground, face down while two of the named officers continue to struggle with her arms. The footage shows the complainant attempting to pull her arms away from the officers, and shows the complainant continuing to yell at them. The footage also shows the complainant shouting that she is in pain. After about two minutes, officers allow the complainant to stand up without handcuffs on her. The footage shows her standing and yelling at the officers before eventually leaving.

Medical records show that the complainant went to the hospital three days later with abrasions to her forearms and hands. The records show that she also had back pain in an unspecified location and of an unspecified chronicity.

The video evidence failed to support the complainant's claim of excessive force.

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: 02/11/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 6 of 8

SUMMARY OF ALLEGATIONS #15-16: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated she repeatedly asked for the officers' names and star numbers, and they failed to provide them.

The Body Worn Camera footage shows the complainant repeatedly asking for the named officers' names. The footage shows one named officer providing her name and star number repeatedly and the other named officer saying it was already provided.

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.

DPA-ADDED SUMMARY ALLEGATIONS #1-4: The officers failed to comply with DGO 10.11, Body Worn Cameras.

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

FINDINGS OF FACT: All of the named officers activated their Body Worn Cameras (BWC) during this incident. However, BWC footage begins and ends at different times for each of the named officers.

The named officers admitted they could have began recording earlier in their encounters with the complainant. One of the named officers also stated that he could have had his camera on while engaged in using force and while the complainant was hostile.

The BWC footage for the two named officers who initially detained the complainant does not show the beginning of the detention. One clip begins when the named officers are already standing at the complainant's vehicle and their investigation is in process. That video shows the named officer speaking to the complainant and the reporting party, but does not show the later use of force by the officers or hostile actions of the complainant. The clip for the other named officer does not begin until nearly the end of the encounter, when physical force is being used against the complainant. The BWC footage for the named officers who arrived later in the detention only captures the moments after force was used and the complainant is standing, un-handcuffed, free to leave. Their footage captures the final seconds of the incident, as the complainant yells at the officers and then walks away.

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SUMMARY OF ALLEGATION #1-4 continued:

SFPD General Order 10.11, Body Worn Cameras, states, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: ... Detentions and arrests ... Traffic and pedestrian stops ... Uses of force ... [and] During any citizen encounter that becomes hostile ...”

All the named officers failed to comply with DGO 10.11 at various times during this incident.

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.

DPA-ADDED SUMMARY ALLEGATION #5: The officer failed to comply with Department Bulletin 16-115, Vehicle Tow Policy & Procedure 14601/12500 CVC Enforcement.

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

FINDINGS OF FACT: The named officer admitted he did not comply with certain reporting requirements. He stated that the requirement to document the specific dates a driver was cited previously for driving with a suspended license or without a license would be difficult because the driver could have been cited anywhere, and he would not have access to that information. The named officer described this as a policy failure, because it required the reporting of unavailable information. The named officer also made a distinction between a regular traffic stop and a collision. He argued that the Department Bulletin contemplated the former, not the latter; and that a Crime Data Warehouse (CDW) report would be made for the former, while a CHP form would be used for the latter.

The related Traffic Collision Report – a CHP 555 form – does not reflect the specific dates the driver was cited for violating CVC 14601.1(a), whether a DMV 310 form was completed, or whether the complainant’s license was seized.

Department Bulletin 16-115, Vehicle Tow Policy & Procedure 14601/12500 CVC Enforcement, states, “the officer shall follow the reporting procedures set forth in DB 16-114 ‘New Reporting & Procedures 14601/12500CVC Enforcement.’”

DB 16-144 provides a number of reporting requirements when documenting 14601/12500 CVC enforcement. It states that the narrative shall contain the following information: “... [whether] DMV 310 form was completed ... [whether the] driver’s license was seized ... Specific dates driver was cited for 12500(a) CVC or 14601.1(a) CVC ...” The bulletin also specifies additional requirements for a non-injury traffic collision, but specifies that a CDW report should be completed. The bulletin makes a distinction for injury collisions, stating that a CHP collision report should be made rather than a CDW report; but it reiterates that, in either case, all the reporting requirements would apply.

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DPA-ADDED SUMMARY ALLEGATION #5 continued:

The named officer failed to properly document everything required by DB 16-144. 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.

DPA-ADDED SUMMARY ALLEGATION #6: The officer failed to comply with Department Bulletin 16-208, eStop Contact Data Collection Program.

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

FINDINGS OF FACT: A request to the SFPD Legal Division for eStop information documenting this stop led to the following response: “After a comprehensive search, SFPD was unable to locate any eStop results matching the information provided.”

The named officer admitted it was his responsibility to collect eStop information and that he did not do so for this incident.

Department Bulletin 16-208, eStop Contact Data Collection Program, states, “eStop entries are required when a stop is initiated based on information developed by the member’s own observation, or the direction and information from another member or members of the public.”

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: 03/02/18 **DATE OF COMPLETION:** 07/09/18 **PAGE#** 1 of 1

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

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 9, 2018

SUMMARY OF ALLEGATION #2: The officer failed to promptly respond to a crime scene.

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

FINDINGS OF FACT: The officer was not cleared for mediation.
The complaint was mediated and resolved in a non-disciplinary manner on July 9, 2018 with officer.

The complainant came to an agreement that he would contact the station Captain for more information regarding protocol surrounding police response to various calls for service.

Because the officer was not cleared for mediation, but mediators found the mediation was successful recommend officer be dropped from the case and the case be closed as a result of a successful mediation.

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DATE OF COMPLAINT: 03/5/18 **DATE OF COMPLETION:** 07/11/18 **PAGE#** 1 of 1

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

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 on 6/29/18.

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DATE OF COMPLAINT: 03/09/18 **DATE OF COMPLETION:** 07/20/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she observed a patrol car weave in and out of traffic without any sirens or lights, cutting off other cars. The complainant then observed the patrol car parked in front of the Hall of Justice. She provided the vehicle number in her complaint to the DPA.

Department records do not document any officer signing out the vehicle identified by the complainant at that time.

An Officer Identification Poll was sent to the district station and yielded negative results.

The identity of the alleged officer could not be established.

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DATE OF COMPLAINT: 03/13/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant's employee told him he had been assaulted while picking up cargo at the San Francisco International Airport (SFO). The complainant stated that the employee was taken to the hospital and received stitches. The complainant said he could not find a police report for the incident and tried calling SFPD several times. The complainant stated he eventually received a call from the named officer. He said the named officer said he would call him back, but he never did. The complainant stated he attempted to call the named officer several times, but the named officer ignored his calls.

The named officer stated he spoke with the complainant on the phone about the incident. He asked for the employee's contact information, but the complainant refused. The named officer stated that the complainant told him he would have his employee call him. The named officer said he gave the complainant the number for his work phone. The named officer said he did receive a voicemail from the employee, but he did not leave a call back number. The named officer denied saying he would call back the complainant. The named officer said he needed to speak with the complainant's employee, not the complainant.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that his employee was assaulted in the San Francisco International Airport's (SFO) cargo area. The complainant could not find an incident report and determined one had not been written.

The named officer stated he was the primary officer at the scene. He said he responded to a call for service concerning a physical fight between two airport employees. The named officer stated he saw the

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SUMMARY OF ALLEGATION #2: (Continued)

complainant's employee with a cut lip dripping blood down his chin. He stated he spoke with the employee before he was taken to the hospital in an ambulance. According to the named officer, the employee told him he had been elbowed in the face. The named officer said that he believed the employee was the victim of an assault. The named officer stated he also spoke with the other individual involved in the altercation, who had no injuries, and who told the named officer he and the employee, "got into it." The named officer stated that he asked the employee if he wanted to make an incident report, but the employee said he did not. He said the employee told him he needed to go to the hospital, but that he would return to make an incident report after he was treated. The named officer said that he believed he was not obligated to write an incident report because the employee specifically said he would seek one later, and he did not want one at that time.

A witness officer said that he heard the named officer speaking with the employee. He stated the named officer explained to the employee that he could make a citizen's arrest, make a report at a later time, or take no action at all. The officer said the employee did not want any police action taken at that moment.

The employee stated he was assaulted by an individual, who punched him in the face causing his lip to split. The employee said that the individual punched him, kicked him, and pushed him to the ground. He could not walk by himself and needed to be helped to a cargo company office, where he met with the named officer and was tended to by emergency personnel. The employee said that he believes the named officer told him that if he wanted to make a report, he and the individual would need to come to the station. The employee stated he told the officer that he would make a report later, but, at that time, he needed to go to the hospital. The employee said he received stitches on his lip and was ordered to have a liquid diet for three or four days. He said he did not work for two weeks because of the pain.

A cargo company employee confirmed there was a physical fight between the employee and another individual. She confirmed the employee was injured and had to be helped away from the scene, but she also said that the other individual had an injury to his hand. She said she did not hear what was said between officers and either of the parties.

The employee provided photographs of his injuries. Three of the photos show a wound on his face actively bleeding. The photos show small amounts of blood splatter on the employee's cheeks, chin, and jacket. An uninterrupted stream of blood appears to have dripped down to his chin. Two of the photos show his wound after it stopped bleeding, and appear to show a puncture in the right corner of his mouth.

The employee's hospital discharge papers confirm he was prescribed a liquid diet for three days. They state that he would need his sutures removed in seven days. Hospital records state that he may return to work.

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DATE OF COMPLAINT: 03/13/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #2: (Continued)

An incident report was written two weeks and three days after the incident, by a different officer, in response to the employee going to the station and saying he wanted to press charges against the other individual. The report documents that the employee said he was assaulted, and may have been unconscious for a brief time. The employee also told the reporting officer that the individual called him a "Fucking Mexican" prior to the assault. The employee also said that the other individual had not been at work since then because of an injury to his hand. The report documents that the reporting officer was able to find video showing some of the incident and locate other witnesses. A supplemental note was written by the named officer stating, "Upon my arrival, I determined that a physical battery had occurred between 2 males ..." The supplemental note documents the injuries and allegations made by the employee, and states that the employee did not want any further police action. Airport dispatch records confirm that the named officer was assigned as the primary officer of the scene.

SFPD General Order 1.03, Duties of Patrol Officers, requires officers to, "Make written reports on crimes observed or brought to their attention that have not been previously reported." General Order 2.01, General Rules of Conduct, Section 25, On-Duty Written Reports, states an officer must document crimes or incidents requiring police attention.

The SFPD's Report Writing Manual requires officers to document all completed, incompletd, or attempted offenses, and suspicious occurrences both of a criminal and a non-criminal nature within an incident report.

The named officer acknowledged that he believed a crime, battery, had occurred. He conducted a brief investigation that, if anything, reinforced that conclusion. The employee was sufficiently injured that he required medical attention. The nature of those injuries, the statements made by the parties, and any information regarding witnesses should have been documented in an incident report, regardless of whether either party requested one or not.

The SFPD's Report Writing Manual also states, "Reports shall be completed and submitted for review as soon as possible after the information has been received." Although the incident was eventually documented in a report, and although the named officer contributed to that report, he did not comply with this requirement. Critical information could have been forgotten, witnesses could have disappeared, and video evidence could have been deleted by the time a possible victim took the initiative to go to the station and make a report.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/18 **DATE OF COMPLETION:** 07/26/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that she received a text message from an unknown male requesting they meet for sex. The complainant stated that the male told her that he had met her on Grindr, a geosocial networking mobile app geared towards gay and bisexual men. The complainant stated she did not post anything on Grindr and reported the incident to the San Francisco Police Department. The complainant alleged that the named officer failed to investigate her case.

Department records show that the named officer took reasonable investigative steps to investigate the complainant's case. The named officer attempted to obtain a search warrant but was denied by the San Francisco District Attorney's Office.

A preponderance of the evidence established that the named officer did not fail to investigate the complainant's case as alleged.

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: 05/18/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that a motorcade sped through the intersection and redirected traffic. He stated that the behavior of the motorcade was hazardous, dangerous, and should have been reserved for a crisis, such as a mass shooting. The complainant stated that a motorcade for a police commissioner was an inappropriate use of police funds and resources.

The SFPD has discretion to provide VIP motorcade escorts. In this case, the Department used its discretion to provide escort to a former president of the San Francisco Police Commission.

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: 05/22/18 **DATE OF COMPLETION:** 07/11/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he is constantly being followed by SFPD. The complainant has never had any direct contact with the officers who are following him.

This complaint raises matters not rationally within DPA's jurisdiction.

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DATE OF COMPLAINT: 05/24/18 **DATE OF COMPLETION:** 07/12/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 3: The officers failed to comply with Department General Order 5.15, Enforcement of Immigration Laws.

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

FINDINGS OF FACT: The complainant stated in a complaint emailed to SFPD that a colleague from his organization heard officers ask a Latino arrestee about his citizenship and legal status. The complainant provided a time and place for the arrest, but did not respond to DPA requests for further information to ascertain what was asked, or who was speaking to whom.

A search of Department records revealed one arrest at the location and time provided by the complainant. The named officers were engaged in the process of detaining and arresting a Latino male during a vandalism incident.

Body Worn Camera footage of the event indicated that the named officers were the only officers on the scene who had verbal contact with the arrestee. The footage captured the named officers' interactions with the arrestee from when the officers approached the arrestee, until he was placed in a patrol car. There was no comment made regarding the arrestee's legal or citizenship status. One of the officers, at one point, asked the suspect, "Where do you stay at?" and "Do you have a place near here?"

Department General Order 5.15, Enforcement of Immigration Laws, states, in part:

Detention: Members shall not stop, question or detain any individual solely because of the individual's national origin, foreign appearance, inability to speak English, or immigration status (also see DGO 5.03, Investigative Detentions). Members shall not inquire into an individual's immigration status.

The video evidence established that the named officers did not ask the arrestee about his citizenship and legal status as alleged by the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 1 of 6

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

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

FINDINGS OF FACT: The complainant stated that officers stopped him without justification.

San Francisco Police Department (SFPD) records indicated that the named officers detained the complainant because they observed the complainant's windows to be tinted in violation of California Vehicle Code (CVC) §26708 (a)(1).

San Francisco Police Department (SFPD) Body Worn Camera (BWC) videos captured the complainant's car, which clearly had dark tinted front windows.

Department General Order (DGO) 5.03, Investigative Detentions, section I.B., allows an officer to 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 complainant's car had dark tinted front windows. The officers had reasonable suspicion to detain the complainant for violation of CVC §26708.5 while they investigated.

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: 05/31/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 2 of 6

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

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

FINDINGS OF FACT: The complainant stated that an officer handcuffed him.

SFPD records indicated that the complainant was evasive and noncompliant when the named officer made contact. Records further indicated that the complainant would not provide his identification after multiple requests.

SFPD BWC videos showed the complainant immediately become hostile upon police contact. The videos showed the named officer ask the complainant multiple times for his identification. The videos showed the complainant resist the officer's demands by repeatedly asking what he did wrong and why the officer was bothering him. The videos further showed the complainant try to walk past the named officer without providing his identification. The named officer was seen in the video warning the complainant that he would be handcuffed if he did not comply.

Officers have the right to reasonably restrict a detainee's actions to protect themselves and to complete their investigation. In this case, the complainant was hostile and noncompliant with the named officer's demands for identification, which posed officer safety risks and impeded the investigation. The handcuffing was brief and reasonably necessary under the circumstances.

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: 05/31/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 3 of 6

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

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

FINDINGS OF FACT: The complainant stated that an officer issued a citation for having tinted windows and driving on a suspended license. The complainant stated that he was not driving the car.

SFPD records indicated that the named officer observed the complainant driving the car. Records further indicated that the named officer ran a records check on the complainant which revealed that his license was suspended and he was previously cited for driving on a suspended license. SFPD records further indicated that the complainant was cited for violating CVC §26708(a)(1) and CVC §14601.1(a).

SFPD BWC videos showed the named officer obtain the complainant's California identification card and run his name and the car license plate on the Mobile Data Terminal (MDT). The video showed the complainant denying that he drove the car, and the named officer stating that he observed him driving the car. The BWC video further showed a witness confirming that the complainant drove the car. The video showed the officer confirming on the MDT that the complainant's driver's license was suspended and that he had previously been cited for driving on a suspended license. BWC videos captured the complainant's car, which clearly had dark tinted front windows in violation of CVC §16708(a)(1).

Department of Motor Vehicle (DMV) records indicated that the complainant's driver's license was suspended on the day of the incident. DMV records further indicated that the complainant had been previously cited for driving on a suspended license.

The named officer had probable cause to believe that the complainant was in violation of CVC §§ 26708(a)(1) and 14601.1(a).

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: 05/31/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #5: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer towed his car despite a willing and able driver available to drive the car from the scene.

SFPD records stated that the named officer towed the vehicle pursuant to Department Bulletin (DB) 16-115.

DMV records indicated that the complainant had been previously cited for driving on suspended license.

DB 16-115 states that a vehicle shall be towed when records confirm that the driver of the vehicle has been cited at least once for driving with a suspended license in the past.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #6: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the named officer called him “Richard” instead of his correct first name. He also stated that the officer cited him for driving on a suspended license when he was not driving.

SFPD records and BWC videos indicated that the named officer observed the complainant driving a vehicle with tinted front windows. The BWC videos also showed the officer talking to a witness, who confirmed that the complainant drove the car. Records indicated that the named officer obtained the complainant’s California identification card and ran a records check which revealed that the complainant’s driver’s license was suspended and he had previously been cited for driving on a suspended license.

The named officer conducted a thorough investigation. He observed the complainant violating the law, initiated a detention, spoke to witnesses, obtained the complainant’s California identification card, ran his name through a records check, and found out that the complainant’s driver’s license was suspended and that he had previously been cited for driving on a suspended license. The named officer prepared a detailed incident report, documenting his investigation.

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: 05/31/18 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #7: The officer improperly used force during a detention.

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

FINDINGS OF FACT: The complainant stated that the officer was rough when he handcuffed him. The complainant further stated the officer pushed him up against a window and grabbed and twisted his arm.

BWC videos showed the named officer placing his hands on the complainant to handcuff him. At no time did the videos show the named officer using force or being rough with the complainant either while he was handcuffing him or when he removed the handcuffs. At no time did the videos show the named officer pushing the complainant up against a window.

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 #8: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer threatened him, stating that if he did not give him his identification, he would put his hands on him, put him in handcuffs, put him in the back of the patrol car, and take him to jail.

BWC videos showed the named officer asking the complainant for his identification numerous times. The videos showed the named officer telling the complainant that he would be put in handcuffs if he did not provide his identification. The videos further showed the named officer escorting the complainant to the patrol car and putting him in the back seat. BWC videos also showed the complainant refusing to sign the citation and the named officer warning him that if he did not sign, he would have to take the complainant to the station.

The BWC videos showed the named officer acting in a professional, civil, and calm manner throughout the contact. The named officer kept the complainant well-informed of what was occurring and what was going to occur if the complainant continued to be non-compliant. 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: 05/31/18 **DATE OF COMPLETION:** 07/06/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers came to her door looking for her daughter's boyfriend, who had been identified as a suspect in a stabbing incident. The complainant stated that she consented to an illegal search. She stated she consented out of fear and intimidation.

SFPD video evidence shows the named officer politely asks the complainant if he could look inside the residence. The complainant states, without hesitation, "of course, absolutely," steps back from the doorway, and opens the front door further to allow the officer entry into the residence.

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 searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers came to her door looking for her daughter's boyfriend. She stated that she consented to the search of her residence.

SFPD video evidence shows the named officer enters the residence and conducts the search. The search lasted less than three minutes. The officer looked only in places big enough for a person to hide.

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: 05/31/18 **DATE OF COMPLETION:** 07/06/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated officers appeared at her residence with guns drawn.

SFPD records indicated that the named officers were on scene to locate a suspect in an unprovoked stabbing. SFPD video evidence shows the named officers displaying their weapons. The named officers were standing on the sidewalk on both sides of the stairs facing the front door entrance. The video evidence shows the named officers holding their weapons pointed to the ground.

Pursuant to DGO 5.01 VI G, “an officer may draw, exhibit or point a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety.”

Given the nature of the incident, the officers’ drawing of their firearms 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 ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer hassled her roommate. The complainant also stated her roommate was uncooperative and very antagonistic towards police officers.

SFPD video records shows the roommate answering the door and immediately becoming hostile and defensive towards the officers’ presence. Video records shows the named officer asking the roommate pertinent questions. The video evidence shows the roommate resisting the named officer’s questions. Video evidence shows the named officer trying to improve communication with the roommate, but the roommate continues to be hostile and defensive.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/18 **DATE OF COMPLETION:** 07/18/18 **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 was a victim of a robbery, during which he was injured and lost consciousness. The complainant could not recall the suspects except stating that they were African American with dreadlock hair, wearing dark jackets and black pants.

The complainant stated that he told the sergeant who was assigned his case that his probation officer provided information to him, stating that the probation officer knew who had committed the robbery. The complainant stated he informed the named officer of this information, but the named officer refused to conduct an investigation.

Department records show the case was assigned to the named officer. Department records also show the named officer conducted a follow-up investigation, specifically into the evidence provided by the complainant. The records showed that the named officer determined the information provided by the complainant could not be confirmed to the extent that it would support charges. Department records further show the named officer reviewed a video taken from a surveillance camera near the crime scene. He found the video inadequate. The records show that the officer then recommended the case be designated as Open/Inactive.

Department Bulletin 17-256 provides a number of criteria for investigating officers to consider when determining if a case will be assigned and whether the case warrants further investigation. The bulletin states that if, after preliminary investigation, the case does not meet the criteria, a case can be designated as Open/Inactive.

The records showed that the named officer conducted an investigation and determined there was not enough evidence available to warrant further investigation, and had the case designated as Open/Inactive until further information is obtained.

A preponderance of the evidence established that the named officer did not fail to take required action(s).

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/18 **DATE OF COMPLETION:** 07/12/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/18 **DATE OF COMPLETION:** 07/20/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his friends had a permit for a nude wedding. He said they attempted to get married in the nude at City Hall and were arrested. The complainant did not know the date this occurred.

An Officer Identification Poll was sent to Northern Station and yielded negative results.

A CAD was located for an indecent exposure call in the area described, which occurred two weeks before the complaint was made. An officer and a lieutenant who responded to that call both indicated there was no nude wedding and the complainant was not involved.

No witnesses were identified.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/18 **DATE OF COMPLETION:** 07/20/18 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing based on sexual orientation.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/18 **DATE OF COMPLETION:** 07/16/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer threatened and intimidated a person.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to pay him and threatened to arrest him.

Documents provided by the complainant showed that the named officer acted as a private person and told the complainant that she would file a complaint against him with the Better Business Bureau, Contractor Licensing Board, and Attorney General's Office, unless he signed a conditional lien waiver.

The evidence established that the dispute between the complainant and the named officer is a civil matter.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/17 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to follow crowd control policies.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

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

FINDINGS OF FACT: The complainants stated the named officer used poor judgment to block with a patrol car the safe passage of skateboarders going downhill on a residential street, and then stood in their way, causing a skateboarder to collide against a patrol vehicle, which resulted in serious injuries.

The named sergeant had responded to the area of Dolores Park regarding reports of dozens of skateboarders using the traffic lanes of a city street to hold an unsanctioned, unannounced skateboard “Hill Bomb.” Video footage posted on social media and broadcast on television news programs showed the named sergeant talking with his superior officer in a patrol car, walking uphill, engaging in conversation with a member of another law enforcement agency, and standing in the path of two skateboarders traveling at high rate of speed. The named sergeant is seen taking no actions to get out of the way of the skater who collided with him.

The named sergeant stated he placed the patrol car in the street to block vehicle traffic from interfering with the skateboarders. He stated he did not recall talking to a park ranger and telling him to back his truck in a way to close the gap skaters were using to skate down the hill. He said he also did not recall making comments at the scene of the event that indicated he meant to block the skaters. As to the collision with the skater, the named sergeant stated he was surprised by the approaching skater, could not get out of the way, so did the only thing he could: braced for the impact. He denied he leaned into the skater or tried to knock him off his skateboard.

DPA interviews of witnesses and review of body worn camera footage indicated that the named officer independently took actions intended to stop the skaters from using the street, despite the ultimate decision of commanding officers that the spontaneous event be allowed to play out without any enforcement action. A preponderance of the evidence established that the named sergeant violated the general provisions and language of Department regulations for handling spontaneous events of social disorder. The DPA determined that the officer constructively interfered with the skaters’ First Amendment rights to freedom of expression and assembly in violation of Department General Order 8.03, Department Bulletin 16-202, and DGO 2.01 (7).

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/17 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer used excessive force during a contact.

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

FINDINGS OF FACT: The complainants stated that the named sergeant willfully stood in the path of skateboarders coming down a hill, and used his shoulder to check a skateboarder causing his collision against a parked police car, catapulting him over the hood before falling onto the pavement.

The named sergeant acknowledged that he collided with a skater, but denied he intentionally stood in the path of the skater or used his shoulder to attempt to strike a passing skater or cause the collision of the skater against a police vehicle.

Footage of the collision and preceding events taken by spectators at the event and published on social media or broadcast on television news programs is inconclusive about the level of force the named sergeant used during this contact.

There were no other witnesses located who could definitively describe the collision.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/18 **DATE OF COMPLETION:** 07/11/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/18 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she believed she was burglarized, prompting her to call police. The complainant stated that when the named officers arrived, they did not take fingerprints or write a report.

Documents show that the named officers arrived and met with the complainant. The named officers determined there was no merit to the alleged crime and advised that the complainant's case worker be notified. The complainant is known to make recurrent calls for service that have consistently been determined to have no merit.

A preponderance of the evidence established that the officers' actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/18 **DATE OF COMPLETION:** 07/11/18 **PAGE#** 1 of 1

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

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: 06/28/18 **DATE OF COMPLETION:** 07/16/18 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer used excessive force during a detention.

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

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

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

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

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

SUMMARY OF ALLEGATION #4: The officer failed to follow tow procedures.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/18 **DATE OF COMPLETION:** 07/06/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated that a man, who identified himself as an off-duty SFPD officer, acted inappropriately and tried to bully her.

SFPD records showed that the person identified by the complainant is not a member of the SFPD.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/18 **DATE OF COMPLETION:** 07/06/2018 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action.

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

FINDINGS OF FACT: The complainant stated that a San Francisco police officer recently retired, and that the officer's K9 partner was not allowed to retire with the officer.

DPA's investigation established that the officer's K9 partner has been allowed to retire with the officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/17 **DATE OF COMPLETION:** 07/05/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was driving out of a parking lot when she encountered a large truck maneuvering into the parking lot. The complainant stated the truck was travelling in the wrong lane and almost collided with her. Police officers arrived and told her to move her vehicle. The complainant stated one of the responding officers told another officer that the complainant is male, not female, and mocked the officer for not being able to determine her gender. The complainant stated the named officer told his fellow officers, the responding paramedics and some hospital personnel at the hospital where she was later transported that she is “a psycho.” The complainant stated also that the named officer grabbed her breasts.

The named officer and witness officers denied the complainant’s allegations.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #2 - 5: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers laughed when she called 911 to report their conduct during the contact.

The named officers denied the allegation, stating that they did not laugh at the complainant.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/17 **DATE OF COMPLETION:** 07/05/18 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officer hit her in the chest and pulled her head backwards. The complainant stated she was unconscious or semi-conscious when it happened, and that it happened either when she was inside a police vehicle or an ambulance.

The named officer and witness officers denied that force was used on the complainant.

Body Worn Camera video footage shows the complainant being uncooperative as she was escorted to and placed in a marked vehicle. The complainant dropped to the ground and refused to get up, making it difficult for the officers to carry and put her inside the vehicle. The video footage did not show any officer using unnecessary force.

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 #7: The officer wrote an inaccurate and/or incomplete report.

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

FINDINGS OF FACT: The complainant alleged that the named officer falsely wrote in his report that she was driving erratically in at 56 miles per hour.

The named officer denied the allegation, stating that he did not make any statement about the speed of the complainant.

The incident report does not contain any statement from the named officer about the complainant's driving behavior and speed.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/17 **DATE OF COMPLETION:** 07/05/18 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: In a separate incident that occurred at an elementary school, the complainant called 9-1-1 to report a potential child abuse situation. The complainant stated the named officer and his partner responded to the scene to investigate the incident. The complainant stated the named officer refused to write a report when asked.

Department records show the complainant called to report a teacher whom she believed was unsafe to students and was causing grave concern.

The named officer stated the complainant did not ask for an incident report. He also determined after investigation that no crime was committed.

The named officer's partner stated that he could not recall the complainant asking for an incident report, and there was no reason to write one because no criminal activity had taken place at the school.

A school district attorney stated that the incident was part of the complainant's separation from service. He stated that at one point, during the complainant's teaching tenure, the school principal expressed concern about the complainant's classroom management, organization and lack of planning. He stated the complainant took it differently, as if the principal were saying that the children were unsafe with her.

Department records show that during the incident, the complainant asked for a union representative regarding her working conditions. She also expressed dissatisfaction about parents making complaints against her.

The evidence suggests that the incident involved an employment matter.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/18 **DATE OF COMPLETION:** 07/06/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: The officer behaved inappropriately.

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

FINDINGS OF FACT: An anonymous complainant called and left a message with the Department Police Accountability's answering service stating that when she calls the police to complain about individuals obstructing her apartment building's front door, they get angry with her. The complainant did not provide a call back number, nor did she provide the date and time of the incident.

The complainant failed to provide sufficient information for DPA to conduct its investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/17 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he and a friend were outside a restaurant when two men objected to the way he talks to police. The complainant told a man in profane language to shut up, and the other man punched him. The complainant said the named officers were nearby, heard him yelling, and detained him without justification.

The named officers stated they saw what appeared to be a fight within a large crowd and believed they had reasonable suspicion to detain the complainant for disorderly conduct because he was apparently in a fight and was screaming toward a crowd of others, with blood on his face. One named officer said that as they approached, the uncooperative complainant bumped his chest and knocked off his Body Worn Camera (BWC) from his chest. The other named officer stated the complainant's friend obstructed their approach and threatened him, so the complainant and his friend were detained pending an investigation of the apparent fight. The named officers said the complainant was issued a form indicating that he had been detained only.

Department body worn camera footage began as both officers approached the complainant, but did not capture a fight or the actions that led to the complainant being injured or detained. The footage showed that the complainant's friend, not the complainant, interfered and knocked off an officer's BWC.

Department General Order 5.03, Investigative Detentions, section I.B. allows an officer to 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.

A preponderance of the evidence established that the named officers had 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/18 **DATE OF COMPLETION:** 07/06/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/18 **DATE OF COMPLETION:** 07/09/18 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers misused police authority.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 047/03/18 **DATE OF COMPLETION:** 07/03/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/18 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department did not respond to his call for service regarding a hotel making unauthorized charges on his bank card.

The complainant called the police regarding a civil matter.

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: 08/15/17 **DATE OF COMPLETION:** 07/10/18 **PAGE#** 1 of 1

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

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 June 28, 2018.

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

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 on June 28, 2018.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/18 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/18 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/18 **DATE OF COMPLETION:** 07/26/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/18 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/18 **DATE OF COMPLETION:** 07/26/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/17 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that officers detained him without justification.

The named officers stated that they initially detained the complainant for violating San Francisco Municipal Police Code §168, the sit/lie law. The named officers stated that, when they approached the complainant, he held out two bags of marijuana. They stated the complainant was searched to find out if he had more than an ounce of marijuana in violation of Health and Safety Code (HSC) §11357 or additional marijuana indicating possession for sale.

The evidence established that while the officers were initially justified in detaining the complainant, they unnecessary prolonged the detention when they searched the complainant to find out whether he had more marijuana.

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

SUMMARY OF ALLEGATIONS #3-4: The officers searched the complainant without cause.

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

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

The named officers stated that, when they approached the complainant, he held out two bags of marijuana. They stated the complainant was searched to find out if he had more than an ounce of marijuana in violation of Health and Safety Code (HSC) §11357 or additional marijuana indicating possession for sale.

SFPD records indicated that the reason stated for the search was to find out if the complainant had more than an ounce of marijuana and does not mention the suspicion of possession of marijuana for sales.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/17 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3-4 continued:

Pursuant to HSC §11362.1, possession of less than an ounce of marijuana by a person over 21 is generally lawful. HSC §11362.1(c) prohibits officers from detaining, searching, or arresting individuals based on conduct deemed lawful. The complainant's conduct of holding up the bags of marijuana was lawful. However, the named officers could not articulate accurate knowledge of the relevant marijuana laws. It would be unreasonable for officers to be expected to learn and act upon substantive changes in the marijuana laws without assistance from their Department. Here, DPA found no evidence that SFPD had informed the rank and file of material changes in the marijuana laws.

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

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

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

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

The named officers stated that the probable cause to arrest the complainant was the presence of methamphetamine and crack cocaine found in his jacket pocket during the search.

Pursuant to HSC §11362.1, possession of less than an ounce of marijuana by a person over 21 is generally lawful. HSC §11362.1(c) prohibits officers from detaining, searching, or arresting individuals based on conduct deemed lawful. The complainant's conduct of holding up the bags of marijuana was lawful. However, the named officers could not articulate accurate knowledge of the relevant marijuana laws. It would be unreasonable for officers to be expected to learn and act upon substantive changes in the marijuana laws without assistance from their Department. Here, DPA found no evidence that SFPD had informed the rank and file of material changes in the marijuana laws.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/17 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #7-8: The officers failed to take required action (*Miranda* warnings).

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

FINDINGS OF FACT: The complainant stated that officers did not give him *Miranda* warnings.

The named officers stated that they were not required to give *Miranda* warnings because they did not question the complainant about any crimes.

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

SUMMARY OF ALLEGATION #9: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that officers took his ID card during the arrest, but he never got it back.

The named officer stated that he believed the complainant gave him his ID card to identify himself. The named officer stated he processed the property pursuant to Department rules.

A witness officer stated that he inventoried the complainant's property, but did not see an ID card. He stated that the complainant signed the Station Booking Record, which he reviewed as complete and accurate inventory of all his personal property as indicated.

SFPD records showed that the complainant signed a Property Inventory at the Tenderloin Station.

The Property Inventory included an itemized list of all the complainant's property.

San Francisco Sherriff's Department records showed that the complainant signed an Inmate Property Inventory Report. The Inmate Property Inventory Report included an itemized list of all the complainant's property. The complainant's itemized property included "miscellaneous items" in a "sealed clear plastic bag."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/17 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #10-11: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that several days after the court hearing in which the judge discharged the charges, the named officers stared him down until he was out of eyesight.

The named officers denied staring him down.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/17 **DATE OF COMPLETION:** 07/31/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was arrested with a bicycle and carriage in his possession. The complainant asked the named officer to leave his bicycle leaning against a tree so that he could easily retrieve it upon his release from custody. The named officer took complainant's bicycle and did not issue him a property receipt. Upon his release, the complainant went to a district station to retrieve the bicycle, and officers at the station were unable to locate it.

Department policy requires officers to issue a property receipt when taking property from an arrestee for safekeeping. If an officer is unable to issue a receipt, the officer must document the reason he or she is unable to issue a receipt in an incident report. Officers may request Department of Public Works ("DPW") assistance to store large items such as bicycles. Large items may be temporarily stored in a district station holding area until they are picked up by DPW for storage.

The named officer arranged for another officer to bring the bicycle to a district station while he booked the complainant at County Jail 1. He later returned to the station to write the incident report. The named officer stated that his partner handled the complainant's bicycle and carriage. The named officer alleged that he did not issue the complainant a property receipt for his bicycle because it was not his responsibility.

The named officer's partner called DPW to request pickup and storage of the bicycle and carriage. He did not recall if a property receipt was issued to the complainant for the bicycle and carriage. He stated that he was not responsible for issuing a property receipt.

Three other involved officers assisted the named officer and his partner in securing and transporting the bicycle, but that they did not believe that they were responsible for issuing a property receipt for the bicycle.

Police records showed that the complainant was not issued a property receipt for his bicycle and carriage and that no explanation was documented in the incident report.

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: 10/20/17 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-9: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered her apartment without a search warrant. The complainant also stated that officers did not comply with a posted notice to law enforcement that they must direct any warrant or legal document to the corporate office of the complex before entering the property.

San Francisco Police Department (SFPD) records showed that the entry was made pursuant to a valid search 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 ALLEGATIONS #10-18: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers searched her apartment without a search warrant.

SFPD records showed that the search was conducted pursuant to a valid search 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: 10/20/17 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #19-23: The officer detained persons without justification.

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

FINDINGS OF FACT: The complainant stated that her three-year-old daughter and an elderly babysitter were in her apartment when officers conducted the search. The complainant stated that the elderly babysitter was handcuffed during the search.

The named officers denied that the babysitter was handcuffed. They stated that the occupants were not able to move freely about the apartment during the search for their safety and the officers' safety.

The SFPD video evidence does not show at any time that the babysitter was handcuffed.

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: 10/20/17 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #24-27: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that officers searched her apartment without showing anyone a search warrant, including relatives she sent to the apartment to specifically ask to see the warrant. The co-complainant stated that he asked for a copy of the search warrant, but none was provided.

The named officers admitted that they did not show a copy of the search warrant to anyone on the premises. The named officers further stated that California law does not require officers executing a search warrant to display the warrant or provide a copy.

The SFPD Search Warrant Manual specifies, “[o]nce entry is made into the location, the officer(s) should show the original search warrant to the occupant(s), then give the occupants(s) a copy.” Department General Order 3.02 defines “should” as “permissive, but recommended.” Even though California law does not require officers to provide a copy of a warrant (see *People v. Calabrese* (2002) 101 Cal.App.4th 79, 85; *Nunes v. Superior Court* (1980) 100 Cal.App.3d 915, 936), SFPD’s Search Warrant manual recommends that officers show and provide a copy of the warrant to the occupant whose property is subject to the warrant. Providing a copy of the warrant is consistent with the goals of community policing and procedural justice. (“People are more likely to obey the law when they believe that those who are enforcing it have the legitimate authority to tell them what to do...The public confers legitimacy only on those they believe are acting in procedurally just ways.” Final Report of the President’s Task Force on 21st Century Policing. Washington, DC: Office of Community Oriented Policing Services. 2015, pages 9-10.) Department General Order 5.16 “Obtaining Search Warrants” does not include SFPD’s Search Warrant Manual’s provision that officers should show and provide a copy of the search warrant to the occupant. DGO 5.16 has not been updated since 1997.

The DPA recommends that DGO 5.16 be revised to require officers to provide a copy of the search warrant to the occupant whose property is subject of the search warrant.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/17 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #28-31: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that her apartment was “flipped and look[ed] like a hurricane just crashed.” The complainant stated that she saw dirty clothes scattered and the contents of any drawers spilled out on the floor. She stated that officers seemed to have searched just the bedrooms and living room as her kitchen appeared untouched.

The named officers stated they did not recall the state of the apartment before the search and after the search. They stated that they conducted a reasonable and thorough search of the apartment based on the evidence for which they were authorized to search.

SFPD records indicated that officers were authorized to search for certain items including, but not limited to, clothing, firearms and firearms accessories, and gang indicia.

SFPD video evidence showed that the living room was cluttered with toys and other child accessories prior to the search. Video records showed that the child brought out more toys and play things while one of the officers engaged and played with her. SFPD video evidence showed that the primary focus of the search was the complainant’s son’s bedroom. SFPD video evidence showed that the bedroom was cluttered with clothing and items scattered throughout the room prior to the search. SFPD video evidence showed the officers clearing out dresser drawers and sifting through clean and dirty clothing, creating piles of clothing on the bed and floor. SFPD video evidence further showed officers pulling out and searching the contents of the bedroom closet and placing searched boxes and items on the bed. The video evidence showed officers searching two other bedrooms, which were cluttered with clothing and items prior to the search, and placing items they searched in piles. Video evidence showed an officer search through clothing in the hall closet and place searched items in a pile where the items were originally located.

The SFPD Search Warrant Manual specifies, “[o]fficers should conduct an unhurried, thorough and systematic search. Searching officers must know the scope of the search and the items to be seized.” The Manual further states, “[a]ll containers within the described premises may be searched thoroughly pursuant to the warrant as long as the container may conceal one of the items.”

The search warrant authorized officers to search for, *inter alia*, certain clothing, firearms and firearms accessories, and gang indicia. Police officers can thoroughly search any area or container which may

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/17 **DATE OF COMPLETION:** 07/18/18 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #28-31: (Continued)

conceal the evidence authorized by the search warrant. The officers diligently and systematically searched the complainant's son's bedroom and placed items searched on the bed or floor. Officers also searched clothing in other bedrooms and hall closet, which they were permitted to do pursuant to the search warrant. They were not destructive or hurried during the search. There is no mandate or rule that police are required to put things back where they found them.

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

SUMMARY OF ALLEGATION #32: The officer seized property without justification.

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

FINDINGS OF FACT: The co-complainant stated that officers seized property without a warrant.

The named officer stated that he seized property as part of the investigation.

SFPD records showed that officers were authorized to seize property pursuant to a valid search warrant. SFPD records further indicated that the items seized were within the purview of the search 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 #33: The officer spoke inappropriately.

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

FINDINGS OF FACT: The co-complainant stated that the named officer threatened him.

The named officer denied threatening the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/17 **DATE OF COMPLETION:** 07/11/18 **PAGE#** 1 of 1

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

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 on 7/6/18.

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SUMMARY OF ALLEGATION #2: The officer failed to take 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 7/6/18.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/17 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 1 of 8

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

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

FINDINGS OF FACT: The complainant stated she was sitting in her car, which was parked on the street in front of her house, talking on her cell phone. She stated that she had a taser in the storage area of her car's passenger door, which she moved to the driver's side passenger door. The complainant stated the taser happened to be on and it made a "clacking" sound when she moved it. She stated that the named officers happened to drive by at that time, made a U-turn and approached her car with bright lights. The complainant said the named officers asked her about a taser and told her it was illegal to have a taser in San Francisco. She said the named officers opened her car door and she told them to take the taser if that was what they wanted. The complainant stated the named officers told her to step out of the vehicle and then proceeded to handcuff her, search her and her vehicle. She said that the named officers released her with a Certificate of Release after about thirty-five minutes.

One of the named officers stated that he saw a light and heard a noise, consistent with a taser going off. He approached the complainant's parked vehicle with the other named officer, his partner. The named officer stated he was checking to ensure everybody was OK and nobody was being hurt or assaulted. He stated the complainant initially denied she had a taser but later admitted that she did. The named officer said he detained her at that point, seized the taser, and continued his investigation.

The other named officer stated they stopped the complainant to make sure she was not committing a crime or to make sure she was not a victim of a crime. She stated that when the complainant reached for her door, the named officer saw the taser and told her not to reach for anything. The named officer said that she then asked the complainant to get out of the car, handcuffed her and took her to the patrol car. Both of the named officers stated they did not know whether it was legal for the complainant to have a taser until they were able to determine she was not a felon. Once they did, the complainant was released.

Body Worn Camera (BWC) footage does not show the initial contact between the named officers and the complainant, including what was initially communicated. The footage documents one of the named officers telling members of the complainant's family that it is illegal to possess a taser in San Francisco. The footage documents that the complainant's information was queried after she was handcuffed and placed in a patrol car, and after the complainant's car was searched. The footage shows that the complainant was yelling and that several family members came out of her house during the incident.

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COMPLAINT SUMMARY REPORT**

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The Incident Report documents that one of the named officers saw and heard a “stun gun,” and approached the complainant to investigate. The report documents that the complainant initially denied having a stun gun, then admitted she had one and started to reach for it. According the report, the other named officer asked the complainant not to touch the stun gun and asked her to step out of the vehicle when she became aggravated. The report documents that the complainant was released after further investigation and after a computer check for wants and warrants. The Certificate of Release documents the complainant was detained for seventeen minutes.

Records from the Department of Emergency Management indicate the incident lasted twenty-five minutes.

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.”

A preponderance of the evidence shows that the named officers were likely engaged in a consensual encounter, investigating a possible electroshock weapon, up to the point when they saw what they believed to be the weapon and the complainant admitted she had one. The named officers then detained the complainant to investigate why the weapon had gone off or been fired.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer and her partner detained her, removed her from her car, and told her it was illegal to have a taser. The complainant said that the named officer handcuffed her without justification.

The named officer stated her partner asked the complainant where the taser was and the complainant replied that she did not have one. The named officer stated the complainant eventually admitted she had a taser and was removed from her car. At that point, the named officer handcuffed the complainant. The named officer stated the basis for handcuffing the complainant was because she had lied about having a weapon in the first place.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/17 **DATE OF COMPLETION:** 07/30/18 **PAGE#** 3 of 8

BWC footage shows that the named officer handcuffed the complainant immediately after she was removed from her car. The footage shows that the complainant started to yell at the officers, and call for her family. The footage shows that members of the complainant's family exited their home and some of them also began to yell at officers. The footage shows that the complainant was not completely compliant, and at times was physically evasive.

The Incident Report documented that the named officer asked the complainant not to reach for the stun gun and that the complainant then became aggressive. The report documented that the complainant "was not complying with commands."

The SFPD Arrest and Control Manual states that when deciding whether or not to handcuff a subject, officers should consider the reason for the arrest, the subject's demeanor, the number of officers, the sex of the subject relative to the officers and the possibility that handcuffing could incite bystanders, among other things. While some of the factors listed in the Arrest and Control Manual weigh against handcuffing, others weigh more heavily in favor. In this case, although the complainant was not arrested, the reason for the detention was due to the apparent firing of an electroshock weapon. When the weapon was discovered, the complainant started yelling and several of her family members came out and joined in. It was late at night, in a residential area and the officers on scene appeared initially outnumbered by angry bystanders.

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 #4-5: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that she was searched even though she had no weapons on her and was wearing tight clothes and a hoodie. The complainant also felt that the search was excessive.

One of the named officers stated she conducted a pat search when the complainant stepped out of her car. She said the complainant was resistive to the pat search and began yelling for people to come out from her house.

The other named officer stated she conducted a quick cursory search for weapons prior to placing the complainant inside a patrol vehicle.

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Officers can conduct pat searches when detaining someone if they have reasonable suspicion that the person may be armed. The complainant had an electroshock weapon that had likely been fired, accidentally or otherwise, minutes before she was detained. Although it is unclear whether she initially denied having the weapon, and while the named officers had found the weapon before searching her, they still had enough information to justify a pat search. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #6-7: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated her car was searched unnecessarily.

One of the named officers stated she conducted a search of the vehicle for more weapons and described searching the passenger side. She also acknowledged that she had asked about opening the trunk during her search.

The other named officer stated he searched the vehicle because the complainant initially denied having a taser and he thought there could be more weapons. He described his search as analogous to a protective sweep. The named officer stated that, in addition to the passenger compartment, he opened and searched the car's trunk.

BWC footage does not capture the initial contact with the complainant, including any communications about whether she had a taser. The footage documents that both officers searched the complainant's car, including the trunk. The footage shows the first named officer asking about a way to open the trunk, while the other named officer actually went into the trunk.

The incident report does not document or address the search of the vehicle.

Officers may search an area within reach of a person when done incident to an arrest. They may search other areas of a car if they have probable cause to believe they contain contraband or evidence of a crime.

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 #8: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officer pushed her face away when she protested the search. She said the officer “smooshed” her face as if to quiet her from protesting.

The named officer denied the allegation. The named officer stated she did not use any reportable force but said she may have had incidental contact with the complainant’s face.

A witness officer, also involved in the physical detention of the complainant, stated he did not observe any unnecessary use of force during the incident.

BWC footage does not show all the physical contact and there is no obvious contact to the face. The footage does capture the complainant saying, “Why your hand in my face?” The footage does not show the complainant saying or indicating that she was in pain.

A preponderance of the evidence established that the named officer did not use unnecessary force as alleged by the complainant.

It is more likely than not that the named officer did not use unnecessary force against the complainant.

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

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

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

FINDINGS OF FACT: The incident report prepared by the named officer lacked required information and contained errors.

The named officer stated he made a mistake in the report when he wrote that he handcuffed and placed the complainant in the patrol car. He acknowledged that it was his partner who did that. The named officer also stated that he forgot to include the search of the vehicle in his report narrative. He stated he did not include the search of the complainant because he did not know who had done the search. The named officer also acknowledged that he did not identify the other officers who assisted with the detention of the complainant.

The incident report states that the named officer placed the complainant in his department-issued handcuffs and placed her in a patrol vehicle.

BWC footage documents that the named officer and his partner searched the complainant's vehicle, including the trunk. The footage shows the named officer's partner handcuffing and searching the complainant. The footage from other officers on scene shows that they assisted with the detention and handcuffing of the complainant, as well as a computer check for wants and warrants.

The SFPD Report Writing Manual states that it is, "essential that [officers'] reports be detailed and complete." It goes on to state, "An accurate and comprehensive narrative must, as applicable ... Outline the investigative process, including actions by Department members and units ... [and] Detail searches," among other things.

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

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SUMMARY OF DPA-ADDED ALLEGATIONS #2-5: The officers failed to comply with DGO 10.11, Body Worn Cameras, and DB 17-156, Body Worn Camera Mute Function.

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

FINDINGS OF FACT: The Body Worn Camera (BWC) footage for the officers showed that most did not activate their cameras at the beginning of their contact with the complainant. The footage for all of the named officers was also muted several times, and the reason for having done so was not documented.

The named officers acknowledged delays in the initiation of their recordings. One of the named officers stated that when he first approached the complainant, he did not know he was going to detain her, though he acknowledged the policy also includes requirements about consensual encounters. Other named officers stated they were more concerned with other issues, such as officer safety, or that the incident was dynamic. The named officers stated that they nonetheless complied with Department policy because, although they are required to activate their BWC's during a detention, there is no specific guidance given about when they have to start their recording. The named officers admitted that the initial report did not document a reason for muting their BWC's, but stated that it was documented in a supplemental report, which was written nearly seven months after the initial report. Although the supplemental report was written by only one of the named officers, other named officers stated that they did not believe it was necessary for each member to separately document the reason for muting their BWC's. Some of the named officers acknowledged that they simply forgot to unmute their cameras after initially having a legitimate reason for muting.

The BWC footage shows the detention of the complainant, the search of her vehicle, and her eventual release. The footage also shows that the complainant, and some of her family members, were hostile – shouting, using foul language, and accusing the officers of wasting time on a taser instead of what they considered more important matters. The footage for three of the named officers starts after their initial contact with the complainant. The footage for all of the named officers is muted at various times.

The supplemental report states: “While on scene, I along with other Officers ... muted our (b1) body worn cameras to discuss law enforcement information and tactics amongst ourselves. This happened several times during the course of investigating this incident while we were on scene.”

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SFPD General Order 10.11, Body Worn Cameras, states, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances ... Detentions and arrests ... Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim ... During any citizen encounter that becomes hostile ... [and] In any situation when the recording would be valuable for evidentiary purposes,” among other circumstances. It further requires that, “If a member deactivates a BWC recording prior to the conclusion of an event, the member shall document the reason(s) for terminating the recording in CAD, an incident report, a written statement or a memorandum.”

Department Bulletin 17-156 clarifies that, “Utilizing the mute feature is considered a termination of the recording as outlined by Department General Order 10.11,” and it explains that muting should be documented just as if officers had terminated their recording.

The SFPD Report Writing Manual states, “Reports shall be completed and submitted for review as soon as possible after the information has been received.”

The supplemental report was written nearly seven months after the initial report, and it was written after the author was noticed to appear at the DPA for an interview regarding this case. The named officer did not have a reason for the long delay, or an explanation as to what motivated him to write the report a few days before his DPA interview. It is clear that, but for the allegation involving BWC’s and the named officer’s notice of such allegation, he would not have documented a reason for the BWC muting. Furthermore, the explanation given does not explain or excuse all of the muting evident from the BWC footage. All of the members who muted their BWC should have documented their own reasons for doing so, if not in the incident report, then using one of the other methods outlined in Department policy.

Additionally, the named officers stopped or responded to the scene to investigate a possible crime. As soon as they realized there was a person who may have knowledge of the possible crime, they should have turned on their cameras, whether or not they knew that a detention was imminent or ongoing. Although DGO 10.11 does not state that officers must activate their cameras at the beginning of a detention, or “immediately,” it is clear that the intent of the rule is to capture the entire incident as soon as it is evident to an officer that it meets any of the criteria requiring activation. Otherwise, officers could activate their cameras for one second at the end of a detention, and be within policy. It is unreasonable to read the policy in such a way, even if some minor delays may be justified depending on the circumstances.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer towed a driver's vehicle even though a willing and able driver was available to drive the vehicle from the scene.

The named officer stated that the car was towed because the driver did not have a valid driver's license. The named officer further stated that the car was stopped in a transit-only lane, obstructing traffic, in a congested area, in the middle of morning rush hour, and caused a hazard. The named officer stated that the driver was given a reasonable amount of time to secure a licensed, insured driver to drive the car from the scene prior to the tow truck arriving.

San Francisco Police Department (SFPD) records indicated that the driver was cited for violating California Vehicle Code (CVC) §12500. DMV records indicated that the driver was later convicted of violating CVC §12500.

SFPD video records showed that the named officer gave the driver over 20 minutes to secure another driver. Video records further showed that the car was already hitched to the tow truck when the other driver arrived.

Pursuant to CVC §22651, an officer is authorized to tow a vehicle when that officer issues the driver a notice to appear for violation of CVC §12500.

Pursuant to Department Bulletin (DB) 16-211, "an officers' decision to tow any vehicle should be based on the totality of the circumstances, must be reasonable, and in the furtherance of public safety."

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

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

FINDINGS OF FACT: The complainant stated she was working as a crossing guard when an Asian couple drove up to the corner, harassed and attacked her. The complainant said she contacted dispatch, and the named officer responded. She stated the named officer accused her of being biased against Asian people, and he also yelled at her co-worker.

The named officer stated he was courteous and professional throughout the conversation. He explained how the female subject from the couple told him about a dispute she had with the complainant, at an earlier date, and that she believed the complainant was racist against Asian people. The named officer said he shared this information with the complainant.

A witness officer indicated he and the named officer were courteous and professional throughout their interactions with the complainant. He said the named officer did not insinuate that the complainant had any racial bias towards Asian people.

A witness made no mention of the named officer accusing the complainant of being biased against Asian people.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she was attacked by two people. The complainant said she provided the named officer with information to disprove some of the couple's statements and she also asked him to collect information for a restraining order. She indicated the named officer provided no assistance.

The named officer indicated he took down two statements from the couple and collected two more statements from the complainant and her co-worker. He stated he determined no crime was committed.

The witness officer said he and the named officer collected statements from all parties and witnesses.

A witness said she heard the complainant ask the named officer to get the couple's identification and address, so she could file a complaint against them, and she said the named officer told her he could not do so.

Under these circumstances, the named officer's investigation was sufficient. The named officer had no obligation to provide a private individual's information to the complainant.

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

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SUMMARY OF ALLEGATION #3: The officer failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant reported being attacked and said she requested a citizen's arrest from the named officer, but he refused.

The named officer said there were no subjects arrested by the complainant and he determined that there was no crime committed.

The witness officer stated he does not recall whether a request was made for a citizen's arrest.

A witness stated she did not hear the complainant ask for a citizen's arrest.

SFPD Department General Order 5.04, Arrests by private persons, states, "whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall: ...determine if a crime has, in fact, been committed [and] determine if reasonable suspicion exists to justify detaining the individual pending further investigation..."

It is unclear whether the complainant requested a Citizen's Arrest. Nonetheless, the named officer's investigation established that no crime was 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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DATE OF COMPLAINT: 11/29/17 **DATE OF COMPLETION:** 07/27/18 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer yelled at him when the complainant called to follow up on his case.

The named officer stated he recalled speaking to person who was extremely hostile, demanding to know his name and to go arrest a person for trying to poison him and arrest his doctor for not giving him pain pills. The named officer stated he routinely talks to the public and is always honest and respectful.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he was being poison by someone, prompting him to file a police report. The complainant stated he also filed a separate police report against his neighbor for stealing the complainant's electricity.

The commanding officer of the station where the complainant lived stated that a follow up investigation established that no crime had been committed. As such, the complainant's case was administratively filed as "Open/Inactive," pending development of additional information.

Department Bulletin 17-256, Case Assignments for Investigation, provides several factors that should be considered when assigning cases for investigation (the severity of the crime, the solvability of the crime, the presence or lack of physical evidence, etc). Cases that do not meet the case assignment criteria are administratively filed as Open/Inactive, per DB 17-256.

A preponderance of the evidence established that the SFPD did not fail to properly investigate as alleged. The evidence proved that the act alleged in the complaint did not occur or that the SFPD was not involved in the act alleged.

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DATE OF COMPLAINT: 12/11/17 **DATE OF COMPLETION:** 07/05/18 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was at the Glide Memorial Church waiting in line to have breakfast when a staff told her to leave. The staff thought the complainant already had taken breakfast earlier and was in the line for the second time. The two started arguing that resulted into physical altercation. The complainant called 9-1-1. The named officer and his recruit officer were among the officers that responded to investigate the incident. The complainant stated the officer gave her a blank Citizen's Arrest form to sign and refused to write the name of the other party. In addition, the complainant stated the named officer yelled at her and said that she would not be able to file charges against the other party if she would not sign the Citizen's Arrest form.

The named officer stated that there is no Department policy requiring him to first fill out the Citizen's Arrest form before having the complainant sign it. The officer stated he is not required to do so based on his experience as a police officer. The named officer denied yelling at the complainant.

The recruit officer is no longer working with the Department.

One of the officers at the scene stated that the complainant was argumentative, uncooperative and refused to sign the Citizen's Arrest form. The officer stated they explained to the complainant several times the policies and procedures regarding Private Person's Arrest.

Another officer at the scene stated that he did not witness the interaction.

The named officer's Body Worn Camera video footage shows he gave the complainant a blank Citizen's Arrest form, but when the complainant refused to sign the document, the named officer filled it out and gave it back to the complainant who then signed it. During part of the incident, the named officer muted his BWC.

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

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SUMMARY OF ALLEGATION #3-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The evidence shows the complainant failed to present any identification when asked. As a result, she was taken into custody and transported to Tenderloin Station where she was identified and booked for Battery.

While at Tenderloin Station, the complainant alleged that one of the named officers kicked her feet, and another bent her right fingers backward. The complainant stated a third officer in plainclothes also joined in assaulting her.

One of the named officers stated that no force was used on the complainant.

The other named officer stated that the complainant refused to unclench her fists for her to be identified through fingerprint. The officer stated he gain control of the complainant's index fingers and was able to finger print her.

The third officer remains unidentified.

The officer who actively investigated the incident stated that he did not see any officer use force on the complainant.

No other witnesses were identified.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 17-156, Body Worn Camera Mute Function

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

FINDINGS OF FACT: Department Bulletin 17-156, Body Worn Camera Mute Function, states in part:

Members shall only use the mute feature with a specific articulable purpose. If a member deactivates (mutes) the audio during an event, the member shall document the reason(s) for terminating the audio recording in CAD, an incident report, written statement or memorandum, as required by DGO 10.11 section G, Documentation.

The evidence shows there is no documentation in any form about the named officer muting his body worn camera. The named officer acknowledged muting his body camera and ordering another officer to mute his body camera when they talked at some point during investigation. The named officer acknowledged not documenting it in the CAD, in the incident report, in any written statement or memorandum.

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

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

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

FINDINGS OF FACT: The complainant, who is a police officer in another jurisdiction, stated that he and his girlfriend were driving in slow downtown traffic when they saw a line of 10-12 SFPD officers on motorcycles snaking through the cars. The complainant believed that one of the bikes had its rear strobes activated. One of the officers pulled up to the complainant's window and asked him if he'd seen the red light. The complainant said that he apologized if he had run a red signal but neither he nor his girlfriend had seen one. The officer told the complainant that he had put the lives of the officers in danger. The complainant kept asking what he had done wrong, but the officer simply continued to berate him and tell him that he had endangered the motorcycle officers. After the officer finished and rode off ahead, he then came back again to repeat to the complainant that he had put the officers' lives in danger by failing to pull over at the red light. The officer then again rode off. The complainant stated if he had done something wrong, the officer should have pulled him over and given him a ticket instead of continuing to berate him.

A witness stated that she was a passenger in the complainant's car, which was stopped at a light when she saw about eight motorcycle officers lined up behind them. The light turned green and they started to move forward, while the motorcycles passed them on the driver's side. The witness stated she and the complainant were both looking at the officers as they passed. The witness said none of the motorcycles had their emergency lights on as they were passing. She also stated that when the final motorcycle passed them, she noticed its lights on (although she did not know when they had been turned on). She stated the bike merged directly in front of the complainant's car and came to a stop, leaving them with no option but to stop as well. The witness stated the officer walked up to the complainant's window and said, "When you see red lights, you stop; it's what you do." The complainant told the officer he hadn't seen any red lights. The witness thinks the officer might have meant the lights on his own bike, which she said would have been impossible for them to see as he had approached them from behind.

The named officer stated that on the date in question, he was scheduled to work a demonstration that was occurring at Union Square. He stated he was traveling with emergency lights and siren, with other officers. He stated that when squads of motorcycle officers work such events, they follow their squad leader with lights and sirens and they "serpentine" (thread their way) their way through traffic. The named officer stated that as they were doing so, several officers noticed that the complainant's van was the only vehicle not pulling over for them; every other vehicle had heard the sirens, seen the lights, and made way

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for them to pass. The named officer stated that the complainant actually started to accelerate to 30-35 mph (despite the lights and sirens), which caused concern for all officers in the area. The named officer stated that at one point the complainant's car was only about two feet away from their motorcycles, and officers were worried about getting sideswiped.

The named officer admitted he asked the complainant, "Didn't you see the red light?" and telling him, "You put my mates' lives in danger." However, the named officer denied using any profanity or obscenities. He stated that he tried to make the complainant understand the necessary response when he sees officers' lights. The officer stated that he did tell the complainant what he had done, and he wanted to make sure the complainant understood because of the safety issue. The named officer said that the fact that the complainant had committed a motor vehicle violation by failing to yield, in addition the fact that the complainant is himself a Bay Area police officer, left no reason why the complainant should have been unaware of what he should have done in the face of police vehicles with Code 3 lights and sirens.

The officer stated that when the officers are snaking through traffic to arrive at a demonstration or similar assignment, it is their practice not to activate their BWCs until they have reached their destination. When asked why he did not just give the complainant a ticket, the named officer stated that the urgency of the assignment superseded the violation.

The officer said that if he appeared to be yelling at or talking down to the complainant, he did not mean to appear so. He said that all around him were air horns and sirens, and he was also wearing his motorcycle helmet which covers his mouth. He says he may have modulated his voice to make it louder, but otherwise he was speaking in a normal tone. He stated that if he yelled, he did not mean to. He stated that he was concerned but at no point was he harsh, obscene, or unprofessional.

No other witnesses came forward.

A preponderance of the evidence established that the named officer's actions were proper.

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

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SUMMARY OF ALLEGATION #1: The officer made inappropriate statements.

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

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

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

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

FINDINGS OF FACT: The complainant stated that she has reported to the SFPD safety issues, including being the victim of robbery, stalking, assault, rape, gang rape, fraud, and identity theft. She stated that the SFPD has not adequately investigated these matters and refuses to help her. The complainant also stated she believes she is entitled to a grant for the violent and financial crimes committed against her.

Several Incident Reports document the complainant's reported crimes. The reports show that officers responded to the complainant's calls, went to the scene, and spoke to witnesses. The reports document that suspects were neither described nor identified. One of the reports of sexual assault also had a related Chronological of Investigation that showed forensic evidence was negative and there was no suspect information available.

The evidence established that the complainant is unable to provide suspect descriptions or other factual information that SFPD can investigate. When SFPD has engaged in fairly exhaustive investigations, the evidence has failed to verify a crime has been committed and failed to lead to any suspects.

The evidence proved that the acts alleged in the complaint did not occur or that members of the SFPD were not involved in the acts alleged.

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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 the named officers failed to properly investigate. He stated the named officers arrived after an incident between him and his daughter, in which he was arrested for assault and battery. The complainant stated the officers did not thoroughly review documentation he tried to show them that would show his daughter had a history of mental illness and that the officers did not conduct a follow-up investigation. He felt the officers were biased in favor of his daughter. The complainant stated the District Attorney charged the case, but he was referred to the Pretrial Diversion Program, completed 12 anger management classes, and had to attend family therapy with his wife and daughter. The complainant said the case was dismissed after he completed the program.

The named officers denied the allegations. One of the named officers stated that she interviewed the complainant's daughter, the complainant's wife, the complainant, and the individual who called 911. She stated that photos of both parties were taken as evidence. The second named officer stated he also interviewed the complainant. The named officers stated they did not review the medical documentation regarding the victim's prior mental health history offered by the complainant, because it was not relevant, and because the complainant's daughter is an adult and her medical records would be considered personal and private information. They said that a follow-up investigation regarding the assault, false imprisonment and battery was conducted by the Station Investigations Unit.

Witness officers corroborated the named officers' statements.

A witness, who is a nearby neighbor, stated the complainant's daughter rang her doorbell and was crying and sobbing. The witness stated the complainant's daughter told her that her father had hit her and threw her against a wall. The complainant's daughter asked the witness to call 911.

The complainant's wife stated her daughter has a history of mental illness. She said that, on the day of the incident, she and her daughter got into a verbal dispute. The complainant's wife said her daughter was agitated and raising her hands. A short time later she heard her daughter and husband arguing on the stairs and heard her daughter tell her husband, "I want you to die." The complainant's wife said she then heard her daughter fall on the stairs, but did not witness the fall. She stated her husband was just trying to defend himself. When the police officers arrived, she said she tried to explain that her daughter is mentally ill and they need to protect themselves, but the officers did not seem interested in what she was telling them and no one listened to her. The complainant's wife stated her husband took her daughter's cell phone from her during the confrontation. She stated she heard her daughter say she was going to call the police. She was told by the officers that there would be an investigation later.

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SUMMARY OF ALLEGATIONS #1 – 2 (continued) Department records show the named officers were dispatched to an assault/battery domestic violence call. The caller stated the victim had been pushed down the stairs by her father and that he hit her. The incident report, written by the first named officer, documented that the complainant's daughter acknowledged she had been diagnosed with depression and obsessive-compulsive disorder. The report documents that the complainant's daughter said the complainant pushed her down the stairs, then lifted her off the ground, pushed her against the wall, then hit her, and threw her. She acknowledged that she also kicked the complainant during this time. The report documents that the complainant's daughter told officers that she then threatened to call 911, but the complainant told her she was not, and took her cell phone away. She stated that the complainant pinned her down, but then released her and she ran to a neighbor's house. The report states that the first named officer also spoke to the complainant and his wife. It states that the complainant said that his daughter threatened him, and he pushed her to get her away from him. He said that his daughter then attacked him, and he held her down until she stopped fighting. The report documents that the complainant could not explain how his daughter sustained a bloody nose. The report further documents that the complainant is 6 feet 1 inch tall and weighs 185 pounds, while his daughter is 5 foot 2 inches tall and weighs 105 pounds. The report also states that photos were taken, and a commissioner granted an Emergency Protective Order.

A Chronological of Investigation documents that a sergeant from the Investigative Team took further investigative steps in the weeks following the incident, including calling the involved parties.

Body Worn Camera footage of the incident shows that the first named officer interviewed the complainant's daughter, who is visibly upset and crying. The footage shows the complainant's daughter saying she was yelling at her dad and told her parents, "You both should be dead." The footage shows the complainant's daughter saying her father pushed her down the stairs and threw her against the chair, then jumped on top of her. The footage shows her saying she tried to grab her cell phone, but her father would not let her have it. The footage documents the first named officer telling the complainant's daughter they are going to get her checked out because her nose is bleeding. The footage shows that the first named officer interviewing the complainant's wife, then the complainant. The complainant tells the named officer his daughter has a history of mental illness. He can be seen explaining how his daughter became hysterical and threatened him and his wife. The footage shows the complainant stating he pushed his daughter because she was coming toward him "aggressively," and she fell down at the bottom of the stairs. He stated his daughter was attacking him, and he constrained her by holding her down.

The evidence established that the named officers conducted a thorough and diligent investigation. The named officers were reasonably concerned about the complainant's daughter's well-being, and there is no evidence that they were unfair toward the complainant as a result. The officers' actions at the scene were proper.

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

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SUMMARY OF ALLEGATIONS #3 - 4: The officers arrested the complainant without cause.

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

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

The named officers stated that the relative size of the parties, the admission that the complainant's daughter had been pushed, the fact that she had run out of her home and sought the safety of others, and the injuries sustained by the daughter, were all facts amounting to probable cause for an arrest.

The named officers had sufficient facts to rely on to justify arresting the complainant. Furthermore, the District Attorney was moving forward with prosecution and the complainant was required to complete anger management and attend family counseling in order to discharge the charges against 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 ALLEGATION #5: The named officer prepared an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated the named officer wrote an inaccurate incident. He stated the report did not include the fact that he offered to show officers invoices and insurance statements covering years of psychiatrist visits, mental hospital stays and medication that had been prescribed for his daughter. The complainant stated his wife told the officers that their daughter refused to take her medication, and that this statement was omitted from the report. The complainant stated the officer falsely reported the complainant had a small cut above his left eye. The complainant stated the report incorrectly states his height as 6'2" when his correct height is 6'1", and that the report is using his "exaggerated height" to argue that he was overpowering his daughter. The complainant stated the report claims his daughter told him, "I wish you were dead," when in fact, his daughter said, "I want you dead." The complainant believes the statement, "I want you dead" is more threatening than what is quoted in the report, and that this undermines his statement that his daughter was threatening him.

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SUMMARY OF ALLEGATIONS #5 (continued) The incident report, written by the named officer, documents that the complainant's wife told officers that their daughter said, "I want you to die!" However, it documents that the complainant said that their daughter threatened, "I wish you were dead!" The report shows the complainant has a height of 6'1" in the "Booked" section, but a height of 6'2" in the "Narrative" section. The narrative of the report also documents that the complainant, "had a small cut above his left eye." Photographs taken of the complainant, and attached to the incident report, show he had a small abrasion or laceration below his right eye, where the frames of his eyeglasses rest.

The named officer stated the incident report does not contain details about the mental health history of the complainant's daughter because her alleged mental health issues had no bearing on the fact that she was the victim of an assault at the hands of her father. The named officer stated that her partner told her that the complainant received a cut over his left eye. She did not have reason to question her partner at the time and there was no intent on her part to misidentify the location of the cut; however, upon viewing video of the incident, she stated that it looked like there was a small cut below the complainant's right eye. The named officer acknowledged that the narrative of the report states the complainant's height was 6'2", however, the suspect information box accurately reflects his height at 6'1". This oversight was a typo and not an effort to misidentify the complainant's height. The named officer stated the BWC video shows the complainant stated, "She said she wanted us dead." She said that she wrote the statement in the report the way she remembered it at the time, and the difference between "wish" and "want" would not have changed the outcome of the investigation.

The missing elements and errors in the report were minor and/or inconsequential to the investigation. Based on a preponderance of the evidence, the named officer wrote a substantially accurate report.

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 #6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged the named officer failed to respond to a public records request regarding Body Worn Camera footage.

The named officer stated the complainant identified himself as a defendant in a court case. Therefore, the request was not identified as a Public Records Request, but rather as related to a criminal or civil case. However, the Department entered the request into an automated customer portal, which incorrectly provided the complainant with an automated response containing public records request language. The named officer explained that the complainant received a “C” number designation for civil discovery rather than a “P” number for a public records request. The named officer also stated that the complainant was provided with a tracking number to use if he had questions regarding the request or the timeline. The named officer noted that, based on the documents provided by the complainant, he was aware that the Department had classified the request as civil discovery. Furthermore, she stated, the Department did not receive any questions or requests from the complainant as to the status of the request. The named officer stated that the complainant was provided a copy of Body Worn Camera footage after they completed their review and redaction, and the Department has corrected the system issue in which the automated letter was sent out with Public Records language for a Civil Discovery request.

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 #1: The officer failed to comply with DGO 5.20.

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

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