

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/02/19      DATE OF COMPLETION: 07/31/19      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The complainant raises matters outside DPA's jurisdiction.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/16/18      DATE OF COMPLETION: 8/8/18      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** Neglect of Duty

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and a representative of the station, the complaint was mediated and resolved in a non-disciplinary manner on 07/23/2018.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/20/19 **DATE OF COMPLETION:** 07/31/19 **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated she was stopped and hassled by officers for no reason.

The named officer indicated he responded to a call regarding an assault at a bar, and when he arrived at the scene, the complainant and her friend were in front of the bar yelling. He noted he was provided a description of those involved, and the complainant matched this description, so he detained her accordingly.

Department of Emergency Management records indicate the call was for an "Assault/Battery" and the subjects were outside of a bar "yelling and pushing customers." A subject was described as a white female wearing a black shirt and polka dot pants.

The body worn camera footage shows the complainant and her friend talking calmly a few feet away from a bar when the named officer approaches. The complainant is wearing polka dot pants.

Department General Order 5.03, Investigative Detentions, states: "A police officer may briefly detain a person for questioning...only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity." The named officer observed the complainant as the person referenced in the call for an assault/battery at the bar which was only feet away from where she was standing. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated she was stopped and hassled by officers for no reason.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/20/19 **DATE OF COMPLETION:** 07/31/19 **PAGE# 2 of 3**

**SUMMARY OF ALLEGATIONS #5-6:** The officers acted inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant indicated she was detained by an officer who asked if she was “feeling suicidal” and due to her reply, placed her in a solitary cell and subjected her to a body cavity search.

The named officers noted they did not hear the complainant make any comments regarding suicide and they also denied asking her if she was “suicidal.”

The incident report makes no mention of the complainant making any statements regarding suicide.

The body worn camera footage does not capture the complainant or named officers making any statements regarding suicide.

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated she was stopped and hassled by officers for no reason. During the investigation, the DPA viewed BWC recordings that showed the named officer appearing to use profanity.

The named officer admitted he “swore” and “cussed.” He also said his use of profanity could be construed as a violation of Department General Orders.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/20/19 DATE OF COMPLETION: 07/31/19 PAGE# 3 of 3**

**SUMMARY OF DPA-ADDED ALLEGATION #1: (Continued)**

The BWC recordings show the named officer tell the complainant he had, “other shit to do” almost immediately after approaching the complainant. During the complainant’s transport, the named officer has a conversation with her where he uses the word “shit” and also uses the word “fuck” multiple times.

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 named officer’s comments were unprofessional and unwarranted. There was no reason for him to use profanity when encountering or conversing with the complainant. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/23/19    **DATE OF COMPLETION:** 07/29/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she was drugged and assaulted by an unknown person while at a shelter. She stated that the day after the assault, the shelter staff called paramedics because she complained of chest pains and dizziness. The complainant stated paramedics arrived to treat her while the named officers arrived later to interview her. The complainant admitted she did not tell the officers and paramedics that she was attacked and sexually assaulted by a person at the shelter. The complainant stated she wanted a police report and that the officers told her that she can get the report from SFPD. The complainant stated she assumed that there was a police report made by the officers.

The named officers stated they were dispatched to a mentally disturbed call and investigated an assault and battery. The named officers stated the complainant told them she was assaulted by someone at the shelter the night before and requested medical treatment. The named officers also stated the complainant told them she had a prior visit to a hospital associated with a sexual assault. The named officers stated the complainant did not provide any suspect information. The named officers also stated the complainant wanted to make a report. The named officers stated they patiently listened to the complainant who told them of numerous assaults, injuries and health issues. The named officers stated the complainant made conflicting statements and displayed an inability to focus. The named officers further stated due to a lack of physical evidence, elements of a crime, indicators of a sexual assault and reports from local hospitals regarding a sexual assault, they determined that no crime had occurred, and the call was declared to have no merit. The named officers stated the complainant was transported by SFFD to the hospital for her chronic health issues.

The CAD connected to the event shows the named officers responded to the call about a mentally disturbed person.

Patient care records indicated that Fire Department paramedics transported the complainant to the hospital for leg pain associated with her chronic health issues. The SFGH medical records revealed that the complainant was seen a week before this incident for a complaint of pain and itchiness to her lower extremities and that she was deemed a poor historian of her medical status.

Body Worn Camera (BWC) footage revealed that the officers listened to the complainant's pain and health ailments. One of the named officers gave the complainant a Reportee Follow-Up Form with the

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/23/19    **DATE OF COMPLETION:** 07/29/19    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATIONS #1-2:** (Continued)

CAD number which documented the incident. The named officers did not tell the complainant that there was an incident report made about the call.

The officers had insufficient, credible evidence of criminal activity to require a report under Department General Order 2.01 (1) and General Order 2.01 (25).

The officers therefore acted properly pursuant to SFPD policies and procedures.

**SUMMARY OF ALLEGATION #:** This complaint raises matters partially outside OCC jurisdiction.

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

**FINDINGS OF FACT:** This complaint raises matters partially outside DPA jurisdiction. This complaint has been referred to:

San Francisco Fire Department  
Department Headquarters  
698 2<sup>nd</sup> Street  
San Francisco, CA 94107

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/14/19    **DATE OF COMPLETION:** 07/09/19    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside DPA's jurisdiction.

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

**FINDINGS OF FACT:** This complaint raises matters outside DPA's jurisdiction. This complaint has been forwarded to the San Francisco Police Department Internal Affairs Division.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/11/19 **DATE OF COMPLETION:** 07/01/19 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers wrongfully issued her a traffic citation for driving without a rear license plate, making a left turn without signaling, and failing to yield. The complainant stated she did not fail to yield and did signal correctly for the turn.

The named officers described the complainant making a left turn without signaling and then failing to yield when the officers attempted to stop her.

Security footage from the intersection where the complainant made the left turn showed that the complainant did not signal before executing the turn.

Body-worn camera footage showed that the complainant's vehicle did not have a rear license plate. The footage also showed that, despite the fact that the officers' patrol car was behind her with the emergency lights on, the complainant failed to yield to the officers before eventually stopping.

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

**SUMMARY OF ALLEGATIONS #3 - 4:** The officers issued a citation due to bias.

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

**FINDINGS OF FACT:** The complaint stated that the named officers issued her a traffic citation because of her ethnicity. She stated that she was traveling northbound before making a left turn at the intersection. She stated the named officers were traveling southbound before making a right turn to follow behind her vehicle. She stated that the officers saw her, and their bias against her ethnicity motivated them to stop her and issue the citation.

The named officers denied the allegation. They stated they were driving northbound behind the complainant as she approached the intersection. They also stated that they were unaware of the complainant's ethnicity until they stopped her vehicle to speak with her.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/11/19    **DATE OF COMPLETION:** 07/01/19    **PAGE#** 2 of 4

Security footage of the intersection where the incident occurred showed that officers were traveling northbound behind the complainant as she made the left turn. The security footage also shows that the complainant failed to signal when she made the left turn.

No witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers used threatening and intimidating behavior.

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

**FINDINGS OF FACT:** The complainant stated that the named officers used threatening and intimidating behavior during the traffic stop.

The named officers denied the allegation.

Video footage from the complainant's cell phone showed the named officers did not use threatening or intimidating behavior. Body-worn camera footage showed the officers interacting with the complainant in a cordial and professional manner.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/11/19 **DATE OF COMPLETION:** 07/01/19 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #7 - 8:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officers behaved inappropriately and made inappropriate comments during the traffic stop when they asked her how much marijuana she had in her car.

The named officers denied the allegation. The senior officer involved stated that he coached his partner to ask about specific drug-related issues due to the prevalence of use in the area where the stop was made.

Video footage was obtained from the complainant's cell phone and the officer's body-worn cameras. The footage showed the named officers' behavior and comments were appropriate under the circumstances.

No witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #9 - 10:** The officers used retaliatory conduct.

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

**FINDINGS OF FACT:** The complainant stated that the named officers told her the reason for the traffic stop was only for her lack of a rear license plate. She said that when she challenged the officer's behavior during the encounter, the officers retaliated against her by adding two further offenses to the citation.

The named officers denied the allegation. The officers stated that the reason for the traffic stop were always because the complainant had no rear license plate, turned without signaling, and failed to yield,.

Video footage obtained from the complainant's cell phone showed that the complainant was initially told by one officer that the reason for the stop was no rear license plate. The footage later showed the other officer explaining the other violations.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/11/19 **DATE OF COMPLETION:** 07/01/19 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #9 - 10: (Continued)**

Body-worn camera footage showed that the officers discussed the full reasons for the traffic stop while the complainant was failing to yield. The footage showed that one officer initially told the complainant that she was stopped for no rear license plate. However, the other officer immediately corrected this statement and stated that the complainant also failed to yield and turned without signaling. This correction was not caught on the complainant's cell phone footage.

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

**SUMMARY OF ALLEGATION #11 - 12:** The officers misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated that the named officers lied when they said she failed to signal when she made a left turn.

The named officers denied the allegation.

Security footage was obtained from the intersection where the complainant made the left turn. This footage showed that the complainant did not signal.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/14/19    DATE OF COMPLETION: 07/03/19    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer cited her for having no license plates on her vehicle even though she told the officer that the temporary plate was displayed in the rear window.

The named officer stated the citation was issued for a failure to fix the license plate to the rear of the vehicle, contrary to CVC 5200(a). He said that the license plate was placed inside the vehicle behind a heavily tinted window and was therefore also mounted above the 60-inch height limit dictated by CVC 5201(a).

CVC section 5200 provides, “When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued, one in the front and the other in the rear.”

Section 5201 (a) of the Vehicle Code was amended as of January 1, 2019, to include the following: “License plates, including temporary license plates, shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging, shall be mounted in a position so as to be clearly visible, and so that the characters are upright and display from left to right, and shall be maintained in a condition so as to be clearly legible. The rear license plate shall be mounted not less than 12 inches nor more than 60 inches from the ground, and the front license plate shall be mounted not more than 60 inches from the ground.”

The body-worn camera footage shows the named officer explaining to the complainant the reason for the ticket. The footage also shows there was no license plate mounted on the rear of the complainant’s vehicle.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/14/19    DATE OF COMPLETION: 07/03/19    PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant alleged that the named officer was hostile to her when he issued her a citation.

The named officer denied the allegation.

Body-worn camera footage shows the named officer treating the complainant with professionalism and courtesy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/15/19 **DATE OF COMPLETION:** 07/03/19 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said the named officers failed to write an incident report documenting elder abuse. The complainant also said the named officers left to respond to a robbery but never returned.

SFPD records show the complainant called the emergency line and told the operator he wanted to make a report about an Adult Protective Service worker not following the law. The records showed the named officers responded to the call and when they arrived at the scene, they could not locate the complainant. The officers reported trying to call him but there was no answer.

DGO 2.01 states that, “while on duty, members shall make all required written reports of crimes or incidents requiring police attention.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/15/19 **DATE OF COMPLETION:** 07/03/19 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3 - 4:** The officers failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant said the named officers failed to write an incident report documenting elder abuse.

Body Worn Camera footage shows the complainant telling the named officers that four Adult Protective Service (APS) employees were abusing him by refusing to supply him a social worker. The complainant then played a recording of the alleged abuse. In the recording, the complainant asked for the APS operator's name, and when the operator refused, complainant became verbally abusive and hung up. The complainant then played a second recording in which another APS operator refused to provide a name to the complainant. The named officers advised the complainant that APS did not refuse to provide him with a social worker. The complainant then told the officers he wanted a note documenting that the officers responded to his call of elder abuse and named officer #2 told him there will be a note on the computer. The complainant said, "Thanks. That is all I need."

DGO 2.01 states that, "while on duty, members shall make all required written reports of crimes or incidents requiring police attention."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/22/19    DATE OF COMPLETION: 07/31/19    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer failed to properly complete an accurate report.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 05/17/19.

**SUMMARY OF ALLEGATION #2:** The officer failed to direct traffic at the scene of a traffic accident.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 05/17/19.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/22/19 **DATE OF COMPLETION:** 07/01/19 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/29/19    **DATE OF COMPLETION:** 07/03/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on June 25, 2019.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/05/19    **DATE OF COMPLETION:** 07/03/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said she called the San Francisco Police Department after her son threatened to destroy items in her house and refused to leave.

Body Worn Camera footage shows officers arrested the complainant's son. The officers interviewed the complainant's son, and during the interview, he alleged the complainant threatened to pour bleach on him. The named sergeant and other officers then requested that complainant step outside for paperwork. When the complainant stepped outside, the named sergeant arrested her. The named sergeant explained to the complainant she was arrested because her son and witnesses reported that she threatened to pour bleach on her son.

SFPD documents show the complainant's son signed a private citizen's arrest form naming the complainant. The documents show the complainant's son told the officer that complainant threatened to harm him with a shovel and bleach.

One witness said she heard an argument but had no first-hand knowledge of the behavior of the people arguing.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/05/19 **DATE OF COMPLETION:** 07/03/19 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The sergeant applied handcuffs too tightly.

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

**FINDINGS OF FACT:** The complainant said the named sergeant placed the handcuffs on her too tightly.

Body Worn Camera footage shows the named sergeant placed the handcuffs on the complainant in a reasonable way. The complainant told the named sergeant to be careful because she has arthritis. The named sergeant told the complainant that he was being very careful. There were no further complaints of pain from the complainant captured by the body worn camera.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant said the named sergeant forced her to wait for a female officer to conduct a search of her person.

Body Worn Camera footage shows the named sergeant explaining to the complainant that a female officer would have to come on-scene to search her person. The complainant said, "that is fine." The named sergeant waited about 10 minutes for a female officer to arrive. When the named sergeant found out a female officer was not available, the named sergeant directed two male officers to conduct the search of the complainant.

The Arrest and Control Manual states in pertinent part, "In searching members of the opposite sex arresting officer should: Attempt to have an officer of the same sex as the subject, conduct the search."

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/16/19    DATE OF COMPLETION: 07/03/19    PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer completed an inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant is a tenant in dispute with her landlord. The complainant had a lock installed at her apartment, which the landlord had her husband remove. The complainant reported the incident to SFPD as a theft. The complainant alleged that the named officer completed an inaccurate incident report.

The named officer confirmed completing the incident report.

The incident report document showed two errors: the officer recorded the landlord as the suspect and not the landlord's husband, and the 10-digit serial number of the lock was off by one digit.

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

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

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant alleged that she spoke to the named officer about errors in the police report. The complainant alleged the named officer tried to cover for other officer's mistakes.

The named officer denied that he covered for any other officer's mistakes. He stated that he directed the complainant to file a supplementary report to clarify any errors.

No witnesses were identified.

The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/16/19    DATE OF COMPLETION: 07/03/19    PAGE# 2 of 2**

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

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

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

**San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158**

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/21/19    DATE OF COMPLETION: 07/10/19    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** In an online complaint, the complainant stated he observed an altercation between a motorist and a police officer and that the officer behaved inappropriately. The complainant did not respond to DPA's request for an interview.

A search for police contacts related to the description of the incident given by the complainant failed to identify an officer involved or an incident.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll failed to identify an involved officer.

The complainant failed to produce additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/23/19    DATE OF COMPLETION: 07/10/19    PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant failed to provide additional requested information.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/02/19 **DATE OF COMPLETION:** 07/23/19 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he believes that generally, the SFPD is protecting drug dealers at the expense of the citizens. The complainant stated he was detained for a mental health evaluation and did not feel protected by the police during the incident.

The named officer stated that he conducted an investigation which consisted of interviewing witnesses and gathering statements from the complainant. The named officer stated that all of the SFPD members were professional on the scene and that the complainant was treated with care throughout the incident. The named officer stated that the complainant displayed erratic behavior and was taken to San Francisco General Hospital Psychiatric Emergency Services, one of the safest places in San Francisco.

Body Worn Camera (BWC) footage shows that the named officer behaved professionally and spoke with both of the reporting parties who expressed concerns about the complainant's behavior.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/29/19    DATE OF COMPLETION: 07/31/19    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that two female employees of a department store were smoking outside the store's entrance in violation of the San Francisco Smoke-Free Ordinance (San Francisco Health Code, Article 19F). The complainant verbally confronted the two women, then flagged down a patrol vehicle. The complainant stated that two officers arrived but took no action to stop the two women from smoking outside the department store.

Department records show indicate that a verbal confrontation occurred at the location and the two named officers assisted.

The San Francisco Smoke-Free Ordinance states that if smoking is observed less than 15 feet from the entrance or exit of a business, complaints should be directed to the business or property owner or manager for enforcement.

No witnesses were identified.

The evidence shows that enforcement of the ordinance that the complainant believed was being violated falls to the owner or manager of the department store in front of which the women were smoking, and not to the SFPD.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/29/19    DATE OF COMPLETION: 07/31/19    PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that two female employees of a department store were smoking outside the store’s entrance in violation of the San Francisco Smoke-Free Ordinance (San Francisco Health Code, Article 19F). The complainant verbally confronted the two women, then flagged down a patrol vehicle. The complainant stated that two officers arrived but took no action to stop the two women from smoking outside the department store. The complainant believed that the officers took no action because they, like the women, were white, while the complainant is Asian.

Department records indicate that the two named officers are white and no citation was issued during this incident.

The San Francisco Smoke Free Ordinance (San Francisco Health Code, Article 19F) states that if smoking is observed less than 15 feet from the entrance or exit of a business, complaints should be directed to the business or property owner or manager for enforcement.

No witnesses were identified.

The evidence shows the named officers’ response was justified because the ordinance specifies that enforcement in such circumstances falls to the business or property owner or manager and not the SFPD.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 05/20/19    DATE OF COMPLETION: 07/31/19    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 he went to the police station to report a crime and the officer told him you would, “just have to live with it.” The complainant stated officer did not respond to the scene of the crime.

Station security footage did not show the complainant at the station during the time period he reported.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/23/19      **DATE OF COMPLETION:** 07/03/19      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** This 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:** 06/03/19    **DATE OF COMPLETION:** 07/31/19    **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 he attempted to report a burglary to the police, but that the police wouldn't respond to him.

The complainant did not provide additional requested information and evidence necessary to conduct an investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/18    **DATE OF COMPLETION:** 07/24/19    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer seized property without justification.

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

**FINDINGS OF FACT:** The complainants stated that a female officer that responded to their home for an incident stole \$380.00, which was inside their home on the stairs. The complainants stated they own a restaurant and the money was left by one sibling, to be picked up by another sibling, to buy produce.

The named officer stated that she responded to a call of a fight at the complainant's house. She said that while she and her partner were walking up a set of stairs, her partner pointed towards some cash on the stairs. She said, when she realized it was cash, she felt that it should not be left there; it was not safe there and should be with someone who could take care of it. The named officer said she picked up the money with her left hand and put it in the front left pocket of her jacket. She said that she heard shouting and had to continue up the stairs to deal with the situation. She said that she was then focused on the call and did not think about the money again. The named officer said that she wore the jacket the next day, but then not again up to the time she was notified about an investigation into the missing cash. At that point, she remembered about the money in her jacket, and she arranged to return it. The named officer said that she had a lot on her mind during that time, both personally and professionally. The officer said she was sorry and should have given the cash to a responsible person in the home. She simply forgot she had it.

The named officer's partner stated he pointed to the money on the stairs, just to alert the named officer to its presence. He said, at the time, a member of the family who let them into the house, was also behind him; and he was also directing his attention to the money. He said that, later during the call, he noticed the money was no longer on the stairs. The officer stated that when he and the named officer returned to their patrol car, he wondered out loud what had happened to the cash. He said he did not know if the named officer heard him. He also said that the named officer had confided in him about a health issue, and other personal issues.

Body Worn Camera (BWC) recordings document that there was something on the stairs resembling bills. Although the recordings do not show the named officer taking the bills, they do show her partner pointing to them, and then the named officer pausing and bending down at the location of the bills. The recordings also show that the cash did not appear on the steps later. The recordings show that the officers were dealing with a family dispute, including one individual who was intoxicated and belligerent. They show that two other officers eventually arrived and took over the investigation.

An SFPD internal affairs investigation documented that the named officer returned the money with the assistance of her attorney.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/18    **DATE OF COMPLETION:** 07/24/19    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #1:** (Continued)

The named officer picked up the money while her BWC was activated, after her partner acknowledged the money, and with a family member in the vicinity. Without knowing that the family operated a business and use the stairs to leave important items for each other, the money would have seemed out of place. It is more likely than not that the named officer seized the money for safe keeping, rather than with the intent to deprive the complainants. However, she still should have properly processed the property either by giving it to the family at the time or booking it as property for safe keeping. Even as a mistake, it was a significant one.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/05/19    **DATE OF COMPLETION:** 07/31/19    **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/11/19    **DATE OF COMPLETION:** 07/09/19    **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 06/17/19 DATE OF COMPLETION: 07/03/19 PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 06/17/19    DATE OF COMPLETION: 07/09/19    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** This 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:** 09/05/2018    **DATE OF COMPLETION:** 07/24/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she was a victim of a stabbing and that the named officer did not obtain her statement at the hospital and refused to take a report. The complainant believed the named officer did not investigate the stabbing.

The named officer stated that he conducted a preliminary investigation, gathered evidence, determined there was probable cause to make an arrest and collaborated with the District Attorney's Office to ensure a criminal prosecution.

Police records showed that the named officer took a report, interviewed witnesses, collected evidence, and reviewed security footage. The review of the security footage confirmed the identity of the suspect that stabbed the complainant. The officers located and detained the suspect.

Body Worn Camera footage shows officers attempting to obtain a statement from the complainant at the scene. The complainant was unable to provide a description or the name of the suspect. The complainant told the named officer she did not know what happened.

The complainant made inconsistent statements and acknowledged she was under the influence of alcohol and had unclear memories of the incident.

The evidence proved that the named officer did speak to the complainant, but the complainant was unable to recall relevant information about the incident. The evidence additionally showed the named officer collected evidence, video footage, interviewed witnesses, and identified and detained the suspect. The evidence proved that the acts alleged in the complaint did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/05/2018    DATE OF COMPLETION: 07/24/19    PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #2:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated that the named officer called her friend a bum. During the interview with DPA, the complainant made inconsistent statements and acknowledged she was under the influence of alcohol and had unclear memories of the incident.

The named officer stated that he did not recall speaking to the complainant about her friend. He stated he was always professional with the complainant.

Body Worn Camera footage does not capture the named officer calling the complainant's friend a bum. The complainant refused to cooperate with the stabbing investigation and was subsequently treated by the paramedics and transported to SFGH.

No witnesses were identified.

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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/09/18      DATE OF COMPLETION: 07/09/19      PAGE# 1 of 4**

**SUMMARY OF ALLEGATIONS #1-3:** The officers engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant was pulled over. He stated the named officers were aggressive towards him. The complainant had his father on speaker phone and the named officers told the complainant to end his phone call. The complainant stated a named officer asked him if he was on probation or parole almost immediately. The complainant is not on probation or parole. He stated this question was inappropriate. Additionally, as a named officer was searching his car, he dropped a family heirloom on the ground.

The named officers stated they were professional with the complainant. They stated they ask nearly every driver they pull over if they are on probation or parole. The named officers stated that this question can help their investigation and provide important safety information. The named officers stated they did not recall seeing any items of significant value to the complainant.

The body worn camera (BWC) footage shows that the named officers do not make any unprofessional comments toward the complainant. The named officers explain why they pulled him over and asked him to end his phone call. The BWC footage also records a named officer removing an item resembling the complainant's family heirloom from the complainant's car. The heirloom was in a black garbage bag and was not damaged in the search.

Department General Order (DGO) 2.01 § 14, Public Courtesy, 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 shows the named officers treated the complainant with courtesy and respect.

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:** 10/09/18      **DATE OF COMPLETION:** 07/09/19      **PAGE# 2 of 4**

**SUMMARY OF ALLEGATIONS #4-6:** The officers made a detention without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers pulled him over for no reason.

The named officers stated the complainant was pulled over because his car did not have a driver's side rearview mirror or valid California license plates.

The BWC footage shows the named officers explain to the complainant why he was pulled over. They state he was pulled over because his car had no plates. The named officers explain he needs to get plates and replace his broken driver's side rear view mirror.

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

The named officers detained the complainant because he was driving without valid license plates on his vehicle and he did not have a driver's side rearview mirror.

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: 10/09/18      DATE OF COMPLETION: 07/09/19      PAGE# 3 of 4**

**SUMMARY OF ALLEGATIONS #7:** The officer performed a pat search without justification.

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

**FINDINGS OF FACT:** The complainant stated that the named officer grabbed him, forced his hands behind his back, and searched him.

The named officer stated that he searched the complainant because he suspected the complainant could have a weapon. The complainant only partially rolled down his window when the officer asked him to roll it down, and his left hand kept moving toward the left door console. Based on his experience, the named officer believed the complainant was acting evasive because he may have a weapon. He denied grabbing the complainant and forcing his hands behind his back.

The BWC footage shows the complainant's search. The named officer does not grab the complainant or force his hands behind his back. The complainant is searched after he refuses to hang up his phone call and rolls up his window as the officer approaches.

Terry v. Ohio allows officers to pat search subjects if the officers have a reasonable suspicion the subject has committed a crime and the subject is armed and dangerous.

The complainant had violated two California Vehicle Codes. Also, the complainant rolled up his window as the officer approached him and he did not end his phone call when the named officer ordered him to. Due to these actions, the named officer patted down the outer layer of the complainant's clothing for weapons.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/09/18      **DATE OF COMPLETION:** 07/09/19      **PAGE# 4 of 4**

**SUMMARY OF ALLEGATIONS #8-9:** The officers searched a vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers illegally searched his car.

The named officers stated that the complainant consented to having his car searched.

The BWC footage shows the complainant consenting to the named officers searching his vehicle.

An officer may search a subject or their property if they provide consent. When asked by the named officers if they could search his vehicle, the complainant consented.

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: 10/12/18    DATE OF COMPLETION: 07/12/19    PAGE# 1 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated she was assaulted and told the named officer she wanted the suspect arrested.

The named officer stated he did not make a citizen's arrest because the whereabouts of the suspect were unknown.

The witness officer stated the complainant did not ask for a citizen's arrest. He stated he and the named officer were unable to locate the subject.

No other witnesses were identified.

Department General Order 5.04, Arrests by Private Persons, applies when the suspect is present.

The officers were unable to locate the suspect, and therefore, there was no one to arrest.

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:** 10/12/18    **DATE OF COMPLETION:** 07/12/19    **PAGE# 2 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer did not write an incident report.

The named officer stated he did not write an incident report because the complainant did not provide sufficient information regarding the incident. He stated, upon his arrival at the scene of the incident, he spoke with the complainant for a very brief period of time before she had to leave to put her groceries away. The complainant provided her phone number to the witness officer who told her he would call her after they searched for the suspect. The named officer said when he and the witness officer terminated their search for the suspect, he called the complainant multiple times to follow-up, but she did not answer and therefore he could not get the information needed to write an incident report.

The named officer stated the complainant did not ask for an incident report because he did not get far enough into the conversation before the complainant left the scene. The named officer stated the complainant met him at the station the day after the incident. He said he did not remember the complainant request an incident report.

The witness officer stated he briefly spoke to the complainant before she had to leave to put her frozen groceries away. He stated he could not wait for the complainant to return because it was time-sensitive that he and the named officer search for the suspect. The witness officer stated the complainant provided him with her cellphone number so he could do further follow-up. The witness officer stated he called the complainant at least two times, but she did not answer.

The witness officer stated the complainant did not ask for an incident report because he did not get far enough into the conversation before the complainant left the scene.

No other witnesses were identified.

The CAD indicated that after the search for the suspect terminated, the officers attempted to call the complainant, but there was no answer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/12/18    DATE OF COMPLETION: 07/12/19    PAGE# 3 of 4**

**SUMMARY OF DPA-ADDED ALLEGATIONS #1-2:** The named officers failed to comply with DGO 10.11, Body Worn Cameras.

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

**FINDINGS OF FACT:** During the course of its investigation, the DPA requested footage from the named officers' Body Worn Cameras (BWC). SFPD Legal responded that responsive recordings did not exist.

Named officer #1 stated he responded to a call for service for assault/battery as noted in the CAD. He acknowledged he met with the complainant who reported she was a victim of an assault. Named officer #1 stated he did not remember if he activated his BWC.

Named officer #2 stated he responded to a call for service for assault/battery as noted in the CAD. He acknowledged he met with the complainant who reported she was a victim of an assault. Named officer #2 stated he did not turn on his BWC when he arrived on-scene because he had not established a crime had occurred and that he uses the call for service in the CAD as a "guideline." He stated his interaction with the complainant was "so fluid and quick that I went searching [for the subject] before I got to the point of turning on the camera."

The CAD documents the call for service as assault/battery.

Building surveillance video showed the named officers interacting with the complainant for three minutes and 50 seconds.

SFPD Legal sent DPA verification that they could not locate any BWC footage related to this call for service.

DGO 10.11 reads, in pertinent parts:

**I. Purpose,** "The use of the Body Worn Cameras (BWC) is an effective tool a law enforcement agency can use to demonstrate its commitment to transparency, ensure the accountability of its members, increase the public's trust in officers, and protect its members from unjustified complaints of misconduct . . ."

**III. Procedures, C, Authorized Use,** "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . . 2. Consensual encounters where the

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/12/18    DATE OF COMPLETION: 07/12/19    PAGE# 4 of 4**

**SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: (Continued)**

member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim  
...

The officers' defense is meritless. Named officer #1 could not remember if he turned on his BWC. Named officer #2 argued that he used the CAD as a "guideline" and made his own determination if a crime had occurred. In addition, he stated he did not have time to turn on his BWC during his interaction with the complainant, even though he interacted with her for nearly four minutes. Because the call for service in the CAD was for an assault/battery, named officer #2 should have suspected he was going to have a consensual encounter with a citizen who may have knowledge of criminal activity as outlined in DGO 10.11.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/18      **DATE OF COMPLETION:** 07/03/19      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said that he heard the named officer speak harshly to a homeless man and saw the officer push the man while removing him from the sidewalk. When the complainant told the officer that he didn't like the way the officer was treating the man, the officer became aggressive, coming close to the complainant and saying "What? You don't want to say it to my face? You're not man enough."

The named officer acknowledged being at the location, but he denied speaking harshly to or pushing a homeless person. He recalled that a citizen walked past the scene and made a negative comment but denied being aggressive or making the alleged comments to the civilian.

Another officer who was at the scene at the time did not recall the named officer speaking harshly or pushing any homeless persons on the scene or speaking to anyone passing by.

The DPA could not locate any other witnesses.

DGO 2.01, 14. Public Courtesy. states, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect....."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/18    **DATE OF COMPLETION:** 07/31/19    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the named officer offered him potato chips and when the complainant asked a follow-up question, the officer said, "Maybe I should just punch you in the mouth."

The named officer did not recall the incident.

There was no video camera found in the area that would have captured the contact.

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:** 11/27/18      **DATE OF COMPLETION:** 07/03/19      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer failed to provide his name and star number.

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

**FINDINGS OF FACT:** The complainant said that police officers came to his door and asked to speak to him about an incident with his neighbors. The complainant said he looked through his door's peep hole and saw a male officer. The complainant said he asked the officer for his name and star number, but the officer refused. The complainant said he did not open his door and ended his conversation with the officer.

The named officer said he and his partner responded to the scene and spoke to a neighbor who reported an ongoing dispute with the complainant. The named officer said he and his partner attempted to contact the complainant by knocking on the complainant's door but there was no answer. The named officer said he did not recall asking entry into the complainant's room or making verbal contact with him. The named officer said he was calm and professional during the incident.

Body Worn Camera (BWC) recordings show that the named officer and his partner spoke to the neighbor, then went to the complainant's room and knocked on his door. The complainant did not answer his door, nor did he engage in a dialog or conversation with the officers. The complainant's alleged request for the officer's name and star number is not audible on the body worn camera footage.

Complainant's neighbor corroborated the officer's statements and the body worn camera recording. The neighbor said that she saw the officers knock on the complainant's door, and that the complaint did not open the door. The neighbor also said that she did not hear complainant request an officer's name or badge number.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/17/19      **DATE OF COMPLETION:** 07/09/19      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant

**SUMMARY OF ALLEGATIONS #3-4:** The officers spoke and behaved inappropriately.

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

**FINDINGS OF FACT:** The quick brown fox jumps over the lazy dog. The quick brown fox jumps over the lazy dog. The quick brown fox jumps over the lazy dog. The quick brown fox jumps over the lazy dog. The quick brown fox jumps over the lazy dog.