

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/19 DATE OF COMPLETION: 07/15/20 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer engaged in a pattern and practice of biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated the named officer engaged in biased policing against Latino and black males.

The DPA reviewed multiple incidents involving the named officer's detention of Latino or black males. In each case, the named officer's grounds for the detention was race-neutral but for a minor violation. The DPA also reviewed publicly available court records and internal DPA records but could not locate any other relevant cases. A few detentions involving Latino or black males, even for minor violations, did not provide sufficient information to establish a pattern or practice of bias policing.

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

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer misrepresented the truth in court during multiple cases.

The DPA reviewed each case raised by the complainant, reviewed the incident reports and body worn camera footage, and reviewed the preliminary hearing transcripts. The DPA did not find any evidence of dishonesty. In one case, the superior court suggested that the officer changed his testimony, but careful review of the transcript shows that the issue is arguable and was most likely the result of confusing direct and cross examination.

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

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

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

FINDINGS OF FACT: The complainant stated the officer conducted an improper search and seizure.

The named officer detained a subject after seeing him cross the street against a red hand crossing signal and smoking marijuana in public. The named officer, along with other officers, detained the subject and asked him if they could search him. The subject consented, and the officers found marijuana and prescription medicine that did not belong to him. The named officer touched the subject's legs and felt what the officer believed to be a bindle of drugs. The subject later acknowledged he possessed cocaine.

The officers had proper grounds to detain the subject and he consented to a search, during which they felt what officers suspected to be drugs.

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

SUMMARY OF ALLEGATION #4: The officer engaged in a pattern and practice of Fourth Amendment violations.

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

FINDINGS OF FACT: The complainant stated the named officer engaged in a pattern and practice of Fourth Amendment violations.

The DPA reviewed multiple incidents involving detentions and arrests by the named officer. In two of the cases, the superior court had suppressed evidence or held a defendant not to answer based on the named officer's conduct. The basis for the court's orders was incomplete questioning by the district attorney's office or the absence of testimony from the officer.

The DPA conducted an independent review of the both cases and determined that the alleged Fourth Amendment violations are not sufficiently clear to support a disciplinary action. In addition, even if the conduct was improper, two cases are not sufficient to support a pattern and practice of Fourth Amendment violations. The evidence fails to prove or disprove that the alleged conduct occurred.

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SUMMARY OF ALLEGATIONS #1-5: The officers used unnecessary force.

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

FINDINGS OF FACT: The Department of Police Accountability (DPA) investigated this fatal officer-involved shooting after receiving four complaints that alleged the officers used unnecessary force in this incident.¹

On the afternoon of December 2, 2015, Officers contacted a man who matched the description of a suspect who had earlier stabbed an individual with a knife. When the officers exited their patrol vehicle, the subject, later identified, said he was not going to go with them and pulled out a kitchen knife with a four-and-a-half-inch blade. The knife was down by the subject's side, pointing forward. The Officer drew his gun and pointed it at him. An Officer radioed that they had located the suspect and requested backup, including less lethal units.

The subject walked away toward Third Street. Officers followed several feet behind him as he turned the corner. There were pedestrians on the sidewalk and people on the MUNI platform where a bus had just parked. When the subject reached halfway down the block, additional officers arrived. Bystander videos show well over a dozen officers on scene. Nine officers, nearly all of them with their guns pointed at the subjects, formed a semi-circle perimeter around him as the subject stood with his back against a closed garage door. The officers repeatedly yelled orders for him to drop the knife and get on the ground which he ignored. Officer deployed a 40-millimeter Extended Range Impact Weapon (ERIW), firing four rounds which made contact with subject. An Officer sprayed subject with pepper spray. Using a 12-gauge ERIW, An Officer hit subject with bean bag rounds. At one point, subject crouched down on all fours but stood back up, still holding the knife.

During the incident, several civilians gathered to observe and video the police activity. Passengers had also gotten off a nearby MUNI bus, and some of them were also yelling to subject to drop the knife. At least one civilian can be heard in the video yelling along with officers' commands to drop the knife. All involved officers were cognizant of the presence of civilians in the vicinity. According to one bystander, subject acted confrontationally by waving his arms and gesturing. The civilian heard him say, "Fuck you. Come and get it." Neither the ERIW projectiles nor pepper spray appeared to have any significant effect on him. Blood toxicology later revealed methamphetamine and other drugs in the decedent's system.

When he began to walk toward a gap in the perimeter, An Officer stepped in front of him to block him from leaving. The subject continued to advance forward. The Officer and four other officers, then fired collectively 26 shots. He was pronounced dead at the scene.

¹ This Complaint Summary Report is released in compliance with SB 1421.

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Department General Order 5.02² permitted an officer to discharge a firearm in self-defense or defense of another when an officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.

An Officer stated that he “head[ed] [the subject] off” when the subject began walking toward the bystanders at the bus stop. He stated that he believed the subject posed a potential danger to the bystanders and might take one as a hostage. When the officer again warned him to drop the knife, according to the Officer, he said “You’re gonna have to do it” and walked faster toward him. An Officer feared that subject was going to stab him. Although subject was not lunging toward him and holding the knife at his side, the Officer believed subject might lunge at him and stab him. The Officer estimated the distance to be closer than 10 feet.

According to an Officer, he saw the subject move toward the Officer and feared that he was going to stab the Officer or break away from the officers and take a bystander as hostage. He feared for both the officers’ and civilians’ safety.

An Officer described him as walking quickly toward and closing the distance between the Officer who was retreating quickly. An Officer stated that he fired his weapon because he feared for the Officer’s life. He estimated subject was three or five feet away from the Officer when subject fired.

An Officer observed subject move toward the Officer, walking faster than the Officer could step backwards. He heard the first gunshot, thought the Officer was in a danger zone and believed that the subject was going to stab the Officer.

An Officer described seeing the Officer back-pedaling while he advanced toward the Officer. Officer feared that subject was going to assault the Officer.

Arguably, the named officers’ conduct at the moment they used deadly force could be found in policy in light of the Department’s Use of Firearm policy that existed at the time of the incident. In fact, SFPD did find the officers’ conduct in policy. However, when considering the entire chain of events that lead to the officers’ use of lethal force, the DPA concludes that the excessive force allegation is the result of a policy failure. At the time of the incident, the Department did not have a written policy of de-escalation in their Use of Force Department General Order that instructed officers that when encountering a subject with a weapon other than a firearm, they should create time and distance from the subject by establishing a buffer zone (reactionary gap) and utilize cover to avoid creating an immediate threat that may require the

² Department General Order 5.02, *Use of Firearms* (rev. 3/16/11) was subsequently rescinded in light of revised DGO 5.01 (rev. 12/21/16) which includes the topic of firearms.

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use of force. The Department's Use of Force policy (DGO 5.01), adopted after this incident, requires officers to use time, distance and cover to avoid placing themselves in a position of danger that requires them to use deadly force. Additionally, the Department's review of this officer-involved shooting did not evaluate the tactical, training, supervisory and policy issues raised by the officers' conduct. The DPA provides the following recommendations to address the investigative, tactical and performance, and post-incident scene investigative concerns raised by this incident:

- 1) Amend the officer-involved shooting procedures to ensure through a canvass or other measures that all witness officers are identified for prompt interviews.
- 2) Amend the officer-involved shooting procedures to ensure that all witness officers to a deadly force incident and all officers involved in the incident prior to or immediately after the shooting are interviewed prior to being excused for their shift.
- 3) Amend the officer-involved shooting procedures to instruct witness officers to cooperate with any deadly force investigation conducted by a government agency, and provide administrative sanctions for non-compliance.
- 4) Modify the Department's Body Worn Camera policy to ensure that involved and witness officers are fully interviewed prior to exposure of video evidence of the event.
- 5) Amend SFPD procedures to ensure that SFPD conduct a thorough and wide-ranging review of officer decision-making in deadly force incidents, so that the involved officers and the Department are better equipped to address future tactical challenges.
- 6) Amend SFPD procedures to ensure that whenever there is any indication that contagious fire might have been the cause of the use of deadly force, provide careful and objective analysis of the evidence as part of the OIS review process.
- 7) Promulgate a training bulletin that updates officer understanding and disavowal of a per se "21-Foot Rule."
- 8) Amend SFPD procedures so that when less lethal force is used in conjunction with a deadly force incident, SFPD provides a detailed analysis of whether the deployment of less lethal force is consistent with policy and training.
- 9) Amend SFPD procedures so that when use of force is used in conjunction with a deadly force incident, the OIS review process includes analysis about the advisability of each force option used.
- 10) Amend SFPD procedures to automatically incorporate supervisory decision-making where relevant as part of the OIS review process.
- 11) Amend SFPD procedures to include evaluating the post-incident actions of its personnel and remediate as needed as part of the OIS review process.
- 12) Amend SFPD procedures in the context of officer-involved shootings, to include assigning notification of next of kin to SFPD personnel who have training to handle this task.

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- 13) Modify Department General Order 8.11 to authorize the Department of Police Accountability to participate in an advisory role in the decision as to whether and when an officer involved in officer-involved shooting should be returned to duty.
- 14) Have SFPD training experts refrain from rendering opinions about officer performance in critical incidents unless provided with the complete investigative file.
- 15) Amend Department General Order 8.11 to prevent during the OIS investigation the premature and selective release of information intended to justify an involved officer's actions.
- 16) Amend Department General Order 8.11 to prevent the Department from opining about the legitimacy of any deadly force incident until the investigation is complete.
- 17) Amend Department General Order 8.11 to include SFPD's duty to promptly correct any information which SFPD released which is inaccurate or misleading about an officer-involved shooting.

SUMMARY OF ALLEGATIONS #6-8: The officers used unnecessary force.

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

FINDINGS OF FACT: As detailed above, during the officer-involved shooting, An Officer deployed a 40-millimeter Extended Range Impact Weapon (ERIW), firing four rounds which made contact with subject. An Officer stated that he ordered the subject to drop the weapon and when he would not comply, the Officer hit him with a 40-millimeter round to his thigh. The Officer fired another round that hit subject in the lower half of his body. When subject did not drop the knife, The Officer fired two more rounds aiming below subject's waist. The Officer recalled after the second round, subject appeared to bend over and kneel though he got back up and limped away. After using the four rounds, The Officer had no more rounds left and another officer went to retrieve more rounds. Before the other officer returned with more ERIW rounds, The Officer heard the gunshots.

According to an Officer, he noticed that after officers had used two rounds with the ERIW, there was a lull in the action. He holstered his gun and pulled out his pepper spray. According to the Officer, he sprayed subject in the face for two or four seconds with no apparent effect.

When an Officer arrived on scene, she grabbed her "Super Sock" ERIW which fires bean bag rounds. She heard multiple commands from officers telling the subject to "get on the ground" and "drop the knife." She hit subject twice with bean bag rounds. She did not think the shots had any effect on him.

DB 15-234, Extended Range Impact Weapon Guide Sheet, instructs as follows:

PRE-DEPLOYMENT PROCEDURES:

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- Ask the requesting supervisor for a response code.
- Have communications broadcast on “an all” that an ERIW is en route.
- Have communications dispatch a 408 code I to stand by.
- Upon arrival:
- Obtain a quick briefing to determine if the ERIW is warranted.
- Formulate a plan with your cover officer and ground arrest teams

DEPLOYMENT PROCEDURES

- ERIW gunner shall always have a lethal cover officer alongside.
- Point of aim is Zone 2 (waist and below), Zone I may be targeted if zone 2 is unavailable or You are delivering the CTS round from 60 feet.
- Verbal Challenge: “Red Light! Less Lethal! Less Lethal!” Drop the weapon or I will shoot!”
- Assess after each shot.
- If subsequent rounds are needed, take aim at a different Zone 2 target.

The evidence did not indicate that any on-scene briefing or plan was created concerning the use of less lethal. There was no evidence that dispatch was notified to have an ambulance respond. Evidence was similarly lacking as to whether the officers provided a warning and that an assessment occurred after each deployment. It did not appear that there was any communication, coordination or plan as to whether or when to use less lethal force. In fact, an Officer discharged his rounds so quickly that he ran out of ammunition, thereby preventing him from using the ERIW further.

During the investigation of this officer-involved shooting, the Department did not analyze whether the deployment and decision-making relating to the use of less lethal force in this incident was consistent with policy and training. Instead, without analysis, the Department concluded that the officers’ use of the ERIWs and pepper spray were consistent with SFPD’s Use of Force policy. The DPA concludes that the officers’ use of unnecessary force by means of the ERIWs and pepper spray is a policy failure. The DPA recommends that whenever less lethal force is used in conjunction with a deadly force incident, the officer-involved shooting review process should include a detailed analysis of whether the deployment of less lethal force is consistent policy and training. The DPA also recommends that whenever other force options are used in conjunction with a deadly force incident, the administrative review process should include a thorough assessment and conclusion about the advisability of each option to provide feedback to the involved officers as well as potential learning lessons for the entire department.

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SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force.

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

FINDINGS OF FACT: DPA received multiple complaints that SFPD officers used unnecessary and excessive force on protestors at a planned major outdoor event.

Two (2) protestors were arrested and force was used by SFPD against each of them. DPA reached out to each of the arrestees but neither consented to be interviewed. Accordingly, DPA was unable to obtain statements or medical records from either. In addition to the two arrestees, force was used by SFPD against a third unknown protester. Because the identity of this protester was not known, DPA was similarly unable to obtain a statement from that person. That force was reported and evaluated.

Allegations 1-2 pertain to the officers who interacted with Arrestee #1.

DPA interviewed Named officers #1 and #2, who provided the following statements:

Named officer #1 observed an individual shove his superior officer. A crowd then surrounded his superior officer. When Named officer #1 ran over to assist, he saw other officers point at Arrestee #1, and saw Arrestee #1 pulling away from an officer who was trying to detain him. Named officer #1 believed Arrestee #1 to be a possible suspect for assaulting a police officer and assisted with detaining him. Named officer #1 used a low level of force against Arrestee #1 in order to prevent him from escaping. He stated that Arrestee #1 was already attempting to flee from another officer, and it was not feasible to provide a warning or to deescalate the situation. Arrestee #1 did not complain of pain or injury but Named officer #1 observed a laceration on Arrestee #1's head. Arrestee #1 was treated at the police station for his laceration but ultimately refused transport to a hospital.

Named officer #2 saw an officer running after Arrestee #1 and heard the instruction to grab ahold of him. Arrestee #1 ultimately ran into Named officer #2 and they fell to the ground together. Named officer #2 stated that Arrestee #1 was physically evasive and tensing as officers attempted to detain him. Named officer #2 used a control hold and a takedown in order to place Arrestee #1 into handcuffs. He further stated he was unable to verbally deescalate the situation as Arrestee #1 ran directly into him as soon as he arrived on scene. He was unable to give an initial warning prior to bringing Arrestee #1 to the ground due to the rapidly unfolding nature of the incident. Named officer #2 noted that Arrestee #1 had a head abrasion.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

A witness officer who assisted in detaining Arrestee #1 saw a superior officer in what appeared to be a physical altercation and saw officers coming to his aid and pointing toward Arrestee #1, who was running away. He did not hear any complaints of pain from Arrestee #1 and did not witness any officers using excessive force on Arrestee #1.

SFPD provided DPA with more than fifty (50) separate body-worn camera videos from the incident.¹ DPA reviewed the voluminous body-worn camera video footage, SFPD records, social media footage, and questioned ten (10) officers.

The Incident Report and body-worn camera footage showed that during the event there was a large group of spectators standing on the sidewalk behind interlocked barricades designed to keep individuals off the street. At one point, a number of these spectators began protesting and jumping over and pushing open the interlocked barricades. One group interlocked their arms and formed a line and human barrier across the street, blocking the event route. Others continued to shake and push open the interlocked barricades. SFPD officers pushed and moved those individuals back to the unrestricted side of the street barriers. Two protestors were pulled away from the crowd and placed in handcuffs. The named officers observed an injury on Arrestee #1 and reported the injury and use of force to their supervisor.

Named officer #1 did not activate his body-worn camera until after Arrestee #1 was in handcuffs;² however, other body-worn camera footage (BWC) showed officers pointing at Arrestee #1 and an initial attempt by another officer to grab him, as well as Named officer #1 ordering Arrestee #1 to stop resisting and get on his knees. Named officer #1's BWC showed him walking Arrestee #1 to a different location post-detention and sitting him down, talking with him in a calm manner and ultimately moving Arrestee #1 to a transport van.

BWC from Named officer #2 corroborated his statement that Arrestee #1 ran into him and they fell to the ground together.

Other police records showed that additional units responded to the scene to close and secure the barricades and form a skirmish line in front of the protestors to prevent additional protestors from entering and blocking the street. Both named officers responded to the scene, participated in the detention of Arrestee #1, and reported use of force to their superior officer. Superior officers logged the uses of force and completed the use of force evaluations. The evaluation indicated that Arrestee #1 actively resisted

¹ In some instances, there were multiple videos from a single officer's camera.

² The first officer noted in his Incident Report Statement that due to exigency for officer safety he rushed into the crowd and was unable to activate his camera until the scene was considered safe enough to do so.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

police custody and that the uses of force were within policy. The evaluation further showed that Arrestee #1 sustained an abrasion to the forehead and a photo of the injury was taken. He was not

medically evaluated or treated. The Incident Report reflected that Arrestee #1 refused to be transported by ambulance for his injuries and was released from the station.

Department General Order (DGO) 5.01 provides that officers may use reasonable force options in the performance of their duties in certain circumstances, such as to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape, or to gain compliance with a lawful order. The use of force must be for a lawful purpose and officers must strive to use the minimum amount of force necessary to accomplish their lawful purpose.

DGO 5.01 also states that when a subject is exhibiting active resistance (described as physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or restrained in custody), possible force options include use of personal body weapons to gain advantage over the subject, pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.

DGO 5.01 further states that officers shall report any use of force involving physical controls when the subject is injured, complains of pain in the presence of officers, or complains of pain that persists beyond the use of a physical control hold.

In the instant case, without any input from Arrestee #1 and inconclusive body worn camera footage (one officer did not activate, while the BWC footage from the other officer was very shaky and did not capture the entirety of the interaction) the DPA was unable to determine whether the force was excessive.

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

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

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

FINDINGS OF FACT: DPA received multiple complaints that SFPD officers used unnecessary and excessive force on protestors at a planned major outdoor event. The complainant stated that the named officers used unnecessary and excessive force in response to one particular arrestee (Arrestee #2).

DPA reached out to Arrestee #2 but was advised by Arrestee #2's attorney that they were not interested in providing a statement or medical release.

DPA interviewed Named officers #3 and #4, who provided the following statements:

Named officer #3 observed individuals jump over the barricades between the street and the sidewalk and halt the major planned outdoor event. Named officer #3 assisted with moving individuals back onto the sidewalk and then observed a few officers attending to Arrestee #2, who was flailing and thrashing their body around. Named officer #3 assisted the other officers in the initial handcuffing of Arrestee #2 and then reapplied the handcuffs behind Arrestee #2's back. He used a twist lock grip to handcuff Arrestee #2, because they were actively resisting arrest. Arrestee #2 had a complaint of pain to the hip. Named officer #3 corroborated what he wrote in incident report statement.

Named officer #4 observed individuals jump through the barricades. Some of these people formed a human chain, blocking the event route and others were in the street. Named officer #4 observed the Tactical Unit begin to push people back behind the barricades, and he assisted the Tactical Unit by moving the barricades back. Later, he observed officers attempting to handcuff Arrestee #2 and he assisted by holding Arrestee #2's lower back and arm. Arrestee #2 was tensing their arms and refusing to be handcuffed. Verbal commands were given, but the resistance continued. He used low level force in order to effect a lawful arrest, overcome resistance, to gain compliance with a lawful order, and to prevent commission of a public offense. He stated that he reported this use of force as the Arrestee #2 had a complaint of injury. He stated Arrestee #2 caused their own injury to the hip by flailing around and actively resisting.

Two witness officers who were involved in the detention and questioned by DPA stated that they did not observe any officers use excessive force and did not hear Arrestee #2 complain of pain.

Police records showed that both named officers responded to the scene, participated in the detention of Arrestee #2, and reported use of force to their superior officer. Superior officers logged the uses of force

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SUMMARY OF ALLEGATIONS #3-4: (Continued)

and completed the use of force evaluation. The evaluation indicated that the Arrestee #2 actively resisted police custody and that the uses of force were within policy. The evaluation further noted that Arrestee #2 sustained an abrasion to the right hip and a photo of the injury was taken. Arrestee #2 was medically assessed, evaluated and treated at a hospital.

BWC showed Named officer #3, along with other officers, moved Arrestee #2 away from the crowd and into the street. Arrestee #2 appeared to squirm and actively move. At one point, Arrestee #2 was placed stomach down on the street and several officers closely surrounded and held down Arrestee #2's body while attempting to restrain them. One officer held Arrestee #2's legs down in a figure four lock³ while other officers attempted to grab Arrestee #2's hands and apply handcuffs. Arrestee #2 could be heard on BWC complaining repeatedly of not being able to breathe while officers attempted to apply handcuffs.

One officer continued to hold Arrestee #2's legs down while the other officers moved back and created space. BWC showed that both named officers then repositioned Arrestee #2's arms⁴ and reapplied handcuffs. Some of the officers left the immediate area and Arrestee #2 was kept handcuffed in the stomach-down position with their legs in the figure four lock for some time. Ultimately, four officers (including Named officer #4) carried Arrestee #2 to a holding location and attempted to place them in a seated position next to the Arrestee #1. Arrestee #2 would not sit up of their own volition and was held up by two officers. Officers later asked Arrestee #2 whether they could walk to the transport van and Arrestee #2 replied that they couldn't walk, that their legs didn't work. Officers carried Arrestee #2 to the van at which point an officer asked whether the inability to walk was related to a medical condition. Arrestee #2 appeared to declare that they were not going to make a statement.

Department General Order 5.01 provides that officers may use reasonable force options in the performance of their duties in certain circumstances, such as to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape, or to gain compliance with a lawful order. The use of force must be for a lawful purpose and officers must strive to use the minimum amount of force necessary to accomplish their lawful purpose.

DGO 5.01 also states that when a subject is exhibiting active resistance (described as physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or restrained in custody), possible force options include use of personal body weapons to gain advantage over the subject, pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.

³ A figure four lock refers to a control hold whereby the legs are bent to prevent movement.

⁴ The arrestee was initially handcuffed with their arms outstretched above their head. Later, the named officer repositioned the arrestee's hands behind the back and re-applied handcuffs in that position.

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SUMMARY OF ALLEGATIONS #3-4: (Continued)

DGO 5.01 further states that officers shall report any use of force involving physical controls when the subject is injured, complains of pain in the presence of officers, or complains of pain that persists beyond the use of a physical control hold.

Portions of the body-worn camera footage and civilian video footage are very unsettling. DPA strongly recommends that SFPD continue to train its officers in using the least restrictive amount of force necessary, and immediately ceasing the use of all force as soon as it is safe to do so.

In this particular instance, it was unclear how much of the physical activity and movement was due to Arrestee #2's movements and actions and how much was due to the officers' force and movements. Furthermore, because Arrestee #2 did not consent to speak with DPA nor to share their medical records, DPA did not have sufficient evidence about the circumstances or potential injuries to prove by a preponderance of the evidence that excessive force was used, in violation of DGO 5.01. Indeed, the

officers reported their force and it was deemed to be within Departmental guidelines. Because Arrestee #2 did not provide access to their medical records, DPA has no way of knowing the full extent of Arrestee #2's injuries, beyond some bruising and abrasions visible in the evidence obtained by DPA.

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

SUMMARY OF ALLEGATION #5: The officer used excessive force.

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

FINDINGS OF FACT: DPA received multiple complaints that SFPD officers used unnecessary and excessive force on protestors at a planned major outdoor event. The complainant provided social media footage and stated officers assaulted and severely injured peaceful protestors including one having their head slammed against the ground. This allegation relates to a specific use of force against Arrestee #2 before their arrest.

Named officer #5, in his DPA interview, stated he observed the barricades between the sidewalk and the street open and an overwhelming number of people spill out onto the street. He saw several officers surrounded by that crowd, so he directed his squad to maintain the barricade to prevent the flow of people

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SUMMARY OF ALLEGATION #5: (Continued)

onto the street. An individual, later identified as Arrestee # 2, bumped into his shoulder, he moved his hands in a reactionary way, and the individual fell to the ground. He stated there was no throwing, volatile

or aggressive movement on his part and that he did not believe he added any force to the individual's own movement. He stated that he made minimal physical contact with Arrestee #2 and that it was brought on by Arrestee #2, not him. Named officer #5 was not involved in detaining or arresting Arrestee #2.

Body worn footage and the bystander video were inconclusive. The video did show Arrestee #2 careen into Named officer #5 because they were propelled by an unknown force. Arrestee #2 did not appear to purposely run into Named officer #5, and even watching the video footage at slow speeds did not clarify whether Named officer #5 shoved them away intentionally or reflexively, as claimed.

DPA found that there was SFPD behavior in the complainant's video that was disturbing. However, without the cooperation of Arrestee #2, DPA was unable to make a determination that there was excessive force, or even that the contact was intentional or reportable. It was not clear from the video how Arrestee #2 was touched. It appeared from the angle on the bystander video that Arrestee #2 was shoved but Named officer #5 stated otherwise. The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF DPA ADDED ALLEGATION #1: The SFPD failed to comply with DGO 8.03.

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

FINDINGS OF FACT: Department General Order 8.03 (Crowd Control) states that a primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly. Also, crowds shall not be dispersed or ordered to move unless there are reasonable and articulable facts justifying the order in accordance with law. Thus, "when the use of force is justified, the minimum degree of force necessary to accomplish an arrest or dispersal shall be employed. Officers are permitted to use reasonable and necessary force to protect themselves or others from bodily harm, but no more (see DGO 5.01, Use of Force)."

In the present case, SFPD did not appear to engage much with the first group of protestors who immediately interlocked their arms and formed a line and human barrier across the street, blocking the event route. This group of protestors sat and laid in the street and chanted. SFPD officers largely left this group alone. It was, instead, the continued flow of additional individuals from the sidewalk onto the street, over and through police barriers, which appeared to some on scene to compromise officer safety.

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SUMMARY OF DPA ADDED ALLEGATION #1: (Continued)

Officers were thus ordered to stop this flow of people into the street and to reestablish the barricades that kept the public off of the event route. DPA notes that assessing use of force under DGO 8.03 was complicated by the fact that DGO 8.03 has not been updated since 8/3/1994. DGO 8.03 specifically references DGO 5.01. However, DGO 5.01 was updated in 2016. In the prior version of DGO 5.01 (effective 10/4/95) officers were specifically permitted to “use whatever force is reasonable and necessary to protect others or themselves, but no more.” This language tracks with that in DGO 8.03. However, the updated version of DGO 5.01 does not include this language.

DPA also notes that Arrestee #2 was held by officers in a stomach-down prone position while being handcuffed and then kept in that prone position with legs in a 4-figure lock for an additional period of time (approximately 12 minutes) before being moved to a seated position next to Arrestee #1. DPA recommends that SFPD immediately cease using prone detentions beyond an imminent threat. As soon as a threat of violence has passed or a person has been handcuffed, the person should be removed from the prone position.

DPA’s recommends that DGO 8.03 be immediately updated to incorporate best practice standards for crowd control procedures, including communication among multiple district stations as described in the allegation below and for consistency with the revised 2016 Use of Force policy.

SUMMARY OF DPA ADDED ALLEGATION #2: The SFPD failed to comply with DGO 2.01

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

FINDINGS OF FACT: In a major event such as the one at issue, multiple district stations may be involved. DPA’s investigation revealed that at least some command staff at one district station were aware that a protest was planned during this event. DPA’s investigation also revealed that this information was not disseminated to other stations whose members responded to the scene.

As a result of this failure to communicate, when the protestors did appear, many of the officers were caught off-guard and not as fully prepared as they could have been. The show of force displayed by the presence of motorcycles, Tactical Unit, and display of less-lethal ERIWs appeared to have escalated the tension and sentiment of the protestors. Had the information about a planned protest been widely disseminated, the officers would have had more tools at their disposal for a quicker and less chaotic resolution.

Department General Order 2.01 (9) states that any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or

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SUMMARY OF DPA ADDED ALLEGATION #2: (Continued)

The discipline of the Department, or reflects discredit upon the Department or any member, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

DPA recommends that DGO 8.03 be amended to require information-sharing and communication among stations concerning planned First Amendment activities, much like in DGO 8.01 (Critical Incident Evaluation and Notification) so that notification, planning and appropriate resources can be coordinated to enable the Department to more effectively respond. Planned protests demand the type of coordinated response a critical incident requires. DGO 8.03 should address circumstances where an event spans more than one district station's territory, or officers from several stations will be in attendance to ensure that notification, planning and coordination among stations about planned First Amendment activities occurs.

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SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force.

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

FINDINGS OF FACT: DPA received multiple complaints that SFPD officers used unnecessary and excessive force on protestors at a planned major outdoor event.

Two (2) protestors were arrested and force was used by SFPD against each of them. DPA reached out to each of the arrestees but neither consented to be interviewed. Accordingly, DPA was unable to obtain statements or medical records from either. In addition to the two arrestees, force was used by SFPD against a third unknown protester. Because the identity of this protester was not known, DPA was similarly unable to obtain a statement from that person. That force was reported and evaluated.

Allegations 1-2 pertain to the officers who interacted with Arrestee #1.

DPA interviewed Named officers #1 and #2, who provided the following statements:

Named officer #1 observed an individual shove his superior officer. A crowd then surrounded his superior officer. When Named officer #1 ran over to assist, he saw other officers point at Arrestee #1, and saw Arrestee #1 pulling away from an officer who was trying to detain him. Named officer #1 believed Arrestee #1 to be a possible suspect for assaulting a police officer and assisted with detaining him. Named officer #1 used a low level of force against Arrestee #1 in order to prevent him from escaping. He stated that Arrestee #1 was already attempting to flee from another officer, and it was not feasible to provide a warning or to deescalate the situation. Arrestee #1 did not complain of pain or injury but Named officer #1 observed a laceration on Arrestee #1's head. Arrestee #1 was treated at the police station for his laceration but ultimately refused transport to a hospital.

Named officer #2 saw an officer running after Arrestee #1 and heard the instruction to grab ahold of him. Arrestee #1 ultimately ran into Named officer #2 and they fell to the ground together. Named officer #2 stated that Arrestee #1 was physically evasive and tensing as officers attempted to detain him. Named officer #2 used a control hold and a takedown in order to place Arrestee #1 into handcuffs. He further stated he was unable to verbally deescalate the situation as Arrestee #1 ran directly into him as soon as he arrived on scene. He was unable to give an initial warning prior to bringing Arrestee #1 to the ground due to the rapidly unfolding nature of the incident. Named officer #2 noted that Arrestee #1 had a head abrasion.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

A witness officer who assisted in detaining Arrestee #1 saw a superior officer in what appeared to be a physical altercation and saw officers coming to his aid and pointing toward Arrestee #1, who was running away. He did not hear any complaints of pain from Arrestee #1 and did not witness any officers using excessive force on Arrestee #1.

SFPD provided DPA with more than fifty (50) separate body-worn camera videos from the incident.¹ DPA reviewed the voluminous body-worn camera video footage, SFPD records, social media footage, and questioned ten (10) officers.

The Incident Report and body-worn camera footage showed that during the event there was a large group of spectators standing on the sidewalk behind interlocked barricades designed to keep individuals off the street. At one point, a number of these spectators began protesting and jumping over and pushing open the interlocked barricades. One group interlocked their arms and formed a line and human barrier across the street, blocking the event route. Others continued to shake and push open the interlocked barricades. SFPD officers pushed and moved those individuals back to the unrestricted side of the street barriers. Two protestors were pulled away from the crowd and placed in handcuffs. The named officers observed an injury on Arrestee #1 and reported the injury and use of force to their supervisor.

Named officer #1 did not activate his body-worn camera until after Arrestee #1 was in handcuffs;² however, other body-worn camera footage (BWC) showed officers pointing at Arrestee #1 and an initial attempt by another officer to grab him, as well as Named officer #1 ordering Arrestee #1 to stop resisting and get on his knees. Named officer #1's BWC showed him walking Arrestee #1 to a different location post-detention and sitting him down, talking with him in a calm manner and ultimately moving Arrestee #1 to a transport van.

BWC from Named officer #2 corroborated his statement that Arrestee #1 ran into him and they fell to the ground together.

Other police records showed that additional units responded to the scene to close and secure the barricades and form a skirmish line in front of the protestors to prevent additional protestors from entering and blocking the street. Both named officers responded to the scene, participated in the detention of Arrestee #1, and reported use of force to their superior officer. Superior officers logged the uses of force and completed the use of force evaluations. The evaluation indicated that Arrestee #1 actively resisted

¹ In some instances, there were multiple videos from a single officer's camera.

² The first officer noted in his Incident Report Statement that due to exigency for officer safety he rushed into the crowd and was unable to activate his camera until the scene was considered safe enough to do so.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

police custody and that the uses of force were within policy. The evaluation further showed that Arrestee #1 sustained an abrasion to the forehead and a photo of the injury was taken. He was not

medically evaluated or treated. The Incident Report reflected that Arrestee #1 refused to be transported by ambulance for his injuries and was released from the station.

Department General Order (DGO) 5.01 provides that officers may use reasonable force options in the performance of their duties in certain circumstances, such as to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape, or to gain compliance with a lawful order. The use of force must be for a lawful purpose and officers must strive to use the minimum amount of force necessary to accomplish their lawful purpose.

DGO 5.01 also states that when a subject is exhibiting active resistance (described as physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or restrained in custody), possible force options include use of personal body weapons to gain advantage over the subject, pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.

DGO 5.01 further states that officers shall report any use of force involving physical controls when the subject is injured, complains of pain in the presence of officers, or complains of pain that persists beyond the use of a physical control hold.

In the instant case, without any input from Arrestee #1 and inconclusive body worn camera footage (one officer did not activate, while the BWC footage from the other officer was very shaky and did not capture the entirety of the interaction) the DPA was unable to determine whether the force was excessive.

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

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

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

FINDINGS OF FACT: DPA received multiple complaints that SFPD officers used unnecessary and excessive force on protestors at a planned major outdoor event. The complainant stated that the named officers used unnecessary and excessive force in response to one particular arrestee (Arrestee #2).

DPA reached out to Arrestee #2 but was advised by Arrestee #2's attorney that they were not interested in providing a statement or medical release.

DPA interviewed Named officers #3 and #4, who provided the following statements:

Named officer #3 observed individuals jump over the barricades between the street and the sidewalk and halt the major planned outdoor event. Named officer #3 assisted with moving individuals back onto the sidewalk and then observed a few officers attending to Arrestee #2, who was flailing and thrashing their body around. Named officer #3 assisted the other officers in the initial handcuffing of Arrestee #2 and then reapplied the handcuffs behind Arrestee #2's back. He used a twist lock grip to handcuff Arrestee #2, because they were actively resisting arrest. Arrestee #2 had a complaint of pain to the hip. Named officer #3 corroborated what he wrote in incident report statement.

Named officer #4 observed individuals jump through the barricades. Some of these people formed a human chain, blocking the event route and others were in the street. Named officer #4 observed the Tactical Unit begin to push people back behind the barricades, and he assisted the Tactical Unit by moving the barricades back. Later, he observed officers attempting to handcuff Arrestee #2 and he assisted by holding Arrestee #2's lower back and arm. Arrestee #2 was tensing their arms and refusing to be handcuffed. Verbal commands were given, but the resistance continued. He used low level force in order to effect a lawful arrest, overcome resistance, to gain compliance with a lawful order, and to prevent commission of a public offense. He stated that he reported this use of force as the Arrestee #2 had a complaint of injury. He stated Arrestee #2 caused their own injury to the hip by flailing around and actively resisting.

Two witness officers who were involved in the detention and questioned by DPA stated that they did not observe any officers use excessive force and did not hear Arrestee #2 complain of pain.

Police records showed that both named officers responded to the scene, participated in the detention of Arrestee #2, and reported use of force to their superior officer. Superior officers logged the uses of force

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SUMMARY OF ALLEGATIONS #3-4: (Continued)

and completed the use of force evaluation. The evaluation indicated that the Arrestee #2 actively resisted police custody and that the uses of force were within policy. The evaluation further noted that Arrestee #2 sustained an abrasion to the right hip and a photo of the injury was taken. Arrestee #2 was medically assessed, evaluated and treated at a hospital.

BWC showed Named officer #3, along with other officers, moved Arrestee #2 away from the crowd and into the street. Arrestee #2 appeared to squirm and actively move. At one point, Arrestee #2 was placed stomach down on the street and several officers closely surrounded and held down Arrestee #2's body while attempting to restrain them. One officer held Arrestee #2's legs down in a figure four lock³ while other officers attempted to grab Arrestee #2's hands and apply handcuffs. Arrestee #2 could be heard on BWC complaining repeatedly of not being able to breathe while officers attempted to apply handcuffs.

One officer continued to hold Arrestee #2's legs down while the other officers moved back and created space. BWC showed that both named officers then repositioned Arrestee #2's arms⁴ and reapplied handcuffs. Some of the officers left the immediate area and Arrestee #2 was kept handcuffed in the stomach-down position with their legs in the figure four lock for some time. Ultimately, four officers (including Named officer #4) carried Arrestee #2 to a holding location and attempted to place them in a seated position next to the Arrestee #1. Arrestee #2 would not sit up of their own volition and was held up by two officers. Officers later asked Arrestee #2 whether they could walk to the transport van and Arrestee #2 replied that they couldn't walk, that their legs didn't work. Officers carried Arrestee #2 to the van at which point an officer asked whether the inability to walk was related to a medical condition. Arrestee #2 appeared to declare that they were not going to make a statement.

Department General Order 5.01 provides that officers may use reasonable force options in the performance of their duties in certain circumstances, such as to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape, or to gain compliance with a lawful order. The use of force must be for a lawful purpose and officers must strive to use the minimum amount of force necessary to accomplish their lawful purpose.

DGO 5.01 also states that when a subject is exhibiting active resistance (described as physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or restrained in custody), possible force options include use of personal body weapons to gain advantage over the subject, pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.

³ A figure four lock refers to a control hold whereby the legs are bent to prevent movement.

⁴ The arrestee was initially handcuffed with their arms outstretched above their head. Later, the named officer repositioned the arrestee's hands behind the back and re-applied handcuffs in that position.

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SUMMARY OF ALLEGATIONS #3-4: (Continued)

DGO 5.01 further states that officers shall report any use of force involving physical controls when the subject is injured, complains of pain in the presence of officers, or complains of pain that persists beyond the use of a physical control hold.

Portions of the body-worn camera footage and civilian video footage are very unsettling. DPA strongly recommends that SFPD continue to train its officers in using the least restrictive amount of force necessary, and immediately ceasing the use of all force as soon as it is safe to do so.

In this particular instance, it was unclear how much of the physical activity and movement was due to Arrestee #2's movements and actions and how much was due to the officers' force and movements. Furthermore, because Arrestee #2 did not consent to speak with DPA nor to share their medical records, DPA did not have sufficient evidence about the circumstances or potential injuries to prove by a preponderance of the evidence that excessive force was used, in violation of DGO 5.01. Indeed, the

officers reported their force and it was deemed to be within Departmental guidelines. Because Arrestee #2 did not provide access to their medical records, DPA has no way of knowing the full extent of Arrestee #2's injuries, beyond some bruising and abrasions visible in the evidence obtained by DPA.

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

SUMMARY OF ALLEGATION #5: The officer used excessive force.

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

FINDINGS OF FACT: DPA received multiple complaints that SFPD officers used unnecessary and excessive force on protestors at a planned major outdoor event. The complainant provided social media footage and stated officers assaulted and severely injured peaceful protestors including one having their head slammed against the ground. This allegation relates to a specific use of force against Arrestee #2 before their arrest.

Named officer #5, in his DPA interview, stated he observed the barricades between the sidewalk and the street open and an overwhelming number of people spill out onto the street. He saw several officers surrounded by that crowd, so he directed his squad to maintain the barricade to prevent the flow of people onto the street. An individual, later identified as Arrestee # 2, bumped into his shoulder, he moved his hands in a reactionary way, and the individual fell to the ground. He stated there was no throwing, volatile

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SUMMARY OF ALLEGATION #5: (Continued)

or aggressive movement on his part and that he did not believe he added any force to the individual's own movement. He stated that he made minimal physical contact with Arrestee #2 and that it was brought on by Arrestee #2, not him. Named officer #5 was not involved in detaining or arresting Arrestee #2.

Body worn footage and the bystander video were inconclusive. The video did show Arrestee #2 careen into Named officer #5 because they were propelled by an unknown force. Arrestee #2 did not appear to purposely run into Named officer #5, and even watching the video footage at slow speeds did not clarify whether Named officer #5 shoved them away intentionally or reflexively, as claimed.

DPA found that there was SFPD behavior in the complainant's video that was disturbing. However, without the cooperation of Arrestee #2, DPA was unable to make a determination that there was excessive force, or even that the contact was intentional or reportable. It was not clear from the video how Arrestee #2 was touched. It appeared from the angle on the bystander video that Arrestee #2 was shoved but Named officer #5 stated otherwise. The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF DPA ADDED ALLEGATION #1: The SFPD failed to comply with DGO 8.03.

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

FINDINGS OF FACT: Department General Order 8.03 (Crowd Control) states that a primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly. Also, crowds shall not be dispersed or ordered to move unless there are reasonable and articulable facts justifying the order in accordance with law. Thus, "when the use of force is justified, the minimum degree of force necessary to accomplish an arrest or dispersal shall be employed. Officers are permitted to use reasonable and necessary force to protect themselves or others from bodily harm, but no more (see DGO 5.01, Use of Force)."

In the present case, SFPD did not appear to engage much with the first group of protestors who immediately interlocked their arms and formed a line and human barrier across the street, blocking the event route. This group of protestors sat and laid in the street and chanted. SFPD officers largely left this group alone. It was, instead, the continued flow of additional individuals from the sidewalk onto the street, over and through police barriers, which appeared to some on scene to compromise officer safety. Officers were thus ordered to stop this flow of people into the street and to reestablish the barricades that kept the public off of the event route.

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SUMMARY OF DPA ADDED ALLEGATION #1: (Continued)

DPA notes that assessing use of force under DGO 8.03 was complicated by the fact that DGO 8.03 has not been updated since 8/3/1994. DGO 8.03 specifically references DGO 5.01. However, DGO 5.01 was updated in 2016. In the prior version of DGO 5.01 (effective 10/4/95) officers were specifically permitted to “use whatever force is reasonable and necessary to protect others or themselves, but no more.” This language tracks with that in DGO 8.03. However, the updated version of DGO 5.01 does not include this language.

DPA also notes that Arrestee #2 was held by officers in a stomach-down prone position while being handcuffed and then kept in that prone position with legs in a 4-figure lock for an additional period of time (approximately 12 minutes) before being moved to a seated position next to Arrestee #1. DPA recommends that SFPD immediately cease using prone detentions beyond an imminent threat. As soon as a threat of violence has passed or a person has been handcuffed, the person should be removed from the prone position.

DPA’s recommends that DGO 8.03 be immediately updated to incorporate best practice standards for crowd control procedures, including communication among multiple district stations as described in the allegation below and for consistency with the revised 2016 Use of Force policy.

SUMMARY OF DPA ADDED ALLEGATION #2: The SFPD failed to comply with DGO 2.01

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

FINDINGS OF FACT: In a major event such as the one at issue, multiple district stations may be involved. DPA’s investigation revealed that at least some command staff at one district station were aware that a protest was planned during this event. DPA’s investigation also revealed that this information was not disseminated to other stations whose members responded to the scene.

As a result of this failure to communicate, when the protestors did appear, many of the officers were caught off-guard and not as fully prepared as they could have been. The show of force displayed by the presence of motorcycles, Tactical Unit, and display of less-lethal ERIWs appeared to have escalated the tension and sentiment of the protestors. Had the information about a planned protest been widely disseminated, the officers would have had more tools at their disposal for a quicker and less chaotic resolution.

Department General Order 2.01 (9) states that any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or

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SUMMARY OF DPA ADDED ALLEGATION #2: (Continued)

The discipline of the Department, or reflects discredit upon the Department or any member, although not specifically defined or set forth in Department policies and procedures, shall be considered un-officer-like conduct subject to disciplinary action.

DPA recommends that DGO 8.03 be amended to require information-sharing and communication among stations concerning planned First Amendment activities, much like in DGO 8.01 (Critical Incident Evaluation and Notification) so that notification, planning and appropriate resources can be coordinated to enable the Department to more effectively respond. Planned protests demand the type of coordinated response a critical incident requires. DGO 8.03 should address circumstances where an event spans more than one district station's territory, or officers from several stations will be in attendance to ensure that notification, planning and coordination among stations about planned First Amendment activities occurs.

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SUMMARY OF ALLEGATION #1: The officer exhibited intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that he was parked illegally in a commercial loading space and was approached by two officers. Towards the end of the interaction with the officers, the complainant stated that the named officer placed his mouth very close to the complainant's ear and whispered harsh statements directly in his ear that he did not understand.

Body-worn camera footage of the encounter did not show either officer coming close to and speaking directly in the complainant's ear.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was issued a citation for the parking violation, but that rather than return his identification, keys and citation by hand, the named officer walked over to the complainant's vehicle and threw all of the items on the car floor.

Body-worn camera footage of the encounter showed that the complainant refused to accept the citation after the issuing officer attempted to hand it to him in a professional manner. Both officers then walked to the open driver's window of the complainant's vehicle and gently dropped the items on the driver's seat.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers misused police authority.

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

FINDINGS OF FACT: The complainant stated that he asked the officers whether he could retrieve his cell phone to record the interaction, but that the officers did not allow him to do so.

The second named officer stated that he restricted the complainant from using his phone for officer safety reasons. He stated that the complainant was known to loiter in the area with a large group and he was concerned that if others were notified it could potentially place the officers on scene in danger. Indeed, the second named officer noted that within minutes of the complainant's detention, several individuals began to crowd around the area.

Body Worn Camera footage showed that the officers approached the complainant while he was seated in the driver's seat of his vehicle which was parked illegally in a loading zone. The complainant refused to comply with the officers' commands to provide them with identification. The officers eventually detained the complainant for not providing them with his identification. The officers ordered the complainant out of his vehicle; however, rather than complying, the complainant argued with officers, picked up his phone and did not exit the vehicle. Both officers ordered the complainant to put his phone down and exit the vehicle.

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

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that as one officer was whispering harsh statements directly in his ear, the named officer did not translate the statements into Spanish.

The named officer stated that he did not observe the other officer make threatening comments to the complainant. Further, the named officer stated that he has dealt with the complainant on several prior occasions and all conversations have been conducted in English. The named officer stated that the complainant initiated the conversation in English and knows the complainant to be able to communicate effectively in that language. Additionally, the named officer does not speak fluent Spanish.

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Body-worn camera footage showed both officers speaking only English to the complainant during the entire call and the complainant responding appropriately in English. Further, as the complainant was departing the scene in his vehicle, he spoke Spanish to the officers and the named officer responded that he did not understand.

Department records do not reflect the named officer as being a certified translator in any language.

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

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DATE OF COMPLAINT: 09/04/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant reported that an officer made a threatening statement in an aggressive manner and pushed the front door while looking for the complainant's relative. The complainant declined to participate in an interview with DPA or to provide additional information.

The named officer stated that he had no recollection of responding to the incident or of having contact with the complainant. That said, he did not believe he had ever made such a statement in his career and given the type of call at issue, it was unlikely that he would have pushed on the front door of anyone's residence.

SFPD records show that the named officer responded to this incident at the identified address.

No body-worn camera footage was available as the named officer was working in plain clothes.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she made a report of harassment and social media hacking to the named officer. The officer completed the report but never conducted a follow-up investigation.

The named officer stated he did speak to the complainant and receive a report of stalking from her. The officer stated that the complainant informed her that she had received unwanted emails, and her social media accounts were hacked. The complainant named a former co-worker as the suspect but did not provide any evidence that this specific person was involved. The officer said there was insufficient probable cause to determine if stalking had occurred. However, the officer stated that he completed an incident report for the complainant. The report was sent to the local Investigation Unit to follow up if this was warranted.

Body-worn camera footage revealed that the complainant told the officer that she did not have any specific evidence the ex-co-worker was harassing her online and that she only had suspicions. The officer advised the complainant that her report would be turned over to investigators, and they would conduct a follow-up with her if needed.

Department records showed that the named officer completed an incident report that documented the complainant's allegations. The report was sent to the local Investigations Unit, but an investigator was not assigned.

The officer never advised the complainant that he would personally conduct a follow-up investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/19 DATE OF COMPLETION: 07/15/20 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The anonymous complainant stated the named officer drove unsafely and spoke to him inappropriately.

The named officer stated he saw the complainant step into a crosswalk before pedestrian traffic was permitted. The named officer stated he told the complainant he had his lights on and pointed to them. The named officer stated the complainant was aggravated that the police vehicle momentarily blocked his path.

The named officer's body worn camera (BWC) shows the named officer completed a u-turn in an intersection, but it does not show if the officer entered the intersection on the yellow or red light, and it does not show the interaction with the complainant.

There is insufficient evidence to either prove or disprove the allegation because the complainant was anonymous and not available for a follow up interview, and the BWC did not sufficiently show the officer's driving.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/19 DATE OF COMPLETION: 07/15/20 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The anonymous complainant stated the named officer drove unsafely and spoke to him inappropriately.

The named officer stated he saw the complainant step into a crosswalk before pedestrian traffic was permitted. The named officer stated he told the complainant he had his lights on and pointed to them. The named officer stated the complainant was aggravated that the police vehicle momentarily blocked his path.

The named officer's body worn camera (BWC) shows the named officer completed a u-turn in an intersection, but it does not show if the officer entered the intersection on the yellow or red light, and it does not show the interaction with the complainant.

There is insufficient evidence to either prove or disprove the allegation because the complainant was anonymous and not available for a follow up interview, and the BWC did not sufficiently show the officer's driving.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers failed to enforce a violation of restraining order against her neighbor.

Named officer 1 stated that he and named officer 2 responded and conducted the investigation. The complainant showed a video clip of what she believed to be a violation of the restraining order and explained the other violation. The officers viewed the video clip and listened to the complainant's story about the second violation. Officer 1 determined there was no reasonable suspicion or probable cause to make an arrest and informed the complainant there was no violation of the restraining order.

Named officer 2 stated that the video clip showed that the neighbor walked in oncoming traffic to avoid the complainant's path. Officer 2 also opined there was no violation of restraining order from either incident.

Body-worn camera footage revealed that the officers conducted the investigation inside the complainant's apartment. This included canvassing for witnesses. The officers viewed the video clip and listened to the complainant's account about both alleged violations. The officers advised the complainant there was no willful violation of the restraining order by the neighbor.

No other witnesses or video evidence were identified.

Penal Code (PC) § 836(a)(1) provides that arrests for misdemeanors, without a warrant, are only lawful if the conduct violating the law occurred in the presence of the police officer. This means that the officer must have personal knowledge that the offense was committed by seeing it, hearing it, smelling it or feeling evidence of it. However, an arrest can be made without a warrant for someone violating a restraining order, whether the order be for civil harassment under California Code of Civil Procedure § 527.6, domestic violence under Family Code § 6200, stalking under Penal Code § 646.91 or in a family law context under Welfare & Institutions Code § 213.5.

The officers made the determination that under the law there was no willful violation of the restraining order. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she reported an on-going landlord-tenant dispute to the named officer regarding remodeling and harassment issues. The landlord had taken photographs of her while he was standing outside of her apartment. The complainant said the incident report was not accurate. The incident report said the landlord was 30 feet away and not 12 feet away, as the complainant described. The incident report described the outside area as a side yard when the area was a fully enclosed light well. The incident report also omitted information regarding the remodeling issues about the apartment. The complainant also wanted the title of the incident report to be titled harassment and unlawful recording instead of suspicious circumstances.

The named officer stated that he responded to the scene and conducted an unbiased investigation based upon the information provided by the complainant. The officer titled the report "suspicious circumstances" because the information provided was inconclusive and unproven for the harassment or photographs. The officer described the area where the alleged photographs took place based upon his observations of the area. However, he opined the area in question was the same as described by the complainant. The officer did not remember the complainant's remodeling issues; however, the officer included the complainant's written statement with the report. The named officer did not interview or talk to the landlord about the case.

Body-worn camera footage revealed that the named officer conducted the investigation and stated he would include her written statement into the incident report.

Department records showed that the officer included the complainant's handwritten statement with the incident report. The complainant's handwritten statement included all the information that the complainant alleged was missing from the incident report.

Department General Order 1.03 Section 1A, rule 5d states, in part, "Patrol Officers shall make written reports on crimes observed or brought to their attention that have not been previously reported." Based on the facts available to the officers at the time, it was reasonable to believe that the named officer placed all pertinent information into the incident report, including the complainant's written statement.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/19 DATE OF COMPLETION: 07/17/20 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: 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:

INTERNAL AFFAIRS DIVISION
1245 3RD STREET
SAN FRANCISCO, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/19 DATE OF COMPLETION: 07/09/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was a victim of an assault that rendered him unconscious, so he had no memory of speaking with the named officer. The complainant stated his case was not properly investigated because he was not able to provide all the details to the named officer due to his lapse of consciousness.

The named officer denied the allegation, stating that he responded to a call regarding an assault and spoke with the complainant. The complainant never lost consciousness and was able to provide him details of the assault. Additionally, when he spoke with the complainant, he appeared alert and able to articulate responses to the officer's questions. However, the named officer felt the answers were general, vague, and unspecific. The named officer stated that the assault occurred in an area where there were no cameras and that he conducted a preliminary investigation that was consistent with Department policy.

Department records documented that the named officer met with the complainant on-scene, where he was pacing around and bleeding from the mouth. In addition, the complainant told the named officer that he was assaulted by two individuals but was unable to provide a description. The complainant reported that he never lost consciousness.

DPA attempted to obtain the complainant's medical records; however, the complainant was unresponsive to DPA's request for a HIPAA release, which would allow DPA to access the complainant's medical records. DPA did not canvass for cameras because the incident occurred several years before a complaint was filed.

Department General Order 2.01 states in relevant part that officers shall perform their duties promptly and according to Department policies and procedures and that the officer charged with the investigation is at the scene. they shall immediately assume responsibility for the investigation.

Department records contain statements from the complainant regarding details of the assault. However, there is no independent supporting evidence that the named officer canvassed for cameras or conducted any other investigation; therefore, the evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/19 DATE OF COMPLETION: 07/09/20 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant went the police station to report that the police report was inaccurate because his name was misspelled and that his address was incorrect. He stated the named officer he spoke to became annoyed and told him officers do not write inaccurate reports.

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

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/19 DATE OF COMPLETION: 07/15/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that an officer issued her a citation for blocking an intersection without cause. The complainant said that she was stopped in traffic in the intersection but she suspected the real reason the officer ticketed her was because her passenger had engaged in a verbal back and forth with the officer about his traffic control work.

The named officer stated he cited the complainant's vehicle because he observed the vehicle violate California Vehicle Code section 22500, stopping within an intersection. On the day of the incident, a large parade caused considerable traffic in the area. The named officer stated that numerous vehicles tried to rush the intersection despite insufficient space on the other side. Due to the safety concerns in such a crowded area, he wrote parking citations that day for egregious violators, with some of the citations being mailed due to the vehicles driving off before he could complete the citation.

The named officer stated the attitude or demeanor of the complainant or passenger did not affect his decision in whether to issue the citation. The named officer could not recall any verbal back and forth with a passenger.

The DPA was unable to make contact with the passenger who allegedly spoke with the officer. The DPA therefore has no evidence that the officer had any improper motive. The conduct was therefore justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/19 DATE OF COMPLETION: 07/15/20 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was driving past an officer when her passenger criticized an officer's traffic control work. The complainant said the officer ran up to her car and had an unprofessional verbal exchange with her passenger. The complainant did not provide specifics about the alleged unprofessional conduct.

The complainant did not provide her passenger's contact information but said she would instruct the passenger to call the DPA. The passenger never called, despite repeated requests to the original complainant.

The named officer stated he does not recall speaking with the male passenger as there was heavy pedestrian and vehicle traffic due to the event. The named officer stated he does not recall speaking with any pedestrian for five minutes and there were a few pedestrians who approached him asking for directions and several drivers asked him where they could park their vehicle. The officer described his demeanor that day as professional and direct.

As the DPA could not contact the passenger witness and the officer does not recall any hostile interaction, the evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/19 DATE OF COMPLETION: 07/30/20 PAGE# 1 of 4

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

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

FINDINGS OF FACT The complainant stated in his written complaint that he was detained for no reason after emerging from the BART transportation system by the named officer.

The complainant failed to participate further in the investigation.

Body-worn camera footage showed that civilian security personnel flagged down the named officer and reported that the complainant had committed vandalism. The complainant displayed erratic signs of temperament towards the named officer and security personnel. The complainant appeared confused and disoriented to his whereabouts.

Department documents also indicated the named officer conducted a detailed investigation into the vandalism crime involving the complainant.

Department General Order 5.03 Investigative Detentions, Section I B states, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification."

The officer had an obligation to investigate a crime being reported by citizens and had reasonable suspicion to detain the complainant to conduct the investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/19 DATE OF COMPLETION: 07/30/20 PAGE# 2 of 4

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

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

FINDINGS OF FACT: The complainant stated in his written complaint that after his detention by the named officer, he was transported to the hospital, and his wallet was missing.

The complainant failed to participate further in the investigation.

Body-worn camera footage showed that the named officer searched the complainant and his backpack and didn't find any identification or wallet. The complainant was released from police detention, and SFFD medical personnel transported the complainant to the hospital.

Department documents indicated there was no personal property booked from the complainant.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/19 DATE OF COMPLETION: 07/30/20 PAGE# 3 of 4
SUMMARY OF ALLEGATION #3: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated in his written statement that the officers used unnecessarily force during his detention.

The complainant failed to participate further in the investigation.

Body-worn camera footage of the named officer and witness officer revealed the complainant actively resisted detention, attempted to get away, and fought with officers. The complainant refused to obey several verbal commands and attempted to kick the officers and medical personnel. The complainant actively resisted until the medical personal administered medicine and strapped him to a gurney.

Department records indicated that there were no visible injuries to the complainant, and the complainant did not complain of injuries.

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

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

The complainant actively resisted the officer and medical personnel during the detention process.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/19 **DATE OF COMPLETION:** 07/30/20 **PAGE# 4 of 4**
SUMMARY OF ALLEGATION #4: The complaint raises matters outside the DPA's jurisdiction.

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

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

San Francisco Fire Department
698-2nd Street
San Francisco Ca, 94107
Attention: DC Victor Wyrsh

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/19 **DATE OF COMPLETION:** 07/15/20 **PAGE# 1 of 4**

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated that the named officer denied his request for an interpreter during police questioning.

The named officer stated he did not recall the complainant asking for an interpreter. The body worn cameras (BWC) of officers at the scene show the complainant communicating to numerous officers in English. He appears to understand their instructions and responds appropriately to questions. The BWC does not show the complainant ever requesting language services.

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

SUMMARY OF ALLEGATION #2: The officer denied the complainant's right to an attorney.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to provide him an attorney while in custody.

The named officer said the complainant asked for an attorney to be present for his questioning, and the officer immediately ended his effort to question the complainant.

Officers are not obligated to provide counsel for people in custody absent custodial interrogation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/19 **DATE OF COMPLETION:** 07/15/20 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officer was upset when he asked for an attorney and the officer yelled at him when another officer began handcuffing his hands to a bench. The complainant also stated that the officer lied to him by saying that his vehicle was never seized as evidence.

The officer stated he could not recall getting upset or yelling at the complainant. The named officer confirmed that the vehicle was never seized as evidence. The incident report indicated that the complainant's vehicle was towed from the scene because it was blocking a driveway and creating a hazard.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to examine his vehicle for fingerprints. The complainant stated that fingerprinting would have proved that the other party damaged his windshield by hitting it with his hand.

Department records show the named officer was not at the scene, did not participate in any on-scene traffic collision investigation, and was not in charge of the crime scene. Records also show that when the named officer was notified of the complainant's arrest, he conferred with the investigating officer about the details of the incident. Records further indicated that the named officer's involvement was limited to conducting a record check of the complainant, attempting to take his statement – which the complainant refused – and processing the paperwork for charges.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/19 **DATE OF COMPLETION:** 07/15/20 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #5: The officer failed to provide an incident report.

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

FINDINGS OF FACT: The complainant stated the named officer refused his request for a copy of the incident report. In his DPA interview, the complainant stated that he made his request before his case was closed.

The officer stated that he disapproved the request because the complainant's case was still an open investigation.

Department General Order 3.16.02, Release of Police Reports, B.2. reads, in part:

2. DURING THE PENDENCY OF AN INVESTIGATION OR PROSECUTION. The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation.

The named officer therefore had the right to disapprove the complainant's request for an incident report.

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

SUMMARY OF ALLEGATION #6: The officer failed to provide the complainant his medicine and denied his request for a phone call.

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

FINDINGS OF FACT: The complainant stated he asked the named officer for a phone call and anxiety medicine. The officer told him that he would have an opportunity at the County Jail.

The named officer, who was the station keeper on-duty, stated he could not recall the complainant requesting a phone call. He stated that if one were made, he would have provided a phone to the complainant. The officer stated the complainant was not ill, injured or suffering from any medical condition.

The Medical Screening Card signed by the complainant shows that he told the named officer he did not need prescribed medication for four hours and did not need immediate medical attention.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/19 DATE OF COMPLETION: 07/15/20 PAGE# 4 of 4

SUMMARY OF ALLEGATION #6: (Continued)

The Department's Booking and Detention Manual requires station keepers to allow an arrestee to make telephone calls.

No witness to the complainant's alleged request for a phone call was identified.

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

SUMMARY OF ALLEGATION #7: The complaint raises matters outside the DPA's jurisdiction.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers knowingly engaged in biased behavior.

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

FINDINGS OF FACT: The complainant stated that he was parked legally on the street when the named officers detained him. The named officer then issued the complainant a citation and impounded his vehicle. The complainant opined that the officers only stopped the complainant because of his race.

Named officer 1 stated that he observed the complainant driving with a broken headlight and conducted a computer inquiry on the license plates which returned stolen. Named officer 1 and named officer 2 conducted a traffic stop. The named officers cited the complainant for driving on a suspended license and having a broken headlight. The complainant's vehicle was impounded. Officer 1 stated that the complainant's race played no factor in the decision to stop the complainant.

Named officer 2 stated they noticed the complainant driving with a broken headlight, and a computer check indicated the license plates were stolen. Named officer 2 stated that he didn't know the complainant's race before the traffic stop due to the time of night and distance behind the complainant's vehicle.

Body Worn Camera footage revealed that the named officers informed the complainant that the license plates were stolen. The footage showed that the complainant's vehicle had a broken headlight.

Department documents verified that license plates on the vehicle were stolen.

DPA investigation concluded that there was no evidence to either prove or disprove the officers knew the complainant's race before the traffic stop.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/19 DATE OF COMPLETION: 07/24/20 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 and co-complainant stated in separate online complaints that officers failed to take seriously their report of indecent exposure. The complainant and co-complainant did not respond to DPA's requests for interviews to gather necessary evidence.

The named officer stated he and his partner responded to a call of indecent exposure. The officer stated that he spoke to the two reporting parties and spoke to the suspect. The named officer stated that his investigation revealed there was no merit to any criminal activity.

Due to their refusal to cooperate, the DPA was unable to interview the complainant or co-complainant to determine what specific information they provided to the officer and how he responded.

The complainant therefore failed to provide requested evidence necessary to complete the investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/19 **DATE OF COMPLETION:** 07/15/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 7/8/2020.

SUMMARY OF ALLEGATION #2: The officer authorized the collection of a homeless person's tent and property by the Department of Public Works.

CATEGORY OF CONDUCT: UA **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 7/8/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged that he rented storage units at a residential building, but the building manager did not provide him with a contract when he moved in his belongings. He was in an ongoing dispute with building management who denied him access to his storage unit and was told that Department of Public Works took his property. While at his storage unit, the named officer arrested the complainant for trespassing without hearing his side of the story. He told the named officer to check his briefcase for the paperwork and to get his wallet and cellphone so he could contact his lawyer.

Body-worn camera footage showed the named officer spoke to building management who requested a private person's arrest against the complainant. Building management told the named officer the complainant was told at least eight (8) times that he was not allowed on the property. When the named officer approached him, the complainant was wearing no shirt and he had items scattered in the parking lot next to the storage units. The named officer told the complainant that he was told by building management not to return to the building and the complainant told the named officer that he had an agreement with officers that he could return to the storage unit.

Police records showed that the dispute between the complainant and building management was an ongoing civil issue. San Francisco Police Department responded several times to reports by building management that the complainant was trespassing.

The complainant made inconsistent statements and many of the complainant's reported sequence of events did not occur and were not supported by the evidence. The complainant also acknowledged that he did not have a contract that permitted him building access. The named officer did investigate the matter and determined that the complainant was trespassing.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/19 **DATE OF COMPLETION:** 07/17/20 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant was arrested for no reason as he believed he had the right to be at the storage unit. He also denied that suspected narcotics found in his pocket were his. He found a small container of suspected narcotics on the ground near his storage unit and put it in his pocket because he did not want the children in the building to get a hold of the substance and get hurt.

Body-worn camera footage showed that the named officer responded to reports of trespassing by the complainant. The named officer spoke to building management and the complainant. Department General Order 5.04, Private Person's Arrest, part II. Procedures, required that the officer listen to the basis for the Private Person's Arrest request, determine whether probable cause existed for the arrest, and respond accordingly. The named officer had the authority and determined he had probable cause to do a custodial arrest of the complainant. He accepted the signed private person's arrest from building management. While arresting the complainant for trespassing, the named officer found suspected narcotics in the complainant's pocket.

Police records showed San Francisco Police Department responded the night before this incident regarding the complainant trespassing on the property. The complainant was asked to leave the property and not to return. The complainant made inconsistent statements about the arrest. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The named officer hit the complainant on the nose which caused the complainant's nose to bleed.

The body-worn camera footage and incident report contradicted the complainant's statement.

The complainant lacked credibility.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/19 **DATE OF COMPLETION:** 07/17/20 **PAGE# 3 of 3**

SUMMARY OF ALLEGATIONS #4-5: The officers failed to write a report.

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

FINDINGS OF FACT: The complainant requested an incident report regarding stolen items and threats made by the building's residents, but the named officers refused.

The named officers stated that based on the complainant's conflicting story and timeline of events, they determined that no crime was committed. The officers stated that the complainant had no access to the building, no paperwork, and he was not allowed to be there; therefore, they declined to take a report for stolen items. Furthermore, the officers discussed with the complainant that because he had no proof of ownership, any issues around items in the unit and access to the unit was a civil matter that would have to be decided by a judge.

The body-worn camera footage corroborated the named officers' statements.

Police records showed that the building management called SFPD three times and reported that the complainant was trespassing and making threats.

Per DGO 2.01 Rule 25. On-Duty Written Reports officers have a duty to make reports for crimes or incidents requiring police attention. For this incident, the officers had been there previously on calls of the complaint trespassing and making threats to management and bothering the residents by taking their

photos as they came in and out of building. The complainant then called police reporting the opposite, stating that the was threatened and that he also wanted a report for his stolen items. The officers, after assessing the complainant's credibility, timeline of events, and investigating determined a report was not required as they believed no crime had occurred.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer called her a liar and did not believe her when she told him that property a retail store accused her of stealing was, in fact, her property.

The named officer stated that he and the complainant watched the security footage that clearly showed the complainant stealing property from the retail store. He told the complainant to stop lying after viewing the security footage and the complainant continuing to insist that the stolen property was hers.

The named officer's body worn camera footage corroborated the named officer's statement. The footage also showed the named officer explained to the complainant that she could sign the document provided by the retail store that would prevent her from returning to the store, be released, and address her issue with the retail store in court. The named officer did not use harsh, profane, or uncivil language.

San Francisco Police Department General Order 2.01, Rule 14, Public Courtesy, states that when acting in the performance of their duties, while on or off duty, officers shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

DPA reviewed the security footage which clearly showed the complainant stealing items from the retail store.

The named officer did not use harsh, profane, or uncivil language when he told the complainant to stop lying.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 07/17/20 PAGE# 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer pat searched her instead of a female officer.

The named officer stated he arrested the complainant for theft. She was placed in handcuffs, pat searched, and placed in a holding cell.

The named officer's body worn camera footage showed that at the time of the arrest there was no female officer present. Additionally, the named officer conducted a quick pat search on the complainant for weapons. He did not conduct a full search incident to arrest.

The SFPD Arrest and Control manual states that when officers search the "opposite sex," they should "attempt to have officer of same sex as the subject conduct the search." However, "in cases where waiting for an officer of the same sex as the subject would cause undue risk to the officer or others, an officer of the opposite sex may conduct a thorough and proper search of the subject." (SFPD Arrest and Control Manual, Third Edition 2005.)

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 07/17/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer improperly used physical control.

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

FINDINGS OF FACT: The complainant stated her handcuffs were too tight.

The named officer stated that he checked for the proper degree of tightness and did not recall the complainant complaining the handcuffs were tight.

Body worn camera footage captured the entire incident. The complainant did not have any complaints of pain and she did not complaint that the handcuffs were too tight.

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

SUMMARY OF ALLEGATION #4: The officer used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated the named officer twisted her arm.

The named officer denied using excessive force, stating he used the lowest level of force possible to place the complainant in handcuffs. He stated that he used a control hold to pull the complainant's arm behind her back.

Body-worn camera (BWC) footage showed the named officer pull out his handcuffs and attempt to grab the complainant's arm. The complainant subsequently swatted the officer's arm away and flailed her arm, preventing him from grabbing it. The named officer gained control of the complainant's arm and turned it so he could pull the complainant's arm behind her back. It was unclear from the footage if the complainant twisted her arm to prevent the officer from gripping and placing her arm behind her back or if the officer twisted the complainant's arm. Regardless, the footage did not show the named officer used excessive or unnecessary force.

San Francisco Police Department General Order 5.01 states that officers may use reasonable force options to effect an arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/20 **DATE OF COMPLETION:** 07/17/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was searched by a male officer instead of a female.

Police records showed that officers responded to a call regarding a person with an altered mental status and contacted the complainant. A records check revealed that the complainant had been reported missing by her counselor. Officers provided the complainant a courtesy ride to the hospital.

Body-worn camera (BWC) footage showed that a female officer pat searched and handcuffed the complainant and subsequently escorted her to the police car.

DGO 5:22 Detention, Arrest, and Searches of TGN Individuals. Officers may conduct an immediate cursory pat search if the officer reasonably believes the person is armed or dangerous as with any individual (*Terry v. Ohio*, 392 U.S. 1). When an officer must conduct a search of a TGN individual beyond the level of a cursory pat search, the TGN individual shall be asked their preference with regard to gender of the member searching them. If a member of the TGN individual's preferred gender is not available, the search can be conducted by the officer on scene.

The evidence proves that the conduct did not occur.

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

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

FINDINGS OF FACT: The complainant stated that officers lost her makeup case.

Body-worn camera (BWC) footage showed that the makeup case was packed in the complainant's suitcase and was taken with the complainant to the hospital. The officers did not process the property at all, as they did not take custody of the complainant or her property; they delivered her to the hospital as a courtesy.

The evidence prove that the conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/20 **DATE OF COMPLETION:** 07/17/20 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant raised matters outside DPA's jurisdiction. DPA faxed a copy of the complaint to Walnut Creek Police Department at 925-943-5811.

San Francisco Police Department (SFPD) records indicated that SFPD thoroughly investigated the reported crime and contacted Walnut Creek Police Department regarding the matter, because the alleged crime was committed in Walnut Creek. Walnut Creek informed SFPD they had no record of a reported crime with the date and time that was provided by the complainant. SFPD forwarded a copy of their incident report to Walnut Creek Police Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/20 **DATE OF COMPLETION:** 07/17/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with DGO 5.22.

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

FINDINGS OF FACT: The complainant stated that she was searched by two male officers instead of a female officer.

Police records showed that the complainant was detained because she threw an object at a police car. A records check revealed that the complainant had three outstanding warrants. The complainant was subsequently arrested.

Body-worn camera (BWC) footage showed that the named officers called dispatch and requested a female officer to conduct a search on the complainant. The officers decided to perform the search at the police station due to safety concerns and to deescalate the situation. The complainant was searched at the police station by a female officer.

The female officer that searched the complainant confirmed that she was called to perform the search on the complainant and that she subsequently performed the search at the station.

DGO 5:22 Detention, Arrest, and Searches of TGN Individuals. Officers may conduct an immediate cursory pat search if the officer reasonably believes the person is armed or dangerous as with any individual (*Terry v. Ohio*, 392 U.S. 1). When an officer must conduct a search of a TGN individual beyond the level of a cursory pat search, the TGN individual shall be asked their preference with regard to gender of the member searching them. If a member of the TGN individual' preferred gender is not available, the search can be conducted by the officer on scene.

The evidence proves that the conduct complained of did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/19 **DATE OF COMPLETION:** 07/17/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to issue parking citations to city-owned vehicles parked in a red zone.

The officer stated that his duties included enforcing permitted parking in the area around city administration buildings, but that enforcement of red zone parking falls under the jurisdiction of the San Francisco Municipal Transit Agency.

SFPD DGO 9.01(I)(A)(3) states that, "Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action."

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

SUMMARY OF ALLEGATION #2: The officer failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated that after questioning the officer regarding his parking enforcement practices, he asked the officer for his name and badge number, but the officer turned and walked away without providing the requested information.

The officer stated that he does not recall any interaction involving the complainant but that his normal practice is to provide his name and badge number when asked to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/20 **DATE OF COMPLETION:** 07/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he reported a noise nuisance, and nothing was done about it.

Department records showed that two calls for service regarding loud music coming from a vehicle were received. The reporting party requested that the police ask the subject to turn the music down. These calls were assigned a lower (“C”) priority as there was no immediate threat to life or property. Department records showed that the first and second named officers responded to the first call for service, noted they were “unable to locate” the nuisance, and cleared the call. Department records showed that the third named officer responded to the later call for service and commented to dispatch that the area was quiet.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/19 **DATE OF COMPLETION:** 07/01/20 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated eight to ten San Francisco Police Department (SFPD) officers attacked him while he was crossing the street. He stated the officers provided no explanation for their actions. The officers took the complainant to the police station and he was attacked again. He stated the same eight to ten officers attacked him while he was inside the intake department. The complainant stated he received a bloody mouth and a bruised arm because of the assault.

Named Officer #1 stated he stopped the complainant after the complainant threatened him. The complainant was walking in the middle of a busy street and causing traffic to stop. Named Officer #1 called additional officers after he stopped the complainant. Named Officer #2 and Named Officer #3 heard Named Officer #1's call for assistance and arrived at the scene. When Named Officer #2 and Named Officer #3, *infra*, arrived to assist Named Officer #1, the complainant ran from them. Named Officer #1 stated Named Officer #3 reached the complainant first. He grabbed the complainant's arms, tried to gain control of them and ordered the complainant to stop resisting. Named Officer #1 stated he reached the complainant and grabbed the complainant's right arm. Named Officer #3 performed a leg sweep on the complainant. Named Officer #2 stated he grabbed the complainant's left arm. The three officers were able to handcuff the complainant and the complainant was taken to Mission Station. Named Officer #1 stated he did not speak with the complainant after the complainant was taken to Mission Station. Both Named Officer #1 and Named Officer #2 stated the complainant made no complaint of pain during the arrest. Named Officer #2 stated he and Named Officer #3 brought the complainant to Mission Station. He stated he did not have any interactions with the complainant after he secured and booked him within Mission Station.

Body Worn Camera (BWC) footage of the incident was analyzed. The footage showed three officers hunched over the complainant. They helped the complainant up. The complainant was in handcuffs. The complainant was placed in a SFPD vehicle. The complainant had no visible injuries and made no claims that he was in pain. There is footage of the complainant in the police station. This footage did not capture any force being used against the complainant.

The complainant underwent a medical screening when he arrived at Mission Station. The Station Keeper observed no bleeding or open wounds on the complainant. The complainant refused to provide any additional information for the screening.

A mugshot was taken of the complainant when he was transferred from the custody of the SFPD to the custody of the San Francisco Sheriff's Office. He does not have any visible injuries.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/19 DATE OF COMPLETION: 07/01/20 PAGE# 2 of 3
SUMMARY OF ALLEGATIONS #1-3: (Continued)

SFPD Department General Order (DGO) 5.01 states, in part: "Officers may use reasonable force options in the performance of their duties, in the following circumstances: 1) To effect a lawful arrest, detention, or search, 2) To overcome resistance or to prevent escape...4) In defense of others or in self-defense, 5) To gain compliance with a lawful order." The DGO defines Active Resistance as, "Physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally, or physically signaling an intention to avoid or prevent being taken into or retained in custody." When faced with Active Resistance the DGO suggests two force options, "1) Use of personal body weapons to gain advantage over the subject, 2) Pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject."

The complainant stated eight to ten officers attacked him at the scene of his arrest. This is refuted by BWC footage of the scene. The BWC footage shows three officers touched the complainant. The force options used by Named Officer #1, Named Officer #2, and Named Officer #3 were used after the complainant attempted to escape and refused to be handcuffed. Named Officer #3's takedown combined with Named Officer #1 and Named Officer #2's control holds are tactics supported by DGO 5.01. The complainant claimed he was taken to 850 Bryant Street. Numerous statements from officers, SFPD documents, and BWC videos show the complainant was initially taken to Mission Station. The complainant claimed the same officers who attacked him at the scene of his arrest, attacked him within 850 Bryant Street. The complainant claimed he sustained a bloody mouth and a bruised arm. A mugshot was taken of the complainant the day of his arrest. He did not have a bloody mouth.

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

SUMMARY OF ALLEGATIONS #4-7: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated eight to ten SFPD officers attacked him while he was crossing the street. He stated the officers provided no explanation for their actions. The officers took the complainant to the police station and he was attacked again. The complainant stated he received a bloody mouth and a bruised arm because of the assault.

Named Officer #4, Named Officer #5, Named Officer #6, and Named Officer #7 were all present at the scene. This incident happened four years ago, so several of the officers stated they did not remember many details of what had occurred. However, the named officers denied using any force against the complainant either at the scene or after the complainant was taken to Mission Station.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/19 DATE OF COMPLETION: 07/01/20 PAGE# 3 of 3

Body Worn Camera (BWC) footage of the incident was analyzed. The footage showed three officers hunched over the complainant. They helped the complainant up. The complainant was in handcuffs. The complainant was placed in a SFPD vehicle. The complainant had no visible injuries and made no claims that he was in pain. There is footage of the complainant in the police station. This footage did not capture any force being used against the complainant.

The complainant underwent a medical screening when he arrived at Mission Station. The Station Keeper observed no bleeding or open wounds on the complainant. The complainant refused to provide any additional information for the screening.

A mugshot was taken of the complainant when he was transferred from the custody of the SFPD to the San Francisco Sheriff's Office. He does not have any visible injuries.

The complainant stated eight to ten officers attacked him at the scene of his arrest. This is refuted by BWC footage of the scene. The BWC footage shows three officers touched the complainant. Named Officer #4, Named Officer #5, Named Officer #6, and Named Officer #7 were all present at the scene. There is no evidence they used any force on the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/2019 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1: The SFPD failed to investigate.

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

FINDINGS OF FACT: The complainant stated he reported a financial crime to SFPD, and they failed to investigate.

Police records showed that the financial crime occurred in another state.

The complained of conduct did not occur within San Francisco Police Department's jurisdiction, therefore the officers could not investigate the complainant's reported financial crime.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/20 DATE OF COMPLETION: 07/02/20 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 named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/30/2020.

SUMMARY OF ALLEGATION #2: The officer prepared an incomplete or inaccurate incident 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 6/30/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/30/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/20 DATE OF COMPLETION: 07/23/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant left his apartment and saw a civilian standing with two officers in the hallway, and a man lying on the floor. The complainant waited for the elevator, and the civilian yelled at him to take the stairs. The complainant stated that when the elevator doors opened one of the officers shoved him so hard that he hit the back wall of the elevator. He felt the officer was trying to provoke a fight with him.

Department records reflect that emergency help had been called for a man who had suffered a cardiac arrest and subsequently died. The officers had been summoned to render aid, speak to the man's distraught family members, and to manage the scene until medics arrived.

Both the named officer and the witness officer acknowledged responding to the call for service. The officers stated that the man standing with them was the decedent's son, who was agitated and upset. The officers recalled that an argument broke out between the son and the complainant, but they could not recall what was said.

The named officer denied shoving the complainant into the elevator or otherwise acting inappropriately.

The witness officer also did not recall the named officer pushing the complainant into the elevator, nor did he witness any inappropriate behavior on the named officer's part.

Surveillance footage for the date of the incident does not exist, nor does body worn camera footage in light of the nature of the call.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/20 DATE OF COMPLETION: 07/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant was driving his vehicle and made a left turn upon reaching an uncontrolled intersection, after which the named officer stopped him for making an unsafe turn. The complainant stated that it was an odd intersection.

The named officer stated that she stopped the complainant's vehicle after the complainant nearly collided with her patrol vehicle while making a left turn directly in front of her patrol vehicle.

The two officers who were with the named officer stated that they saw the complainant make an unsafe turn, prompting the named officer to step hard on the brakes to avoid a collision.

The officers' testimony provides sufficient grounds to issue the citation.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was rude, abrasive and unprofessional. The complainant stated the officer snapped verbally and walked away when he asked if he would be getting a citation.

The named officer stated that she was not aggressive or rude to the complainant. The named officer's body-worn camera shows the officer being direct but not aggressive or rude. The named officer made an unnecessary comment to the complainant, that he was "talking himself into" a citation, but the comment does not rise to the level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/20 DATE OF COMPLETION: 07/09/20 PAGE# 1 of 2

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

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

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

Two officers responded to a call of an individual using intravenous needles outside a hotel. The officers responded to the scene and found complainant parked illegally and injecting himself with a needle. The officers removed complaint from the car and detained him.

During the investigation, the officers determined the vehicle was stolen by checking the registration and speaking with the registered owner. A search of the vehicle found a gym bag filled with multiple syringes.

The officers properly arrested the complaint for theft of the automobile.

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

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

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

FINDINGS OF FACT: The complainant stated that the officers displayed an intimidating, threatening and harassing demeanor. He stated that the officers were verbally abusive.

The officer's body worn cameras shows that the complainant was verbally non-compliant and refused to provide direct and truthful answers. The named officer made unnecessary comments to the complainant, but did not use harsh, profane or uncivil language. The unnecessary comments do not therefore rise to a level of misconduct.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/20 DATE OF COMPLETION: 07/09/20 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3-4: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that officers displayed an intimidating, threatening and harassing demeanor.

The officer's body worn camera showed that the complainant was verbally non-compliant and refused to provide direct and truthful answers. The named officer was firm, polite, and direct with the complainant.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/20 DATE OF COMPLETION: 07/10/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer searched her residence and seized items that were allegedly stolen.

The named officer stated that he conducted a search of the complainant's residence regarding stolen property. He stated that the complainant's neighbors had surveillance footage showing residents of the complainant's home taking packages from individuals' porches. He also stated that he conducted the search pursuant to a search warrant, and stolen property was found during the search.

The DPA obtained a copy of the incident report related to this incident. The incident report is consistent with the statements provided by the named officer. The DPA also obtained a copy of the search warrant. The search warrant was signed by a judge and described the place to be search and items to be seized with particularity.

Witness #1 stated that the named officer searched his residence with seven other officers. He stated that he was subsequently charged with possession of stolen property. Witness #2 and Witness #3 stated they were both detained during the search of their residence. Witness #3 stated that the search was related to stolen property.

No other witnesses came forward.

The named officer searched the complainant's residence and seized items pursuant to a valid search warrant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/20 DATE OF COMPLETION: 07/10/20 PAGE# 2 of 3

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

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

FINDINGS OF FACT: The complainant stated at the time of filing this complaint that her residence had been searched two times prior to the latest search. The complainant felt that she was being harassed by the named officer.

The named officer denied the allegation. He stated that search warrants were obtained and arrests were made in both incidents.

The DPA obtained the incident reports for the two incidents. The incident reports indicate that the incidents involved the execution of search warrants to find stolen property.

No other witnesses came forward.

Both contacts the named officer had with the complainant were related to the execution of search warrants to find stolen property. Both incidents resulted in arrests.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/20 DATE OF COMPLETION: 07/10/20 PAGE# 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that she asked the named officer for a copy of the search warrant, but he would not provide it to her.

The named officer denied that the complainant ever asked him for a copy of the warrant. He stated that he was inside the residence for the majority of the incident and had very limited contact with the complainant while on scene. He stated that his body-worn-camera footage would show that he provided a copy of the warrant to another resident.

The DPA obtained the named officer's body-worn-camera footage. The footage shows the named officer providing a copy of the search warrant to a resident.

Witness #1 stated that he requested to see a copy of the search warrant, but it was never provided to him. Witness #2 stated that the complainant and Witness #1 requested to see a copy of the search warrant. They were informed by an officer on scene that the lead inspector would give them a copy but he never did. Witness #3 stated that he heard the complainant and Witness #1 request to see a copy of the search warrant but could not recall how the officer responded. Witness #3 stated he was shown a copy of the warrant.

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." However, California law does not require officers to display or provide a copy of a warrant. See *People v. Calabrese* (2002) 101 Cal.App.4th 79, 85 ["the officers were not required to display the warrant or give Calabrese a copy of it."]; *Nunes v. Superior Court* (1980) 100 Cal.App.3d 915, 936 ["But we search in vain for California law requiring either reading or leaving copies of the warrants with the householder."] **emphasis added.**

In this case, the search warrant was provided to an occupant of the residence, Witness #3, as a courtesy. T

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/20 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was walking on the sidewalk when an officer exited a San Francisco Police Department (SFPD) cruiser and pointed a large gun at her.

The DPA reviewed an incident report regarding this incident. The reporting officer stated that there was a call of a suspect carrying a rifle and pointing it at passing vehicles. Officers responded to the area and created a perimeter to contain the suspect.

The named officer stated that when he arrived at the scene to look for the suspect, he got out of his car and had to adjust his Department-issued long gun as he got to his feet. He stated that he did not point the firearm at anyone.

The named officer's body worn camera (BWC) was analyzed. It showed that the named officer's firearm was pointed at the ground as he exited his vehicle and walked past the complainant.

Department General Order 5.01, Use of Force, states in part, "No officer shall point a firearm at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to justify deadly force." The evidence indicated that the named officer never pointed his firearm at or in the direction of the complainant.

The evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/20 DATE OF COMPLETION: 07/02/20 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 named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/30/2020.

SUMMARY OF ALLEGATION #2: The officer prepared an incomplete or inaccurate incident 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 6/30/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/30/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/20 **DATE OF COMPLETION:** 07/17/20 **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: 02/20/20 **DATE OF COMPLETION:** 07/14/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in biased policing.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 7/10/2020.

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to activate his Body Worn Camera.

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 7/10/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/20 DATE OF COMPLETION: 07/10/20 PAGE# 1 of 1

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

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

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

San Francisco Department of Human Resources
Equal Employment Opportunity
One South Van Ness Ave, 4th Floor
San Francisco, Ca 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/20 DATE OF COMPLETION: 07/24/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was in a verbal dispute with her brother who refused to leave her car. The complainant stated she called the police to remove her brother from her car and that one of the officers acted annoyed about her call. The complainant further stated that the officer told her to leave and go to the Tenderloin neighborhood area.

The named officer's body worn camera shows that the officer arrived on scene, found a vehicle in a parking lot with its door open but no one inside. The named officer then called the complainant and eventually located her shopping in a nearby store. The woman appeared confused. The officer escorted the complainant to her car to lock it. The officers then left.

The named officer's body worn camera shows the officer expressing annoyance that the complainant called 911 then left to go to a nearby store. The officer's expressed annoyance did not rise to the level of misconduct, and the officer otherwise treated the complainant appropriately. The body worn camera shows the officer never said anything to the complainant about the Tenderloin or going back to the Tenderloin.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/20 DATE OF COMPLETION: 07/24/20 PAGE# 2 of 2

Officers Greg Buhagiar #1277 and Gustavo Lopez #2407

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated she was in a verbal dispute with her brother who refused to leave her car. The complainant stated that she called the police to remove her brother from her car and that officers did not do so.

The named officers' body worn cameras show that the complainant's vehicle was empty when the officers arrived on scene. The officers contacted the complainant, made sure her car was locked, and left the scene. The complainant appeared confused during the incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/20 DATE OF COMPLETION: 07/22/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that as he was driving he saw police officers in a marked patrol vehicle pull up behind him and follow him without reason for roughly five city blocks. The officers did not initiate a formal stop, nor did they have any interaction with the complainant; however, the complainant believed they followed him to harass him and send him a message.

Department records do not reflect any incident matching that described by the complainant.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/19 DATE OF COMPLETION: 07/14/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 7/6/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/20 DATE OF COMPLETION: 07/22/20 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that a neighbor in her building unlawfully entered her apartment and attacked her mother. The complainant's young son sought help and called police. The complainant stated that her mother told the officers she wanted to press charges, but the officers failed to take action and she saw the assailant in the building later that night.

Department records reflect that the complainant's mother did not request to press charges against the assailant. Body-worn camera footage showed that one of the named officers asked the complainant's mother whether she wanted to press charges and make a citizen's arrest. The mother was unresponsive and asked to wait until the complainant came back in the room. Upon the complainant's return, the footage showed that neither the complainant nor her mother requested to press charges against the assailant.

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

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

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

FINDINGS OF FACT: The complainant stated that when the officers asked her mother about pressing charges against the assailant, the complainant, herself, responded, but one of the officers rudely responded, "I am not asking you."

Body-worn camera reflects that the named officer did not make this comment and that the officer acted appropriately.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/20 DATE OF COMPLETION: 07/22/20 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that she explicitly requested for the officers to speak with her son because he witnessed the incident. However, the officers refused to speak with him because he was a minor. Additionally, she stated that the officers failed to issue an incident report number to her or her mother.

Department records indicate that one of the named officers did, in fact, interview her son regarding the incident. Body-worn camera footage reflects that neither officer refused her request and one of the officers interviewed her son. The footage documents that both the complainant and the property manager requested that officers speak to her son. An officer then asked the complainant her son's age, after which he explained to the complainant that he would speak to her son only with her consent, which she provided. The officer then assured her that he would speak to her son after first speaking with her mother, the victim. The officer confirmed the complainant's understanding and approval, and the complainant replied, "That's cool." The footage later captured this named officer interviewing the complainant's son, as requested.

Additionally, department records reflect that the complaint's mother was issued a victim of crimes form and a follow-up form with the case number.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/20 DATE OF COMPLETION: 07/30/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers took a photo of him while he was crossing a public street. The complainant refused to provide additional information.

Department of Emergency Management records documented the named officers' interaction with the complainant. The named officers met with the complainant on a public street corner. The named officers photographed the complainant in connection with a homicide investigation.

The complainant had no expectation of privacy while standing on a public street.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/20 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he wanted to make a report of a dog off-leash in a city park, which was a daily occurrence. The complainant said he spoke with the named officer who refused to take an incident report from the complainant.

The officer stated that she had no memory of ever encountering the complainant.

No witnesses were identified.

No body-worn camera footage was available.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/20 **DATE OF COMPLETION:** 07/24/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that the named officer wrote an inaccurate incident report by identifying her as the suspect in an assault and battery.

The named officer responded to a call of an assault and battery of an elderly woman. The named officer interviewed a witness to the assault who described the complainant and identified the complainant as the assailant. The named officer interviewed a second witness who took photos of the complainant leaving the scene.

The named officer's body worn camera shows her interviewing both witnesses. The incident report accurately reflects the witness statements. There is no evidence that the officer misrepresented any witness statement or other evidence in the incident report.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer failed to properly investigate an incident by not taking the statement of her and her three associates.

The officer's body worn camera shows that the complainant's three associates were not present at the scene when the officer arrived. The named officer's body worn camera also shows that the named officer attempted to Mirandize and interview the complainant, but the complainant refused to cooperate. The complainant responded to the officer by screaming profanities and insults.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/20 DATE OF COMPLETION: 07/10/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/20 DATE OF COMPLETION: 07/22/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that he attempted to bid farewell to one of his coworkers after he left his job. He stated that the police inexplicably contacted him and told him to stop contacting the former colleague, and he complied. The complainant stated he did not understand what was going on or why the police gave him this order.

Department records indicate that, during his employment, the complainant had been e-mailing and giving notes to a female colleague he did not know. When the colleague became uncomfortable and reported his behavior, the complainant was terminated. The colleague then discovered notes and mail that the complainant had hand-delivered to her home. The colleague became fearful and contacted police.

The named officer, who was the sergeant assigned to the case, was instructed by his supervisor to contact the complainant and instruct him to cease contacting his former coworker. The named officer conducted a consensual conversation with the complainant wherein he instructed him to cease and desist contacting his former coworker.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/20 DATE OF COMPLETION: 07/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in a phone message left with the DPA answering service that he had been sexually and physically harassed by an officer, but included no indication of the time(s), locations or involved officer or agency to which he was referring. The complainant sent an email stating that he would provide evidence for the complaint, but again provided no pertinent information. The complainant failed to respond to requests for an interview.

A search of Department records revealed no recent contacts between the complainant and the SFPD.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/20 DATE OF COMPLETION: 07/20/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer was inattentive to duty.

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

FINDINGS OF FACT: The complainant filed an online complaint that officers were focusing on policing the homeless encampment at City Hall and not patrolling to prevent vehicle crime. The complainant did not name specific officers in the complaint.

The complainant failed to reply to attempts to contact him. The complainant failed to provide additional information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/16/20 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant was driving in San Francisco when he heard sirens but could not see any emergency vehicle. The complainant continued to drive forward and then saw an unmarked black SUV drive across the road towards him and oncoming traffic. The complainant stated he had to swerve to avoid the vehicle. The complainant was then able to see emergency lights flashing on the rear of the SUV.

The complainant was unable to provide an identification marking for the emergency vehicle, nor could he capture the SUV's license plate number or vehicle number.

A canvass of the residential street where the incident occurred yielded no surveillance video.

Because neither the vehicle nor the agency with which it was affiliated could be identified, it was not possible to identify the officer or to ascertain whether the vehicle was part of the San Francisco Police Department fleet.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/20 DATE OF COMPLETION: 07/30/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested and taken to a police station in either 2004 or 2005. The complainant alleged he was alone inside a holding cell when a San Francisco Police Department (SFPD) officer punched him in the stomach. The complainant could not remember anything about the officer except that he appeared to be in his late twenties.

The Department of Police Accountability (DPA) found a 2004 arrest on the complainant's arrest history and requested the incident report. In response, SFPD Crime Information Services Unit told the DPA that a report could not be provided because generally incident reports are purged from the database after ten years.

The officer could not be identified in this case.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/20 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called both the emergency and non-emergency numbers for the San Francisco Police Department to report an aggressive homeless person following him with a needle in hand. The complainant stated that he called on several occasions and the 911 operators were abrupt and rude to him.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/20 **DATE OF COMPLETION:** 07/06/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/20 **DATE OF COMPLETION:** 07/06/20 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/20 DATE OF COMPLETION: 07/17/20 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 a group of individuals attempted to assault him so he fled to a nearby police station. An officer inside the police station saw the complainant attempting to gain entry to the station but would not unlock the door and let him inside. The complainant did not recall the specific date of the incident, but alleged that it occurred within a three month window more than ten years ago.

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

One witness was identified. However, the complainant stated that the witness was unavailable and unreachable for the indefinite future.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 DATE OF COMPLETION: 07/23/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer exhibited inappropriate behavior during a protest demonstration which escalated tension in a crowd of demonstrators. The named officer laughed, smirked, stared down, and maintained eye contact with individual demonstrators in the crowd. The complainant stated that the named officer also stared down another officer who was taking a knee in solidarity with the protestors. The complainant stated that demonstrators responded to the named officer's inappropriate behavior and body language by yelling, banging on the barricades and commenting that the named officer was laughing at them. The complainant stated that when the named officer was not visible the tension in the crowd dissipated. The complainant did not hear the named officer say anything to any demonstrators.

A witness stated that he observed the named officer antagonize demonstrators by smirking, smiling, and "swaggering" his shoulders while walking up and down a line of other officers. The witness stated that the named officer appeared to stare down and yell at officers who took a knee. The witness could not hear anything that was said by the named officer to the kneeling officers. The witness also stated that the named officer brought out a bundle of zip tie restraints and while walking swung them back and forth. The witness stated that the crowd of demonstrators became more vocal due to the named officer's actions. The witness did not hear the named officer say anything to any demonstrators nor did he observe the named officer make any gestures towards the demonstrators.

A photograph was provided of the named officer for identification purposes. No video footage of the incident was provided.

The evidence fails to prove or disprove that the alleged conduct occurred or that the alleged conduct rises to the level of misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 **DATE OF COMPLETION:** 07/23/20 **PAGE# 2 of 2**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/20 **DATE OF COMPLETION:** 07/25/20 **PAGE#** 1 of 1

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

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

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

United States Park Police
Internal Affairs Division
1217 Ralston Avenue
San Francisco, CA 94129

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/20 DATE OF COMPLETION: 07/24/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated that she was the victim of an assault and that SFPD closed her case without making an arrest.

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

FINDINGS OF FACT: The complainant withdrew her complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/20 **DATE OF COMPLETION:** 07/10/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: Policy or procedure complaint.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/20 DATE OF COMPLETION: 07/17/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/20 DATE OF COMPLETION: 07/15/20 PAGE# 1 of 1

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

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

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

San Mateo Police Department
200 Franklin Parkway
San Mateo, Ca 94403

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/2020 DATE OF COMPLETION: 07/23/2020 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUC FINDING: NF/W DEPT. ACTION:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

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

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

San Mateo County Sheriff's Office
Professional Standards Bureau
400 County Center
Redwood City, CA 94063

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/20 **DATE OF COMPLETION:** 07/14/20 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/20 **DATE OF COMPLETION:** 07/13/20 **PAGE# 1 of 1**

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

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

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

Jackson Police Department
150 East Pearl Avenue
P.O. Box 1687
Jackson, WY 83001

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/20 DATE OF COMPLETION: 07/31/20 PAGE# 1 of 1

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

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

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

Attention: Building Management
955 Bush Street
San Francisco, CA 94109

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/20 DATE OF COMPLETION: 07/31/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he received a hate email from the named officer that included an address.

The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he is Chinese and that the hate email he received told him to go back to China.

The complainant requested a withdrawal of the complaint.