

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/06/17 **DATE OF COMPLETION:** 08/30/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer stopped him and cited him for failure to yield to a pedestrian. The complainant stated the named officer was rude during the traffic stop.

The named officer denied the allegation and stated that his conversation with the complainant was normal. The named officer stated he did not recall saying or making any gestures that the complainant disliked.

The named officer's partner stated he could not recall the named officer's conversation with the complainant and could not recall the named officer's demeanor and behavior.

No other witnesses were identified.

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

**SUMMARY OF DPA-ADDED ALLEGATION #2:** The officer failed to take required action (eStop Entry).

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

**FINDINGS OF FACT:** Department records show that traffic stop data was collected and entered for this traffic stop.

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

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**DATE OF COMPLAINT:** 01/18/17 **DATE OF COMPLETION:** 08/28/17 **PAGE#** 1 of 1

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

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

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

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

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**DATE OF COMPLAINT:** 01/23/17 **DATE OF COMPLETION:** 08/02/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officers arrested her outside a bar and drove her to county jail. The complainant stated the named officers were forceful and “beat [her] up” outside the jail entrance. She stated the named officers acted as if she was not following orders. She stated she might have resisted but could not specifically recall. The complainant stated she is an elder and that the named officers should not have used their strength on her. She stated her hip hurt after the incident, but that she did not have any injuries or bruising. The complainant stated she was in a “black out” during the incident.

Both named officers denied using force. The named officers contacted the complainant in response to multiple calls of an intoxicated woman running in and out of a street with a dog, carrying a bottle of vodka. She was in the middle of a bar on the floor when they first encountered her. The named officers stated they helped the complainant to her feet. The named officers stated they detained the complainant for public intoxication and transported her to county jail to be released when sober. Both named officers stated they did not use force because the complainant was generally compliant. One named officer stated that the complainant refused to answer several questions and acted aggressively. The named officers denied using force as they escorted the complainant from the patrol car to the jail entrance.

A witness officer stated the complainant was intoxicated, belligerent, and unable to maintain her balance. When she and her partner arrived at the bar, the complainant was sprawled out on the floor. She stated that the complainant was belligerent and failed to follow simple instructions.

A second witness officer stated the complainant was too intoxicated to follow clear commands and instructions. Bar patrons informed both witness officers that the complainant fell down prior to the officers’ arrival.

San Francisco Police Department (SFPD) records indicated that the complainant was detained under PC §647f, public intoxication.

San Francisco Sheriff’s Department records indicated that, at the time of booking, the complainant displayed multiple symptoms of intoxication.

Department of Emergency Management (DEM) records indicated that two units responded to a call for service regarding an intoxicated female.

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**SUMMARY OF ALLEGATIONS #1-2 continued:**

Body Worn Camera footage showed that the named officers responded in a courteous and professional manner. The video showed that the officers helped her off the floor. The complainant showed signs of intoxication and an inability to care for herself. She was belligerent and refused to answer questions. No force was used from the time the named officers arrived to the time they opened the car door at the county jail.

SFPD General Order 5.01, Use of Force, section V, states, in part: “Officers shall strive to use the minimum amount of force necessary to accomplish their lawful purpose.”

By all accounts, the complainant was very intoxicated. She made statements that indicated her memory was impaired and admitted blacking out. Her complaint is that the two named officers were rough with her and “beat [her] up” when they took her from the patrol car into jail. The named officers both stated that the complainant did not resist and both officers denied using force. The complainant stated that she did not have any injuries or bruising but that her hip hurt. She could not provide details about any force used. Camera footage shows both named officers to be courteous and professional during their interaction with the complainant.

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

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**SUMMARY OF ALLEGATION #1:** The officers harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated he owns a business. He stated that unknown officers have repeatedly harassed patrons of his business, causing hardship to his business.

The complainant failed to provide additional requested evidence.

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**DATE OF COMPLAINT:** 02/01/17 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the front desk clerk at her hotel called the police. Six officers responded and rushed into the complainant's room. The complainant stated that one of the male officers roughly handcuffed her.

Officers questioned by the DPA denied placing the complainant in handcuffs.

The identity of the alleged officer could not be established.

No witnesses came forward.

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

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

**FINDINGS OF FACT:** The complainant stated the front desk clerk at her hotel called the police. Six officers responded and rushed into the complainant's room. The complainant stated that one of the female officers touched her leg inappropriately.

None of the female officers who responded to the scene recalled touching the complainant's leg.

The identity of the alleged officer could not be established.

No witnesses came forward.

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**SUMMARY OF ALLEGATION #3:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the front desk clerk at her hotel called the police. Six officers responded and rushed into the complainant's room. The complainant stated that the named officer stole a pair of her sneakers.

The named officer stated that she did not take the complainant's sneakers and does not recall seeing the shoes at all.

A witness officer stated that the officers responded to a call for service, determined that the complainant had an altered mental state and called for an ambulance.

San Francisco Police Department (SFPD) records indicate that six officers responded to a call regarding a fight with no weapon. The officers determined that the complainant had an altered mental state and called an ambulance to take the complainant to the hospital.

A witness stated that the complainant alleges that people steal her belongings on a regular basis and none of her allegations have merit.

The complainant is known to regularly allege theft of her belongings. The named officer denied taking the complainant's shoes or seeing the shoes. The complainant was determined to have an altered mental state and was transported to the hospital by ambulance.

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

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**DATE OF COMPLAINT:** 02/02/17    **DATE OF COMPLETION:** 08/08/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that she went to the police station to report a missing document. The complainant stated that the officer wrote inaccuracies in the police report.

The named officer stated that he drafted the incident report based on what the complainant reported to him through use of a Language Line interpreter. The named officer only included statements in the report that the interpreter provided him. The named officer took notes of the complainant's statements as provided by the interpreter and used those notes to write the incident report.

San Francisco Police Department (SFPD) records indicate that the named officer utilized Language Line services to elicit information from the complainant.

SFPD Report Writing Manual states "preparing factual and thorough incident reports is one of the most important duties of a professional police officer."

The Language Line is a professional interpreting service utilized by the SFPD as well as other San Francisco government agencies. The officer did not speak the complainant's language and utilized this service to obtain a statement from her. The officer included statements in the report that the interpreter provided him. He took notes of statements the complainant made as provided by the interpreter. The named officer lacked motivation to prepare an inaccurate police report.

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



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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated she was on a MUNI streetcar when she was threatened by a female passenger, prompting her to call the police. After questioning the suspect, the complainant stated that the officers allowed the suspect to leave.

The named officers stated that none of the passengers saw or heard the alleged incident on the train. The officers stated that the complainant never asked to press charges, or asked that the incident be documented in an incident report. The named officers stated that after their investigation, they established that there was no merit to the alleged threat.

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

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

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**SUMMARY OF ALLEGATIONS #1 - 4:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he saw two people standing across the street from his house. The two appeared suspicious to him and were looking around canvassing the neighborhood and preparing to commit a crime. The complainant stated he walked outside and took pictures of them. The complainant stated he then walked away and the two followed him. The complainant stated that the named officers then arrived and detained him without justification.

The reporting parties stated that the complainant was acting aggressively and in a threatening manner. They said that the complainant was taking photographs of one of them as they entered a garage.

Body Worn Camera footage shows the named officers arriving and the complainant voluntarily raising his arms, laying on the ground, and calling the officers “racist.” The footage shows one of the named officers handcuffing the complainant. The footage also shows the named officers speaking with the reporting parties, who positively identified the complainant as an individual who was taking pictures and being aggressive.

Records from the Department of Emergency Management show that the named officers responded to a call of threats or harassment, which included information from the reporting parties that the suspect had something in his pocket and may have a knife.

The Incident Report documented that the reporting parties pointed out the complainant as the suspect responsible for the harassment.

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

The named officers detained the complainant briefly while they determined whether he had committed a crime. The named officers had reasonable suspicion to detain the complainant.

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

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**SUMMARY OF ALLEGATIONS #5 - 8:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant alleged that the named officers engaged in biased policing.

The evidence established that the named officers had reasonable suspicion to detain the complainant.

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

**SUMMARY OF ALLEGATIONS #9 - 11:** The officers searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officers searched him and seized his wallet without cause.

The named officers stated that they pat searched the complainant for weapons as it was reported that he was possibly armed with a knife. One of the named officers added that he searched the complainant for identification because the complainant refused to identify himself.

One of the reporting parties stated that the complainant had something he thought was a weapon on him, but that he later discovered was a mobile phone.

Body Worn Camera footage of the incident shows two officers conducting a pat search of the complainant. The footage later shows an officer taking the complainant's wallet from his jacket. The footage shows the officer removing the complainant's identification from his wallet and promptly returning the wallet to the complainant.

Records from the Department of Emergency Management show the reporting party told a dispatcher that the complainant had something in his pocket and a possible holster on his belt with a knife.

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

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**SUMMARY OF ALLEGATIONS #12 - 13:** The officers used unnecessary force during the detention.

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

**FINDINGS OF FACT:** The complainant stated the named officers placed him in tight handcuffs and squeezed the handcuffs, causing pain to his wrists. The complainant also stated that the officers pushed him to the ground.

One of the reporting parties thought the named officers took the complainant to the ground, but was not certain. The other reporting party stated that the complainant complained about the handcuffs hurting his wrists and asked for an ambulance.

The named officers denied the allegation. One of the named officers stated that he checked the handcuffs' degree of tightness, and another officer double-locked them. The other named officer stated that he ensured there was ample room for the complainant to move and turn his wrists.

Body Worn Camera footage of the incident shows that the complainant voluntarily placed himself on the ground, and he was not pushed. The footage also shows that the handcuffs were not tight, and that one of the officers double-locked them.

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

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**SUMMARY OF ALLEGATION #1:** The officer drove his vehicle improperly.

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

**FINDINGS OF FACT:** The complainant stated that he was crossing an intersection with a green light and a pedestrian walk sign when the officer drove through the intersection and hit his right knee with the front bumper of the officer's vehicle.

The named denied the allegation, denying that he drove through the intersection and hit a pedestrian.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer behaved inappropriately by not stopping to check his wellbeing.

The named denied the allegation, denying that he drove through the intersection and hit a pedestrian.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The named officer stated he cited the complainant's vehicle for blocking a handicap ramp.

The complainant stated that the front end of his car might have extended just a little bit into the handicap zone.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer told him that the complainant would not be getting a citation.

The named officer denied the allegation.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

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

The named officer did not recall using profanity.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** The officer pushed the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the officer pushed him.

The named officer stated that the complainant refused to leave the station. The named officer stated that the complainant “squared up his body with mine and pushed me with both hands in my chest area causing me to drop my duty bag and lose my balance,” prompting the named officer to push the complainant, while telling the complainant he needed to leave the station.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish his lawful police task.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 10, 2017.



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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2017.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2017.

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing based on race.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 19, 2017.

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

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

**FINDINGS OF FACT:** The complainant stated that he was stabbed with a pair of box cutters. He stated that pictures were taken of his gruesome injuries at the crime scene. He stated that the named officer shared pictures of his injuries with civilians and officers at a local bar.

The named officer denied that allegation, stating he did not possess pictures of the complainant's injuries and did not share them.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was walking down the street when two officers asked him if he was on parole. The officers then arrested him even though he did not do anything.

The named officers and witness officers could not recall the incident in question.

Department records show that the named officers arrested the complainant for narcotics sales.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was walking down the street when two officers asked him if he was on parole. They then searched him for no reason. The complainant stated he was on parole with a search condition at the time.

Department records show that the complainant was searched because the officers knew that the complainant was on parole with a search condition.

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

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**SUMMARY OF ALLEGATIONS #5-6:** The officers used unnecessary force against the complainant during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that two officers slammed him to the ground during an arrest.

The named officers and witness officers could not recall the incident in question.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #7:** The officer used unnecessary force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated that he was taken to an office at a police station. When he was escorted through a door, an officer placed him in a headlock from behind. The complainant lost consciousness.

The named officer denied putting the complainant in a headlock.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #1-2:** The officers issued invalid orders.

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

**FINDINGS OF FACT:** The complainant stated that he was playing music in an underground Muni station when two officers came through the hallway telling people lying on the floor to get up and leave. An officer later told the complainant to leave because he did not have a permit.

The named officers stated that they did not say anything about a permit, but they did tell the complainant and many others to move in accordance with the San Francisco sit-lie ordinance. There was also a terrorist attack that morning and the named officers were ordered by a superior officer to clear the station of people sitting and lying on the ground.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he asked to speak with a supervisor and one officer told him to go to the police station while another officer ignored him.

The named officers stated that the complainant never asked for a supervisor.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #5-6:** The officers made inappropriate comments and engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated he was performing music at an underground Muni station. Two officers came down on bikes and were clearing people who were lying on the ground. One officer was yelling in a rude way. He kept saying that he hates his job and was yelling at homeless people. The other officer told the complainant he should get another job. The first officer rode up to one man lying on the ground and deliberately ran over his foot with the bicycle.

Both named officers denied making the comments and denied being rude. The first named officer denied running over the man's foot.

The DPA reviewed surveillance video of the incident. There was no sound on the video and the allegation with the officer running over the man's foot would have happened just barely off screen and the DPA was unable to confirm whether it happened or not.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #7:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated an officer used profanity.

The officer denied using profanity.

A witness officer did not hear any profanity.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** This complaint has already been investigated under a different case number.

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

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

**FINDINGS OF FACT:** This complaint has already been investigated under a different case number.

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

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

**FINDINGS OF FACT:** The complainant stated that there has been a series of logistical problems with the Tenderloin Station Community Meetings, including one meeting that was held in a location that was not ADA compliant. The complainant also stated that the Captain made a concerning comment regarding immigration enforcement activity at a recent community meeting.

The named officer stated she was responsible for the selection of venues for the Community meetings with the understanding they followed ADA compliance standards. She stated that she did not recall any specific statement spoken at either meeting.

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

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

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

**FINDINGS OF FACT:** The complainant stated that a Captain changed the location of the Tenderloin Station's Community Meeting without notice. The complainant stated the Police Aides at Tenderloin Station are not trained and were not immediately able to provide information about the new meeting location, causing a group of people to wait for an extended period of time.

The named officer denied that the location of the meeting was changed. She stated the monthly Community meetings are held in different locations in the District to allow more community participation and that the PSAs do not have a role in the meetings. The meeting details are posted on the windows of the Station, the Station's website maintained by an assigned officer, and on social media. She stated that Police Service Aides are trained through the Department regarding policy and procedures and are supervised by the station's sergeants and lieutenants that are on duty.

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



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

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

**FINDINGS OF FACT:** The complainant stated the named officer cited him for jaywalking and for parking in a bus zone. The complainant admitted crossing the street against a red signal and parking in a bus zone. The complainant stated it was before dawn and there was very little pedestrian or vehicle traffic. The complainant stated the citation was excessive and that the named officer should have cited him for only one of the violations.

The named officer stated that he observed the complainant cross the street against a flashing “Don’t Walk” signal. The named officer stated that he observed the complainant’s car parked in a clearly marked bus stop in a dedicated bus lane.

Records show the complainant was cited for crossing the street against a red traffic signal and for parking in a bus zone.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer asked if he was on probation or parole. Additionally, the complainant stated that the named officer should have chosen to cite him for only one of two vehicle code violations.

The named officer stated that he asked the complainant if he was on probation or parole, if his driver license was valid, and if his mailing address was correct. The named officer stated that he asks the same three questions during all traffic stops. The named officer stated that he cited the complainant for both jaywalking and parking in a bus zone because the complainant's actions represented two separate and distinct violations of the law.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/24/11 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 1 of 18

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

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officer and other officers, stated that the named officer entered a hotel room without cause by using a passkey.

The evidence established that the named officer led a group of officers and entered the hotel room without cause.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d). The named officer is no longer a member of the Department.

**SUMMARY OF ALLEGATION #2:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officer and other officers, stated that the named officer searched a hotel room without cause after using a passkey for entry.

The evidence established that the named officer led a group of officers and searched the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d). The named officer is no longer a member of the Department.

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**SUMMARY OF ALLEGATION #3:** The officer arrested an individual without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by a team of officers led by the named officer, stated that the officers entered a hotel room with a passkey. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers that it was not his jacket, and that he had been wearing another jacket. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him without cause for possession of the narcotics found inside the jacket. The co-complainant stated that surveillance video from the hotel showed that his client was not wearing the jacket seized by officers.

The evidence established that the named officer was the lead officer who caused the arrests of persons in the residence.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d). The named officer is no longer a member of the Department.

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**SUMMARY OF ALLEGATION #4:** The officer failed to prepare a complete and accurate incident report.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by a team of officers led by the named officer, stated that the officers entered a hotel room with a passkey where they found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers that it was not his jacket, and that he had been wearing another jacket. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him for possession of the narcotics found inside the jacket.

The co-complainant stated that the incident report prepared by the named officer was inaccurate and failed to document his client's statements about the jackets.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

The named officer is no longer a member of the Department.

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**SUMMARY OF ALLEGATION #5:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by a team of officers led by the named officer, stated that the officers entered a hotel room with a passkey where they found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers it was not his jacket, and that he had been wearing another jacket that was next to him. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him for possession of the narcotics found inside the jacket. He stated that they failed to seize the jacket the co-complainant's client told them he had been wearing and therefore failed to preserve evidence proving his innocence.

The evidence established that the named officer conducted the investigation and prepared the incident report regarding the incident.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d). The named officer is no longer a member of the Department.

**SUMMARY OF ALLEGATION #6:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey and searched the room.

The evidence established that the named officer entered the hotel room without cause. The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #7:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey and searched the room. The evidence established that the named officer searched the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #8:** The officer arrested an individual without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey and searched the room. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers that it was not his jacket, and that he had been wearing another jacket. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him without cause for possession of the narcotics found inside the jacket. The co-complainant stated that surveillance video showed that his client was not wearing the jacket seized by officers.

The evidence established that the named officer participated in making the arrest of the co-complainant's client. The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #9:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey and searched the room. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers it was not his jacket, and that he had been wearing another jacket that was next to him. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him for possession of the narcotics found inside the jacket. He stated that they failed to seize the jacket the co-complainant's client told them he had been wearing and therefore failed to preserve evidence proving his innocence.

The evidence established that the named officer participated in the investigation. The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #10:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that officers entered a hotel room without cause by using a passkey.

The evidence established that the named officer entered the hotel room without cause.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).



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**SUMMARY OF ALLEGATION #11:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer entered the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #12:** The officer arrested an individual without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers that it was not his jacket, and that he had been wearing another jacket. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him without cause for possession of the narcotics found inside the jacket. The co-complainant stated that surveillance video confirmed that his client was not wearing the jacket seized by officers.

The evidence established that the named officer participated in making the arrest of the co-complainant's client.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #13:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers it was not his jacket, and that he had been wearing another jacket that was next to him. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him for possession of the narcotics found inside the jacket. He stated that they failed to seize the jacket the co-complainant's client told them he had been wearing and therefore failed to preserve evidence proving his innocence.

The evidence established that the named officer participated in the investigation.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #14:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officer entered a hotel room without cause by using a passkey. The evidence established that the named officer entered the hotel room without cause.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #15:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officer entered a hotel room without cause by using a passkey. The evidence established that the named officer entered the hotel room without cause and participated in the search.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #16:** The officer arrested an individual without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated officers entered a hotel room with a passkey. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers it was not his jacket, and that he had been wearing another jacket. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him without cause for possession of the narcotics found inside the jacket. The co-complainant stated that surveillance video confirmed that his client was not wearing the jacket seized by officers.

The evidence established that the named officer searched a jacket inside the room and found 2 bags of cocaine rocks and marijuana. He previously identified the person wearing the jacket and participated in making the arrest of the person in the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #17:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey. They found several individuals, including the co-complainant's client, inside the room. The officers found narcotics in the pocket of a jacket resting on a chair. One of the officers claimed that the co-complainant's client was wearing the jacket when he entered the hotel. The co-complainant stated that his client told the officers it was not his jacket, and that he had been wearing another jacket that was next to him. The co-complainant stated that the officers disregarded his client's claim of innocence and arrested him for possession of the narcotics found inside the jacket. He stated that they failed to seize the jacket the co-complainant's client told them he had been wearing and therefore failed to preserve evidence proving his innocence.

The evidence established that the named officer participated in the investigation and seized the jacket containing illegal drugs and arrested a person in the room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #18:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer entered a hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #19:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer entered the hotel room and searched it.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #20:** The officer arrested an individual without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by a team of officers led by the named officer, stated that the officers entered a hotel room with a passkey.

The evidence established that the named officer entered the hotel room, participated in searching it and making arrests of persons in the room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #21:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey.

The evidence established that the named officer participated in the entry into the hotel room, searching it, arresting persons in the room and conducting the investigation.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #22:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey. The evidence established that the named officer participated in the entry and search of the room and investigation. The evidence also established that the named officer covered a surveillance camera as he and other officers walked in the hallway of the hotel before they entered the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #23:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer entered the hotel room without cause.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #24:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer entered the hotel room and participated in the search and arrest of an individual in the room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #25:** The officer arrested an individual without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey. The evidence established that the named officer entered the hotel room and arrested an individual and searched him.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #26:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey. The evidence established that the named officer participated in the investigation and the search and arrest of a person.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).



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**SUMMARY OF ALLEGATION #27:** The officer entered a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer obtained the passkey from the front desk of the hotel and entered the hotel room without cause.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #28:** The officer searched a residence without cause.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers conducted unlawful searches at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room without cause by using a passkey. The evidence established that the named officer obtained the passkey from the front desk of the hotel and entered and searched the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #29:** The officer arrested an individual without cause

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by a team of officers, stated that the officers entered a hotel room with a passkey. The evidence established that the named officer obtained the passkey from the front desk of the hotel and entered and searched the hotel room, and participated in making the arrests.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #30:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The anonymous complainant referred to a press report about allegations that plainclothes officers committed perjury in connection with unlawful searches, seizures of narcotics and arrests at a single-room occupancy hotel.

The co-complainant, the attorney representing an individual arrested by the named officers, stated that the officers entered a hotel room with a passkey.

The evidence established that the named officer participated in the investigation of the hotel room.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

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**SUMMARY OF ALLEGATION #31:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** The named officer was the supervisor of the plainclothes officers at Southern Station who obtained passkeys and entered hotel rooms without cause. He failed to properly supervise the plainclothes officers.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**SUMMARY OF ALLEGATION #32:** The officer failed to properly review incident reports.

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

**FINDINGS OF FACT:** The named officer was the supervisor of the plainclothes officers at Southern Station. He failed to properly review at least three incident reports written by other named officers of incidents where the officers entered hotel rooms without cause and arrested persons.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/24/11 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 18 of 18

**SUMMARY OF ALLEGATION #33:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** The named officer was the Lieutenant at Southern Station on December 2, 2010 and January 5, 2011. He supervised named officers who entered and searched premises without cause and who arrested persons without cause and prepared incident reports that were incomplete. He failed to properly review the incident reports to ensure that they were complete and accurate.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d). The named officer retired from the SFPD on January 18, 2014.

**SUMMARY OF ALLEGATION #34:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** The named officer was the Lieutenant at Southern Station on December 23, 2010. He supervised the named officers who entered and searched premises without cause and who arrested persons without cause and prepared incident reports that were incomplete. He failed to properly supervise the plainclothes officers.

The DPA was unable to complete its investigation within the statutory timeframe set forth in Government Code section 3304(d).

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/19/16    **DATE OF COMPLETION:** 08/02/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that he was asked to stop and asked what he was doing.

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

Department records showed that the complainant was arrested on domestic violence charges.

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

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated he was grabbed and slammed to the ground.

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

Department records showed that the complainant was arrested on domestic violence charges. Records also showed that the complainant was "tackled" when he ran away from the named officer.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/21/17 **DATE OF COMPLETION:** 08/14/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made rude comments.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 28, 2017.

**SUMMARY OF ALLEGATION #2:** The officer engaged in threatening and/or intimidating behavior.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 28, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/21/17 **DATE OF COMPLETION:** 08/14/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer failed to properly identify herself.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 28, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/26/17    **DATE OF COMPLETION:** 08/02/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that last year, an officer wrote an inexplicable online police report.

The named officer stated that he did not write the report on behalf of or at the request of the complainant. He only reviewed and approved the online report as submitted by the reporting party – the complainant.

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

**SUMMARY OF ALLEGATION #2:** This complaint raises matters outside of DPA’s jurisdiction.

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

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

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street 4<sup>th</sup> Floor  
San Francisco, CA 94158



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/28/17 **DATE OF COMPLETION:** 08/28/17 **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 incident that the complainant complained about could not be located.

No witnesses were identified.

The identity of the alleged officer(s) could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant alleged the officer cited him for jaywalking and resisting arrest without cause. The complainant stated there was a homeless encampment across the street from where he was walking when he observed two officers ordering two homeless men to break down their tents and to remove their belongings. He was concerned and wanted to observe for his own interest in case something happened, so he crossed the street and started to take photos with his cell phone. The complainant stated he was standing in between two parked cars, off the curb. The named officer approached him and said he was jaywalking and he was going to cite him for jaywalking. The complainant stated he protested this because they had not approached him when he was jaywalking and when they approached him he was standing still taking photos.

The named officer cited the complainant for violation of California Vehicle Code section 21955, Crossing between controlled intersections. The officer stated he asked the complainant several times to get out of the street and move to the sidewalk for safety. He said he did not feel safe with the complainant standing in the roadway because his attention was now divided when he needed to focus on the many items in the encampment that could be used as weapons. The complainant refused to comply. The officer stated he used a control hold to bring the complainant to the sidewalk by grabbing the complainant's wrist and hand. The complainant pulled away from him and tensed up his arm. He told the complainant to stop resisting several times before he stopped. The officer also cited the complainant for violation of Penal Code section 148 resisting/delaying and obstructing.

The named officer's partner stated they were standing by while occupants of a homeless encampment on the sidewalk were packing up their things. The complainant came from across the street and approached them, then stood in the northbound portion of the roadway. There was traffic going by in the road and his partner asked the complainant to please get off the road for his safety. The named officer ordered the complainant out of the street and warned him he would be cited if he did not do so. The complainant did not comply.

The complainant submitted seven photographs he took at the time of the incident. The photographs show the complainant was standing in the roadway at the time the photographs were taken. He acknowledged the officer ordered him to move out of the street and he refused to comply with the officer's orders.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 2 of 6

**SUMMARY OF ALLEGATION #2:** The officer interfered with the rights of an onlooker.

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

**FINDINGS OF FACT:** The complainant stated he was taking photos with his cell phone of two officers interacting with people in a homeless encampment. The police rushed over and asked him what he was doing. The officer asked for his ID and the complainant refused to provide it stating he had done nothing wrong. The officer said he was jaywalking and he was going to cite him for jaywalking. The complainant stated he protested this because they had not approached him when he was jaywalking and when they approached him he was standing still taking photos. He informed the officers that he was going to start filming video with his phone because he felt uncomfortable. The named officer grabbed the complainant's left arm, put his arms behind his back, handcuffed him, and sat him down on the curb. The complainant also stated the named officer took his cell phone. When the cell phone was returned to the complainant there was no video on his phone. The complainant stated he did not know, but it was possible that the officer deleted the video when he took his phone. However, the complainant stated his photos were not deleted.

The named officer stated the complainant had his phone out and was recording or photographing the entire time. The officer stated he told the complainant he could take photos or record, but he needed to get out of the street. The complainant replied it was his right to do what he was doing and refused to get on the sidewalk. The officer stated he felt his safety was jeopardized because he could not focus on the encampment, and that it was unsafe for the complainant to be in the street. The officer said he arrested the complainant for jaywalking and placed the complainant in handcuffs. The officer stated he took the complainant's cell phone and placed it on the hood of a parked car. After he cited and released the complainant, the complainant picked up his phone from the hood of the car. The complainant said something to him about the phone being "dead". The officer observed that the phone screen was blank and it appeared the phone battery was depleted. The complainant had an iPhone, which requires a fingerprint or a password to access the phone. The named officer stated he did not have the code to open the phone, nor did he cause the complainant to put his thumb on the phone to open it. Thus, it was not possible for him to delete any photos or recordings.

The officer's partner stated the complainant said something to them about taking pictures or recording them. The officer stated that the named officer told the complainant it was okay to take photos or record them, but he had to do so off the roadway and in a safe position.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #2 continued:** The complainant told DPA that when he informed the officers he was going to start filming video the officer grabbed his arm and placed him in handcuffs. The DPA investigation established it was unlikely that the complainant captured a recording because the complainant would not have had sufficient time to activate the recording feature on his phone. Thus, it is highly improbable that a recording ever existed.

The DPA canvassed the area to try and locate the 3 homeless individuals and any other potential witnesses without success.

General Order 5.07 states: "It is the policy of this Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions and arrests of suspects occurring in public areas, except under the following circumstances: 1) When the safety of the officer or the suspect is jeopardized; 2) When persons interfere or violate law; 3) When persons threaten by words or action, or attempt to incite others to violate the law.

The evidence established that the named officer's actions were proper.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer went into his pocket without his consent and took his ID out of his wallet.

The named officer stated he placed the complainant under arrest and asked him where his ID was. The complainant refused to identify himself. He told the complainant that he had to identify him or he would have to take him to the station. At that point the complainant stated he did have an ID and that it was in his wallet in his back pocket. The officer stated he reached in to the complainant's pocket, took out the wallet and took his ID out.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officer asked him what his problem was. The complainant stated that the named officer asked him twice if he was “suicidal”.

The named officer denied making the comments.

The officer’s partner denied he heard the named officer make the alleged comments to the complainant.

The DPA canvassed the area to try and locate the three homeless individuals and any other potential witnesses without success.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated the named officer cuffed him aggressively and the cuff on his right wrist was too tight.

The named officer denied he applied the handcuffs too tight.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 5 of 6

**SUMMARY OF ALLEGATION #6:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** Department records show that the complainant was detained after he had jaywalked and after he refused to get on the sidewalk.

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

**SUMMARY OF ALLEGATION #7:** The officer handcuffed the complainant without justification.

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

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

The named officer stated he handcuffed the complainant incident to his arrest for resisting and the traffic violation.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 6 of 6

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

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

**FINDINGS OF FACT:** The complainant stated he protested to the named officer about his treatment by the named officer's partner. The complainant stated he asked the named officer, "Do you think I'm being treated fairly? Do you think this is right"? The complainant stated that the named officer just went along with it and did not do anything.

The named officer acknowledged the complainant asked him if he thought he was being treated fairly and why was not he doing anything. The named officer stated he told the complainant that what the officer was doing was proper. The named officer stated that if he thought his partner was doing something wrong he would have stepped in.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/10/17 **DATE OF COMPLETION:** 08/08/17 **PAGE#** 1 of 3

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

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

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

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

**CATEGORY OF CONDUCT:** UF **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:** 05/10/17 **DATE OF COMPLETION:** 08/08/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #4:** The officer handcuffed the complainant without justification.

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

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

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers pat searched the complainant without justification.

**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:** 05/10/17 **DATE OF COMPLETION:** 08/08/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #7 - 8:** The officers searched the complainant's vehicle without justification.

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

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

**SUMMARY OF ALLEGATION #9:** The officer behaved inappropriately and made inappropriate comments.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/17 **DATE OF COMPLETION:** 08/21/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was stopped and cited for parking in a bike lane. The complainant stated that after signing the citation, the officer threw the citation in his car.

The named officer denied throwing the citation at the complainant. He stated:

From the actions of the complainant, I believed he was going to drive off with me being only a couple inches away from his vehicle, and without a copy of the citation. I believed that my safety was in jeopardy being so close to the vehicle. I stated to the complainant, "Here, you go", and dropped the citation into his vehicle, and backed away from the complainant's vehicle towards my patrol vehicle.

San Francisco Department General Order 2.01, General Rules of Conduct, requires members of the Department to treat the public with courtesy and respect.

While the Body Worn Camera recording shows that the named officer behaved professionally during the traffic stop, the recording did capture the citation being dropped through the driver's side window. There is insufficient evidence to either prove or disprove that the named officer's action was due to officer safety or in response to the complainant's dismissive behavior toward the officer.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/15 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated he was pulled over by two police officers. According to the officers, one of the bulbs in the taillight was out. The complainant stated that while his taillight was not working, officers should not be wasting their time with minor infractions.

The named officer stated the complainant's taillight was out. He conducted a traffic stop and cited the complainant for the violation.

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant stated he was pulled over and given a citation. He believes the officers pulled him over because he was driving a type of vehicle normally driven by young kids even though he is 60 years old.

The officers denied selectively enforcing the law based on the complainant's vehicle.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/15 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #4:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that an officer made very negative and derogatory remarks about the complainant's past record in an effort to provoke the complainant into doing something stupid.

The named officer denied the allegation.

The named officer's partner stated he did not hear any exchange between the named officer and the complainant.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that an officer used profanity during a traffic stop.

The named officer denied using profanity.

A witness officer stated he did not hear any profanity from the named officer.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/15 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #6:** The officer retaliated against the complainant.

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

**FINDINGS OF FACT:** The complainant stated he was pulled over and cited by two officers. The complainant was angry about getting a ticket and told the officers he was unhappy. The officers let him go and then followed him until he parked. The complainant left the car and the officers put a parking ticket on the vehicle in retaliation over their interaction.

The named officer stated he gave the parking ticket to the complainant because he was parked illegally. The named officer and a witness officer denied any retaliation took place.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #7:** The officer failed to provide his name and star number.

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

**FINDINGS OF FACT:** The complainant stated that he asked for the name and star number of an officer and the officer refused.

The named officer denied the allegation.

A witness officer did not observe any request for a name and star number.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/15    **DATE OF COMPLETION:** 08/01/17    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #7:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated that two weeks after getting a traffic ticket, the complainant received a parking ticket in the mail for parking on the sidewalk. The ticket was issued on the same day by the same police unit who cited him for the traffic violation. The complainant denied illegally parking.

The named officer stated that he observed the complainant's vehicle parked on a sidewalk so that people, especially the disabled, could not pass on the sidewalk.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/05/17 **DATE OF COMPLETION:** 08/15/17 **PAGE#** 1 of 1

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

**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:** 06/09/16 **DATE OF COMPLETION:** 08/08/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was talking with someone at UN Plaza when two officers arrived and started asking him questions. The officers asked him for his information and kept him and the other man detained while they checked his information. The officers never told the complainant what he did wrong.

The named officer stated she and her partner were patrolling the area when they noticed the complainant and another man engaged in the illegal selling of goods. They approached the complainant and the man. The man was on probation and the complainant was not. The named officer let the complainant go while they detained the other man.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #2:** The officer made inappropriate comments and acted inappropriately.

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

**FINDINGS OF FACT:** The complainant stated he was accused of being a sex offender, which he denied.

The named officer stated she asked dispatch over the radio for the complainant's information and dispatch responded that he was a sex offender that needed to register soon. The named officer later found out that dispatch had mistakenly given the information about a man with the same name and similar age.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/09/16 **DATE OF COMPLETION:** 08/08/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was detained even though he was not doing anything illegal.

The named officer is on extended leave and is not expected to return to the Department.

No independent witnesses were identified.

**SUMMARY OF ALLEGATION #4:** The officer made inappropriate comments and acted inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that an officer was rude and loud towards him.

The named officer is on extended leave and is not expected to return to the Department.

No independent witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/17 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that an SFPD informant made false statements to the police, causing the police to wrongfully arrest her while she was staying at a hotel. The complainant contacted a local police station multiple times regarding the issue but no action was taken. The complainant stated that officers should have investigated the informant's false statements.

One witness stated that he alerted the front desk clerk because he heard loud banging coming from the complainant's room, which was adjacent to his room. He observed several other guests alerting the front desk staff as well. He stated that the complainant "trashed" her room and broke a closet door.

A hotel security guard stated that he heard yelling and loud crashing noises coming from inside the complainant's room. The security guard stated that he tried to check on the complainant and anyone else who might be inside the room, but the complainant refused to allow him inside. Both witnesses stated that the complainant had slurred speech and acted in a belligerent manner. One witness stated that the complainant smelled of alcohol.

Witness officers stated that the complainant was arrested for being too intoxicated to care for herself.

Department of Emergency Management and other Department records showed that a hotel employee called 911 after several guests alerted her to loud banging noises coming from inside the complainant's room. A second person also called 911 to report hearing a fight.

There was no record of an informant being involved.

The evidence established that the act alleged in the complaint did not occur, or that members of the SFPD were not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/23/17 **DATE OF COMPLETION:** 08/03/17 **PAGE#** 1 of 1

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

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

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

Federal Protective Service  
450 Golden Gate Ave. Room 5474  
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/11/17    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was involved in a motor vehicle collision. The complainant stated the named officer repeatedly asked if she had been speeding while medical personnel were administering aid. She stated that she denied speeding, but the named officer pressured her to admit she had been speeding.

San Francisco Police Department (SFPD) General Order 2.01(9) states: “Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.”

The SFPD Body Worn Camera recording indicates that the named officer did not repeatedly ask the complainant to admit she was speeding. He calmly interviewed her after first seeking permission from the paramedic who was treating her. The named officer answered the complainant’s questions and engaged in dialogue with her regarding her speed and other aspects of the collision. The named officer stopped interviewing the complainant when she stated that she would no longer speak to him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/11/17    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant stated that the named officer wrote an inaccurate incident report. The complainant submitted an accident reconstruction report in support of her allegation.

SFPD Report Writing Manual states, in part, “preparing factual and thorough incident reports is one of the most important duties of a professional police officer.”

SFPD records indicate that the complainant was cited for violation of CVC 21802(b), failure to yield.

SFPD Body Worn Camera recording indicates that the named officer spoke to both drivers of the vehicles, the passenger of one of the involved vehicles, and two independent witnesses. SFPD records further indicate that the named officer memorialized all evidence obtained in the incident report.

The named officer conducted an investigation of the accident while his Body Worn Camera was activated. The police report accurately reflects the evidence that the named officer gathered during the course of his investigation. The statements of witnesses and diagrams of the accident scene included in the report accurately relay what is observed and captured by the Body Worn Camera. The named officer based his conclusion that the complainant was at fault on all the evidence.

While the complainant’s accident reconstruction report disputes the named officer’s conclusion, it does not dispute the accuracy of the evidence in the police report. In fact, the accident reconstruction report author used the contents of the police report in his analysis of the accident but to reach a different conclusion.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/16/15    **DATE OF COMPLETION:** 08/08/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer failed to properly investigate a traffic collision by failing to investigate his claim that the owner of the car that struck him was not driving when the collision occurred, but was a passenger in the car.

The named officer stated he did not recall being told by the complainant or anyone about a different driver being in the car than the owner when it struck the complainant's car. The named officer stated he was not present at the collision, and that he established that the owner of the car was the driver based on her statement, the registration indicating that the car was hers, and the fact that she held the keys to the car.

The named officer's partner stated that he did not recall the incident.

No other witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer issued a citation to him for opening his door in traffic that was dismissed in Traffic Court by a judge who lectured the officer for reaching the conclusion he did about the cause of the collision.

The named officer denied he issued the citation without cause, stating that if the complainant did not open his door when it was unsafe, the collision would not have occurred. The named officer stated he recalled the complainant was found not guilty of the violation in traffic court, but that he did not recall any specific conversation to him by the judge who heard the case.

The named officer's partner stated that he was at the scene of the collision investigation, but that he did not recall details of the incident.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/07/17 **DATE OF COMPLETION:** 08/11/17 **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/07/17 **DATE OF COMPLETION:** 08/30/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer towed the vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that her vehicle was legally parked when it was struck by another vehicle. The complainant stated that her vehicle sustained major damage and was subsequently towed. She stated that when she went to retrieve her vehicle she was told that her vehicle was towed for blocking a driveway and that she was responsible for the towing fees.

Records from AutoReturn show that the named officer towed the complainant's vehicle because it was a hazard. The records show that the tow fees were later waived.

California Vehicle Code section 22651 (b) gives peace officers authority to remove vehicles when a vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/07/17 **DATE OF COMPLETION:** 08/11/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/24/17 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/16 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was approached and detained by police officers, who told him he matched the description of a suspect in an auto burglary. He said he had nothing to do with the burglary and felt the officers had no justification for detaining him.

The named officers stated that an auto burglary had taken place a few blocks away. A witness had seen the suspect (a black male wearing an orange baseball hat, black shirt, and blue jeans) and given a description to one of the victims, who called the police. Another victim tried to follow the suspect. The officers stated that when this victim saw someone who seemed to match the description given by the witness walk into a store, she flagged down the officers and pointed out the complainant. The officers stated that they approached the complainant, who is an African American male and was wearing an orange baseball cap, jeans, and a dark jacket, and told him that someone had identified him as a possible suspect in an auto burglary. They stated the complainant came outside for a cold show, during which a witness unequivocally stated the complainant was not the man he had seen. The officers stated they then released the complainant.

Department records showed that the witness saw the complainant and said, "That's not him. I'm positive." The Certificate of Release indicates that the entire detention took 24 minutes.

A witness stated he was looking out his window and saw an African American man with an orange hat, who was peering into car windows, and then went outside and briefly spoke to the man. He said that a short time later, he heard a loud noise, went outside, saw a broken car window and the same man, running down the block and turning at the first corner. The witness stated he described the man (African American, six feet tall, wearing an orange hat and jeans) to the girls whose possessions had been stolen, and one of them ran the direction the man had run. He stated one of the girls called the police and gave them that same description. The witness said he later went with officers to see the man who was detained. The witness said that when he saw the man, he told officers, "That's not him," and officers apologized to the man and let him go.

Department records indicate that officers arrested a man for this crime about a month after this incident, at which time he was suspected of breaking into other cars as well. The man arrested matched the basic physical description of the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/16 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officers detained him solely because he is an African American male.

The named officers stated that all they knew of the person they sought was the description given to dispatch by the witness, to wit: an African American male wearing an orange baseball cap, a dark top, and jeans. They stated that they detained the complainant after a victim pointed him out and indicated that he was a possible suspect in an auto burglary. Both of the named officers stated that they did not know the complainant and had never seen him before the victim pointed him out. Both officers denied that the detention was in any way racially motivated. One of the named officers produced a photograph of the man arrested for the crime and displayed it next to the complainant's DMV photo; a resemblance exists.

A witness stated that he heard a car window shatter and saw a suspect running down the street. He described the man to the burglary victims as an African American male wearing an orange hat, white sneakers, and jeans. He stated that one of the victims ran in the direction the suspect had gone. The witness stated that officers took him to view a man they had detained as the possible suspect. The witness said he informed the officers the complainant was not the man he had seen. He stated that officers then released the man.

Another witness stated that she obtained a description of the suspect from a witness who had seen the suspect fleeing. She stated that when she saw someone who matched the description walk into a store, she informed police. She stated that the officers then approached the man and detained him.

The evidence showed that the officers' actions in detaining the complainant were based on witness statements and that the description of the suspect pointed out by the victim in large part matched that of 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:** 08/03/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant did not respond to DPA's request for an interview.

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**DATE OF COMPLAINT:** 08/05/16    **DATE OF COMPLETION:** 08/17/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was detained without justification. The complainant stated he was hanging out at a friend's house for a BBQ with about 7 or 8 people. The complainant stated he believed neighbors called police to complain about the noise. The officers told him they received a complaint about illegal activities.

The named officers stated they were dispatched to a call for service regarding several males drinking in public and smoking on a set of stairs on the sidewalk. Upon arrival, the officers observed numerous bottles of hard alcohol sprawled out over the steps. The officers observed the complainant place an object into his pants pocket. The officers also smelled marijuana. The officers detained the complainant and his friends to investigate the open bottles of alcohol and the presence of marijuana.

Department records show that a 911 caller reported that 6 males were sitting on the staircase drinking and smoking.

The complainant did not provide the DPA with contact information for his friends who were with him at the time of the contact.

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

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

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**SUMMARY OF ALLEGATIONS #3 - 4:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers told him, “I’m going to make a believer out of you” during the detention.

The named officers denied making the comment and stated they did not make any inappropriate comments towards the complainant.

The complainant did not provide the DPA with contact information for his friends who were with him at the time of the contact.

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

**SUMMARY OF ALLEGATION #5:** The officer pat searched the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated the officer pat searched him.

The named officer stated he conducted a pat search for weapons of the complainant because he observed the complainant place an unknown object into his pocket upon his arrival and the officer smelled the odor of marijuana coming from the group of subjects. During the search the officer found an open container of alcohol in the complainant’s pocket.

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



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**DATE OF COMPLAINT:** 08/05/16    **DATE OF COMPLETION:** 08/17/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #6:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated the officer issued a citation without cause. The complainant acknowledged he had an open container of alcohol in his left front pocket.

The named officer stated there was probable cause to issue the citation because he observed the complainant put an object in his pocket when he arrived and later discovered it to be an open bottle of alcohol. The officer stated he determined the complainant illegally possessed an open container of alcohol in public. He cited the complainant for violation of B&P Code Section 25620(a).

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

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**DATE OF COMPLAINT:** 08/05/16    **DATE OF COMPLETION:** 08/14/17    **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that undercover officers detained her 16-year-old son who was involved in a physical altercation near a bus stop. The complainant was not present when the incident occurred.

The co-complainant (juvenile)<sup>1</sup> stated he went to help his female cousin who was engaged in a fight with a man on a bus. He said his cousin had stolen a cell phone from a woman and the man intervened. The co-complainant stated the victim reported that a juvenile was involved in the incident so the man thought the co-complainant was involved in the theft of the phone. The co-complainant stated he swung on the man and “skimmed his face” because he was trying to help his cousin get off the bus. He said the man got off the bus and hit the co-complainant in the head with a bottle. He said that he ran from the officers when they pulled up to the scene.

The named officer stated he and his partner responded to the area because Dispatch reported a call of a strong-armed robbery. The officer observed the co-complainant and the male individual in a fight. When the officers drove toward them, the co-complainant took off running. The man told the officers that the co-complainant was involved in the robbery. The named officer stated the male individual said something about the juvenile hitting him in the head with a bottle. The named officer pursued the co-complainant on foot into a parking lot where the officer identified himself as an officer and told the co-complainant to stop, to which he complied.

A witness stated he helped the female victim by following the two female suspects who had hit the victim in the back of the head and stole her cell phone. The witness told a white male on a bicycle about the incident. This man left his bicycle on the street and caught up with the two girls at the back of a bus. The witness stated he saw the male juvenile punch the white male in the face and the two girls ran off the bus and fled the area.

Department records established that Dispatch put out a call of a strong-arm robbery of a victim who had been robbed. Multiple units responded to the area.

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

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<sup>1</sup> The “co-complainant” and “juvenile” will be used interchangeably throughout this report

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

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

**FINDINGS OF FACT:** The complainant stated that her son, the co-complainant, was arrested without cause.

The named officer stated there was probable cause to arrest the co-complainant. The officer stated that the co-complainant was arrested because a witness positively identified the juvenile as one of the suspects in a violent felony robbery.

The co-complainant admitted to his involvement in the physical altercation with the male individual and that he ran from the officers when they arrived at the scene.

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

**SUMMARY OF ALLEGATION #3:** The officer used excessive force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated the officer used excessive force during the arrest of her minor son. The complainant was not present when the incident occurred. The complainants alleged the officer kicked the co-complainant in the mouth causing him to lose two teeth.

The co-complainant admitted he was involved in a physical altercation with a male individual and ran from the police when they arrived. The juvenile said the officer told him to get on his knees and to give him the phone. He threw his phone on the ground towards the officer. The juvenile said he put his hands up and got down on the ground with his hands. The co-complainant denied having his right hand or his arm under his body, stating his "hands were out." Once he got on the ground, the co-complainant said an officer came from behind and put his knee on his back. He said the officer with the drawn gun kicked him in his mouth causing his lip and teeth to bleed. He swallowed one tooth and spit out the other tooth. He said the officer put handcuffs on him and lifted him up. The co-complainant stated his girlfriend witnessed the officer kick him.

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**SUMMARY OF ALLEGATION #3 continued:** The named officer stated his partner drove the patrol car while he pursued the fleeing suspect (juvenile) on foot into a parking lot. He saw the co-complainant, identified himself as the police and gave the co-complainant commands to stop and get on the ground. While the co-complainant was getting on the ground, he tossed the cell phone towards the officer. The named officer stated he did not see his partner officer, so he walked towards the co-complainant and told him to look away while getting on the ground. The officer said the co-complainant started to bring his right hand back in, so the officer used a sweeping motion to the right area of the co-complainant shoulder and upper arm area to expose his right hand. The officer stated the strike was effective and pushed the co-complainant's hand to his side. At that point, he grabbed the co-complainant's arm and the officer placed his right knee in the co-complainant's back and his left knee to lock the co-complainant's arm in. A second officer arrived and assisted the named officer in handcuffing the co-complainant. The officer stated when he rolled the co-complainant over to conduct a pat search for weapons he noticed that the co-complainant had blood on his lips. He informed his supervisor that he was uncertain of when the juvenile suspect may have sustained the injury.

Two witness officers arrived when the named officer was handcuffing the co-complainant and did not observe the named officer use the distraction sweep with his foot.

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

Medical reports established that the co-complainant sustained two broken teeth and a laceration to his upper lip. The co-complainant was reported by paramedics and hospital personnel as uncooperative, combative, history of mental illness and had suicidal ideations. The co-complainant had to be restrained in the ambulance and at the hospital.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to arrest the co-complainant.

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

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**SUMMARY OF ALLEGATION #4:** The officer failed to promptly provide his name and/or star number upon request.

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

**FINDINGS OF FACT:** The complainants stated the officer would not give the co-complainant his name and badge number when he asked him.

The named officer denied the allegation.

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

**SUMMARY OF ALLEGATION #5:** The officer displayed a weapon without justification.

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

**FINDINGS OF FACT:** The co-complainant stated that while he was running, the officer pulled out his firearm and told him to get down. The co-complainant stated the officer had his gun out and pointed at him.

The named officer stated he drew his firearm, but he did not point it. The officer stated he held it at the low-ready position. He drew his firearm because the co-complainant was running from him and he believed the co-complainant was involved in a violent felony and he did not know if the co-complainant had a weapon on him.

One witness officer stated when he arrived, he saw the named officer handcuffing the co-complainant. He said the named officer did not have his weapon out. The other witness officer denied seeing the named officer with his firearm drawn or pointed at the co-complainant.

No other witnesses were identified.

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

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**SUMMARY OF ALLEGATION #6:** The officer failed to comply with DGO 7.01, Policies and Procedures for Juveniles Detention, Arrest, and Custody.

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

**FINDINGS OF FACT:** The complainant stated the police never contacted her to tell her that her son was at the hospital. She spoke to two different people who contacted her from the hospital to tell her that her son had been arrested. The complainant said she has trouble remembering things.

The named officer, who physically arrested the co-complainant, denied the allegation. He said that another officer made the parental notification. The partner officer who wrote the report stated he documented the parent notification in the incident report.

The second officer stated he called the co-complainant grandmother<sup>2</sup> at the number provided by the co-complainant, but no one answered. The officer stated he tried calling four or five times over a 5-10 minute period. He eventually reached a voice mail and left a detailed message to contact him at the station. He also contacted the probation officer at CARC to notify her of the incident.

SFPD Incident Report documented that an officer contacted the complainant and informed her of her son's arrest.

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

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<sup>2</sup> The second officer's reference to the juvenile's grandmother was established as the juvenile's adopted mother.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 08/09/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers issued an invalid order.

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

**FINDINGS OF FACT:** A caller (reporting party) to police dispatch requested assistance to retrieve a family dog the complainant was refusing to relinquish. Upon contacting the named officers, the caller told the officers she was requesting the dog on behalf of her father who owned the dog, and who was incarcerated at the time. The caller stated her father had given temporary custody of the dog to one of the parties associated with the residence. The caller provided documents to the named officers, which the caller claimed supported ownership of the dog. The caller informed the officers that the complainant was claiming to hold the dog under the terms of a Domestic Violence Restraining Order that she did not believe existed.

The named officers stated they ran the case number of the Domestic Violence Restraining Order that the reporting party showed them and found the restraining order did not exist. However, the officers ran the wrong case number because the copy they were shown was poor and one of the case numbers was believed to be a "3" instead of an "8." The named officers assisted the reporting party by making a civil stand-by at the complainant's residence where the dog was kept.

While at the residence, the named officers spoke to the complainant and the complainant's mother; however, the person who was allegedly given temporary custody of the dog and who had allegedly obtained the restraining order was not present. The named officers told the complainant and the complainant's mother that based on their search for the restraining order, the restraining order did not exist. The officers explained to the complainant and the complainant's mother that they had been shown documents which supported the dog's true ownership. Based on the named officers' presence and the information the officers provided, the complainant and the complainant's mother voluntarily relinquished possession of the dog.

The complainant later learned the named officers ran the wrong case number for the Restraining Order. The complainant asserted that had the officers run the correct case number, they would have determined there was an active restraining order, which included a restriction on any third party acting on behalf of the restrained party. The complainant, with two other family members, went to the police station the following day and spoke to the named officers about the incident. The complainant requested the officers assist them in getting the dog returned, but the officers stated they could not comply. The officers told the

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**SUMMARY OF ALLEGATIONS #1 – 2 continued:** complainant they could not get involved in civil matters. Learning Domain 5, Chapter 2, of the California Commission on Peace Officer Standards and Training, Basic Course, Workbook Series, Student Materials, Copyright 2007, states in pertinent part: “If the matter is only civil, peace officers lack the authority to force a resolution to the dispute. Their duty is to stand by, preserve the peace and maintain order.”

The complainant asserted that the named officers ordered her to give up the dog. The officers denied they told the complainant she had to do so. The complainant’s mother was present at the time and stated that they felt that since the officers were in uniform and represented the law in an official capacity, as law-abiding citizens, they were obligated to comply with the law. She stated they felt bad when the officers told them they had looked up the restraining order and that it did not exist. This, together with the presence in uniform, frightened them into believing they were doing something wrong such as illegally holding the dog. They, therefore, voluntarily relinquished the dog.

The named officers emphasized the complainant and the complainant’s mother voluntarily relinquished possession of the dog after the officers explained what they had found as a result of their investigation.

No other witness was identified.

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

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

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

**FINDINGS OF FACT:** A caller (reporting party) to police dispatch requested assistance to retrieve a family dog the complainant was refusing to relinquish. Upon contacting the named officers, the caller told the officers she was requesting the dog on behalf of her father who owned the dog, and who was incarcerated at the time. The caller stated her father had given temporary custody of the dog to one of the parties associated with the residence. The caller provided documents to the named officers, which the caller claimed supported ownership of the dog. The caller informed the officers that the complainant was claiming to hold the dog under the terms of a Domestic Violence Restraining Order that she did not believe existed.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/09/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #3 – 4 continued:** The named officers stated they ran the case number of the Domestic Violence Restraining Order that the reporting party showed them and found the restraining order did not exist. However, the officers ran the wrong case number because the copy they were shown was poor and one of the case numbers was believed to be a “3” instead of an “8.” The named officers assisted the reporting party by making a civil stand-by at the complainant’s residence where the dog was kept.

While at the residence, the named officers spoke to the complainant and the complainant’s mother; however, the person who was allegedly given temporary custody of the dog and who had allegedly obtained the restraining order was not present. The named officers told the complainant and the complainant’s mother that based on their search for the restraining order, the restraining order did not exist. The officers explained to the complainant and the complainant’s mother that they had been shown documents which supported the dog’s true ownership. Based on the named officers’ presence and the information the officers provided, the complainant and the complainant’s mother voluntarily relinquished possession of the dog.

The complainant later learned the named officers ran the wrong case number for the Restraining Order. The complainant asserted that had the officers run the correct case number, they would have determined there was an active restraining order, which included a restriction on any third party acting on behalf of the restrained party. The complainant, with two other family members, went to the police station the following day and spoke to the named officers about the incident. The complainant requested the officers assist them in getting the dog returned, but the officers stated they could not comply. The officers told the complainant they could not get involved in civil matters. Learning Domain 5, Chapter 2, of the California Commission on Peace Officer Standards and Training, Basic Course, Workbook Series, Student Materials, Copyright 2007, states in pertinent part: “If the matter is only civil, peace officers lack the authority to force a resolution to the dispute. Their duty is to stand by, preserve the peace and maintain order.”

A preponderance of the evidence proved that the named officers acted properly in assisting the reporting party in a civil stand-by at the complainant’s residence, and ran the restraining order on a good-faith belief that they were running the correct order number. They reported their findings to the complainant as well as informed her that the ownership papers were in order, and the complainant voluntarily relinquished possession of the dog.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers entered and searched the residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the door to her home was “kicked in” by SFPD officers. She stated the officers left behind a copy of a search warrant, which indicated that the officers were looking for 45 items on a list. The complainant stated that the officers found none of those items.

Department records show that officers entered and searched the complainant’s home pursuant to a search warrant.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated that the officers damaged the front door of her home, as well as a glass door and a screen door. She also stated that officers made a hole in one of the walls.

The named officers stated that their roles in the search warrant execution were as members of the entry team. They stated that a “knock and notice” was given at the front door, but no one answered. They stated that this left them without any means of effectively executing the search warrant. They then used SFPD-issued tools including a pick and a ram to breach the front security gate and the front door. This damaged the front door, the doorframe, the security door, and the interior wall behind the front door. One of the named officers also used an SFPD-issued pick to assist in forcing entry into a safe in the garage. This safe was also damaged. The officers stated that none of the damage was excessive or unnecessary.

One of the named officers cited a United States Supreme Court decision that states, “Officers constitutionally may break and enter to execute a search warrant where such entry is the only means by which the warrant effectively may be executed.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/10/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #5-7:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated that after her house was searched, she was missing over \$32,000 in various jewelry items. The complainant stated she also filed a claim with the City Attorney's office for these items.

The named officers stated that they removed the following items from the complainant's house: a Glock 40 cal. firearm, indicia for one of the residents of the complainant's house, a checkbook bearing the name of someone who does not reside at the complainant's house, a white shirt worn during one of the auto burglaries, Remington .380 rounds, CA ID card in the name of the suspected auto burglar, a 9mm firearm, a pawn slip for jewelry made out to the suspected auto burglar, a Taurus firearm, and a Rossi firearm. They stated that they left a property receipt for these items at the complainant's house. The complainant produced a copy of the property receipt with these items listed on it. The named officers said that during the course of their search, they did not see or take the items that the complainant alleges are missing.

An SFPD Internal Affairs investigation into the allegations of theft produced negative results.

A preponderance of the evidence proved that the act alleged 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:** 08/10/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #8:** The officer failed to follow proper procedures for an interagency operation.

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

**FINDINGS OF FACT:** SFPD officers executed a search warrant at a home in Napa County. SFPD Department General Order 5.14, Interagency Operations, states, "It is the policy of the San Francisco Police Department that all interagency operations involving members of the San Francisco Police Department shall receive prior approval of the member's deputy chief...Any member of the San Francisco Police Department needing assistance from an outside agency for a planned operation or investigation shall first obtain the permission of his/her deputy chief prior to making the request."

The senior officer present at the execution of the search warrant on the complainant's house acknowledged that in order to work with or request assistance from an outside law enforcement or government agency on a planned operation, he would be required to prepare paperwork before proceeding. However, he stated that in this particular case, the planned operation was to execute a search warrant signed by a San Francisco judge, executed in the jurisdiction where the subject of the search warrant lived. He stated that his team complied with SFPD policy and notified local law enforcement of their purpose in being there. The local police then decided to have one of their officers stand by if an emergency arose. This officer did not participate in the execution of the search warrant. The named officer stated that he complied with the DGO by examining the needs of his team and determining that outside agency assistance was neither required nor requested in the service and execution of the warrant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/17    **DATE OF COMPLETION:** 08/11/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated she returned home to discover that the police had searched her residence.

Department records show that the search was conducted pursuant to a search warrant.

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

**SUMMARY OF ALLEGATION #2:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The complainant stated the police seized \$3800 in cash from her residence without her permission.

Department records show that cash in question was seized and booked into evidence.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/17    **DATE OF COMPLETION:** 08/11/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated that the police damaged her home.

The named officer stated he was the lead investigator who authored and prepared the search warrant and the incident report. The named officer stated he had a key from the arrest of the subject and used it to gain entry into the complainant's residence. The named officer stated the complainant's doors and a safe were damaged during the incident because they were locked. The named officer stated officers used force to open the doors to locked rooms and a safe in order to secure the scene. The named officer stated the property damages were documented in the incident report.

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

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

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

**FINDINGS OF FACT:** The complainant stated she discovered her garage door was unlocked when she returned home. The complainant stated she usually locks her garage door when she leaves her residence.

The named officer stated he locked the complainant's residence and secured it with a key from the arrestee.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/17 **DATE OF COMPLETION:** 08/11/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #5:** The officer entered the residence without cause.

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

**FINDINGS OF FACT:** The complainant stated she returned home to discover that the police had entered and searched her residence.

Department records show that the entry and search were conducted pursuant to a search warrant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/19/16 **DATE OF COMPLETION:** 08/14/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he is a ride-sharing driver and was picking up a fare when he was pulled over by police. The complainant stated he was then cited for running a red light, which he denied.

The named officer stated that he witnessed the complainant go through a red light at 15-20 mph. He followed the complainant with lights on and pulled him over. The complainant was cited for failing to stop at a red light.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he was pulled over by police. The officer was rude and asked the complainant if he was calling him a liar. When he returned the complainant's license and registration, the officer threw it in the car at the complainant.

The named officer denied being rude to the complainant or making any inappropriate comments. When he returned the complainant's documents, they accidentally slipped from his hand and fell in the complainant's lap. The named officer immediately apologized.

No independent witnesses were identified.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/26/16 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officer stopped him because they thought he was scalping tickets, which the complainant denied. The complainant stated the only tickets the named officer found on his person were his airline guest passes. The complainant admitted that the guest passes had another individual's name on them.

The named officer stated he was assigned to vendor abatement near an event at Golden Gate Park. He stated the complainant was stopped for suspicion of scalping tickets. The named officer denied detaining the complainant, and stated that his partner detained the complainant and he provided backup.

The named officer's partner stated the complainant exhibited suspicious behavior by turning around two different times when he noticed his police vehicle, and loitering near a special event holding papers that look like tickets in his hand. The officer stated he approached the complainant and told him he believed he was scalping tickets. The officer stated the complainant was holding a piece of paper that looked like the event ticket. The officer stated that he examined the tickets and realized that they were airline tickets, but he continued his investigation because they had a name, other than the complainant's on them.

Two witness officers corroborated the named officer's statement.

The complainant's witness stated he saw officers stop the complainant, but he did not know why the complainant was stopped.

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

The evidence established that the named officer was not the primary detaining officer. However, even if he played a role in the detention, it was based on reasonable suspicion properly limited in its scope.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/26/16 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officer searched him without permission and confiscated his airline guest passes. The complainant stated that he was on probation, but he did not know if the named officer was aware of his search clause prior to the search.

The named officer and his partner denied searching the complainant.

The two witness officers stated they did not recall if the complainant was searched.

The complainant's witness stated he did not see an officer take the complainant's airline guest passes from the complainant's pocket, but he saw an officer with something in his hand.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated that he tried to call his friend who gave him the airline guest passes and the named officer said, "put your fucking cellphone up."

The named officer denied the allegation.

The named officer's partner stated the complainant told him that he did not know the name of the person that gave him the airline guest passes. He stated he did not hear any profanity used toward the complainant. The two witness officers stated they did not hear any officer use profane language toward the complainant. The complainant's witness stated that he was three to four houses away from the incident and was unable to hear the discussion.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/26/16 **DATE OF COMPLETION:** 08/01/17 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer took his property without issuing him a property receipt.

The named officer stated he believed the airline guest passes were the property of the airline and not the complainant's property. The named officer stated he told the complainant the airline requested he confiscate the guest passes. The named officer stated that the complainant responded by walking away upset, and he was unable to issue the complainant a property receipt.

The named officer's partner stated that it was his understanding that the airline guest passes were confiscated, because the named officer determined that a crime had occurred. The two witness officers stated that they did not remember specific details about the incident and did not know if or what the named officer did with the airline guest passes.

Records showed that the named officer did not issue a property receipt.

The airline's Research and Resolution Specialist stated that she received the guest passes that were confiscated from the complainant by SFPD.

SFPD General Order 6.15, Property Processing, identifies "Property for Identification," as:

- a. **EVIDENCE (E):** Property (except narcotics) or money that is related or possibly related to a crime (see DGO 6.02, Physical Evidence).
- b. **NON-EVIDENCE:** Property or money not apparently related to a crime.  
Non-evidence property is further divided into two categories:
  - Found Property (F)
  - Property for Safekeeping (P)

The DGO requires members to complete a Property Receipt when taking "property for identification from a person," to give the original to the person, and to write an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/30/16 **DATE OF COMPLETION:** 08/21/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was hanging out at his friend's hookah lounge in a peninsula city when the off-duty officer came into the lounge asking whether a customer had parked at his business property. The complainant stated he walked with the off-duty officer to check on the car. The complainant stated the off-duty officer started yelling and cursing at him and made it known that he is a San Francisco police officer.

The co-complainant stated he heard the complainant arguing with the off-duty officer over parking but did not hear the conversation between the parties. He did not hear the off-duty officer say he was a police officer.

The named officer stated he received a call from the manager of his private business to tell him that a vehicle was blocking the driveway. The officer walked up to the hookah lounge, went in the door and asked if anyone owned the vehicle that was blocking his private driveway. The officer said the complainant went up to him and became very aggressive, stating something like, "Fuck you, you always blame us for car[s] parking there. It is not ours". The officer said, "Ok, I am just going to tow it" and left the premises. The officer said the complainant followed him back to the car yelling and being very aggressive. The officer told the complainant that if the car were not theirs, he would just tow it. The officer stated the complainant announced that the officer was a cop and was drunk. The officer believed he told the complainant being a cop had nothing to do with this because he would be towing a car illegally parked on his property. He said that the complainant already knew that he was an officer.

The witness and manager of the off-duty officer's business denied that the named officer said anything inappropriate to the parties. He also denied that the officer told anyone he was a member of SFPD.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/01/16 **DATE OF COMPLETION:** 08/25/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she reported an assault at a district station. The complainant stated that it took too long to assign her case to an investigator. The complainant believed the named officer who reviewed video should have expanded the dates and times of video he reviewed, and should have allowed her to view the video he saw to attempt to identify the suspect.

One of the named officers, a sergeant, stated there is no set time frame for case assignments. She stated they had to rely on video evidence in the complainant's case because there was no physical evidence, no witnesses, and the suspect could not be identified. The named officer stated that surveillance video was reviewed more than once, but there was no evidence of an assault. She stated the case was eventually placed on an open/inactive status. The other named officer stated he went to the incident location the day after being notified of the need to retrieve video evidence. The named officer stated he went to a liquor store on three occasions and a hotel on another occasion to review video evidence. The named officer said he was unable to locate video evidence of an assault.

The associated incident report documented that the complainant reported that an unknown suspect hit her on the back of her head and fled. The report documented that the reporting officer asked the complainant if she needed an ambulance, and she told him that she did. The report documented that medics arrived, but the complainant refused to go to the hospital. The San Francisco Fire Department Patient Care Report documented that the complainant had no visible trauma to her head.

SFPD Bulletin 15-200, Case Assignments for Investigation, provides the criteria to consider when deciding whether and to whom to assign cases for investigation, including, "The severity of the crime ..." and, "The presence or lack of video footage." This case was not technically "assigned," although one of the named officers was asked to look for video evidence. No video evidence was found, so the case was filed as Open/Inactive. The named officers followed protocol and took steps to investigate a potential crime, while also reasonably, effectively and efficiently managing Department resources.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/01/16 **DATE OF COMPLETION:** 08/25/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** This complaint raises matters outside DPA's jurisdiction.

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

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

San Francisco Police Department  
Internal Affairs Division  
1245 Third Street -4<sup>th</sup> Floor  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/03/16    **DATE OF COMPLETION:** 08/15/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the officer raised her voice at him, interrupted him and ordered him out of the station.

A witness corroborated that the officer raised her voice at the complainant but stated that the complainant also raised his voice at the officer.

The named officer either denied or did not recall behaving or engaging in the alleged behavior but admitted asking the complainant to leave the station when the complainant became argumentative.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/03/16 **DATE OF COMPLETION:** 08/15/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that when he recovered his stolen vehicle he found four letters inside the car. The letters contained personal information including a name and address, which he believed might assist in identifying the suspect(s) who stole his car. When the complainant and his wife took the letters to Ingleside Station to have them booked as evidence, the named officer refused.

A Police Service Aid (PSA) was in the lobby with the named member at the time of the incident. The PSA stated the named officer refused to accept the letters stating that they were the property of the US Postal Service. The PSA said he took the letters and placed them into an outgoing mailbox.

The named officer stated that she did not take the letters because: The case was closed, there was no evidence that the letters were left in the car by the suspect, the letters were junk mail, and because the complainant hadn't spoken to anyone at the other police district, where the car was recovered, to see if in fact the letters were in the car when they picked up the car.

Department Orders define physical evidence as "anything that has been used, left, removed, altered or contaminated during the commission of the crime by the victim(s) or suspect(s)." Department Orders require that when receiving property at the district stations, the Station Keeper shall enter the property on the District Station Property Log and write an incident report each time when booking property. Department Orders also provide instructions on how to preserve documents.

The incident involved a police matter and the letters were physical evidence related to a stolen vehicle. The named officer was the Station Keeper at the time of the incident. The officer refused to receive the letters and did not document the letters into the Station Property Log nor in an Incident Report.

The officer stated that she did not pull up the stolen vehicle report nor seek the identity of the complainant during the incident because the complainant and his companion became argumentative, would not listen, and would not allow her to explain.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/08/16 **DATE OF COMPLETION:** 08/30/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was involved in a traffic collision where he was found to be at fault by the named officer.

The named officer admitted that he filled out the report inaccurately by indicating the complainant was at fault instead of the other driver. He said it was a mistake and was not a deliberate act.

The SFPD traffic collision report established that the named officer prepared the report. The primary collision factor incorrectly indicates the complainant violated a vehicle code section.

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

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

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

**FINDINGS OF FACT:** The complainant stated the responding officer did not check surveillance camera footage and did not find the suspect who fled the scene. The officer also refused to contact a witness to the collision.

The named officer stated that he searched the area with the complainant and located a surveillance camera. He indicated the location of the surveillance camera in the report, which was later forwarded to investigators. The named officer also stopped by the suspect's home but he was not there. The named officer stated there was no mention of an eyewitness from anyone.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/08/16 **DATE OF COMPLETION:** 08/30/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant stated the responding officer spoke to the other party in Spanish so the complainant could not understand. The complainant believed that since he is Asian and the officer and the other party were Hispanic, the named officer engaged in biased policing due to race.

The named officer stated he spoke with the other party in Spanish because that was the other party's primary language and it is departmental policy to do so. The named officer stated that the complainant's race did not have anything to do with how he handled the investigation.

No witnesses came forward.

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

**SUMMARY OF ALLEGATION #4:** The officer engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the responding officer would not let the complainant talk to the other party to get his information. The officer said, "No, we'll take care of it."

The named officer stated that he separated the parties to conduct his investigation as he was trained in the academy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/09/16 **DATE OF COMPLETION:** 08/17/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that an elderly neighbor had been harassing her for well over a year. The complainant stated the neighbor was making sexual comments to her and would expose her breasts and genitals to her. The complainant went to a local police station to file an incident report and spoke with the named officer. The complainant stated the named officer listed the incident as “suspicious act towards of female” when it should have been listed as “indecent exposure”. In addition, the complainant said that the incident report indicated that she had submitted a three page written statement when she had submitted a four page written statement. The complainant stated her name was also misspelled.

The named officer stated she listed the incident on the report as “suspicious act towards a female” at the request of her supervisor. The named officer stated she booked whatever statement the complainant provided. The named officer stated that the misspelling of the complainant’s last name was a simple mistake.

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

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/09/16    **DATE OF COMPLETION:** 08/17/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that she suffered from carpal tunnel syndrome and the named officer still made her write out a written statement.

The named officer denied that she made the complainant write a statement.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer was rude and condescending when she spoke to her.

The named officer denied the allegation.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/10/16 **DATE OF COMPLETION:** 08/10/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** In her online complaint, the complainant wrote that unknown suspects assaulted her. The complainant stated the police on scene did not investigate the incident.

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

Department records showed that the named officers responded to the scene, conducted an investigation and prepared an incident report documenting the battery was committed by unknown suspects.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer detained the complainant at gunpoint without cause.

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

**FINDINGS OF FACT:** The complainant stated she was getting ready in the morning when she heard a loud knock at the door. She opened the inner door, leaving the metal screen door closed. The complainant stated the named officer had his gun drawn and pointing at her. The named officer asked for someone who no longer lived at the address. After a few moments, the named officer and several other officers behind him realized the person they were looking for no longer lived at the residence and they left.

The named officer stated he was executing an arrest warrant on a violent suspect who was known to live at the complainant's address. The named officer took his firearm out and held it at the low ready position and knocked on the door and announced himself as police. Once he realized the complainant was not who he was looking for, he left. The named officer stated that he never pointed the gun at the complainant and she was never detained.

Witness officers stated they did not observe the named officer pointing the gun at the complainant.

No other witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated that she was held at gunpoint at her apartment and she was not given any paperwork or follow up information. She stated the officers just left.

The named officer stated that he did not point his gun at the complainant and that she was not detained so he did not issue a Certificate of Release. The named officer wrote an incident report to memorialize the encounter.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16 **DATE OF COMPLETION:** 08/22/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The named officer wrote an incident report about the service of an arrest warrant at an apartment. During the service, the named officer stated he had his firearm out at low ready because he was expecting a violent suspect. The incident report did not mention that the named officer had his firearm out during the encounter.

The named officer stated the fact that his gun was out at low ready was irrelevant and did not need to be in the report.

There is a dispute between the complainant and the named officer about where the named officer pointed his gun.

No other witnesses came forward.

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

**SUMMARY OF DPA-ADDED ALLEGATION #2:** The officer failed to comply with DGO 5.14, Interagency Operations.

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

**FINDINGS OF FACT:** The named officer provided DPA with the appropriate documents to satisfy the requirements of Department General Order 5.14.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16 **DATE OF COMPLETION:** 08/14/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he asked several officers to file a report and they all refused. The complainant was unable to provide specific dates and names to identify the occurrences.

The complainant failed to provide additional requested evidence.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/16    **DATE OF COMPLETION:** 08/09/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that she was leaning against a parked car when the driver backed up and ran over her toe, causing her to fall to the ground. The complainant stated that when the named officer responded, the officer was rude and treated her like a criminal.

The named officer denied the allegation, stating that he acted professionally toward all of the parties involved.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer wrote an inaccurate and incomplete report.

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

**FINDINGS OF FACT:** The complainant stated that the named officer's incident report was inaccurate.

The named officer denied the allegation, stating that his traffic collision report was accurate and complete.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/15    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 1 of 5

**SUMMARY OF ALLEGATIONS #1 - 4:** The officers searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers searched her vehicle multiple times without justification. The complainant acknowledged that her boyfriend had access to her car and drove it at times. The complainant also acknowledged that her boyfriend was on probation at the time the searches were conducted.

The named officers stated that on one occasion, they had probable cause to search the complainant's car because they had witnessed her and others engaged in the sale of narcotics in the car. The named officers stated that they were able to conduct a probation search on the car on a different occasion because the complainant's boyfriend, who was on probation, had recent, immediate access to the car.

An Incident Report documented that some of the named officers surveilled complainant and watched her selling what they believed to be rock cocaine inside her parked vehicle. The complainant was arrested. One of the named officers made the determination that there was sufficient probable cause to search the vehicle. During the search, suspected base rock cocaine was found. The Crime Laboratory Examination Report confirmed that the rocks contained cocaine base. SFPD Criminal History records show that the complainant eventually pled guilty to Possession or Purchase for Sale of a Controlled Substance.

A second Incident Report documented that one of the named officers saw complainant's boyfriend unlock and enter complainant's car. The named officer documented that the complainant's boyfriend removed small items from complainant's car. The named officer documented that he then searched the car as a probation search, since complainant's boyfriend was on active felony probation with a search condition.

The investigation established that both searches were justified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/15    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that she was arrested for no reason.

The named officers stated they watched the complainant complete the sale of suspected base rock cocaine. The named officers stated they arrested the complainant and then searched her car. The named officers stated the complainant was also searched at the district police station. The named officers said that the two searches uncovered two amounts of suspected base rock cocaine, together totaling 244.1 grams.

No witnesses came forward.

The Crime Laboratory Examination Report determined that the off-white rocks seized from the complainant and her car were determined to contain 234.50 grams of cocaine base. SFPD Criminal History records show that the complainant pled guilty to the possession and purchase for sale of a controlled substance, and that she was ordered not to loiter in the area of her arrest.

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

**SUMMARY OF ALLEGATIONS #7 - 9:** The officers harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated that the named officers arrested her, searched her vehicle more than once, and searched her home – a pattern amounting to harassment.

The named officers denied the allegation and stated that they had legitimate reasons for their actions, as the complainant was the target of an ongoing narcotics investigation.

A preponderance of the evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/15    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 3 of 5

**SUMMARY OF ALLEGATIONS #10:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officer was involved in breaking down her door and searching her home. The complainant stated that when she asked the named officer why he did not use a key, he stated, “What fun would that have been?”

The named officer denied the allegation.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #11 - 14:** The officers intentionally damaged the complainant’s property.

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

**FINDINGS OF FACT:** The complainant stated the named officers broke off pieces of her car and broke the door to her home during separate searches. The complainant stated that the named officers could have used a key to open the door to her home.

The named officers denied damaging her vehicle. The named officers stated that damaging the door was necessary to enter the complainant’s home pursuant to a valid search warrant. The named officers stated that they did not have access to a key to complainant’s home.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/15    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATIONS #15:** The officer seized the complainant's property without justification.

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

**FINDINGS OF FACT:** The complainant stated that the named officer seized her ID, keys, and mobile phone during a search of her car.

The named officer stated that he seized indicia and other items as listed in the Incident Report. The named officer stated these items were booked as evidence.

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

**SUMMARY OF ALLEGATIONS #16 - 19:** The officers entered and searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers entered her residence and searched it without justification.

The named officers stated that they had a search warrant ordering them to conduct the search.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/15    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATIONS #20:** The officer detained the complainant's friend without cause.

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

**FINDINGS OF FACT:** The complainant stated that her friend was detained in Union City while driving her car. The complainant stated that her friend did not want to be involved in this complaint.

SFPD officers interviewed stated that part of their investigation of complainant included activities outside of the City and County of San Francisco.

Records from the Fremont Police Department show that SFPD officers involved in this complaint were in Fremont attempting to remove a tracker.

The complainant failed to provide additional requested evidence.

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The sergeant failed to supervise.

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

**FINDINGS OF FACT:** The DPA investigation established that the named officer's subordinates complied with the policies and procedures of the Department regarding the search.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/16 **DATE OF COMPLETION:** 08/18/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he had broken items at his house, where he lived with his mother, and that a social worker had called SFPD. The complainant stated the named officer told him that a 5150 hold would be a better option than an arrest for vandalism, and he agreed to go with the named officer and his partner to the hospital. The complainant said the hospital paperwork said that the hold was involuntary, and he was concerned about how the mental health hold would affect his job prospects. The complainant stated the 5150 hold was unconstitutional.

The named officer stated he and his partner responded to a well-being check call and met with the complainant's mother. The named officer stated the complainant's mother told him that the mobile crisis team had been called multiple times, but that the complainant had become more violent, and that she feared for her life. The named officer stated he then saw the complainant in his room, standing in the dark, with his fists clenched. The named officer also saw damage to the house. The named officer said he was eventually able to detain the complainant and transfer him to the hospital. The named officer said that, based on his experience, the complainant was a danger to his mother.

The named officer's partner stated that the complainant's mother told them that she feared for her safety, and he also saw the damage to the house.

The complainant's mother said that she called the Mobile Crisis Team because the complainant was breaking things and she was scared. When they left, she said that the complainant became angrier and again started to break things. The complainant's mother said that the Mobile Crisis Team had called SFPD, and when the named officer and his partner arrived, she told them that she feared for her safety.

An individual from the Mobile Crisis Team stated that the mother had called them because the complainant was being destructive and was not taking previously prescribed medication. She said that she had met with the complainant and told him that if he continued his actions he would be "5150'd."

The related Incident Report documented the destruction of property in the home. The report documented that the complainant's mother said that the complainant had been having psychotic and violent episodes all week, but that because of his actions on the day of this incident, she had begun to fear for her safety. The probable cause form for the 5150 detention of the complainant was filled out and signed by the named officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 09/27/16 **DATE OF COMPLETION:** 08/18/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #1 continued:**

Records from the Department of Emergency Management document that the call to 9-1-1 originated with an individual from Mobile Crisis, who acknowledged that they had visited the complainant several times because of violence towards his mother. The reporting party said she called because the complainant was again acting up, and she was concerned about the complainant's mother.

SFPD General Order 6.14, Psychological Evaluation of Adults, states that, "Officers may detain an individual for psychiatric evaluation pursuant to 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is ... A danger to others ... [emphasis in the original]."

The investigation established that the named officer had sufficient information to meet the criteria for a mental health detention, namely that the complainant was both suffering from a mental illness and was a danger to others. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.



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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/16 **DATE OF COMPLETION:** 08/18/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #2-3:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officers told him that he could be arrested for vandalism or taken to the hospital on an involuntary hold. The complainant said that one of the officers told him the involuntary hold was a better option and would not affect his ability to get a job in the future. The complainant stated the same officer later told him that an involuntary hold could affect someone's ability to get a job as a police officer. The complainant said that both of the named officers lied about the consequences of an involuntary hold, and he does not think he will be able to get a job after this incident.

One of the named officers stated that he told the complainant that he could be arrested for vandalism if his mother decided to press charges. The named officer also said that he engaged in small talk with the complainant and did tell him that a 5150 hold would not show up on a criminal background check. The named officer said that he did not recall lying to the complainant, but if he did, it was just to gain compliance. The named officer said his goal was to de-escalate the situation and complete the detention without using force.

The other named officer stated that he briefly spoke to the complainant, and he denied lying to the complainant or speaking to him at all about employment consequences.

The complainant's mother said she was in another room when the named officers interviewed her son.

One of the named officers determined that the complainant met the requirements for an involuntary detention. Discussions with the complainant intended to gain compliance and safely detain him, therefore, were justified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/15    **DATE OF COMPLETION:** 08/16/17    **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1 - 5:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that numerous officers responded to his apartment regarding a domestic violence call made by her neighbor. The complainant stated that the officers laughed at him.

The named officers denied the allegation.

No witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #6 - 9:** The officers failed to promptly and politely provide their names and/or star numbers upon request.

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

**FINDINGS OF FACT:** The complainant stated he asked the officers for their names and they refused to provide them.

The named officers denied the allegation.

No witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/15    **DATE OF COMPLETION:** 08/16/17    **PAGE#** 2 of 4

**SUMMARY OF ALLEGATIONS #10 - 11:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated the officers detained him without justification. The complainant acknowledged that the officers asked him repeatedly to open the main entry door to his apartment building and he refused to comply because he did not think they had a reason to be there. The reporting party went downstairs and let the officers in. When the officers entered the building, the complainant stated he tried to walk away from the officers and that officers chased him up the stairs and forced him to the ground.

The named officers stated they were dispatched to a Domestic Violence call. When they arrived the complainant refused to open the door and let them into the building. The reporting party came down the stairs and opened the door to allow officers to enter the building. The officers believed the complainant was the suspect in the domestic violence incident because he matched the physical description of the suspect. He was yelling at the officers and he ran from the officers once they entered the building, so they pursued him up the stairs and detained him for further investigation. During the course of the investigation, the officers learned the complainant was not the suspect and that the suspect had already left the building prior to the officers' arrival.

Department records show that a 911 caller reported a fight between her and her boyfriend, that the boyfriend was on drugs, known to be violent and she was afraid that the situation would escalate.

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

Based on the 911 call, the officers' observations of the complainant's actions when they arrived at the scene, and the fact that the complainant matched the description of the suspect, the officers had reasonable suspicion to detain the complainant for further investigation of the domestic violence incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/15    **DATE OF COMPLETION:** 08/16/17    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #12:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated he was issued a citation without cause.

The named officer stated he issued the complainant a citation for violation of Penal Code Section 148 resisting/delaying and obstructing because the complainant delayed their investigation by refusing to open the door and ran from the officers once they were let into the building and was placed into custody.

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

**SUMMARY OF ALLEGATIONS #13-14:** The officers handcuffed the complainant without justification.

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

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

The named officers stated they responded to a domestic violence call. They stated the complainant was exhibiting a very hostile demeanor. The complainant was asked and then ordered several times to open the door and he refused to let the officers in. The officers asked dispatch to have the reporting party come down to let them into the building. Based on the description of the suspect given by dispatch, the officers assumed the complainant was the suspect. The description matched the clothing worn by the complainant as well as his approximate age and height. As the officers entered the building the complainant turned and ran back up the stairs. The officers chased the complainant and caught up with him in the doorway of his apartment and were able to place him into custody.

The complainant acknowledged that he refused to comply with officers' orders to open the door to the building and that he ran from the officers. He also acknowledged that he matched the description of the suspect.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/15    **DATE OF COMPLETION:** 08/16/17    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #15 - 16:** The officers used excessive force during the detention.

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

**FINDINGS OF FACT:** The complainant stated the officers used excessive force, injuring his left wrist.

The named officers denied they used excessive force. The officers stated they used the minimal amount of force required to place the complainant in handcuffs. The first named officer stated he tried verbal persuasion and it was not effective. He had to chase the complainant when he ran from him and used physical control to place him in custody. The second named officer stated he assisted the first officer in getting physical control of the complainant.

The complainant stated he was seen at a local medical facility. The complainant signed a HIPAA authorization and the DPA requested the medical records. The medical facility responded that there were no medical records. The complainant stated during his DPA interview that there was no visible injury to his left wrist, but he was still in pain. The DPA investigator visited the complainant in his home. The complainant stated he visited his doctor at a clinic for a regularly scheduled medical appointment several days after the incident and the doctor looked at his wrist and said there was nothing wrong with his wrist.

The evidence established that the named officers acted reasonably and the physical control used by the officers was necessary to affect the detention and arrest of the complainant.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/29/16    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant was involved in a traffic collision. He stated that the named officer made no attempt to obtain video surveillance in the area and did not return any of his phone calls.

The named officer denied the allegation and stated that he did seek out video surveillance footage from the surrounding area and located a camera at a corner store, but said the store employees did not have access to the video at the time. The officer said he received one message from the complainant and that he returned the call and left a voice message.

The store employee did recall the complainant or an officer coming to the store regarding the store's video surveillance footage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/07/16 **DATE OF COMPLETION:** 08/09/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant was arrested for domestic violence. The complainant stated that the named officer removed the complainant's earnings while the complainant was at the station. The complainant stated that her earnings were never returned to her after she was released.

The named officer did not recall the complainant wearing earnings or taking the complainant's earnings.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/30/16    **DATE OF COMPLETION:** 08/01/17    **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 had an active restraining order against her former neighbor. The complainant stated that her daughter told her that she saw the restrained party watching her walk home from school on a nearby corner, in violation of the order. The complainant stated the named officers arrived, but the restrained party had already left the area. The complainant stated that she showed the named officers a copy of the restraining order, but they would not enforce it.

The named officers stated the complainant did not have a copy of the order at the time, and that they were unable to locate it in the system when they conducted a “10-29” query with the information provided to them by the complainant. The named officers confirmed that the restrained party was not present when they arrived, and attempts to locate her were unsuccessful. The named officers also stated they were unable to speak with the complainant’s daughter, who was the only witness to the alleged violation.

The restrained party stated that she had never been to the complainant’s address and did not know where she lived.

The complainant’s copy of the restraining order showed that the restrained person had to stay at least 50 yards away from the complainant and her daughter, their house and her daughter’s school.

Department records show that the restraining order had not been served.

The evidence established that the officers attempted to verify the existence of a restraining order on file but were unable to do so. The officers were unable to establish probable cause because the suspect was not present and the complainant’s daughter was not available.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/16 **DATE OF COMPLETION:** 08/22/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** In an online complaint, the complainant stated he/she was injured during an incident involving the SFPD.

The complainant did not provide his/her name or contact information.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/24/16 **DATE OF COMPLETION:** 08/11/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was with a group of people at the corner of 6<sup>th</sup> and Minna Streets and a girl he knows was talking to him and gave him a small weed baggie and fifty dollars that she owed him. He said the named officer came and told him to get against the wall.

The named officer did not recall the incident specifically but stated that it must have been for a quality of life issue if he issued him a citation for MPC 22 (a) Obstructing the Sidewalk. The named officer did not recall how the complainant was obstructing the sidewalk or obstructing the free movement of another person. The named officer knew the complainant and stated he has had other encounters with him before and after this incident.

No witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #2:** The officer searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer searched him.

The named officer did not recall the incident, but stated he doesn't believe he searched the complainant because he had no reason to do so in this case. The named officer said he has searched the complainant in the past during narcotics sale arrests.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/24/16 **DATE OF COMPLETION:** 08/11/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3:** The officer cited the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was cited for MPC 22 (a), Obstructing the Sidewalk.

The named officer did not recall the specifics of the incident or the obstruction.

No witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #4:** The officer failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant said the named officer went into his pockets and removed his keys, phone and two other items, and did not return them. He also stated he did not recall what happened to his marijuana, but thinks the officer took it as well.

The officer denied the allegation. The officer stated he has his own phone and keys and that if the complainant had marijuana he would have written a report and booked the property.

No witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/24/16 **DATE OF COMPLETION:** 08/11/17 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #5:** The officer engaged in biased policing.

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

**FINDINGS OF FACT:** The complainant believed the officer singled him out of the group due to his skin color.

The named officer denied the allegation.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/13/16 **DATE OF COMPLETION:** 08/28/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The incident in question could not be located.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** The incident in question could not be located.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/13/16 **DATE OF COMPLETION:** 08/28/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** This complaint raises matters outside DPA's jurisdiction. This part of the complaint has been forwarded to the Chief's Office.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/31/16 **DATE OF COMPLETION:** 08/31/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was unlawfully detained.

The named officer denied detaining the complainant stating that the contact involved a verbal interaction only.

Records from the Department of Emergency Management show that the complainant was involved in an “altercation” with a cable car driver regarding the complainant’s dog being off leash, prompting the driver to call 9-1-1.

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

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

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

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

**FINDINGS OF FACT:** The complainant believed he was discriminated against because he is a black male.

The named officer denied the allegation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/31/16 **DATE OF COMPLETION:** 08/31/17 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that the officer behaved inappropriately, threatening to cite him for having his dog off leash and to arrest him for trespassing.

The named officer did not recall making the alleged comments.

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

**SUMMARY OF ALLEGATION #4:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant stated that during the incident an attorney approached to talk with him. The complainant stated the officer pushed the woman away preventing them from continuing their conversation.

The named officer denied the allegation.

The complainant did not provide DPA with the woman's name or contact information.

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



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**DATE OF COMPLAINT:** 10/31/16 **DATE OF COMPLETION:** 08/31/17 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he asked the named officer for a Follow-Up form and/or a Certificate of Release due to the movement and length of the detention, and the officer refused.

SFPD General Order 5.03, Investigative Detentions, does not require that a Certificate of Release be issued to a person who was briefly detained.

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

**SUMMARY OF ALLEGATION #6:** The officer failed to comply with service animal policy.

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

**FINDINGS OF FACT:** The complainant stated the officer responded to the cable car regarding a dispute he was having with one of the operators. The complainant stated he had had problems with this operator in the past for riding with his service/support dog. The complainant said his dog was seated on his lap, and under his control during the entire incident. The complainant stated that during the interaction, the officer accused him of trespassing and threatened to cite him for violation of the leash law. The complainant was not cited.

The named officer did not recall threatening to cite the complainant or accusing the complainant of trespassing. The officer stated that the context of his conversation with the complainant revolved around the cable operator's desire that the complainant sit in the interior of the cable car.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/16    **DATE OF COMPLETION:** 08/28/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1:** The officer issued an inaccurate parking citation.

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

**FINDINGS OF FACT:** The complainant stated he was issued a parking citation for obstructing traffic. The complainant stated that the citation was invalid because the width of the lane is about the same or greater than the width of his bus.

The named officer stated that it was obvious that there was not sufficient space for vehicular traffic to get by as vehicles in the number two lane had to partially pull into the number one lane to get by the complainant's vehicle. The officer cited the vehicle and placed a 72-hour notice informing the driver to move the vehicle in 72 hours.

Records from the Department of Emergency Management document that there was a complaint regarding the complainant's bus obstructing traffic flow. The call was categorized as a "586" Traffic Hazard and documented that traffic was having to move around the bus to get onto the freeway. The call record also documents that the officer issued a 72-Hour Tow Notice on the complainant's bus.

SFMTA records document that the complainant attempted to protest the citation but insufficient evidence was submitted. The citation was not appealed further.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/16    **DATE OF COMPLETION:** 08/28/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #2:** The officer issued an inaccurate parking citation.

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

**FINDINGS OF FACT:** The complainant stated he was cited for a parking violation, but the location on the citation was incorrect. The complainant stated that he was on an adjacent street to the one that was listed. The complainant also stated that he should have been able to park on the left side of a one-way street.

The named officer denied the allegation.

SFMTA records documented that the complainant's protest failed. The records indicated that a field survey was conducted and it was determined that there was a clear and visible sign posting notice of the parking restriction.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for being on his cell phone while driving, which he denied.

The named officer stated that his recruit officer observed the violation, prompting them to stop the complainant.

The named officer's recruit is no longer with the Department.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The named officer is no longer with the Department.

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**DATE OF COMPLAINT:** 11/03/16    **DATE OF COMPLETION:** 08/29/17    **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that he felt threatened and intimidated during the traffic stop.

The named officer denied the allegation, stating that he and his partner were professional toward the complainant.

The named officer's recruit is no longer with the Department.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was targeted because he is African American.

The named officer denied the allegation.

The named officer's recruit is no longer with the Department.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #5:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The named officer is no longer with the Department.

**SUMMARY OF ALLEGATION #6:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The named officer is no longer with the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #7:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The named officer is no longer with the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/03/16 **DATE OF COMPLETION:** 08/16/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officers engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that officers threatened him with arrest regarding a guest at his apartment who had been asked to leave. He stated that the officers were aggressive. The complainant could not identify the officers or the date of the incident, which had occurred two years prior to his filing of his DPA complaint.

The complainant failed to provide additional requested evidence.



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**DATE OF COMPLAINT:** 10/31/16 **DATE OF COMPLETION:** 08/28/17 **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 her neighbor's garage door was open and she believed someone was stealing items, so she called the police. The complainant stated she called dispatch several times but the police did not arrive. The complainant stated the dispatcher told her that police were responding, but the garage door was closed and no one was around.

The named officers stated that the incident in question was broadcast as a "B" priority "459" (Burglary) call. According to dispatch, the suspect was last seen on 19<sup>th</sup> Street heading toward Valencia Street. Dispatch also informed the named officers that the victim went after the suspect. The named officers stated that they searched the area for the suspect before responding to the victim's address. When the named officers eventually made contact with the victim, the victim told them that he would call the police department to file a report after he took inventory of missing items.

The DPA interviewed the victim. The victim confirmed that he told the named officers he did not want to file a report at the time.

Records from the Department of Emergency Management corroborate the named officers' statements about the suspect leaving the scene and the victim going after the suspect.

The evidence established that the officers' actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he called the police for help due to a mental health crisis. The complainant stated that the named officers were mean and yelled at him. In addition, the complainant stated that one of the officers recorded the incident using his cell phone.

The named officers stated they went to the complainant's residence in order to serve a Domestic Violence Protective Order. The named officers stated that they used a digital recorder to record their interaction with the complainant to document the incident as part of their investigation.

The audio recording established that the named officers treated the complainant with courtesy and respect. One of the named officers is heard explaining to the complainant the terms of the restraining order in a calm and professional manner.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 0/07/15 **DATE OF COMPLETION:** 08/02/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1:** The officer used excessive force.

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

**FINDINGS OF FACT:** The complainant stated she was in a restaurant when an officer walked over to the restroom, pounded on the door and demanded someone open up. A man opened the door and the officer told him to put his hands over his head. The man asked why and what did he do. The officer repeated himself, grabbed the man and slammed the man against the door twice. The man had his hands in the air and yelled he was not fighting back. The officer handcuffed the man and forced him to the ground. The officer aggressively pulled the man from the ground and took him away.

The named officer stated the man matched the description of an auto burglary suspect who had run from police. He caught the man in the bathroom. When the man tried to get past the named officer, the named officer grabbed him and put him in handcuffs. The named officer never slammed the man or used any kind of reportable force during the encounter. The man never complained of pain.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/07/15 **DATE OF COMPLETION:** 08/02/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated an officer repeatedly told someone he had arrested to “shut up.”

The officer denied the allegation.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/21/16 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated that the officer asked him if he was some kind of jailhouse lawyer.

The named officer could not recall the incident in question.

Witness officers do not recall the named officer making the statement.

No witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer displayed his watch and said, "See this? You got two fucking minutes to get out of here or I'm gonna break your fucking jaw." The complainant also stated that the named officer told the complainant that he was "jobless, useless, broke, a fucking nobody."

The named officer stated the complainant approached him while he was with another person. The named officer stated that he told the complainant to wait until he was finished. He further stated that the complainant walked off shortly thereafter and he did not speak to him further.

A witness officer stated he did not recall the named officer making the statements.

No witnesses came forward.

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

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**DATE OF COMPLAINT:** 11/21/16 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the named officer displayed his watch and said, "See this? You got two fucking minutes to get out of here or I'm gonna break your fucking jaw." The complainant also stated the named officer told the complainant that he was "jobless, useless, broke, a fucking nobody."

The named officer stated the complainant approached him while he was with another person. The named officer stated that he told the complainant to wait until he was finished. He further stated that the complainant walked off shortly thereafter and he did not speak to him further.

A witness officer stated he did not recall the named officer making the statements. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officer rode his bicycle circling around complainant, followed complainant, and skid his bike sliding sideways in order to intimidate the complainant. The complainant further stated the named officer said, "You think you're really tough? I'll take my badge off and meet you here after work."

The named officer stated the complainant approached him while he was with another person. The named officer did not recall circling the complainant or sliding sideways. He stated he was patrolling his beat and the complainant was walking in the same direction as him, following him, and verbally harassing him.

A witness officer stated he saw the named officer ride briefly next to the complainant but did not observe him sliding sideways. He further stated he was too far away from the named officer and the complainant to hear what, if anything, was said.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/29/16 **DATE OF COMPLETION:** 08/18/17 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainants stated the named officers did not take a report.

The investigation established that the named officers did write a report for this incident.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to provide language access.

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

**FINDINGS OF FACT:** The complainants stated the named officers did not provide an interpreter to facilitate communication.

The SFPD video footage demonstrated the officers provided language access through Language Line and attempted to find a qualified interpreter by broadcasting a request.

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

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**SUMMARY OF ALLEGATIONS #5-6:** The officers engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that when he refused to sign a form presented by his former attorney, one of the named officers took out his handcuffs and was playing with them in a threatening manner.

SFPD video footage does not show either of the named officers playing with their handcuffs in a threatening manner.

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

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

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

**FINDINGS OF FACT:** The complainants stated that the named officers told them they could leave the premises or be arrested, but then arrested them before they had a chance to leave.

SFPD Video footage shows the complainants were informed they needed to leave the premises and would be considered trespassing if they refused to leave. The video shows that the complainant's final answer, regarding whether they would leave, was "no." The complainants' former lawyer signed a citizen's arrest form.

A preponderance of the evidence established that the officers had the authority to accept the citizen's arrest for trespassing after giving the complainants an opportunity to leave on their own.

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



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**SUMMARY OF ALLEGATIONS #9-10:** The officers cited the complainants without cause.

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

**FINDINGS OF FACT:** The complainants stated they were cited for no reason.

SFPD video footage documents that the named officers informed the complainants that they were trespassing and gave them the option to leave. Their former attorney, who was a tenant in the building, signed a citizen's arrest form. This was explained to the complainants using Language Line, but the complainants refused to leave.

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

**SUMMARY OF ALLEGATIONS #11-12:** The officers failed to explain the citation to the complainants.

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

**FINDINGS OF FACT:** The complainants stated that the named officers did not explain the citation to them.

SFPD video footage documents that the named officers used the Language Line interpreter to explain the citation. Two bystanders and the complainants' daughter also explained the citation to them.

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

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**DATE OF COMPLAINT:** 11/29/16 **DATE OF COMPLETION:** 08/18/17 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #13-14:** The officers interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainants stated the named officers did not allow a passerby to assist them with translation.

SFPD video footage documents that one of the named officers told a bystander to stand back while they attempted to use the Language Line interpreter to communicate with the complainants. The named officers later allowed the onlooker to approach and assist with translation. The bystander was never prevented from watching or listening to the incident.

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

**SUMMARY OF ALLEGATIONS #15-16:** The officers detained the complainants for a significant length of time.

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

**FINDINGS OF FACT:** The complainants stated they were handcuffed outside for an excessive amount of time.

SFPD video footage documents that the complainants were the cause of the long detention as they were refusing to sign the citation, but also did not want to go to jail. The footage documents that the named officers were patient and were attempting to give the complainants ample opportunity to sign the citation rather than be taken to jail.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/22/15 **DATE OF COMPLETION:** 08/16/17 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated he got in a brief argument with a tenant in his building. He then left the building and was walking down the sidewalk when an officer stopped and detained him. The complainant was then taken to a hospital by police and released.

The named officer stated he was responding to a call about a man threatening someone with a knife. The named officer saw the complainant, who matched the description of the suspect, and detained him. The complainant was uncooperative and not answering any questions. Multiple witness officers came to the conclusion that the complainant needed a psychological evaluation as he posed a danger to himself and others.

A witness confirmed that he called 911 and reported the complainant after the complainant had threatened to hurt the witness with a knife.

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

**SUMMARY OF ALLEGATION #2:** The officer handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that he was illegally placed in handcuffs. The complainant could not identify the officer who handcuffed him.

The DPA could not identify the officer who specifically handcuffed the complainant. Multiple officers stated that they responded to the scene because someone reported that the complainant threatened someone with a knife. When the officers came to investigate, the complainant would cooperate with the investigation, prompting the officers to place him in handcuffs.

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

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**SUMMARY OF ALLEGATION #3:** The officer searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated he was illegally searched by police.

The named officer stated that he and other officers responded to the scene because someone had reported to 911 that the complainant threatened someone with a knife. The named officer performed a search to determine if the complainant had a knife.

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

**SUMMARY OF ALLEGATIONS #4-6:** The officers engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that officers made several inappropriate comments to him and that they made him hot and uncomfortable in their patrol car.

The named officers denied making inappropriate comments or making him uncomfortable.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/22/15 **DATE OF COMPLETION:** 08/16/17 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to take a required action.

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

**FINDINGS OF FACT:** The complainant stated that he asked officers for a supervisor to come to the scene where he was being detained. None of the officers got a supervisor.

The named officers stated the complainant never asked for a supervisor and they would have summoned one if he had.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #9:** The officer failed to provide name and star number upon request.

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

**FINDINGS OF FACT:** The complainant stated that an officer refused to provide his name and star number upon request.

All officers interviewed said they did not refuse a request to identify themselves.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/22/15 **DATE OF COMPLETION:** 08/16/17 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #10-11:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant stated that officers used profanity against him.

All officers interviewed denied using any profanity or observing any other officer use profanity.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #12:** The officer used unnecessary force during the detention.

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

**FINDINGS OF FACT:** The complainant stated an officer pulled him out of a police car and immediately turned him around and grabbed both his hands by the middle and ring fingers pulling up on the fingers to cause extreme pain to the joints.

The named officer stated that he held the complainant's hands as he escorted him into a medical facility. The named officer stated that he did not use any force on the complainant and that the complainant did not complain of pain. The named officer stated any swelling on the complainant's hands could have occurred from moving around in handcuffs.

A witness officer stated she did not observe any force used or the complainant complaining of pain.

Medical records showed that the complainant had swelling in the hand area but was not conclusive as to how the swelling occurred.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/05/16    **DATE OF COMPLETION:** 08/11/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was drinking wine inside a restaurant with two companions when the owner of the restaurant called for police assistance. The complainant stated he did nothing wrong and did not know why the owner called for help. The complainant, however, acknowledged that he was loud and intoxicated.

One of the named officers stated that when he and his partner arrived at the scene, a female employee told them that the complainant was intoxicated and refused to leave the restaurant. The officer stated the female employee asked that the complainant be escorted off the property. The officer stated he and his partner entered the restaurant and detained the complainant for creating a disturbance and for being intoxicated. The named officer stated the complainant was aggressive to other patrons inside the restaurant.

The named officer's partner gave a similar statement about the detention. The officer added that the complainant was yelling at another person and had a strong odor of alcohol emitting from his breath.

Department records show that calls for police assistance were made from the restaurant. The named officers were the first to arrive on scene. They detained the complainant and removed him from the restaurant. Surveillance video showed the complainant acting aggressively, pointing, waving his arms, knocking over a chair, and generally causing a scene. The video showed the named officers arriving, each grabbing one of the complainant's arms behind his back, and walking him out of the restaurant, as he appeared to struggle.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/05/16    **DATE OF COMPLETION:** 08/11/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3 - 6:** The officers used excessive force.

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

**FINDINGS OF FACT:** The complainant alleged that the named officers dragged him outside banging his body against the entrance door and rough-surfaced wall of the restaurant. The complainant stated he was injured and his hands bled. The complainant stated one of the named officers took him down and pressed his legs to the ground when he struggled and moved.

One of the named officers stated that he neither dragged the complainant outside nor banged his body against any door or wall. The officer stated he performed a rear wristlock control hold on the complainant and escorted him out of the restaurant. Once outside, the officer stated that he and his partner placed their arms underneath the complainant's armpits, performed a leg sweep on the complainant's legs while supporting his body weight and guided him down to the ground into a seated position.

Another named officer stated that no one dragged the complainant and banged his body against any door or wall.

One of the named officers stated that he did not use force on the complainant.

Another named officer stated that the complainant kicked him three times on the knee, so he crossed and knelt over the complainant's legs.

The complainant's medical records show he was combative and belligerent, and that he had to be restrained and sedated by paramedics at the scene. The complainant was diagnosed with acute alcohol intoxication and superficial skin tears to his hands. In his interview with Internal Affairs investigators, the complainant stated he was not sure how his hands were injured and thought that it was from scraping them on the sidewalk. Surveillance video also showed that the complainant was struggling with officers when they arrived and escorted him outside. The video showed two of the named officers arriving and each grabbing one of the complainant's arms behind his back in order to walk him outside of the restaurant.

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



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**DATE OF COMPLAINT:** 11/05/16    **DATE OF COMPLETION:** 08/11/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #7:** The officer failed to properly process the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated that he asked about his belongings at the hospital, and a nurse pointed to his wallet on a table. The complainant alleged that he was missing \$60 from his wallet.

The named officers denied taking money or property from the complainant.

In his interview with Internal Affairs investigators, the complainant stated that he did not think the officers took his money. He told the investigators that his wallet was placed out in the open, and anybody could have taken it.

The identity of the alleged officer could not be established.

A preponderance of the evidence proved that the act alleged in the complaint did not occur, or that a member of the SFPD was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/09/16 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer failed to identify himself.

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

**FINDINGS OF FACT:** The complainant stated he was detained and that the unknown officer failed to identify himself.

The identity of the alleged officer could not be established.

**SUMMARY OF ALLEGATION #2:** The officer used force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated he was detained and that the unknown officer failed to identify himself.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated he was detained and that the unknown officer failed to identify himself.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/15/16    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was stopped and cited for driving without his vehicle's lights on. The complainant stated that the officer was sarcastic, aggressive and intimidating.

The Body Worn Camera recordings showed that the named officer was patient with the complainant and treated the complainant with professionalism. The recordings failed to support the complainant's allegation against the named officer.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in bias policing.

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

**FINDINGS OF FACT:** The complainant stated that the named officer engaged in biased policing.

Department records showed that the complainant was cited for driving without his vehicle's lights on. The Body Worn Camera recording showed that the complainant admitted forgetting to turn on his lights.

The evidence established that the officer had reasonable suspicion to stop the complainant and that the citation was lawfully issued.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/15/16    **DATE OF COMPLETION:** 08/22/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** Department records showed that the complainant was cited for driving without his vehicle's lights on.

The Body Worn Camera recording showed that the complainant admitted forgetting to turn on his lights.

The evidence established that the officer had reasonable suspicion to stop the complainant and that the citation was lawfully issued.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/19/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was arrested for violation of California Penal Code §273.5, Willful Infliction of Corporal Injury.

San Francisco Police Department (SFPD) records indicate that the named officer conducted a thorough domestic violence investigation. He interviewed both involved parties and a possible witness, observed injuries on the parties and looked for surveillance cameras in the vicinity.

SFPD Body Worn Camera recording indicates that the complainant's boyfriend stated that the complainant hit him with a shelf and the boyfriend had injuries to his forearm. The complainant and the boyfriend lived together.

California Penal Code §836 provides a peace officer the authority to arrest a person without a warrant if the officer has probable cause to believe that the person to be arrested has committed a felony, although not in the officer's presence.

CA Penal Code §273.5 states, in part, "Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim...is guilty of a felony."

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/19/16    **DATE OF COMPLETION:** 08/23/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was not provided the Miranda warning.

The named officer stated that after the complainant was placed under arrest, the complainant informed the officer that he no longer wanted to speak to him. The named officer took this to mean that the complainant invoked his rights.

SFPD records indicate that the named officer questioned the complainant regarding the incident during his investigation. Records further indicate that the named officer attempted to speak with the complainant regarding past incidents of domestic violence but the complainant refused to speak with him. The named officer stopped questioning the complainant when the complainant refused to speak with him.

The evidence established that the named officer properly stopped questioning the complainant when the named officer took the complainant's refusal to speak with him as invoking his rights.

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

**SUMMARY OF ALLEGATION #3:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that he was assaulted by officers in a "demeaning and sexual manner". The complainant did not participate in this investigation or provide further details of the allegation.

The identity of the alleged officer has not been established.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/27/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 1 of 6

**SUMMARY OF ALLEGATIONS #1:** The officer failed to state a reason for the detention and/or arrest.

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

**FINDINGS OF FACT:** The complainant stated the named officer cited him for parking in a bus zone immediately after he dropped off some passengers. The complainant stated he saw there was a bus zone, but he could not tell how far the zone extended. The complainant stated he moved forward as far as he could to drop off his passengers, and that was where the named officer walked up to his vehicle and gave him a citation. The complainant stated he asked the named officer why he was citing him, but the named officer did not directly respond to his question. The complainant stated the named officer also would not respond to his question about other vehicles blocking the bus zone that were not being cited. The complainant stated the named officer explained to him why the bus zone needed to remain clear, particularly when the curb is needed for a wheelchair lift or to lower the bus for disabled passengers.

The named officer stated he explained to the complainant that he was going to give him a parking ticket for stopping in a bus zone. The named officer stated that he told complainant he would cite other violators when he finished with him.

No witnesses were identified.

SFPD General Order 9.01 II. A. states, "When issuing a citation, answer reasonable questions and inform the person of the nature of the violation and the proper means of disposing of the citation."

The complainant asked about other violators and indicated that he was aware that there was a bus zone where he had pulled over to drop off his passengers. The complainant acknowledged that the named officer explained why buses needed to have access to the curb. It is more likely than not that the named officer did tell the complainant why he was being stopped.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/27/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 2 of 6

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

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

**FINDINGS OF FACT:** The complainant stated the named officer cited him while he was parked on the west side of the street. The complainant stated the named officer wrote an address on the citation that does not exist.

The named officer stated that he believed the address he wrote on the citation was for a nearby pizza restaurant.

The evidence established that the officer listed an address that was located on the east side of the street.

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

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



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**DATE OF COMPLAINT:** 12/27/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 3 of 6

**SUMMARY OF ALLEGATION #3:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the named officer explained to him why the bus zone needed to remain clear, particularly when the curb is needed for a wheelchair lift or to lower the bus for disabled passengers. The complainant also stated that he saw a police car in the bus stop across the street, which he believed to be the named officer's car. The named officer stated he parked his police car across the street in front of a cookie shop, but he did not recall if he was in a bus zone. Photographs taken by the complainant show long bus zones on both sides of the street. The roadway in front of the cookie shop is roughly in the middle of the bus zone.

No witnesses were identified.

SFPD General Order 2.01 § 9 states:

MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

CA Vehicle Code § 21055 states, "The driver of an authorized emergency vehicle is exempt from ... Chapter 9 (commencing with Section 22500) ... under all of the following conditions"

- (a) If the vehicle is being driven in response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm, except that fire department vehicles are exempt whether directly responding to an emergency call or operated from one place to another as rendered desirable or necessary by reason of an emergency call and operated to the scene of the emergency or operated from one fire station to another or to some other location by reason of the emergency call.
- (b) If the driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

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**DATE OF COMPLAINT:** 12/27/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #3 continued:**

SFPD Bulletin 15-201, Parking City-Owned Vehicles and Procedures to Request Dismissal of Parking Citations states, "Requests for dismissal of citations for parking in blue zones or bus zones will rarely be granted."

SFPD Bulletin 15-201 reflects that parking an emergency vehicle in a bus zone is more egregious than other types of parking violations to the Department. If the named officer was parked in front of the cookie shop, then he was parked in a bus zone. Parking in the bus zone, while citing others for the same violation, reflected discredit upon the Department. The named officer's vehicle would have been causing the same problems on the east side of the street as he was admonishing the complainant about on the west side of the street.

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

**SUMMARY OF ALLEGATION #4:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant stated that, on the night in question, he was driving for Uber. The complainant stated there were several other vehicles parked in or blocking the bus zone, such as a delivery truck. The complainant stated that he believed the named officer singled him out, and noted that the named officer bragged about how many Uber drivers he had cited.

The named officer said he saw a lot of people stopping in the bus zone, and he thought they were probably Uber and Lyft drivers, so he stopped to find out why so many people were stopping in the bus zone. The named officer said he cited a number of people at the same time he cited the complainant. The named officer stated that he did not know if the complainant was driving for a rideshare company, but said he recalled there was a Transportation Charter Permit number on his suburban. The named officer stated that he recalled the complainant saying something about being singled out, and he may have responded that he was citing a lot of people regarding the same violation. The named officer said he explained to the complainant that he would go to other vehicles parked illegally after he completed issuing a citation to him. The named officer said he did not remember seeing a delivery truck in the vicinity.

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**DATE OF COMPLAINT:** 12/27/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 5 of 6

**SUMMARY OF ALLEGATION #4 continued:**

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

The complainant believed that the named officer was targeting Uber/Lyft drivers, and cited him despite other vehicles in or blocking the bus zone. As the named officer was alone, facing multiple violators, he would have had to deal with one vehicle at a time, potentially allowing others to leave. The complainant and the officer both mentioned people being dropped off, and it is likely that the majority were using rideshare services to attend a popular event in a neighborhood with very limited parking. The complainant mentioned a delivery truck that was ahead of him in the bus zone, but admitted that he could not tell how far forward the bus zone extended. It is more likely than not that the named officer was not unfairly or unjustly targeting rideshare drivers, and was simply trying to cite as many drivers as he could who were parking in the bus zone.

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

**SUMMARY OF ALLEGATION #5:** The officer issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated that he was attempting to safely drop off his passengers. He stated that he saw there was a bus zone, but he could not tell how far the zone extended. The complainant said there were no signs indicating the bus zone, and the red paint could not be easily seen at night. The complainant stated he moved forward as far as he could to drop off his passengers, and that was where the named officer walked up to his vehicle and gave him a citation.

The evidence established that the complainant was lawfully cited for parking in a bus zone.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/27/16 **DATE OF COMPLETION:** 08/29/17 **PAGE#** 6 of 6

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to take required action (eStop entry).

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

**FINDINGS OF FACT:** SFPD Bulletin 16-208, eStop – Contact Data Collection Program, states, “The new eStop program will expand the criteria to include *all* stops ... [emphasis in the original]” The bulletin defines four categories of “stops,” including, “Any detention of a person.”

The named officer stated he did not stop the complainant for a moving violation and the complainant was free to leave at any time. The named officer stated eStop entries are not required for parking tickets, because the person is not detained. The named officer said that after determining that the complainant was not having a medical or mechanical emergency, he told him he was going to issue him a citation for stopping in a bus zone, he wrote it out, and issued it to him. The named officer stated he issued a dozen citations for the identical violation at that bus zone over the course of about half an hour. The named officer said he did make eStop entries for other stops he made on that day, but they would have probably been for moving violations. The named officer stated he would make those entries when he returned to the station at the end of his shift.

EStop records for the named officer, provided by the SFPD Legal Department, show he entered seven stops into the eStop system on the date of the complainant’s stop. None of the stops matched the stop of the complainant.

The requirement that an eStop entry be made for the stop of the complainant depends upon whether the complainant was detained by the named officer. In this case, the named officer made a show of authority: he was in full uniform and told the complainant he was going to write him a citation for parking in a bus zone. An objectively reasonable person under these circumstances would feel compelled to stay until the officer finished writing the citation. The complainant here did not feel he could leave, since he stated the named officer told him to stop his vehicle and asked him a question. The named officer did not confirm he told the complainant to stop his vehicle, but admitted to asking the complainant if he was having a medical or mechanical emergency, and finding he had none, telling the complainant he was going to write him a ticket.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/23/16 **DATE OF COMPLETION:** 08/18/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was at a restaurant when he observed a woman harassing another woman in a wheelchair. The complainant stated that when he told the woman to stop, she punched him in the head, prompting him to call 9-1-1. While the complainant was being handcuffed, the complainant stated that an officer put him in a half nelson, injuring his shoulder.

The named officer stated he responded to a call for service involving two people in an altercation at a local restaurant. When the named officer arrived on the scene, he stated that the complainant was not responding to any commands, prompting him to place him in handcuffs while they conducted their investigation. The named officer stated that the complainant was later released and issued a Certificate of Release. The named officer stated that when he was looking for the keyhole for the handcuffs, he heard the complainant say, "Oww!" When the named officer heard this, he stopped lifting the complainant's arm to prevent any more pain.

A witness officer's body worn camera footage shows the named officer placing the complainant in handcuffs. The complainant does not show any signs of discomfort while being handcuffed. The named officer is later shown releasing the handcuffs on the complainant. As the named officer is attempting to locate the keyhole, the complainant yells, "Oww!" The named officer can then be seen lowering the complainant's arm to prevent any more discomfort.

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

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

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

**FINDINGS OF FACT:** The named officer has resigned from the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 12/23/16    **DATE OF COMPLETION:** 08/18/17    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that when he told the named officer that officers refused to take statements from witnesses, the named officer said, "Oh well."

The named officer denied the allegation.

No independent witnesses were identified.

**SUMMARY OF ALLEGATION #4:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was at a restaurant when he observed a woman harassing another woman in a wheelchair. The complainant stated that when he told the woman to stop, she punched him in the head, prompting him to call 9-1-1. The complainant stated that when police responded to the scene, he was detained and placed in handcuffs.

The named officer stated that he was the second officer on the scene. The named officer stated that he told another named officer to place the complainant in handcuffs because the complainant attempted to leave the scene prior to them completing their investigation.

Records from the Department of Emergency Management (DEM) show that DEM received a 9-1-1 call regarding a fight.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity. The evidence proved that the act, which provided the basis for the allegation occurred.

However, the act was justified, lawful, and proper.

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**SUMMARY OF ALLEGATION #5:** The officer handcuffed the complainant without justification

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

**FINDINGS OF FACT:** The complainant stated he was at a restaurant when he observed a woman harassing another woman in a wheelchair. The complainant stated that when he told the woman to stop, she punched him in the head, prompting him to call 9-1-1. The complainant stated that when police responded to the scene, he was detained and placed in handcuffs.

The named officer stated that he was the second officer on the scene. The named officer stated that he told another named officer to place the complainant in handcuffs because the complainant attempted to leave the scene prior to them completing their investigation. In addition, the complainant was uncooperative.

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

**SUMMARY OF ALLEGATION #6:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer attempted to intimidate and provoke him.

The named officer denied the allegation.

A body worn camera recording failed to support the complainant's allegation against the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/31/16 **DATE OF COMPLETION:** 08/31/17 **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/07/15 **DATE OF COMPLETION:** 08/31/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers towed a vehicle without justification.

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

**FINDINGS OF FACT:** The complainant stated she was sitting in her parked vehicle when she was broadsided by a hit-and-run driver. The complainant stated she told the officers that she was going to have her car towed to a specific mechanic shop, but the officers proceeded to tow her vehicle.

One of the named officer stated that the vehicle was towed pursuant to the complainant's request.

The other named officer could not recall the incident in question.

No witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the officers were rude.

The named officers denied the allegation.

No witnesses came forward.

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