

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/23/18    **DATE OF COMPLETION:** 08/16/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he went to a night club, but then blacked out and woke up in his apartment the next day. He said that when he awoke his unit was in disarray, the door was open, and he received messages from his credit card company that there were multiple charges on his credit card. The complainant stated he called police and an officer responded and prepared a written report. The complainant said the case was assigned to the named officer for further investigation. The complainant stated the named officer did not address issues he raised with him over email. He also said he made a copy of the surveillance footage from his building and provided it to the named officer, but he was concerned because no one had spoken to his building manager. The complainant stated he later discovered additional charges were put on another credit card and these charges were not noted in the incident report.

The named officer stated he followed all investigative guidelines, spoke to the complainant in person and responded to his emails after reviewing available data from the case. The named officer stated he went over the case with multiple officers including the initial report taker. The named officer stated the complainant did not report the additional credit card charges until after the initial report was written and signed, thus there is no way the charges could have been noted in the initial report prepared by the reporting officer. The named officer stated that no arrests have been made and the investigation status remains “open”.

The building manager stated he told an officer the computer mouse for the building surveillance camera was inoperable and that the officer would need to bring his own mouse in order to view the surveillance footage. He then stated he was not sure whether he spoke to police about this incident or a different one.

The chronological report of investigation documented that the named officer reviewed the initial evidence gathered and interviewed the complainant. The report showed the named officer reviewed a video taken from a building surveillance camera, and requested help to improve the quality and make it usable. The report documented that the named officer reviewed over 10 hours of surveillance video. The report documented that the named officer found the video was not viable for suspect identification. The report showed that the named officer also followed up on an ID card found in complainant’s apartment and belonging to an unknown individual.

A preponderance of the evidence established that the named officer’s actions were proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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**DATE OF COMPLAINT:** 02/02/8      **DATE OF COMPLETION:** 08/15/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was involved in a vehicle collision and the named officers responded. He said that the other party ran a red light and collided with his car, but the named officers failed to investigate the collision and failed to cite the other party. The complainant said he was injured, but acknowledged that he did not complain of an injury at the time.

The named officers stated they responded to the accident, but no one was injured. They said that Department policy does not require them to investigate a vehicle accident without injuries. The named officers also stated that they did not witness the accident and could not cite an individual for running a red light under these circumstances. The named officers stated they explained the policy and process to the complainant at the time.

Records from the Department of Emergency Management document that both parties reported there were no injuries and other callers also said they saw no one with injuries.

SFPD General Order 9.02, Vehicle Accidents, states, "Members need not investigate or report noninjury (property damage) vehicle accidents ... When arriving at the scene of a noninjury vehicle accident, advise the citizens that it is the policy of this Department not to investigate vehicle accidents involving only property damage."

The named officers were not required to investigate this accident. 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 prepare an incident report.

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

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

The named officers stated the complainant did not ask them for a report and Department policy does not require one for a non-injury vehicle accident. 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:** 01/31/18    **DATE OF COMPLETION:** 08/23/18    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant provided a video of an officer striking a man multiple times with a baton, alleging that the officer used excessive force.

The named officer stated that he was working in overtime capacity at a grocery store. He stated that he attempted to detain a shoplifting suspect to retrieve the stolen items. He stated he was in full uniform, but did not have a partner or backup when he stopped the suspect. The officer stated that the suspect was aggressive and agitated from the outset. He stated that the suspect refused to sit on the ground and hand over the stolen items, as commanded. The named officer stated he attempted to take down the suspect, but his effort was thwarted by the suspect using his arms to break the officer's grip. The named officer stated that the suspect confronted him with clenched fists while moving back and forth on the balls of his feet. The officer stated that the suspect became louder and more agitated and said, "come on, let's go. Let's fight." The officer stated that he considered deploying OC spray, but he and the suspect were in a closed area and other citizens were nearby. The named officer stated that he administered the initial baton strikes to subdue the suspect, arrest him for shoplifting and resisting arrest, and in self-defense. The named officer stated that the initial strikes did not subdue the suspect, and the suspect tried to punch him in the head. He stated he administered a second round of strikes to subdue the suspect and arrest him for felony resisting arrest, but the suspect continued to resist, tried to punch the officer a second time, and fled. The named officer stated that he administered a third round of baton strikes. The officer stated that the suspect was subdued and taken into custody thereafter. No additional force was used after the complainant was on the ground.

San Francisco Police Department (SFPD) records indicated that the subject was arrested for Penal Code §§69, 148, and 459.5.

SFPD Body Worn Camera video showed the subject acting aggressively and trying to flee from the named officer while the officer administered baton strikes to non-vital areas of the subject's body.

Department of Emergency Management (DEM) records indicated that the named officer called for backup due to someone resisting arrest.

The manager of the grocery store stated that he directed the named officer to deal with a known shoplifter. The manager stated that the shoplifter has a history of aggression. The manager also stated that, while the named officer was dealing with the shoplifter outside, a customer walked in the store and told him that an individual tried to attack the policeman.

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

Surveillance video showed the officer trying to detain the subject. The video showed the subject aggressively confront the officer several times. The video further showed the subject attempting to punch the officer. The video showed the named officer administer baton strikes to non-vital areas of the subject's body. The video showed the subject flee from the named officer.

Bystander cell phone video showed the suspect refusing to get on the ground, prompting the named officer to use his baton. The video further showed that the named officer did not use additional force after the suspect complied with his request to get on the ground.

SFPD Department General Order (DGO) 5.01 (VI)(D)(1) states, in pertinent part:

An impact weapon may be used in accordance to Department training to administer strikes to non-vital areas of the body, which can subdue an assaultive subject who is actively resisting and poses a threat to the safety of officers or others.

The named officer used the type and amount of force necessary to subdue the suspect who was actively resisting and refusing to comply with the officer's commands. The named officer administered strikes to non-vital areas of the body and ceased the use of force when the subject was subdued and able to be taken into custody.

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

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

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**DATE OF COMPLAINT:** 02/07/18    **DATE OF COMPLETION:** 08/24/18    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was involved in a verbal argument inside a grocery store, where he was threatened, prompting his wife to call 911. The complainant stated that he and his wife then walked over to a nearby police station and spoke with the named officer. The complainant stated that the named officer failed to properly investigate the incident, interviewing the wrong witnesses.

The named officer denied the allegation, stating that the complainant and the alleged suspect were interviewed. In addition, witnesses were also interviewed.

The named officer's Body Worn Camera (BWC) supported the named officer's statement.

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 made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer was argumentative and tried to intimidate him.

The named officer denied the allegation, stating he was professional, but firm with the complainant.

The named officer's Body Worn Camera (BWC) supported the named officer's statement.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer failed to arrest the suspect.

Department General Order 5.04, Arrests by Private Persons, section II. 4 states:

Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, the individual is free to leave.

The named officer stated that based on his investigation, no crime was committed.

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

**SUMMARY OF ALLEGATION #4:** The officer failed to comply with DGO 5.04, Arrests by Private Persons.

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

**FINDINGS OF FACT:** DGO 5.04, Arrests by Private Persons, section II.8. states, "DPA established that the complainant requested a private person's arrest and the named officer failed to prepare an incident report.

The named officer's body worn camera (BWC) captured the complainant asking the named officer to arrest the suspect. In addition, the BWC captured the complainant insisting that a police report be prepared.

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

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

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

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

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

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**DATE OF COMPLAINT:** 12/15/17

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**SUMMARY OF ALLEGATION #1:** The officer searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer violated his 4th Amendment right to be free from unreasonable searches by opening his vehicle door without his consent.

The named officer stated he opened the passenger car door for officer safety. He was concerned for his safety because he could not hear his partner and the complainant appeared to be agitated and waving his hands. The named officer stated that after he opened the door he kept his eyes on the driver and conducted a visual search of the complainant without conducting a physical search. The named officer believed he had legal justification to open the car door. The named officer further stated he neither asked the complainant for consent to open the door and search the vehicle nor did the complainant give him consent.

The named officer's partner stated when he approached the complainant's vehicle to give him a citation the complainant was angry, but he described the stop as "typical and not crazy." The named officer's partner noted the complainant was verbally defensive about getting the citation. The named officer's partner stated if he had felt unsafe he would have asked the complainant to get out of the vehicle or backed away.

Body-worn camera footage showed the complainant facing towards the driver side window, speaking to the named officer's partner. The complainant's hands were chest level and visible. The named officer opened the front passenger door and stated, "Ha, ha, ha, what's going on?" The complainant told the named officer that he did not give him permission to open the door and the named officer told the complainant "it's fine." The officer closed the door once the complainant signed the ticket.

An SFPD Academy Traffic Stop Instructor stated officers are trained to utilize officer safety techniques to prevent ambushes during vehicle stops. However, officers must articulate probable cause or reasonable suspicion based on the circumstances of each stop to justify opening a car door.

The Fourth Amendment of the United States Constitution guarantees the due process of the law states, in relevant part, "the right of people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ." This applies to vehicles.

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



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

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

**FINDINGS OF FACT:** The complainant stated the named officer made the inappropriate comment “so what” when he told the named officer he did not have permission to open his car door.

Body-worn camera video showed the named officer opened the complainant’s door and stated, “Ha, ha ha, what’s going on?” The complainant asked the named officer if he gave him permission to open the door and then told the named officer to shut the door. The named officer told him “it’s fine” and kept the door open.

The named officer believed his comments were in line with General Rules of Conduct because he was unsure about the complainant’s actions at the time. The named officer stated he was focused on officer safety and the comment he made was in the heat of the moment. He further stated he was not trying to have an open dialogue with the complainant or be discourteous. He wanted the complainant to sign the citation, so they could leave.

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

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

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**SUMMARY OF ALLEGATION #3:** The officer issued a citation without cause.

**CATEGORY OF CONDUCT:**

UA

**FINDING:**

NS

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated he accidentally turned the wrong way down a one-way street and quickly made a three-point turn to correct his direction and get out of the intersection. He stated that he was cited for a red-light violation. The complainant denied running a red light.

The named officer stated he and his partner were traveling on the Embarcadero going westbound when they observed the complainant's car make a three-point turn. The complainant briefly stopped at a red light and proceeded through the red light. The named officer believed the traffic infraction occurred at Embarcadero and Powell Street.

The named officer's partner stated he witnessed the complainant going towards Fisherman's Warf area by Embarcadero, where he made a three-point turn or a U-turn. The complainant ran a red light and was subsequently stopped. He could not recall the exact location of the traffic stop but stated it was on Embarcadero.

Records show the citation indicates the traffic violation occurred at Westbound Embarcadero at Mason St for a red-light violation. According to city maps, The Embarcadero and Mason Street do not intersect.

No witnesses were identified.

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

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**SUMMARY OF DPA ADDED ALLEGATION #1:** The officer wrote an inaccurate citation.

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

**FINDINGS OF FACT:** The named officer wrote an inaccurate citation.

The named officer admitted that the location of the stop indicated on the citation was incorrect. The named officer wrote the violation occurred westbound Embarcadero at Mason Street, but the correct location of the violation was at Powell and Embarcadero. The named officer stated he did not know the area very well and his partner provided him with the intersections for the citation.

The named officer's partner stated he could not recall the actual location of the infraction. However, the named officer's partners stated Embarcadero and Mason street do not intersect.

Body-worn Camera video showed the named officer asking his partner where the offense took place. His partner stated it was at Westbound Embarcadero at Mason Street.

Records show the citation was issued at Westbound Embarcadero at Mason Street for a red-light violation. According to city maps, The Embarcadero on Mason street does not intersect.

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

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**DATE OF COMPLAINT:** 02/06/18 **DATE OF COMPLETION:** 08/20/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was walking his dog in the park when he was assaulted by Park Rangers. The complainant stated that the named officer told him to shut up, accusing the complainant of having a bipolar disorder.

Department records showed that the complainant was arrested for assaulting a Park Ranger. Records also showed that the named officer was not involved and was not working at the time of the incident.

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**DATE OF COMPLAINT:** 02/19/18    **DATE OF COMPLETION:** 08/13/18    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated two male officers responded to a party regarding a noise complaint. The complainant stated the officers spoke to them in an inappropriate manner with cigarettes dangling out of their mouths, and offered to smoke with the guests.

The named officers stated they responded to several calls of a noise complaint at the party the complainant was attending. A named officer stated he does not smoke; another named officer stated that he had smoked a cigarette away from the guests; however, it was not dangling from his mouth and that he did not offer to smoke with the guests. Both officers denied making any of the comments attributed to them.

A witness that attended the party stated that the named officers had been smoking and spoke to the party guests in an unprofessional manner.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers used profanity.

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

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

The named officers denied using any profanity with the complainant and any of the party guests.

A witness that attended the party stated that the named officers used profanity with the guests.

No independent 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 drove improperly.

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

**FINDINGS OF FACT:** The complainant stated the named officers became upset and defensive when she confronted them about their immature behavior towards the party guests, slammed their patrol car doors, and drove away at a high rate of speed down a residential street without stopping at the stop sign.

The named officers stated they did not recall which officer was driving the patrol car; however, they denied slamming the car doors and speeding out of the neighborhood.

A witness that attended the party stated that the named officers drove at a high rate of speed out of the neighborhood.

No independent witnesses were identified.

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

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**DATE OF COMPLAINT:** 03/06/18    **DATE OF COMPLETION:** 08/27/18    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer made a racially derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated he was standing at a bus stop in the Presidio when an SFPD car pulled up. The complainant stated there was one officer in the car who was staring at him with the window rolled down. The complainant asked the officer if there was a problem, and the officer replied with a racially derogatory comment. The complainant provided a description of the officer and the last two digits on the patrol car.

Station rosters, unit history and fleet management records were cross-checked, and one potential car was located. The complainant viewed a photographic line-up of the officers assigned to that car during the time that the incident took place, with negative results. The officers assigned to that car were questioned by DPA. They stated that they were neither in the area nor riding as solo units on the date of the incident.

No cameras were located in the area of the incident.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated he was standing at a bus stop in the Presidio when an SFPD patrol car pulled up and the officer made a racially derogatory comment towards him. The police car drove off but returned a few minutes later, and the complainant saw the officer staring at him. The complainant asked if there was a problem and the officer replied, "No, but there can be."

The identity of the alleged officer could not be established.

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**SUMMARY OF ALLEGATIONS #1 - 3:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the neighbor who lives below her was snoring loudly, and she responded by slamming a door in her apartment and yelling to try to wake him and his family up. She stated that her neighbors called the police and the named officers knocked on her door and rang her doorbell excessively from 4:45 A.M. to 5:15 a.m., which she believed was unprofessional and excessive. The complainant stated that she was told in the past that she did not have to open her door for officers so early in the morning for a mere noise complaint.

The named officers stated they did ring and knock on the complainant's door several times; however, not continuously.

The Incident Report documents that the named officers responded to a reported violation of a restraining order. It states that the complainant's neighbor has a restraining order against her prohibiting banging on the floor intentionally, yelling insults, and other conduct. The report documents that the named officers rang the complainant's doorbell and knocked on her door "multiple times with negative results."

Records from the Department of Emergency Management show that the complainant's neighbor called dispatch at 4:23 a.m. about threats and harassment. The call history documents that the dispatcher could hear the complainant shouting in the background.

The Body Worn Camera footage shows the named officers speaking with the neighbors, one of whom is near tears, but does not capture them ringing the complainant's doorbell or knocking on her door.

A preponderance of the evidence established that the named officers' actions were proper, ringing the complainant's doorbell and knocking on her door, and documenting their actions in an incident report.

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



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

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

**FINDINGS OF FACT:** The complainant stated that the named officer responded to a call in which a dispatcher alerted officers that he owned a Berreta handgun; however, he no longer possessed that weapon and it should no longer have been registered to him. The complainant stated that, during the incident, the named officer did not inform him that there was a gun incorrectly registered in his name nor did he provide any guidance on how to correct the information.

The named officer denied discussing any details of gun ownership with the complainant at the time of the incident. The named officer stated that he learned of the possible weapon through the call from dispatch, and then he and his partner followed up by performing a firearms records check while responding to the call. The named officer did not recall the details discovered from the records check, but he stated that divulging CLETS information is generally prohibited.

A witness officer stated that they did not recall any officer discussing gun ownership with the complainant.

The dispatch records from the Department of Emergency Management show that the fact that the complainant possessed a Berreta handgun came from the reporting party.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he contacted the named officer requesting specific information about a gun that may have been registered in his name. The complainant said the named officer was unresponsive.

The named officer denied the allegation. She stated that she responded to the complainant, but let him know that she would need to check with the appropriate city agency before providing any information to him. The named officer said she had since provided the requested information to the complainant.

Email evidence shows that the named officer provided the complainant with information she was allowed to share with the complainant.

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

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

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

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers searched his luggage without consent. The complainant acknowledged he was in crisis, that he was bipolar, and that he said the “magic words” to officers.

The named officers stated that they conducted a protective search of the complainant and the complainant’s property for the safety of the medical unit that was transporting the complainant to the hospital. The named officers stated that the complainant was placed on an involuntary psychiatric evaluation hold because he was a danger to himself and others.

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 seized property without justification.

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

**FINDINGS OF FACT:** The complainant stated that the named officers seized his syringes that were filled with cannabis oil.

The named officers denied the allegation, stating they did not find cannabis oil in the complainant’s luggage and they did not seize any of the complainant’s property.

Video evidence corroborates the named officers’ statements.

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

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**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to properly process property.

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

**FINDINGS OF FACT:** The complainant was arrested for auto burglary. At the time of the arrest, a diamond-encrusted rose gold chain-style necklace was hanging from the rearview mirror of the stolen vehicle. An officer assured the complainant that he would keep the necklace safe in a bag with the complainant's other property. The complainant stated that the necklace was never returned to him.

Records from multiple sources proved that the complainant's necklace was returned to him. The complainant was photographed wearing the necklace in two separate booking photos taken months after the auto burglary arrest. In a separate administrative interview, the complainant confirmed that he was wearing the purportedly missing necklace in both booking photos.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/16/18

**DATE OF COMPLETION:** 08/15/18

**PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he witnessed the named officers chewing and spitting sunflower seed shells onto the street and sidewalk while on the scene of an incident.

Department records show that the issues raised by the complainant have been addressed by the captain where the named officers were assigned. In addition, the Department agreed to issue a Department Bulletin addressing the issues raised by the complainant.

This complaint has been partially referred to the San Francisco Police Department.

**SUMMARY OF ALLEGATION #3** The officer interfered with the rights of an onlooker.

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

**FINDINGS OF FACT:** The complainant stated that he took his phone out to take photos of the named officer. The complainant stated that the named officer walked towards him and raised his own phone as if he was taking photos or video of him and stated something like, "I'm gonna film you," or, "I'll record you." The complainant stated that he was intimidated by this, so he crossed the street.

The named officer stated that the complainant approached him and was screaming something erratic. The named officer stated that he told the complainant to "stop for a second" and to "calm down," and that his intent was to maintain the boundary between himself and the complainant. The named officer stated that he did not take any photos or videos of the complainant with his cell phone. He stated that he did not say or do anything to impede the complainant from photographing or videotaping at the scene. The named officer stated he did not tell the complainant to stop taking photos or videos, did not tell the complainant to go away, did not tell the complainant he could not take photos or videos and did not intend to intimidate the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/16/18

**DATE OF COMPLETION:** 08/15/18

**PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer never emailed him a copy of the complaint and did not include the names of the officers as she promised. The complainant stated that the named officer sent him a copy of the complaint by mail.

The named officer stated that when she received the complainant's complaint over the phone, she told him she would mail him a copy of the complaint, which she did. She stated that she never told the complainant that she would email the complaint. The named officer stated that she told the complainant she would include in his complaint the names of the officers who were driving the vehicles he said were involved only if she had time to look at the vehicle log, which she did not. The named officer stated that per Department General Order 2.04, she was not required to provide a copy of the complaint to the complainant and was not required to include the officers' names on a complaint if she did not have the names. She stated that she was only required to read the statement back to the complainant for accuracy and notify the complainant that the complaint would be sent to the DPA for investigation.

There were no witnesses identified who heard the conversation between the named officer and the complainant.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he saw officers chewing and spitting sunflower seed shells onto the ground at the scene of an incident.

Department records show that the issues raised by the complainant have been addressed by the captain where the officers were assigned. In addition, the Department agreed to issue a Department Bulletin addressing the issues raised by the complainant.

This complaint has been partially referred to the San Francisco Police Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/02/18    **DATE OF COMPLETION:** 08/02/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that she was at a bakery and ordered a pastry. She claimed that when she received the pastry, she could see hepatitis “smoking” on it. The complainant stated that police officers subsequently arrived and told her she had to leave the bakery.

The named officers denied telling the woman to leave the bakery. They stated they responded to a call that a mentally disturbed woman had purchased a pastry at the bakery and could see hepatitis on it. When they arrived, they saw the complainant already outside the bakery. They stated that the complainant then approached them and told them that her pastry had hepatitis on it and she wanted a refund. The officers explained to her that the bakery would not give her a refund. A bakery employee told the officers he did not want the complainant in the shop anymore, so the officers told the complainant that she was not allowed back inside. The complainant walked away in the end.

The call history shows that the complainant called 911. The operator advised police that the reporting party claimed to have purchased a pastry with hepatitis in it and seemed very paranoid.

A preponderance of the evidence established that act alleged in the complaint did not occur or that the named officers were not involved in the act alleged.

**SUMMARY OF ALLEGATION #3:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that she was approached by two officers. One of them had his baton out in an aggressive way.

The named officer and a witness officer stated that neither of them took their batons out during the contact. No other witnesses came forward.

A preponderance of the evidence established that none of the officers behaved inappropriately as alleged. As such, the evidence established that 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:** 04/09/18

**DATE OF COMPLETION:** 08/22/18

**PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**

ND

**FINDING:**

PC

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainants were the subjects of an SFPD investigation. The complainants asked the named captain for a copy of the incident report regarding the investigation. The complainants stated the captain would not release the incident report.

The captain acknowledged that the complainants asked her for the incident report, but stated she did not release the incident report to the complainants because the case was still under investigation at the time of the request. She also stated that she did not release the incident report because it was not under her authority to do so.

A lieutenant stated that investigators were still working on the case at the time of the complainants' request.

Department General Order 3.16 states, "The Department retains the discretion to withhold incident reports . . . during the pendency of an investigation."

Department Bulletin 17-143 states, "The Crime Information Services Division (CSID) is responsible for releasing police reports to members of the public . . ."

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/13/18 **DATE OF COMPLETION:** 08/13/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant, an Uber driver, stated he was driving a fare when he was stopped and cited for speeding, which he denied.

The named officer stated his Lidar device captured the complainant speeding, prompting him to ask another officer to cite the complainant. The named officer stated numerous officers were assigned to the area, specifically to conduct traffic enforcement.

The Body Worn Camera (BWC) shows the named officer showing the complainant his speed on his Lidar device.

A preponderance of the evidence established that the named officer had cause to have the complainant cited.

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 selective enforcement.

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

**FINDINGS OF FACT:** The complainant stated that he was cited because he was an Uber driver.

The named officer denied the allegation, stating that numerous officers were assigned to the area, specifically to conduct traffic enforcement.

Department records show that numerous drivers were cited that day.

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:** 04/19/18      **DATE OF COMPLETION:** 08/30/18      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he mailed a letter to the named officer. The letter memorialized the named officer's visit to the complainant's work address and demanded evidence in the officer's possession. The complainant said the named officer never responded.

The named officer stated he never received the complainant's letter. He said, if he had, he would have responded.

No witnesses were identified.

A copy of the complainant's letter describes his encounter with the named officer. It details his demands for the named officer's evidence.

Tracking information on the US Postal Service website indicates the letter was delivered, "Left with Individual," the day after the complainant mailed the letter.

Although it appears the complainant mailed a letter to the district station, it is not clear that the named officer actually received the letter.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/19/18    **DATE OF COMPLETION:** 08/30/18    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing based on the complainant's race.

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

**FINDINGS OF FACT:** The complainant stated he had been sending letters to his neighbors concerning their dogs, which he says violate the rules of their building. He said he had sent them approximately fifty letters. The complainant said the named officer visited him at the building, and he felt the officer browbeat him. According to the complainant, the named officer ordered him to stop sending letters. The complainant stated he believes the named officer would not have treated him the way he did if he was Caucasian.

The named officer vehemently denied doing anything differently based on the complainant's race.

A witness said she overheard the entire conversation between the named officer and the complainant from the top of a staircase, less than fifteen feet away. She said she contacted the named officer because the complainant had sent her and her husband countless letters, and she feels harassed by these letters. The witness stated the named officer remained professional when he visited the complainant, even as the complainant became erratic. The witness, a person of color, said the named officer did not appear to be influenced by the complainant's race at all. She said the named officer treated her in a professional manner.

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 of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrest, nonconsensual searches and property seizures."

The named officer spoke with the complainant because his numerous letters to the witness were causing her to feel harassed. According to the named officer and the witness, the named officer was professional with the complainant. Additionally, the complainant did not point to any specific facts or statements to support his allegation that the officer was affected by his race. He simply alleged that the named officer attempted to browbeat him.

A preponderance of the established that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/18 **DATE OF COMPLETION:** 08/17/18 **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 anonymous complainant stated he was driving his one-year-old child, when they encountered a black SUV blocking the road. The complainant said he did not recognize it to be a police unit, so he honked, and then swerved to get around it. The complainant said the SUV honked back, and someone shouted something from inside. He said he gave his “middle finger” before the SUV came after him and the named officer pulled him over. The complainant said the named officer ran his license, although he’d done nothing wrong. The complainant said that he did not receive a citation and the named officer let him go.

The named officer said he was responding to a homeless complaint and searching for the subject in question, when a vehicle behind him honked as it pulled up. The vehicle swerved around him suddenly and the driver gave the middle finger as he passed. The named officer indicated the complainant violated California Vehicle Code sections 27001 and 21755, so he pulled him over.

The witness officer stated the named officer conducted a traffic stop on the complainant. He said they did not honk at the complainant or use any profanity; however, he did not participate in the actual detention.

California Vehicle Code section 27001 states:

A motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn shall emit an unreasonably loud or harsh sound.

California Vehicle Code section 21755 states:

The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting that movement in safety.

The complainant admitted that he honked at and swerved around the police vehicle. Although he did not indicate whether his honking was “unreasonably loud or harsh,” and he did not describe how he swerved around the vehicle. Nevertheless, the evidence indicates that it is more likely than not that the officer was justified in detaining 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:** 05/08/18    **DATE OF COMPLETION:** 08/17/18    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The anonymous complainant stated he was driving his one-year-old child, when they encountered a black SUV blocking the road. He said he did not realize it was a police vehicle. He stated he honked at the vehicle and gave his “middle finger.” The complainant said the named officer, who was driving the SUV, pulled him over. The complainant said the named officer told him a story about how a pregnant woman had been shot for this same type of behavior. He said the officer was rude.

The named officer said he advised the complainant that engaging in road rage while traveling with a baby in the car is incredibly dangerous, as he could potentially be putting his child’s life in danger by behaving this way. He denied insinuating the complainant could be shot; but rather, said he shared a story about a call he responded to, that had this result. The named officer denied being rude and said he acted professionally the entire time, while the complainant was initially irate. The named officer stated he did not cite the complainant. He said the complainant calmed down and shook his hand before he left.

The named officer provided a reasonable explanation for the story described by the complainant. He also could have cited the complainant, but used discretion and decided to let him leave with a warning. It is more likely than not that the officer acted professionally throughout his encounter with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/08/18    **DATE OF COMPLETION:** 08/17/18    **PAGE#** 3 of 3

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to comply with DGO 10.11, Body Worn Cameras.

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

**FINDINGS OF FACT:** The complainant stated the named officer pulled him over, ran his license, then let him go with a warning.

During his interview, the named officer admitted he failed to activate his body worn camera during this detention.

The SFPD legal division provided a letter to the DPA stating they could not find Body Worn Camera footage for this incident.

San Francisco Department General Order 10.11, Body Worn Cameras, requires officers to activate their body worn cameras to record detentions and traffic stops.

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

**SUMMARY OF DPA-ADDED ALLEGATION #2:** The Officer failed to comply with DB 16-208, eStop-Contact Data Collection Program.

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

**FINDINGS OF FACT:** The complainant stated the named officer pulled him over.

During his interview, the named officer admitted he failed to collect eStop data for this detention.

SFPD eStop records indicate that there was no entry made for this stop.

San Francisco Department Bulletin 16-208 requires officers to make eStop entries when a stop is initiated based on information developed by the member's own observation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT** 05/15/18 **DATE OF COMPLETION:** 08/29/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was using the computers in the lobby of the Hyatt Regency Hotel when a security officer contacted him and told him that the computers were for guests only. The complainant stated he started to check in to the hotel when the manager arrived and told him he was not allowed to do so. The complainant stated that two uniformed SFPD officers arrived, detained him and kicked him out of the hotel for no reason.

The named officers stated they were walking through the Hyatt lobby on a meal break when they were flagged down by a hotel security officer, who said that they wanted some assistance removing the complainant from the hotel. The named officers stated that hotel security did most of the talking with the complainant. The named officers also stated that the contact was not a detention but a consensual encounter. There was no physical contact with the complainant and the officers did not ask for the complainant's identification. The named officers said that they stood by with security for visibility purposes and the complainant was free to leave at any time.

Hyatt security video showed the complainant in the computer area of the hotel lobby and then at the registration desk. The complainant was waving his arms and appeared to be agitated. Another staff member escorted the complainant away from the registration desk into the lobby. The complainant stood with two Hyatt staff members in the lobby when the named officers arrived. The named officers stood with the complainant and the two Hyatt staff members for approximately 5 minutes. The named officers followed the Hyatt staff members and the complainant downstairs and out of the hotel. No physical contact occurred between the named officers and the complainant.

A witness, who is a Hyatt employee, stated that the complainant attempted to check-in but due to his erratic behavior and statements he was not going to be allowed to stay at the hotel. The witness stated he escorted the complainant away from the front desk into the lobby. The witness said that two officers arrived and asked the complainant to leave the property. The witness stated that the complainant never spoke directly to the police officers and was mostly engaged in conversation with the witness.

A preponderance of the evidence established that the named officers did not detain the complainant. The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT** 05/15/18 **DATE OF COMPLETION:** 08/29/18 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** Department General Order 10.11, Body Worn Cameras, requires officers to activate their BWC equipment to record detentions, arrests, etc.

A preponderance of the evidence established that the named officers did not detain the complainant. As such, there was no requirement for the officers to activate their body worn camera equipment.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/15/18    **DATE OF COMPLETION:** 08/16/18    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he called the police because his upstairs neighbor was making excessive noise. He stated that the named officer was rude, had an attitude and laughed at him.

The named officer stated that she did not remember anything about the incident or the complainant and did not recall laughing at the complainant.

A witness officer, who was the named officer's Field Training Officer at the time of the incident, stated that he observed the interaction between the named officer and the complainant. The witness officer stated that the named officer was calm and professional during the interaction. The witness officer stated that he did not recall the named officer laughing at the complainant.

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:** 05/15/18    **DATE OF COMPLETION:** 08/16/18    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that he called the police because his upstairs neighbor was making excessive noise. He stated that the named officers did not go inside his residence and did not speak to the upstairs neighbor.

One of the named officers stated she did not remember anything about the incident or the complainant. The other named officer stated that the call for service was for an issue between the complainant and a person who had been staying in his apartment for 6 months and that this person had allegedly threatened the complainant. The named officer stated that he and his partner met with the complainant outside of his residence and took his statement. The officer stated that the complainant told the officers that he and the subject had gotten into an argument and that the subject had left the residence and was no longer inside the building. The complainant declined medical attention as he was not injured, did not state that he was in fear for his safety, did not request a citizen's arrest, and did not request that the officers go inside the building. The officer stated that the subject's statements to the complainant did not rise to the level of criminal threats and that they did not speak to the subject because the complainant told them he was not in the building. The officer stated that the complainant only requested documentation of the incident, which the officers did.

Department records indicate that the complainant called the police to report threats/harassment and that the suspect had left the premises prior to the named officers arriving on scene.

No other witnesses were identified.

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:** 05/16/18 **DATE OF COMPLETION:** 08/22/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that named officer #1 handcuffed her and then pulled her up by the handcuffs, which caused her pain, injuring her shoulder. She stated she did not consult a physician for the injury.

Named officer #1 denied pulling the complainant off the bed by the handcuffs. She stated that she put her arm underneath the complainant's right armpit when lifting her, while named officer #2 assisted her by supporting the left side of the complainant. Named officer #1 stated that the complainant complained of pain while she was being lifted off the bed, but did not complain of pain once outside of her apartment.

Named officer #2 stated she helped the complainant off her bed by placing a hand on the complainant's wrist, and holding her elbow. She stated that the complainant did not complain of pain when lifted off the bed.

Two other officers who responded to the call stated that they did not witness the complainant's movements after she was handcuffed.

Footage from the officers' Body Worn Cameras (BWC) showed named officer #1 lifting the complainant by placing her hand under the complainant's right armpit. Named officer #2 can be seen on the left-hand side of the complainant, assisting named officer #1. BWC showed the complainant expressed pain while being helped off the bed. The complainant did not complain of pain once outside of her apartment.

The evidence established that the officers' actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/16/18 **DATE OF COMPLETION:** 08/22/18 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3-4:** The officers detained a person without justification.

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

**FINDINGS OF FACT:** The complainant stated that named officer #1 made her go to the hospital against her will.

Named officer #1 stated that she did not detain the complainant. She stated that a doctor initiated and authorized the detention.

Named officer #2 stated that the complainant was detained for a mental health evaluation, as she posed a danger to herself and was gravely disabled.

The application for a 72-hour hold was signed by a doctor, not the named officers.

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

**SUMMARY OF ALLEGATION #5:** The officer behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that a sergeant whose surname and star number she supplied had behaved and spoke inappropriately.

Department records showed that there was no sergeant by the name supplied by the complainant working in the district where the complainant lives, that there is no SFPD member using the star number cited by the complainant.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/29/18 **DATE OF COMPLETION:** 08/01/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was riding his bicycle when a Crown Victoria SFPD patrol car veered right into his lane, almost knocking him off his bicycle. He indicated the officers did not stop to check on him, but instead, made a U-turn and drove away.

An officer identification poll sent to the district station was returned with negative results.

Four officers questioned by the DPA denied seeing a bicyclist or almost running into a bicyclist.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/05/18    **DATE OF COMPLETION:** 08/30/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** An anonymous complainant stated that an opinion article published in a local newspaper pointed out something that should be investigated. The article's author alleged that the police chief was manipulating crime numbers to make his performance appear better. The author pointed out that numbers for one particular month increased over time when compared with other months.

An SFPD employee who runs the numbers for monthly reports stated that the SFPD re-runs the numbers every time they create a new report. The reason the numbers increase is because there may be reports of crime coming in later months. Reports filed online are an example of something that takes more time to enter the system. Other crime numbers that come in later are outside agency reports and when a crime victim waits for a long time to report a crime to police.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/18    **DATE OF COMPLETION:** 08/13/18    **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/20/18      **DATE OF COMPLETION:** 08/13/18      **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/01/18    **DATE OF COMPLETION:** 08/27/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she was involved in a dispute with her neighbors and that one of the neighbors spat on her, prompting her to call 911. The complainant stated that the named officers failed to talk to her neighbors. In addition, although the complainant did not ask for a police report, the officers should have prepared one.

One of the named officers stated he responded to the complainant's apartment regarding a cushion obstructing her apartment door. He stated that when he arrived at the scene, there was no cushion obstructing the complainant's door. He stated that the complainant never told him that her neighbor spat at her. He stated that after speaking to the complainant, he determined that the incident was a civil matter.

The other named officer stated that he responded to the scene, spoke to the complainant, and determined that the incident was a civil matter. He stated that the complainant never told him that her neighbor spat at her.

Records from the Department of Emergency Management showed that the named officers responded to the complainant's apartment on a well-being check.

A witness stated that he did not recall the incident. He stated that the complainant continuously files complaints against everyone in the building and regularly calls the police.

No other witnesses were identified.

DPA records showed that the complainant has filed numerous complaints with DPA, raising issues that are not rationally within DPA's jurisdiction.

A preponderance of the evidence established that the officers did not fail to take required action as alleged.

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:** 07/02/18    **DATE OF COMPLETION:** 08/22/18    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer made an inappropriate comment.

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

**FINDINGS OF FACT:** An anonymous complainant left the following message with DPA's answering service:

"...is a nurse [in] San Francisco; nurse mentioning [the named officer] telling another officer he should always wear gloves because last time they shot someone in the back and there was blood all over, mentioning the man was a piece of shit anyways and they had to do CPR."

The named officer denied the allegation, stating that while discussing biological hazards with his partner he was overheard sharing a story related to a homicide case, not an officer-involved shooting (OIS) incident. He stated that the officers that responded to the homicide were exposed to blood and vomit while providing CPR to an individual. He denied calling the individual "a piece of shit."

The named officer's partner stated that he did not recall the named officer discussing an OIS or making the alleged comments.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/05/18      **DATE OF COMPLETION:** 08/03/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she has an on-going problem with police failing to investigate her claims. She said someone keeps coming into her room and stealing her items, so she asked officers to take fingerprints. The complainant indicated the named officers arrived at her apartment, but did not conduct any actual police work.

The named officers stated they attempted to address the complainant's concern; however, she was uncooperative, and chose to take photos or videos of them, rather than tell them what happened. The named officers stated the complainant did not ask them to dust for fingerprints.

The Body Worn Camera footage shows the complainant pursuing the named officers down a hallway while holding up a mobile phone. The footage shows the named officers repeatedly asking the complainant how they can help her, but she does not respond substantively. The footage shows the named officers and the complainant walking back towards her apartment, as the named officers continue to ask what they can do for her. The footage shows the complainant eventually closing her door on the named officers.

Records from the Department of Emergency Management document that the named officers responded to a burglary call. The dispatcher reported that the complainant said her apartment was continually being broken into for the past four years.

No witnesses were identified.

The named officers attempted to investigate the reported burglary, but the complainant refused to assist with their investigation.

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:** 08/02/17 **DATE OF COMPLETION:** 08/22/18 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she was assaulted and robbed by her boyfriend and the named officer took her statement but failed to detain or arrest the suspect.

The named officer stated officers were unable to detain or arrest the suspect because he was not at the scene and they were unable to locate him.

The named officer's partner stated officers were unable to detain or arrest the suspect because he was not at the scene and they were unable to locate him.

A witness officer stated officers did not detain or arrest the suspect because they could not locate him.

SFPD CAD and Incident Report documented that officers searched for the suspect but were unable to locate him.

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

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

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

**FINDINGS OF FACT:** The complainant stated she went to the Special Victims Unit and spoke to the named officer. The complainant believes the named officer did not properly investigate the incident.

Department records showed that the named officer conducted a follow up investigation and presented the case to the District Attorney's office. The DA's office declined to issue an arrest warrant and the named officer notified the complainant about the outcome of the investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/06/18      **DATE OF COMPLETION:** 08/01/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that an officer failed to write an incident report.

The complainant did not provide the date and time of the incident.

The complainant failed to provide additional information necessary to investigate his complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/09/18 **DATE OF COMPLETION:** 08/28/18 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that his vehicle was blocked in by a police vehicle and barriers, preventing him from leaving. The complainant did not provide DPA with his contact information.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/02/18 **DATE OF COMPLETION:** 08/13/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/19/18 **DATE OF COMPLETION:** 08/30/18 **PAGE#** 1 of 1

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

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/15/18

**DATE OF COMPLETION:** 08/13/18

**PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:**

**FINDING:**

IO-1/DEM

**DEPT. ACTION:**

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/23/18      **DATE OF COMPLETION:** 08/21/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant indicated he went to a district station to request assistance with a person who he saw on a bus in Oakland. The complainant said there was a 50 percent chance the person he saw was the same person who was being abusive at his apartment. The complainant indicated the named officer refused to write an incident report.

The named officer stated the complainant was asking how to follow up with a report he filed in Oakland, and he told him he should contact Oakland Police.

A witness officer also stated that the complainant was asking about a report he made in Oakland.

A Police Services Aid stated he also met with the complainant and advised him that the San Francisco Police Department could not follow up on an incident that occurred in Oakland.

SFPD General Order 5.11, Outside Agency Reports and Responses, states, "It is the policy of the San Francisco Police Department that members only take an Outside Agency Report for a felony crime, and only when the reportee would suffer a hardship if he/she is required to return to the jurisdiction of occurrence." Whether or not the complainant asked for an incident report, it was proper for the named officer to decline to write one.

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

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

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

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street, 4 West  
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/24/18 **DATE OF COMPLETION:** 08/13/18 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers detained a person at gunpoint.

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

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers detained a person 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 #5:** The officer searched a person without cause.

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

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

**SUMMARY OF ALLEGATION #6:** The officer searched a car 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:** 07/24/18 **DATE OF COMPLETION:** 08/13/18 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #7-8:** The officers behaved and spoke inappropriately.

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

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

**SUMMARY OF ALLEGATIONS #9-10:** The officers engaged in biased policing based on race.

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

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

**SUMMARY OF ALLEGATIONS #11-12:** The officers used profanity.

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/24/18 **DATE OF COMPLETION:** 08/13/18 **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #14-15:** The officers drove improperly.

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

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

**SUMMARY OF ALLEGATIONS #16-17:** The officers failed to promptly and politely provide his name and/or star number.

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

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

**SUMMARY OF ALLEGATION #18:** The officer behaved and spoke inappropriately.

**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:** 07/25/18    **DATE OF COMPLETION:** 08/20/18    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was not provided proper medical care after he was arrested and taken to the district station for booking.

Department records showed that the complainant was arrested for robbery. The complainant did not complain of pain or injury following his arrest.

SFPD Medical Screening questionnaire showed that the complainant acknowledged not needing immediate medical attention.

The evidence proved 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:** 07/25/18 **DATE OF COMPLETION:** 08/03/18 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that he is constantly being arrested by “a particular police officer.”

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/27/18 **DATE OF COMPLETION:** 08/03/18 **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:** 07/20/18    **DATE OF COMPLETION:** 08/28/18    **PAGE#** 1 of 1

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

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

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

San Francisco Police Department  
Office of the Chief of Police  
1245 3rd Street  
San Francisco, CA 94158

San Francisco Public Works  
City Hall, Room 348  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Golden Gate National Recreation Area  
Building 201, Fort Mason  
San Francisco, CA 94123-0022

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 7/23/18 **DATE OF COMPLETION:** 08/02/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/22/17      **DATE OF COMPLETION:** 08/15/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The anonymous complainant said she attended a specific police station community meeting to address four concerns or grievances to the SFPD captain holding the meeting. The complainant said the captain was dismissive and insensitive to her concerns.

The named officer acknowledged being at the meeting raised by the complainant and said she recalled interacting with a person raising four grievances. The officer, however, denied the complainant's representation of her response to the complaints and stated she was patient and sensitive to everyone and attempts to resolve problems raised at meetings. She also stated that the complainant did not want help but wished to complain. The named officer said the complainant refused to calmly discuss the matter, but berated her and walked out of the meeting. The named officer acknowledged that she and the complainant had a subsequent telephone conversation regarding free speech, in which she told the complainant that it is not a crime to be rude, but said she also encouraged the complainant to file a police report if she truly felt threatened.

A witness to the community meeting said the complainant was already talking by the time she arrived. The witness described the complainant as disruptive and the named officer as patient. The witness said the named officer was careful to address each of the concerns raised by the complainant, but could not recall any of the responses made by the named officer.

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:** 07/30/18

**DATE OF COMPLETION:** 08/13/18

**PAGE#** 1 of 1

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

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

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

Golden Gate Bridge Police Department  
Presidio Station  
P. O. Box 9000  
San Francisco, CA 94129

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/22/17    **DATE OF COMPLETION:** 08/02/18    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was in a traffic collision, and that he told the responding officers multiple times that he was hurt, but the named officer refused to prepare a traffic collision report. The complainant gave DPA a cell phone video he took before officers arrived in which he told a dispatcher, "Everyone is okay."

The named officer stated the complainant denied being hurt during their first response, but after he consulted with his insurance company, claimed to be injured to obtain a traffic collision report.

Another officer on scene said no one was injured during this collision, so he and the named officer facilitated the exchange of driver information between the motorists and left. This officer was not present in the subsequent calls for service by the complainant on this matter.

A witness on scene during the named officer's first two responses and conversations with the complainant said she could not understand their conversations because she did not understand English.

Two paramedics who assessed the complainant after his third call for an ambulance said he complained of pain to his right shoulder without any visible injury and declining transport to the hospital.

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:** 09/22/17    **DATE OF COMPLETION:** 08/02/18    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #2:** The officer used a racial slur.

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

**FINDINGS OF FACT:** The complainant said that the named officer called him a “Fucking Mexican.”

The named officer denied the allegation.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #3:** The officer used excessive force during a contact.

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

**FINDINGS OF FACT:** The complainant said the named officer pushed him and then attempted to physically detain him inside his patrol car after his third call for an ambulance during the arrival of paramedics on scene.

The named officer denied he pushed or attempted to detain the complainant inside his patrol car.

Two paramedics who assessed the complainant and arrived at the time of this alleged use of force said they did not see the named officer have any physical contact with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/22/17    **DATE OF COMPLETION:** 08/02/18    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #4 - 5:** The officers failed to prepare a complete and accurate report.

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

**FINDINGS OF FACT:** The complainant went to a police station 16 days after a collision to report his version of facts in a collision report and to document that he sustained an injury. The complainant said two Spanish-speaking officers who were summoned to take his counter report acted in collusion with the original responding officer and filed an incomplete and inaccurate report.

The certified Spanish-speaking named officer stated she accurately and completely reported the facts provided by the complainant, interviewed the other motorist and included her account of the incident. She denied contact with the original responding officer and denied that she coordinated anything in the report with that officer.

The other named officer stated he gathered basic facts from the complainant regarding the location and direction of travel for the preparation of the traffic collision diagram.

Two witnesses in the station said they could not hear the conversations with the complainant or could not understand all of the conversations, as they were conducted mostly in Spanish.

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:** 09/28/17      **DATE OF COMPLETION:** 08/14/18      **PAGE#** 1 of 3

**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 works for a roadside assistance company. He was called to an assignment because someone had locked their keys in their vehicle. He stated he positioned his car next to the vehicle he was trying to open. He stated a decal with the roadside assistance business name was visible on the side of his car, and the car's headlights were illuminated and trained on him. He stated he was using a tool to break into the customer's car when police arrived, and an officer asked what he was doing. The complainant responded he was working, and the officer asked for identification. The complainant refused, asking why he needed to provide identification. The officer then handcuffed him and put him in a police car.

The named officer stated the area in which this incident took place is known as a hot spot for car break-ins, and he and his partner were in the area specifically to watch out for those crimes. The officer stated they were on patrol when they observed someone who looked like he was breaking into a car. They approached the man and began questioning him. The man conceded he was trying to break into the car. The named officer asked the man for identification and he refused. Because he refused and because several tools were at hand that could be used as weapons, the named officer put the suspect in handcuffs. After some investigation, the officers concluded that the complainant worked for a roadside assistance company. However, the complainant's car was parked a short distance from the other vehicle and the officers did not immediately see the logo on the side of the door. After running the complainant's identification, the officers learned his license was suspended. They then contacted the complainant's boss to pick up the roadside assistance car. The witness officer related a similar story.

Body-worn camera footage showed that the complainant's car was not parked directly next to him with the headlights illuminating him, but rather was parked a short distance away without any headlights. It showed the named officer approaching the complainant as the complainant was breaking into the window of a car. The complainant was wearing a hat and dark glasses. The complainant refused to show the named officer his identification and the named officer quickly placed the complainant in handcuffs and took him to the patrol vehicle. Department General Order 5.03, Investigative Detentions, section I.B. allows an officer to detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/28/17

**DATE OF COMPLETION:** 08/14/18

**PAGE#** 2 of 3

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

**CATEGORY OF CONDUCT:**

UF

**FINDING:**

U

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated he was handcuffed and placed in a police vehicle. The stated that the handcuffs were too tight and aggravated a previous injury. The complainant stated he kept asking the officer to loosen the handcuffs, but the officer refused. The complainant stated he had to receive medical care when an ambulance arrived.

The named officer stated he put handcuffs on the complainant and checked to make sure they were not too tight. When the complainant said that the cuffs were too tight and were injuring his shoulder, the named officer checked the handcuffs and they did not seem too tight. The named officer stated he did not want to remove the handcuffs and put them back on again because the complainant was moving around agitatedly. The named officer called an ambulance in response to the complainant's complaint of injury and the complainant received medical care.

A sergeant who arrived on scene determined that there was no unnecessary force used.

Body-worn camera footage showed the handcuffing occurred without resistance or force, and that the complainant did not immediately complain about the handcuffs being too tight. After about ten minutes inside the patrol car, the complainant said something about being in pain. When the officer asked why he was in pain, the complainant said something about the handcuffs being too tight and that the officer was abusing his "civil liberties." The named officer attempted to check the cuffs, but the complainant kept yelling and screaming, accusing the named officer of abusing the complainant's "civil liberties." The footage did not capture the complainant consistently complaining about the handcuffs being too tight.

A preponderance of the evidence showed that the named officer did not use unnecessary force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/28/17

**DATE OF COMPLETION:** 08/14/18

**PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that an officer approached him and asked, “You want this the hard way?” The complainant said that the officer then put him in handcuffs.

The named officer stated that he did not remember asking the complainant if he wanted it the hard way.

A review of the officer’s body-worn camera showed that, after the complainant repeatedly refused to provide the officer with ID, the officer said to the complainant something along the lines of, “I don’t know why you have to make this difficult,” as he handcuffed him. The comment that the complainant stated he heard, “You want this the hard way?” was not made. 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 #4:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant, whose job is in roadside assistance, stated that he was arrested while doing his job. He was attempting to open someone’s car to assist a client who had gotten locked out of his vehicle, and an officer came up and arrested him. The complainant believes the reason for the arrest was because the officer was racially profiling him.

The named officer stated the area is notorious for auto burglaries, and while specifically on patrol for such crimes he saw someone breaking into a car. He stated that he could not tell the race of the individual until he approached the complainant. Further, he stated that it was dark outside and the complainant was wearing a hat and dark glasses. The named officer stated the complainant’s race had nothing to do with how he handled the encounter. A witness officer stated that race did not play a factor in the encounter.

DPA’s investigation established that the named officer had reasonable suspicion to detain the complainant. The complainant then refused to provide his identification and was uncooperative, prompting the named officer to place him in handcuffs and place him in the back of the patrol car. The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/31/8    **DATE OF COMPLETION:** 08/15/18    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #:** 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:** 08/02/18    **DATE OF COMPLETION:** 08/13/18    **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/28/17      **DATE OF COMPLETION:** 08/17/18      **PAGE#** 1 of 4

**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 the named officer detained her for illegally riding a bike on the sidewalk. The complainant stated that when the officer approached her, she was sitting on a bicycle and was not in motion.

The named officer stated he observed the complainant riding her bicycle on the sidewalk and detained her for that violation.

The named officer's partner stated the complainant was detained for riding her bike on the sidewalk, but that he did not recall if he saw the complainant riding the bicycle.

Department records, specifically an incident report prepared on the day of the incident by the named officer, stated that he saw the complainant riding a bicycle in violation of SF Transportation Code 7.2.12, Bicycle Riding Restricted.

Department General Order 5.06, states in part that Department policy is “that officers cite and release all persons arrested for misdemeanor and infraction offenses.”

Body Worn Camera footage showed that the named officer told the complainant she was being detained for riding her bicycle on the sidewalk. The officer asked the complainant to identify herself for the citation, and the complainant refused and tried to walk away.

None of the witnesses identified by the complainant responded to DPA attempts to reach them, or their contact information was inaccurate.

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:** 09/28/17      **DATE OF COMPLETION:** 08/17/18      **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the named officer detained and cited her for illegally riding a bike on the sidewalk. The complainant stated that when the officer approached her, she was sitting on a bicycle and was not in motion.

The named officer stated he observed the complainant riding her bicycle on the sidewalk and detained her for that violation.

The named officer's partner stated the complainant was detained for riding her bike on the sidewalk, but that he did not recall if he saw the complainant riding the bicycle.

Department records, specifically an incident report prepared on the day of the incident by the named officer, stated that he saw the complainant riding a bicycle in violation of SF Transportation Code 7.2.12, Bicycle Riding Restricted.

Department General Order 5.06, states in part that Department policy is “that officers cite and release all persons arrested for misdemeanor and infraction offenses.”

Body Worn Camera footage showed that the named officer told the complainant she was being detained for riding her bicycle on the sidewalk. The officer asked the complainant to identify herself for the citation, and the complainant refused and tried to walk away.

None of the witnesses identified by the complainant responded to DPA attempts to reach them, or their contact information was inaccurate.

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:** 09/28/17      **DATE OF COMPLETION:** 08/17/18      **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #3:** The officer used excessive force

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

**FINDINGS OF FACT:** The complainant admitted she actively resisted arrest when the named officer tried to place her in handcuffs. The complainant stated the named officer used excessive force when he hit her on the side of her head with his handcuffs.

The named officer admitted his handcuffs touched the complainant's head but said that he did not intentionally "hit" her; the contact was accidental. He stated, after he told the complainant she was detained, the complainant attempted to flee, and then when he grabbed her arm she pulled away. After the officers got the complainant on the ground, she continued to struggle and actively prevented the named officer from handcuffing her. The named officer stated when he attempted to reposition his handcuffs, the handcuffs came into contact with the complainant's head.

The named officer's partner stated the complainant attempted to flee from the officers after she was detained. When the named officer grabbed her arm, she pulled away, and her friends surrounded her to attempt to prevent her arrest. He stated a third officer forced the complainant to the ground to handcuff her. The named officer's partner stated the complainant continued to resist the officers on the ground, and when the named officer tried to handcuff the complainant, he accidentally hit the complainant with his handcuffs. The named officer's partner said he could not recall if the complainant complained of pain or requested medical assistance.

The third officer engaged in subduing the complainant stated that the complainant actively resisted arrest by violently pulling away from the named officer. The third officer said he used a bar-arm takedown to take the complainant to the ground and handcuff her. Once on the ground, the complainant tried to get up and roll over. The third officer stated he and the named officer held her on the ground and eventually placed handcuffs her, despite her continued struggling. The witness officer did not recall the named officer striking the complainant with the handcuffs or the complainant yelling she had been struck.

Body Worn Camera footage showed the complainant strenuously resisting arrest, pulling away from the officers as they attempted to subdue her. Eventually, the named officer and the witness officer took the complainant to the ground and tried to get her on her stomach to handcuff her. They were able to restrain one hand, but the complainant kept trying to roll over. At one point she attempted to get up; it appeared the named officer's handcuffs may have made contact with the complainant's head as he tried to open the handcuffs. The named officer handcuffed both of the complainant's wrists and escorted her to a patrol car.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/28/17      **DATE OF COMPLETION:** 08/17/18      **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #3 continued:**

The SFPD Medical Screening Form documented that the complainant complained of hand pain and refused medical treatment.

None of the witnesses identified by the complainant responded to DPA attempts to reach them, or their contact information was inaccurate.

The evidence established that the complainant actively resisted, requiring the officers to use reasonable amount of force to place her in handcuffs.

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:** 08/02/18      **DATE OF COMPLETION:** 08/13/18      **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:** 08/03/18    **DATE OF COMPLETION:** 08/13/18    **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/02/18    **DATE OF COMPLETION:** 08/13/18    **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/03/18      **DATE OF COMPLETION:** 08/13/18      **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/06/12 **DATE OF COMPLETION:** 08/13/18 **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:** 08/06/18 **DATE OF COMPLETION:** 08/14/18 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/18      **DATE OF COMPLETION:** 08/13/18      **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/10/17 **DATE OF COMPLETION:** 08/01/18 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers unlawfully searched the complainant's vehicle.

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

**FINDINGS OF FACT:** The complainant stated that she double-parked her car while making a brief stop. She stated that the named officers approached her car and searched it without consent.

Named Officer #1 stated that in addition to the vehicle being double-parked, he observed that the license plates were not properly placed on the vehicle. He stated he was unable to locate or read the VIN inside the dash because it was blocked by items inside the car. He stated that he opened the driver's door to locate and obtain the VIN to make sure the vehicle had not been reported stolen. He stated that he did not recall touching or moving anything inside the vehicle and that he only opened the door to obtain the VIN and that he shut the door once he retrieved it.

Named Officer #2 stated that he did not recall the incident, but that he had never unlawfully searched a vehicle.

Body worn camera and surveillance video showed that the named officers did not engage in a search of items inside the vehicle. Named Officer #1 opened the driver's door and looked inside, but his inspection was brief and limited to the area of the driver's door where the vehicle's VIN number would be located.

The complainant's husband, a witness, stated that the license plate had broken off the front of the car and had been propped in the window, but had fallen. The witness stated that the named officers were acting as if they believed the vehicle was stolen. He stated that the named officers opened the car doors and looked for a VIN to match the plate in the window and then ran the license plate. The witness said he heard one of the named officers state, "We have to see if the VIN number matches the plates."

The improper placement of the license plates gave the named officers cause to investigate whether the vehicle was stolen; such investigations include the inspection and matching of VINs.

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:** 10/10/17 **DATE OF COMPLETION:** 08/01/18 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer made rude comments to her and her husband.

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

Body worn camera footage showed that the named officer did not make any inappropriate or rude comments throughout the contact.

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:** 10/11/17 **DATE OF COMPLETION:** 08/15/18 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated that during a traffic stop an officer grabbed both of her arms then pulled her out of her car and placed her in handcuffs behind her back when she heard a “pop” in her left shoulder. She stated she asked the officer to not grab on her left arm and to not move her left arm behind her due to a recent surgery, but he ignored her request.

The named officers denied the allegations. One of the named officers stated that the complainant was non-compliant to the officers’ commands, which presented an officer safety risk resulting in the need to place her in handcuffs. He stated that the complainant stated she had a recent shoulder surgery; however, based on his training he proceeded with the assistance of another officer and placed the handcuffs on behind her back.

The second named officer stated that the complainant complained of pain, so as a courtesy, the handcuffs were moved to the front of her body and an ambulance was called.

Several witness officers that stated they observed the named officers placing the complainant in handcuffs without any force used by any officer. Further, two of the officers stated that they heard the complainant state that she had recent shoulder surgery and had pain, so an officer requested an ambulance on her behalf.

No other witnesses came forward.

The Incident Report, written by a witness officer, states that there were four other individuals in the car with the complainant. It states that the complainant was upset and raising her voice, began to exit the car and was holding something in her hand. The report states that one of the named officers asked her to drop the pepper spray. The report states that the complainant’s car had plates belonging to a different car, and had an expired registration. It also states that the complainant was on probation for insurance fraud, and she was cited at the scene for false plates, a rear light not working, and lack of insurance. The report states that the complainant complained of pain to her right shoulder, and an ambulance was called.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/11/17 **DATE OF COMPLETION:** 08/15/18 **PAGE#** 2 of 4

A statement included with the report, written by one of the named officers, states that he asked the complainant for her keys when it was clear that the car had false plates, and she initially refused. The statement notes that a witness officer had to take the keys from the complainant. It states that the complainant got out of the car, but reached back in and grabbed a can of pepper spray. The witness officer ordered her to drop it, which she did, but she also complained that she did not want to be touched. The statement notes that the complainant refused to walk to the curb, and placed her hands in her jacket pockets. It states that, for officer safety reasons, the two named officers attempted to place the complainant in handcuffs, but she initially pulled away and complained that she had surgery to her shoulder.

Body Worn Camera (BWC) footage confirms that the complainant initially refused to hand over her keys, reached for something in her car, and yelled at the officers not to touch her. The footage shows that there are other individuals in the car, also yelling at each other and the officers. The footage shows the complainant putting her hands in her pocket, and one of the named officers grabbing her to handcuff her. The footage shows the complainant yelling that she had surgery on her shoulder. The footage shows that the complainant's handcuffs were later moved to the front of her body.

SFPD General Order 5.01 authorizes officers to use force to make an arrest and to protect themselves, but requires that it be reasonable.

The complainant never provided a medical release form to the DPA, despite requests. Before she was handcuffed, the complainant refused lawful orders and attempted to grab a weapon, despite the fact that the witness officer who was speaking with her was being polite and professional. The complainant was also traveling with three males and a female passenger. Although she did inform the named officers of her surgery, while being handcuffed, she was not wearing a sling or brace, and there would have been no way for officers to know about such a vulnerability aside from her statement. Once the other passengers were removed from the car, the complainant's handcuffs were moved to a more comfortable position and an ambulance was called. The named officers acted reasonably under the circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/11/17 **DATE OF COMPLETION:** 08/15/18 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #3-4:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated an officer said that she was resisting arrest when he placed her in handcuffs during a traffic stop. She stated that she was complying with the officer's command to get out of the car, and the handcuffing was not justified.

The named officers stated that the complainant posed an officer safety risk.

Witness officers confirmed that the complainant was a safety risk.

The incident report shows that the complainant was cited for false plates, lack of insurance, and a non-functioning tail light.

BWC footage shows that the complainant was traveling with four other people, three males and one female. It shows that she refused lawful orders, and yelled at the named and witness officers. The footage also shows that the complainant reached for pepper spray, and later put her hands in her jacket pockets while the named officers were attempting to remove her from her car and move her to the sidewalk.

The SFPD Arrest and Control Manual states that officers should handcuff a subject who is "a misdemeanor who exhibits a tendency to escape." It also states that officers should consider a "Subject's demeanor, both verbal and physical," when deciding whether or not to handcuff the subject. It also states that officers should consider the relative number of officers to the subject(s), the sex of the subject, and medical considerations. In this case, the named officers were male while the complainant was female, and there were a number of officers on scene. However, the complainant was with other individuals, including males. Most of her companions were hostile towards the officers, and the complainant herself was refusing lawful orders and yelling at the officers. While the complainant said she had recent surgery, she did not do so until the named officers were already engaged in attempting to handcuff her and gain physical control. There were no prior indications of any medical considerations. The fact that the complainant did not initially hand over her keys when asked, and was driving a car with plates that belonged to a different car, made it reasonable for the named officers to be concerned that she was a flight risk.

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:** 10/11/17 **DATE OF COMPLETION:** 08/15/18 **PAGE#** 4 of 4

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer acted inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The named officer denied making any inappropriate comments towards the complainant and denied using any profanity.

The Body Worn Camera footage was inconclusive. The audio quality and the background noise made it difficult to ascertain what was said during the named officer's interaction with the complainant.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/14/18

**DATE OF COMPLETION:** 08/15/18

**PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers behaved inappropriately

**CATEGORY OF CONDUCT:**

CRD

**FINDING:**

NF

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that after joining a group of women who spoke out against police misconduct, officers started following her. The complainant stated that the individuals that followed her did not identify themselves as SFPD officers, were not in uniform, and did not have their stars displayed.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/18/17 **DATE OF COMPLETION:** 08/27/18 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was falsely arrested. He refused to provide further information regarding the incident.

The named officer stated he was patrolling an area notorious for its high level of prostitution. He stated he saw the complainant's vehicle parked, blocking two driveways. He said the complainant's companion was walking outside the car while the complainant watched her. She attempted to hide when she saw the police vehicle. The named officer had arrested the complainant and his companion for prostitution in the same area before. The named officer suspected the complainant and his companion were again engaged in prostitution and he approached them and placed them under arrest.

The Body Worn Camera (BWC) shows the officer approaching the vehicle and asking the complainant for his identification. The complainant does not provide his identification, prompting the named officer to ask him to step out of his vehicle. When the complainant refused, the named officer to grabs one of his arms, guiding him out of the vehicle and placing him in handcuffs. The footage shows the complainant's vehicle blocking two driveways.

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:** 10/18/17    **DATE OF COMPLETION:** 08/27/18    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated an officer used force on him during an arrest.

The named officer stated that he got the complainant out of the car and put him in handcuffs. The complainant was “somewhat combative” but there was no struggle.

The Body Worn Camera (BWC) shows the officer approaching the vehicle and asking the complainant for his identification. The complainant does not provide his identification, prompting the named officer to ask him to step out of his vehicle. When the complainant refused, the named officer to grabs one of his arms, guiding him out of the vehicle and placing him in handcuffs. No additional force was used.

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/18/17    **DATE OF COMPLETION:** 08/27/18    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that the named officer racially profiled him.

The named officer stated he was patrolling an area notorious for its high level of prostitution. He stated he saw the complainant's vehicle parked and blocking two driveways. He said the complainant's companion was walking outside the car while the complainant watched her. She attempted to hide when she saw the police vehicle. The named officer said that he knew the complainant from prior encounters and that the complainant often engages in criminal behavior. The officer stated that complainant's race played no part in how the named officer handled the encounter.

Department records indicate that the complainant had previously been arrested for prostitution offenses on the same block with the same companion.

A preponderance of the evidence established that the named officer did not engage in biased policing.

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:** 10/23/17      **DATE OF COMPLETION:** 08/15/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said he approached the named officer, and asked the officer to help him locate a hearing date and time for which he had been subpoenaed. The complainant said the named officer angrily told him to get away without responding to the request for assistance.

The named officer said he told the complainant numerous times that neither he nor dispatch had access to court dates and thus he was not equipped to help him. The officer said the complainant became angry, began screaming at him, which scared customers attempting to enter and exit the business in front of which he was being paid to stand, so he told the complainant he had to go away.

A witness who acknowledged being present at the time of the contact could 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 used excessive force during a contact.

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

**FINDINGS OF FACT:** The complainant said the named officer unnecessarily pushed him while telling him to go away.

The named officer denied he pushed the complainant.

A witness who acknowledged being present at the time of the contact could not recall the incident.

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:** 10/23/17 **DATE OF COMPLETION:** 08/16/18 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said he asked the named officer for his name and star number, but the officer ignored him and discouraged him from approaching the officer.

The named officer said he provided his name and star number and pointed to his name tag and star.

A witness on scene could not recall any contact 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 #2:** The officer behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant said the named officer looked at his forearms with a look that suggested he thought the complainant was on drugs, and told him to get away because the officer did not want to help the complainant.

The named officer stated the complainant had been told that neither he nor dispatch could locate the court data the complainant wanted the officer to provide him, but the complainant persisted in disrupting the officer's duties at a business, so he told the complainant that he needed to go somewhere else.

A witness who said he was present when the officer allegedly had contact with the complainant said he did not recall any contact between the named officer and the complainant.

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:** 10/23/17 **DATE OF COMPLETION:** 08/16/18 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer used excessive force during a contact.

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

**FINDINGS OF FACT:** The complainant stated the officer pushed him with a hand to the chest when he tried to approach the officer.

The officer retired and is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/17    **DATE OF COMPLETION:** 08/22/2018    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said he reported the named officer two years ago for using excessive force upon him and when the named officer saw him at a bus stop began harassing him from a distance by blowing kisses and laughing at him in the presence of numerous officers who had responded to a traffic accident.

The named officer stated that part of his responsibilities as a member of the police district's housing unit is to build relationships with the residents of the community, so he acknowledged and greeted the complainant from a distance without laughing or blowing kisses at him. The named officer also stated that he had recent pleasant contacts with the complainant, who approached and sought his support to run for office in the complainant's residential housing redevelopment where he is assigned to patrol.

Two witness officers on scene could not recall any contact between the named officer and the complainant. A third officer on scene who said he was having a side conversation with an unrelated civilian denied the named officer greeted the complainant or blew kisses or laughed at the complainant. A motorist in the collision could not be identified.

No other witness came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/26/17 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 1 of 4

**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 went to a nail salon and noticed what he said were unsanitary conditions. The complainant stated he waited for the police to arrive. The complainant stated that the named officers made him go to the hospital against his will. The complainant admitted he was not on his medication and that he was under the influence of narcotics.

The named officers stated that the complainant was detained for a mental health evaluation, as he posed a danger to himself and others. One of the named officers that investigated the incident completed the application for a 72-hour hold because the complainant was extremely agitated, not coherent and in an altered mental status (AMS).

Witnesses from the nail salon stated they felt threatened by the complainant's AMS. One of the witnesses stated she was trying to deescalate the situation with the complainant who appeared to be under the influence of narcotics and in a mental crisis. Another witness stated the complainant appeared mentally incompetent, unstable and "not all there."

Footage from the named officers' Body Worn Cameras (BWC) showed that the complainant told the officers he inspected the nail salon regarding poor sanitary conditions. BWC also showed that the complainant was not coherent, uncooperative, upset, attempted to flee from the officers on scene and indicated he wanted to fight them.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 10/26/17 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATIONS #3 - 4:** The officers handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was attempting to explain to the named officers his concerns with the nail salon's unsanitary conditions when he was placed in handcuffs.

The named officers stated the complainant was extremely agitated, not coherent and in an AMS. The named officers stated the complainant told them that he was inspecting the sanitary conditions at the nail salon. The named officers stated the complainant was handcuffed because of his erratic and AMS as well as fleeing the scene. The named officers further stated the complainant had a pen and clipboard on him and that could have been used as a weapon.

Witnesses stated that the complainant was acting in a fashion that endangered others. The witnesses also stated that they felt threatened by the complainant's behavior and comments at the scene. Witnesses stated the complainant needed psychiatric help.

Body Worn Cameras (BWC) showed that the complainant told the officers on scene that he inspected the nail salon regarding poor sanitary conditions. BWC also showed that the complainant was not coherent, uncooperative, upset, attempted to flee from the officers on scene and that he wanted to fight them.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 10/26/17 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #5:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated he did not do anything that warranted the officers to assault him. The complainant stated he was escorted by the main officers to the front door area when he told one of the officers not to touch him. The complainant stated that the named officer threw him onto the sidewalk for no reason.

The named officer stated the complainant was uncooperative with his partner as she spoke to him in a nail salon, and that the complainant broke free and ran out the door of the business. The named officer stated that he grabbed the man's jacket and then wrapped his arms around the man and threw him to the sidewalk to stop his flight and arrest him.

Footage from the named officer and his partner's Body Worn Cameras (BWC) showed that the complainant was standing with his hands behind his back while the named officer's partner was attempting to handcuff him, but then pulled his hands violently away from the officer and began to flee from the scene. The BWC showed that the named officer grabbed the complainant around his torso and pulled him to the sidewalk. The BWC also showed that complainant continued to actively resist the named officer after he was on the sidewalk, refusing to put his hands behind his back. The BWC showed that the named officer pulled the complainant's hands apart and forced them to where other officers could apply handcuffs. BWC also showed that the complainant refused to be transported by ambulance and that paramedics needed aid from SFPD to restrain him for medical transport.

A sergeant completed a Use of Force investigation and determined the named officer's takedown was appropriate.

Witnesses stated the complainant resisted the officers and that he seemed to have unusual strength. Witnesses stated the complainant appeared to be experiencing a mental health crisis. One of the witnesses stated she observed the complainant tried to flee from the officers so the officers put him on the sidewalk to take him into custody. The witnesses stated the complainant fought with the police and medics.

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:** 10/26/17 **DATE OF COMPLETION:** 08/23/17 **PAGE#** 4 of 4

**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 he was in a nail salon he had inspected and found to be unsanitary when police arrived. He said he was cooperative but was given a citation for resisting arrest.

The named officer, who issued the complainant a citation for 148.6 pc, Resisting Arrest, stated the complainant was uncooperative during the incident, even when the SFFD arrived to evaluate and transport him. The named officer described the complainant as uncooperative, aggressive, agitated, not coherent, under an AMS with SFPD and SFFD. The named officer stated the complainant admitted he was under the influence of narcotics. The name officer issued a citation to the complainant for 148.6 pc resisting arrest.

Footage from the officer and her partner's Body Worn Cameras (BWC) showed that the complainant broke away from and attempted to flee from the officers. The BWC also showed that the complainant actively resisted efforts to detain him, and resisted being transported by ambulance. BWC showed that SFFD needed aid from SFPD to restrain him for medical transport.

Witnesses stated the complainant resisted responding officers and needed help while in a mental crisis. One of the witnesses stated she observed the complainant flee from the officers so the officers took him down onto the sidewalk to take him into custody. The witnesses further stated the complainant fought the police and medics during his detention.

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:** 08/06/18    **DATE OF COMPLETION:** 08/27/18    **PAGE# 1** of 1

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

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

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/27/18 **DATE OF COMPLETION:** 08/30/18 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/08/17      **DATE OF COMPLETION:** 08/15/18      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was arrested in 1996 and that the named officer may have left out a key detail from an interview when he prepared an incident report related to his arrest.

The officer retired and is no longer subject to Department discipline.

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

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

**FINDINGS OF FACT:** The complainant said he requested a 1996 incident report and was told in 2014 that it was no longer available.

The DPA investigation revealed that current Department purging policy requires records purged after seven years. The Department began retaining digital records in 2014, but it has no paper records older than 1999. Therefore, the statement provided to the co-complainant was accurate and within policy.

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:** 11/17/17 **DATE OF COMPLETION:** 08/28/18 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated individuals blocked his wheelchair while he was walking his dog. He said he contacted the police for assistance and the named officers responded. The complainant stated that when the named officers arrived they took initial statements from all the parties; however, they became distracted by the fact that his dog bit one of them. He stated that the named officers did not take appropriate action against the people who blocked his way.

Two of the named officers stated they did not recall the details of this investigation. A named officer stated that although he did not recall the details of the contact, he recalled that when he arrived the investigation was underway with the parties involved separated and being interviewed.

The person who was hit by the complainant stated that he was standing on the sidewalk in front of his building when the complainant approached, asked him to move, and drove his wheelchair into his leg before he was able to move. The witness stated that named officers interviewed him, offered him medical treatment, and asked if he wanted to press charges against the complainant.

No other witnesses came forward.

The incident report, written by one of the named officers, details the named officers' investigative steps. The report states, "I determined that there was no criminal activity in this incident but rather, people being impolite and impatient with one another."

SFPD Body Worn Camera (BWC) footage shows the named officers meeting with the complainant, the other party involved in the altercation, and several witnesses. The footage shows a witness stating that the complainant appeared to be going to confront other individuals, and then lunged forward with his wheelchair and hit one of the individuals. The footage shows the person who was hit stating that he did not want to press charges against the complainant. It shows one of the named officers photographing an injury to that individual. The footage shows the named officers attempting to explain to the complainant what his options were and what they were able to do for him. It shows the named officers providing the complainant with an incident report number.

CA Penal Code section 836 states that officers can arrest for a misdemeanor or infraction if it was committed in their presence. Penal Code 837 allows for an arrest by a private person, even if not committed in the officer's presence.

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San Francisco General Order 5.04, Arrests by Private Person, states that officers shall, “Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made accept the private person’s arrest and book or cite the individual as appropriate...If probable cause does not exist, the individual is free to leave.”

The complainant felt that the witness was violating the law by blocking his way. If true, it would have been a minor violation not committed in the presence of the named officers. Based on the information gathered from all the parties, it was reasonable for the named officers to conclude that there was not enough probable cause to cite the witness. A named officer, nonetheless, assisted the complainant by documenting what he reported in a police 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 made an inappropriate comment.

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

**FINDINGS OF FACT:** The complainant stated he requested the assistance of the police when two parties blocked his way on a public sidewalk. He stated the named officer stated to him, “Oh, haven’t you ever had a moment?” and made him feel as though he had done something wrong.

The named officer stated that he did not recall the details of the incident and denied that he made any inappropriate comments. He stated that it would be against his professional standards to make any disparaging comments.

Two witness officers stated they did not hear the named officer make any inappropriate comments.

A witness stated that he could not hear the conversation between the named officer and the complainant.

BWC footage shows the named officer speaking with the complainant. The footage does show the named officer making a statement similar to the complainant’s allegation: “Have you ever got caught up in the moment ... Maybe they got caught up in the moment and they didn’t acknowledge, sometimes people are looking right at you and they don’t see you.”

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The named officer appeared to make the statement as a way to mediate between the parties and it was directed at the conduct of the other individuals, not the complainant.

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

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/21/17      **DATE OF COMPLETION:** 08/03/18      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The manager of a housing non-profit organization complained that two of her employees were harassed and detained without reason while servicing a residence. Investigation showed that the following sequence of events occurred: One employee finished working first and waited across the street in the driver seat of his car. He was parked in front of a temporary construction sign that restricted parking between 7:00 a.m. and 6:00 p.m. At approximately 6:20 p.m., the employee's colleague jaywalked to meet him at the car. Officers immediately pulled up and detained both men. The named officer told the employee in the driver seat that he was being detained because it was dark, because his colleague had jaywalked, and because he was parked in a restricted zone. The employee informed the officer that he was parked legally because the restrictions had ended twenty minutes prior. The named officer took the employee's driver license anyway and ran his name for warrants.

Department of Emergency Management records, body-worn camera footage, and Department of Public Works Bureau of Street Use and Mapping Records showed that parking restrictions at the incident location ended twenty minutes before the detention took place.

Department 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 a reasonable suspicion that the person's behavior is related to criminal activity.

The named officer stated that she lawfully detained the employee in the driver seat. Her justification for detaining the employee was that it was dark, that a person who had just jaywalked was about to get into his car, and because he was parked in a restricted zone.

The named officer's detention of the employee in the driver seat was unlawful. The employee was sitting in a legally parked car and there was no indication that he was committing a crime. Dark lighting and associations with jaywalkers are not factors indicating criminal activity. Although it was reasonable for the named officer to investigate the possible parking violation, her justification for detaining the employee ended when she looked at the sign indicating that the parking restrictions were no longer in effect. She then lacked the authority to seize the employee's identification and run his name for warrants. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.



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**SUMMARY OF ALLEGATION #2:** The officer detained an individual without justification.

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

**FINDINGS OF FACT:** The complainant stated that her employees had done nothing wrong and that neither should have been detained.

One employee admitted jaywalking.

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

The named officer stated that he lawfully detained the employee, who he observed crossing the street outside of a crosswalk in violation of Vehicle Code section 21954(a), pedestrian in the roadway. He stated that the employee was almost struck by a passing vehicle and that he was concerned for his safety.

The named officer's partner stated that she observed a pedestrian cross the street and almost get hit by a passing car.

Body-worn camera footage shows the pedestrian acknowledging that he jaywalked.

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

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**DATE OF COMPLAINT:** 11/21/17      **DATE OF COMPLETION:** 08/03/18      **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that her employees were racially profiled. She stated that they were detained for jaywalking because of their ethnicities—African-American and Latino. One staff member was stopped for parking in a no parking zone, even though he informed the named officer that the parking restrictions had ended twenty minutes prior. The other staff member was questioned about why he was in the area and asked how he could afford to live in San Francisco.

One staff member stated that he felt harassed and singled-out because other pedestrians were jaywalking, but they were not stopped. He also stated that one named officer asked multiple questions about his colleague's ability to afford the cost of living in San Francisco. The other staff member did not respond to requests for an interview.

One named officer denied the allegation, stating that he stopped the staff member who jaywalked because jaywalking is a vehicle code violation and not because of the man's race, gender, or age. He asked the staff member if he was on probation or parole and said that he asks this question before running anyone's identification for warrants. He also asked about the staff member's ability to afford living in San Francisco. The named officer explained that he often discusses the housing crisis in casual conversation. He said he was trying to make conversation and that his enforcement actions were not influenced by the staff members' ethnicity. The named officer exercised his discretion and chose not to issue a citation.

The other named officer denied the allegation, stating that she detained the man in the driver seat because he was parked in a no parking zone. She stated that she asked about his probation status because she asks most individuals that she stops if they are on probation or parole for her safety and the safety of people around her.

Body-worn camera footage showed that the named officers asked both men about their probation status and that one man was questioned about where he came from and his ability to afford living in San Francisco.

There was insufficient evidence to either prove or disprove that the officers' line of questioning was racially motivated.

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

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**DATE OF COMPLAINT:** 11/22/17    **DATE OF COMPLETION:** 08/13/18    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant said she reported to the named officer that her ex-husband had willfully exposed her to a contagious, infectious, or communicable disease, but believed the named officer did nothing, never got involved with her report of a crime because the complainant's ex-husband was a SFPD sworn member.

The named officer stated she conducted a thorough investigation, attempted to obtain a temporary restraining order, asked for an arrest warrant, and attempted to obtain additional evidence deemed necessary for the reviewing misdemeanor deputy district attorney. When the complainant failed to provide the requested evidence in a timely fashion, the District Attorney's office declined to issue an arrest warrant and the case was closed.

SFPD records and review of the criminal investigation corroborated a thorough investigation by the named officer. A review of the records indicated that the evidence supplied by the complainant was presented to the District Attorney's office, and that the office did not pursue an arrest.

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

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**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to prepare an incident report.

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

**FINDINGS OF FACT:** The complainant said that five months after she had filed a report of a crime, she returned to the Special Victims Unit with some of the evidence an investigator had requested when she reported the crime. The complainant said she was referred from one location to another when she attempted to submit the evidence, and when she approached the named officers, they failed to receive the evidence she wished to submit in the case.

The named officer stated that when the complainant brought evidence to be submitted, he referred the case to the named sergeant, as it related to a member of the SFPD and he believed the complainant was attempting to complain about the member.

The named sergeant stated that when the complainant approached the Special Victims Unit with purported evidence in a five-month-old case that had been closed, she determined that the District Attorney would be the entity to decide whether the evidence would merit re-opening the investigation.

The DPA investigation revealed that the complainant brought two documents to the named sergeant, but that the documents did not amount to an admission by her ex-husband that he committed the reported misdemeanor. The investigation further determined that there is no written department regulation or procedure to follow when a victim brings new evidence for review to consider reopening a closed investigation.

The DPA recommends that the Department establish such a procedure with specific duties and responsibilities within the Investigations Bureau instead of referring a victim to a district station for a new report.

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**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

**FINDINGS OF FACT:** The complainant said she told both the named officers that her English was not too good, and requested a Mandarin interpreter but they failed to provide one.

The named officers stated that the complainant approached them speaking in clear English, and that she did not request a Mandarin interpreter or accept one when one was offered.

The complainant communicated on multiple occasions during this criminal investigation and during a 2011 incident report as a victim with an above average understanding and conversational capability of the English language.

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:** 11/28/17 **DATE OF COMPLETION:** 08/20/18 **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated a city bus driver ordered him off her bus because he refused to leash his service animal. He said the named officers responded and ordered him off the bus. He stated he refused because he had done nothing wrong, and the named officers forcibly removed and detained him.

The named officers stated the complainant was detained because the bus driver wanted him off her bus. The named officers said the bus driver reported that the complainant entered through a rear door with his Pitbull unleashed, and he began yelling at her and passengers when she told him to leash the dog. The named officers stated they gave the complainant a lawful order to get off the bus, but he refused. They acknowledged that they then forcibly removed him, detained him, and cited him for trespassing and obstructing a peace officer.

Audio from the Department of Emergency Management documents that the bus driver called 911 and stated she had an irate passenger with a Pitbull.

Body Worn Camera (BWC) footage shows the complainant refused to exit the bus after the officers asked him several times. The footage shows that after the complainant is removed from the bus, he yells loudly and repeatedly at the named officers. The footage shows that the bus driver tells one of the named officers that it was scary because the complainant was yelling at her on the bus in the same way.

Video from the bus shows the complainant sitting in the back of the bus, and he appears to be yelling.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 11/28/17 **DATE OF COMPLETION:** 08/20/18 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #3 - 4:** The officers used unnecessary force against the complainant.

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

**FINDINGS OF FACT:** The complainant stated one of the named officers took his hand by force and shoved him into a pole when getting him off the bus, which cracked his glasses and injured his shoulder. The complainant stated that one of the named officers injured his wrists when he handcuffed him. The complainant said he was not resisting.

The named officers stated they asked the complainant to exit the bus multiple times, but he refused. They said they gained control of the complainant's arms using a department-trained bent wrist control, but that he was pulling away and refusing to follow directions as they escorted him off the bus. The named officers said they applied handcuffs to the complainant using academy taught techniques.

The Incident Report documents that the complainant refused orders to exit the bus and officers had to escort him off the bus using a bent wrist lock technique. The report documents that the complainant resisted by attempting to move his arms away and not following lawful orders. The report documents that officers did not observe any visible injuries and the complainant did not complain of pain.

The BWC footage shows the complainant refusing to get off the bus when ordered by the named officers. The footage shows that officers escorted the complainant off the bus using a bent wrist lock technique, then placed him in handcuffs. The BWC footage does not capture any officers pushing the complainant into a pole.

SFPD General Order 5.01, Use of Force, states, "Officers may use reasonable force options in the performance of their duties, in the following circumstances ... To effect a lawful arrest, detention, or search ... To overcome resistance or to prevent escape ... To gain compliance with a lawful order ..." The order also states that the U.S. Supreme Court has found that, "an officer's use of force must be objectively reasonable under the totality of the circumstances known to the officer at the time." The order also states, however, that SFPD policy is more restrictive, and, "Officers must strive to use the minimal amount of force necessary."

The named officers had justification for removing the complainant from the bus and detaining him. When he refused, they used reasonable force to gain compliance, overcome his resistance, and effect the lawful detention. 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 - 6:** The officers failed to loosen handcuffs.

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

**FINDINGS OF FACT:** The complainant stated that he told the named officers that the handcuffs were too tight, but they did nothing to loosen them.

The named officers stated the handcuffs were placed on the complainant using academy taught techniques. The named officers stated that the complainant did not complain of tight handcuffs, but he did say that the handcuffs hurt and he wanted them off. The named officers stated the complainant was moving and twisting his hands to the front and sides of his body. One of the named officers said that the handcuffs were not too tight, and he could fit his fingers between the cuffs and his wrist. The named officers stated they did not see any visible injuries on the complainant and did not hear him complain of any pain after they removed the handcuffs.

BWC footage documents that the complainant was moving his hands up and down and was able to swing his hands to his left front side while in handcuffs. The footage shows that, at one point, the complainant does say that he wants the handcuffs removed because they are hurting him, but in general he was yelling that they should be removed, because he had done nothing wrong.

A preponderance of the evidence suggests that the handcuffs were not improperly tight.

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 behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers were joking and making snide comments.

BWC footage documents that the complainant was yelling loudly and repeatedly at the named officers. The footage shows that the named officers acted professionally and did not make inappropriate comments during the incident. The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.



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

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

**FINDINGS OF FACT:** The complainant stated he was cited for trespassing and resisting arrest. He stated he was not trespassing and that he has a right to have his dog on a city bus without a leash because she is a service animal and under his voice control.

The named officer stated the complainant was cited for trespassing because he refused to leave the bus at the request of the driver. The named officers said the driver signed a citizen's arrest form. The named officer said the complainant was also cited for resisting and delaying their investigation.

BWC footage documents that the complainant was non-compliant and yelling loudly at the named officers. The footage shows that the bus driver tells the officers that she asked the complainant to leash his dog and he began yelling that it was a service animal. The footage shows the bus driver saying she remained calm, but called police when the complainant started yelling at her and her passengers.

The bus driver was justified in having the complainant removed from the bus when he began yelling at her and other passengers. The named officer then had the right to remove the complainant from the bus and cite him when he refused. According to the bus driver, she was not calling the police because the complainant refused to leash his dog, but because he began assaulting individuals on the bus. His demeanor captured on video shows that she was very calm and soft-spoken while the complainant was yelling loudly at officers. It was reasonable, under the circumstances, for the named officers to believe the bus driver and to then cite the complainant for trespassing.

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  
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**DATE OF COMPLAINT:** 11/28/17    **DATE OF COMPLETION:** 08/30/18    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated he was riding his bike on the sidewalk when he suddenly heard a screech of tires and officers jumped out and tackled him to the ground. He said he never saw the officers coming, and that after the officers tackled him he blacked out. He sustained a deep cut to his forehead and a chipped bone in his neck, which required him to wear a stabilization collar for six weeks.

The named officer stated he and his partner observed the complainant riding his bike on the sidewalk, talking to a woman in a short skirt and boots in an area known for prostitution. He stated that when his partner ordered the complainant to get off his bike and come speak with them, the complainant fled on his bicycle. The named officer stated he pursued and overtook the complainant in his patrol car, then got out and pushed the complainant off his bicycle.

The named officer stated he does not recall ever receiving training on how to stop an individual fleeing on a bicycle. He stated he did not have time to take de-escalation measures in this instance because the complainant rode away from him so quickly that he did not have time to speak to him. The officer stated that, in the moment, he was thinking of the safest way to detain the complainant, but there was little time to react. The officer stated he believed he detained the complainant in the safest way possible. Additionally, the named officer stated the force used in this instance was proportional because he was going to investigate the complainant for loitering for purposes of prostitution and for riding a bike on the sidewalk, but the complainant then fled, so the named officer wanted him for resisting arrest as well. The named officer also noted that the complainant lacked a bicycle light on the rear of his bicycle.

Finally, the named officer stated had the complainant been compliant and obeyed the orders issued by him and his partner, then force would not have had to have been used. He stated the complainant was actively resisting and engaged in flight, and physical control is a proportionate response to active resistance.

A witness officer stated that he saw the complainant riding his bicycle on the sidewalk speaking to a woman. The witness confirmed that the complainant fled on his bicycle after being ordered to stop.

Given the totality of the circumstances, the officer's actions were proper.

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

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

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

**FINDINGS OF FACT:** The complainant stated that, following his detention by officers, his cell phone went missing. He stated he normally wears his phone attached to his belt with a holster, but that after the named officer pushed him off his bike he was unable to locate either item.

The named officer and a witness officer stated that they did not see any cell phone at the scene and did not remember the complainant having a cell phone.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #3:** The officer filed a false charge.

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

**FINDINGS OF FACT:** The complainant stated the officer charged him with possession of a switchblade, but the knife he had in his possession was not a switchblade. He that he believed that a switchblade knife swings out from the handle at the touch of a button, while the blade on the knife he carried sprung vertically from the handle when a button was pressed.

The named officer stated that he located a switchblade concealed on the complainant's belt during an arrest search.

California law provides that every person who carries a switchblade knife having a blade two or more inches in length upon the person is guilty of a misdemeanor.

Evidence photos confirm that the knife the officer found on the complainant's belt had a blade over three inches long.

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

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**SUMMARY OF ALLEGATION #4:** The officer wrote an inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated that the officer cited him for failing to activate his rear bicycle light. The complainant stated that he had lights mounted on his bicycle and believed he had them activated.

The named officer stated that, as the complainant fled from officers on his bicycle, he did not observe a rear bicycle light activated. The named officer noted this in the incident report.

Body worn camera footage show that, after the complainant's flight is arrested, his bicycle has its front light activated, but not the rear light

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

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

**FINDINGS OF FACT:** The named officer was the supervisor on the scene. The DPA alleged that he failed to properly investigate the force used against the complainant.

The named sergeant stated that he was one of the last officers to arrive. He stated that when he got to the scene, the complainant was in handcuffs and an ambulance had already been called for him; no officers were hurt. The named sergeant stated that he spoke to the two officers involved, and they said that the complainant had fled on a bike. The named sergeant did complete a supervisor use of force evaluation form, and he acknowledged that thorough completion of that form requires him to investigate and assess the force used by the officers.

The named sergeant stated that when considering the best way to stop someone fleeing on a bicycle, it is important to look at the totality of the circumstances, including the violations and the surroundings. The sergeant stated that the officers had probable cause to stop the complainant, and observed that they had limited options for doing so; even using OC would not have been an option as that would have rendered the complainant unable to see. The sergeant stated that the force used in this case was proportional to the severity of the offenses; the officers were not going to shoot the complainant, run him down with the car, or hit him with a baton. The sergeant further observed that officers lack tasers and are unlikely to stand in front of the bike and possibly get hurt themselves. The sergeant stated he did not see what other choice the officers had.

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

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**SUMMARY OF ALLEGATION #1:** The officer failed to comply with DGO 7.04, Children of Arrested Parents.

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

**FINDINGS OF FACT:** The complainant stated that her boyfriend was unnecessarily handcuffed in front of their 3-year-old son while officers searched their home. The complainant did not witness her boyfriend being handcuffed and was not present during the incident.

None of the officers present admitted or recalled handcuffing the complainant's boyfriend or seeing anyone else handcuff the complainant's boyfriend.

No witnesses came forward. The identity of the alleged officer could not be established.

**SUMMARY OF ALLEGATIONS #2-3:** The officers intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated that officers broke her 13-year-old son's trophies during the search. She also stated that her son's laptop was turned upside down, and the closet door was taken off the rail in his bedroom. She stated that none of her family members witnessed the alleged conduct.

The officers who conducted the search denied or did not recall damaging the trophies or seeing anyone who did. They further denied or did not recall turning the laptop upside down, and they did not see any officer who did. Finally, they denied or did not recall removing the closet from the rail, and they did not see any officer who did.

SFPD video evidence showed that the trophies were intact after the search. The video evidence further showed that the laptop was in an upright position after the search and apparently not broken or damaged. Finally, the video evidence showed that the closet door was taken off the rail and moved to the side, but not broken or damaged.

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 #4-5:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that officers intentionally broke her 13-year-old son's trophies during the search.

SFPD video evidence showed the trophies to be intact after the search.

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 ALLEGATION #1:** The officer wrote an inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant stated he was riding his bicycle down the street when a car suddenly turned into his path while it was trying to park. He said he sustained serious injuries and was taken away in an ambulance for treatment at a hospital. The complainant said the named officer wrote an inaccurate report which stated the vehicle “pulled out in front of him” rather than into his path. The complainant also said it was poorly written and different from the ambulance report.

The named officer said he took statements from the parties and a witness, and the driver and witness’ accounts independently corroborated the other’s. The named officer said he concluded the complainant was at fault based on this information. The named officer later acknowledged it was his partner who spoke to the complainant, not him. He admitted that errors are a possibility when one officer conducts an interview and a different officer prepares the report.

The named officer’s partner was unavailable for questioning because he was out on disability pay.

A witness, who saw the collision and gave a statement to the named officer at the scene, stated a car turning to the right hit the complainant, who was on a bicycle. He said that, based on what he saw, the driver was at fault for pulling into a driveway and hitting the bicyclist.

No other witnesses came forward.

Body Worn Camera (BWC) footage shows the named officer speaking with the driver of the car and a witness to the collision. The driver appeared to be of limited English proficiency, though he indicated to the officer that he was able to speak English. The footage shows the named officer asking the driver how fast he was going. The driver told the named officer he was not going fast, and the bicyclist hit him. The driver said he did not see the bicyclist and was trying to enter a driveway.

The footage shows the witness telling the named officer that the driver was waiting for people on the sidewalk to clear to enter a driveway to his right. The witness tells the named officer, “He definitely hit the bike; the bike did not hit the vehicle.” The witness went on to say that when the pedestrians cleared out, “[The driver of the car] stepped on it; he came on it hard, and that’s when it hit the bike.”



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

The footage shows the named officer's partner speaking with the complainant in the back of an ambulance. The complainant tells him that the driver pulled out of a space into the lane of traffic and at

some point he was to the right of the car. At that point, the complainant said, the driver started pulling back in "quickly" and they collided. He went on to say that he did not see a turn signal, which would have made a difference in how he approached. The footage shows the named officer and his partner discussing what may have occurred.

The named officer's Traffic Collision Report states, "[The complainant] told me he was unable to avoid the vehicle due to the abrupt stop the vehicle had made in front of him. [The complainant] could not provide me any further information regarding the incident." The report goes on to say, "[The driver] told me he was driving slow, not accelerating and attempting to turn into the driveway ... [he] told me he did not see a bicycle ... as he was waiting for the pedestrians to cross, a bicyclist ran into the rear passenger door of his car." The report also documents, "[The witness] told me, while [the car] was stopped, a bicyclist ran into the vehicle. [The witness] could not provide me with any further information regarding the incident." The named officer wrote in his report, "[The complainant] caused the collision by riding his bicycle at speed greater than reasonable which endangered the safety of persons and property. I determined the primary collision factor to be 22350 CVC – Speeding."

The ambulance report states the complainant said he was "traveling down a small hill when a vehicle in front of him crossed into his path of travel trying to park..."

Department General Order 9.02, Vehicle Accidents, states "when investigating an accident involving injuries, always complete an entire Traffic Collision report..." Department Bulletin 16-125, Report Writing Responsibilities, states, incident reports should be "factual and thorough..." The SFPD Report Writing Manual states, "Preparing factual and thorough incident reports is one of the most important duties of a professional police officer ... An accurate and objective account of an incident, and a clear description of the officer's preliminary investigation are key to a complete incident report ..."

The named officer did not accurately document the information provided to him and his partner by the parties and witness at the scene. The witness was clear that the car had hit the bicyclist. The named officer's report, however, states that the bicyclist hit the car, and the car was stationary when this happened. He also wrote that the complainant told him things, even though he did not actually speak to the complainant.

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

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

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

**FINDINGS OF FACT:** The complainant said the named officer was discourteous. He stated he was the only person injured in the collision and it was distasteful for the named officer to issue him a citation under the circumstances.

The named officer explained that he issued the complainant a citation according to policy, rather than discourtesy. He also said he said he showed courtesy toward the complainant when he called an ambulance before making contact with him, and when he called the complainant's treating physician to follow up on his wellbeing. The named officer said it was his partner who actually interviewed the complainant, however.

BWC footage from the incident shows that the named officer's partner spoke with the complainant, not the named officer. The footage shows that the complainant was removed from the scene by ambulance.

The named officer was following policy when he issued the citation and the weight of the evidence suggests that he was not issuing the citation as a form of discourtesy. Furthermore, the named officer did not interact with the complainant at the scene in any significant way, and available BWC footage does not show him acting discourteously.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he backed up on a one-way street to park his vehicle in an open space. He stated the named officer incorrectly issued him a citation for unsafe backing. The complainant said his maneuver was reasonably safe because the street behind him was empty. The complainant stated that the traffic court upheld the citation, but an appellate court reversed it.

The named officer witnessed the complainant reverse down a one-way street. The named officer stated the complainant passed three driveways, four parked cars, and crossed an intersection. He said that this maneuver was dangerous.

The complainant provided a recording of his traffic court proceeding. During the hearing the named officer stated the complainant's driving was unsafe for the following reasons: 1) The complainant backed up the wrong way on a one-way street; 2) he was in a lane where at any time someone may have opened their car door into the complainant's car; and, 3) he passed an intersection where other cars could have entered the street, possibly colliding with the complainant's vehicle.

No witnesses were identified.

California Vehicle Code (CVC) 22106 states, "No person ... shall ... back a vehicle on a highway until such movement can be made with reasonable safety." The Fourth Amendment of the U.S. Constitution requires that officers are able to articulate specific facts and circumstances that support probable cause for an arrest or issuing of a citation. Here, the named officer articulated facts showing that the complainant's backing up was not reasonably safe. While the complainant may disagree, the named officer nonetheless had sufficient probable cause to issue a citation. An appellate court may have supported the complainant's contention, but they operate with a higher burden of proof; and the fact that the lower court agreed with the officer suggests that it was reasonable for him to issue the citation.

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

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

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

**FINDINGS OF FACT:** The complainant alleged the named officer lied during the complainant's traffic court proceeding. The complainant said that the named officer said he had reversed through an intersection. The complainant stated he did not cross an intersection. He explained that it was a "T" intersection, and the two streets meet on the northern side of the street. The complainant said he was driving in the southernmost lane, and therefore did not actually cross an intersection.

The officer denied misrepresenting the truth during the complainant's traffic proceeding.

A recording of the complainant's traffic proceeding confirms the officer stated the complainant crossed the intersection. During the hearing, the court agreed with the officer's interpretation.

No witnesses were identified.

CVC 365 states, "An 'intersection' is the area embraced within the prolongation of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways, of two highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict." Here, the complainant passed the entrance of a "T" intersection. By prolonging the lateral curb lines of both streets, the intersection is extended across all the lanes of the street the complainant was reversing on. A reasonable interpretation of the law is that the complainant passed an intersection, and there is no evidence to suggest that the named officer was misrepresenting the truth.

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.