

DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 12/07/18 DATE OF COMPLETION: 08/01/2020 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on May 20, 2018.

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DATE OF COMPLAINT: 07/15/19 **DATE OF COMPLETION:** 08/20/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer yelled a homophobic slur at the complainant.

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

FINDINGS OF FACT: The complainant said he heard the named officer use a homophobic slur on his security camera when she approached his door.

The named officer said she arrived on scene in response to a prowler call. The named officer stated she did not use or hear officers using a homophobic slur. The complainant's security camera footage does not show the named officer using any slurs.

The officer's body-worn camera footage also does not show the named officer using any slurs.

The evidence proves that the conduct alleged likely did not occur.

SUMMARY OF ALLEGATIONS #2-8: The officers yelled a homophobic slur at the complainant.

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

FINDINGS OF FACT: The complainant said that officers yelled out a homophobic slur at him as they drove away from the scene.

The named officers stated they arrived on scene to investigate a prowler call. The named officers denied using homophobic slurs during the incident or while leaving the scene.

Body-worn camera footage shows the officers arrived on scene and investigating. The officers do not use any slurs during this time. The footage does not show the officers driving away from the scene. However, the complainant's testimony is not credible as he repeatedly demonstrated paranoid patterns of thought during the incident.

The evidence proves that the conduct alleged likely did not occur.

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SUMMARY OF ALLEGATIONS #1-3: The officer detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The complainant stated that five years ago, he drove his vehicle with a suspended driver's license when he hit and damaged another vehicle. He said he pulled up and attempted to signal the other driver to meet him and talk. However, the other driver failed to stop, and so he left the accident scene. The complainant stated that several officers later came to his mother's house and asked him if he had been driving the car that evening. He stated that the officers did not inform him they were investigating a hit-and-run accident.

All three named officers stated that the complainant's mother first came to the door when they arrived on the scene. Both named officers #1 and #2 stated that named officer #2 informed the mother that they were investigating a hit-and-run accident, and she told the officers her son had been driving the vehicle that evening.

Named officer #1 stated that an officer told the complainant that they were investigating a hit-and-run accident, but does not recall who did. Officer #2 said he spoke with the complainant and told the complainant immediately that they were investigating a hit-and-run accident and started asking the complainant related questions. Named officer #3 also confirmed that named officer #2 explained to the complainant that they were investigating a hit-and-run accident regarding his mother's car. The named officer said he does not remember if they had the time to advise him that he's going to be detained because many things were happening.

Department records indicate that named officer #2 explained to the complainant that the officers were investigating a hit-and-run accident with his mother's vehicle.

The witness who was the complainant's mother stated that the officers told her that someone had seen her son driving in her car that hit a government vehicle.

The evidence gathered proved that named officer #2 did explain to the complainant the reason for the detention, which was to investigate the hit-and-run car accident involving the complainant.

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

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SUMMARY OF ALLEGATIONS #4-6: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that once the officers confirmed that he was the one driving the vehicle, named officer #2 entered the hallway of his mother's residence without permission and to try and pull the complainant out of the house. He said named officer #1 and #3 then joined and pulled the complainant out. The complainant later provided an account with different details from the initial account, that included the presence of a previously unmentioned dog.

Named officer #1 stated that named officers #2 and #3 interviewed the complainant and asked about the damage on his mother's vehicle, and the complainant stepped out to look and went back inside the house. Officer #1 spoke on the phone with the unit, who was on scene at the accident location. He confirmed that the complainant was the suspect and told Officer #2 to detain the complainant. He said he then heard the complainant being very loud and taking a fighting stance with his fists clenched while stepping outside of the residence. Officer #1 said the incident happened very fast, and he remembered named officers #2 and #3 attempted to grab the complainant's arm and were pulled towards the house by the complainant. He does not recall at any point during the interaction named officer #3 put his foot in the door to prevent the complainant from closing the door. Named officer #1 does not recall whether named officers #2 and #3 were ever in the house and denied that he went inside the complainant's house.

Named officer #2 stated that the complainant was being very evasive during the interview and became angry. He said the only time the complainant stepped out of the threshold was to see the damage to his mother's car. He said named officer #1 told him that the complainant was the suspect who needed to be detained to conduct a cold show. Officer #2 observed Officer #3 talking to the complainant when he heard Officer #3 tell the complainant not to slam the door in his face. Officer #2 said he believed the complainant was going to attack Officer #3. Officer #3 walked closer to the complainant when the complainant started to back into the house. Officer #2 was worried that the complainant was going to grab a gun or a knife from the kitchen. Therefore, he went into the house to restrain and handcuff him. The complainant pulled him further into the house. Officer #3 then went in behind him to help pull the complainant out of the hallway. Finally, they were able to pull the complainant to the front door.

Named officer #3 stated that named officer #1 confirmed with another unit that they wanted the complainant detained. As the named officer was attempting to explain to the complainant calmly, the complainant stepped back into his residence and attempted to slam the door in the officer's face. Officer #3 blocked it with his foot inside the threshold to prevent the door from hitting his face. The complainant became very angry and started clenching up his fists, walked forward, taking a fight stance. Officer #3

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stepped back while the complainant stepped out of the hallway into his driveway. The complainant appeared to take an aggressive stance as if he was going to punch the officer. Named officer #2 then came to intervene by grabbing his arm or his body. The complainant then attempted to go back inside the house and pulled the two named officers in with him. Officer #3 stated that at no point did the complainant or the other officers enter the residence.

Department records indicate that Officer #1 informed Officer #2 that the complainant matched the description of the driver and that they needed to detain him. It documents that Officer #3 then said, "Don't slam the door on me" and put his foot inside the threshold to prevent it from shutting. Officers #1 and #2 then went over to assist. The complainant was getting angry and aggressive and said he had to work the next day. The records state that the complainant then stepped outside of the doorway, taking an aggressive stance by balling his fists. As the complainant attempted to back inside his doorway, Officer #2 grabbed the complainant's upper body in an attempt to pull him away from the doorway. Officer #3 assisted by grabbing the complainant's left arm in pulling the complainant out of the doorway.

Department records also showed that officers interviewed the complainant's mother, who stated she did not see what happened between the officers and her son.

The witness, the complainant's mother, was interviewed and stated that her son was standing in the doorway when the officers came. A few officers reached in and pulled her son out of the door.

No video evidence was available.

The incident occurred five years ago. The evidence collected showed that each person involved gave a different account of whether or how the named officers entered the residence. The complainant has been inconsistent with his account of the events, and the officers have provided accounts that contradict the other officer's recollections. The only witness available is not independent and has provided two differing accounts of the incident.

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

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SUMMARY OF ALLEGATION #7-9: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that after named officer #2 entered the hallway, he reached for the complainant's hand and tried to pull the complainant out of the house. He said named officers #1 and #3 joined and tried to pull the complainant out. They ended up wrestling down the hallway, and the complainant admitted resisting officers. The officers finally got him out of the house and threw him facedown on the ground in the driveway. He said he was not resisting, and his face and shoulders were scraped. He said while he was on the ground, the officers dragged him down the driveway. He believed that the named officers used excessive force.

Named officer #1 stated the complainant tried to pull Officers #2 and #3 into his mother's residence. He grabbed hold of one of the complainant's arms to assist. The complainant changed directions, charged at named officer #2, picked him up off his feet, and slammed him against the wall. Named officer #1 stated that the complainant was resisting violently and was assaultive. Officer #1 then wrapped his arms around the complainant's waist, pulling him off Officer #2 with the assistance of Officer #3 and dragged the complainant to the ground. Officer #1 said an ongoing struggle ensued with the complainant attempting to break free and push himself up. Officer #1 then applied a carotid restraint on the complainant once, and the complainant's body went limp, so Officer #3 could place handcuffs on the complainant.

Named officer #2 said after he pulled the complainant out of the hallway, the complainant lowered his head, rushed him and charged at him. He said the complainant took him off his feet and hit his back against the wall. He then dropped onto the ground with the complainant on top of him. He believed named officer #3 pulled the complainant away from him and handcuffed him eventually. Named officer #2 stated that the complainant made a direct attack at him, and he did not mace him or use his baton other than trying to put him in handcuffs. The named officer stated that he did not see any officers apply carotid restraint on the complainant but said it was a permissible tactic at the time.

Named officer #3 said after he stepped into the threshold of the doorway to prevent the door from closing on him, the complainant became very angry and started clenching up his fists and taking a fight stance. Officer #3 said he stepped backward. He said the complainant then put his fists up and appeared to be ready to throw a punch. Officer #2 then came to assist by grabbing the complainant's arm or body. Officer #3 said he attempted to place a bent wristlock, but it was ineffective. The complainant was violently resisting officers. Officer #1 came in to help pull the complainant out of the house. He said the complainant then pulled forward and tackled Officer #2 off his feet and slammed him onto a wall. Officer

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#2 and Officer #1 then forced the complainant on the ground. Officer #1 applied a carotid restraint so he could handcuff the complainant. By using the carotid restraint they were able to get the complainant under a little control, but the complainant was still actively resisting.

Department records indicate that as the complainant attempted to back into the doorway, Officer #3 and Officer #2 grabbed the complainant's left arm to pull the complainant out of the doorway. The complainant then charged at Officer #2, lifting him off his feet, slamming him into the outside wall and making him fall to the ground. Officer #1 and #3 pull the complainant away from Officer #2 and forced him to the ground. Officer #2 called for additional units. The complainant continued to resist by placing his hands underneath his body and pushing up to free himself. Officer #1 was afraid that the complainant was going to break away, so he placed a carotid restraint on him. As the complainant stopped resisting, Officer #1 released the pressure while Officer #3 placed handcuffs on the comp. The complainant immediately started resisting again by tensing his body and made it difficult for the officer to handcuff him. The officer was able to place handcuffs on the complainant eventually. An ambulance was called, and paramedics checked the complainant.

Department records also indicate that the complainant's mother said the complainant had anger issues and would sometimes yell for no reason. Other records showed that named officer #1 applied a carotid restraint on the complainant.

Medical records indicate that the complainant suffered from abrasions and contusions over their upper and lower extremities. The named officers suffered from abrasions, joint pain, back pain, knee pain, and blunt trauma.

The witness, the complainant's mother, said officers restrained her son on his stomach on the ground.

Department Bulletin 16-219 (Prohibited Use of Carotid Restraint) states that officers are prohibited from using carotid restraint effective December 27, 2016. However, the incident under investigation occurred in 2015, and therefore the Cortoid Restraint was a permissible technique.

Department General Order 5.01, Use of Force, states that when a subject is aggressive or combative, attempting to assault the officer verbally or physically, officers are allowed to use devices or techniques to gain control of the situation ultimately.

The evidence collected indicates that the complainant was assaultive during the encounter. Therefore, the named officers were justified to use the control hold technique to take down the complainant. The evidence also shows that the carotid restraint was still a valid technique when the incident happened. It shows that the named officer took the complainant down to the ground because he was assaulting named

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officer #2. However, it did not indicate that the complainant was dragged down the driveway at any point during the encounter.

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

SUMMARY OF ALLEGATIONW #10-12: The officers failed to properly care for or monitor a person in custody.

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

FINDINGS OF FACT: The complainant said he was already asleep when the officer came to the home, so he went to the door in his underwear. The complainant was taken to the police station without his shirt on. The complainant indicated he was cold in the building. The complainant told the officers that he was cold in the first 30 seconds of the encounter and asked the officer if he could get “something” from the house, but was refused.

Officers #2 and #3 confirmed that the complainant was in his underwear when he came to the door. Officers #1 and #3 stated that they do not recall if at any time during the incident, the complainant stated that he was cold. Officer #2 said he did not hear the complainant said that he was cold.

Department records and photos gathered indicate that the complainant was only wearing his underpants when he came to the door.

The witness said her son was already in bed when the officers came, and he came out in his underwear. She stated that the named officers did not ask to put clothing on her son.

The evidence indicates that although the complainant was shirtless and was only wearing his underpants during the incident. However, the evidence is inconclusive that he indicated to the officers that he was cold or request to put on some clothes.

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

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DATE OF COMPLAINT: 08/12/19 **DATE OF COMPLETION:** 08/01/20 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: C U O **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and a Representative of Mission Station, the complaint was mediated and resolved in a non-disciplinary manner on 7/14/2020.

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DATE OF COMPLAINT: 09/17/19 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged that the officer wrote the wrong address of his mother in a collision report.

The collision report contains an incorrect address for the complainant's mother. The report contains the correct house number, but the wrong street number. There is no evidence that named officer made the error intentionally or with malice.

The officer's error does not rise to the level of misconduct. There is insufficient evidence to support a disciplinary charge.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant alleged that the officer wrote the wrong address of his mother on a citation.

The citation contains an incorrect address for the complainant's mother. The citation contains the correct house number, but the wrong street number. There is no evidence that named officer made the error intentionally or with malice.

The officer's error does not rise to the level of misconduct. There is insufficient evidence to support a disciplinary charge.

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DATE OF COMPLAINT: 09/30/19 **DATE OF COMPLETION:** 08/01/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 07/27/2020.

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DATE OF COMPLAINT: 10/15/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant said that an officer refused to take action against street vendors outside her restaurant.

The named officer stated that she did not take any action because California Senate Bill 946 forbids officers from taking action against street vendors. The named officer said that numerous supervisors have explained to her that Senate Bill 946 prevents her from taking action against street vendors.

California Senate Bill 946 (“SB 946” - the “Safe Sidewalk Vending Act”) established requirements for local regulation of sidewalk vending. The law prohibits criminal penalties for sidewalk vending violations though it permits local regulatory requirements.

The San Francisco Police Department needs to issue a formal policy or offer training on how officers should enforce local regulatory requirements for street vendors without violating S.B. 946. As S.B. 946 specifically states that local regulation of street vendors remains lawful, it is not enough to simply advise officers that they can take no action whatsoever.

The conduct in this case is due to a policy and training failure.

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

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

FINDINGS OF FACT: The complainant stated she called police about unauthorized vendors selling goods near her restaurant. Complainant said the named officer yelled and screamed at her and her sister, telling them not to call police for enforcement of city laws.

The named officer stated she had responded several times to the complainant’s calls requesting unauthorized vendors be removed from near her restaurant. Body worn camera footage showed the named officer did not yell or scream, was not verbally abusive, and tried to explain the situation she was facing regarding the complainant’s call for service.

The evidence proves that the alleged conduct did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the named officer, during the incident, referred to her and her sister in conversation as, "you people," which she believed indicated racial bias.

The named officer denied referring to the complainant as, "you people." The named officer also stated she tried to empathize with the employees at the complainant's restaurant, explaining that she understood their frustration at her inability to issue citations to street vendors operating in front of the complainant's restaurant.

Body worn camera footage shows the named officer did not say, "you people." The footage shows the named officer telling the complainant's sister, "You guys have to understand," that the officer would not be telling nearby vendors to move.

The evidence proves that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the named officer affected a traffic stop and unnecessarily detained her.

The named officer stated that upon request, the complainant refused to provide vehicle registration and proof of insurance during a traffic stop. The officer further stated that, based on his experience, the complainant delaying in providing the requested documents was potentially formulating a criminal plan involving an assault or fleeing, which could endanger both the officer and the public.

Department records showed that the named officer affected a traffic stop on the complainant for a mechanical violation. After requesting the required documentation from the complainant, the complainant argued that the traffic stop was illegal and refused to provide the documentation. The officer then removed the complainant and detained her for delaying a police officer in the performance of his duties as well for officer and public safety.

Body-worn camera footage showed the officer approached the complainant's vehicle at the driver's side door. The complainant's vehicle window and door both remained up and closed. The officer attempted to open the driver's door, which was locked. The complainant opened the door, provided the officer with her driver's license. However, the footage showed the complainant did not provide the required documentation when the officer requested her to do so. The officer repeatedly requested the documents, but the complainant continued to argue that the traffic stop was not valid and failed to provide the documents. The officer then removed the complainant from her vehicle and detained her.

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

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SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officer conducted an illegal search of her vehicle during a traffic stop.

The named officer stated that he believed that there could potentially be weapons in the vehicle. He based the belief on the complainant's refusal to provide the requested documents, positioning her back to the officer in which her hands were not visible, furtive movements, and the location being a high crime area. The officer further stated that based on the afore mention observations, after the complainant was removed from the vehicle, he searched the interior of the vehicle were the vehicle registration and proof of insurance might be located as well as any weapons would be within immediate access by the driver.

Department records reflected that during a traffic stop, the complainant positioned her body in a way that her hands were not visible and refused to provide the required documentation upon request. Based on the complainant's refusal to comply with the officer's request and the officer's observations and experience, he removed the complainant from her vehicle. He searched for the documentation as well as any weapons that would be immediately accessible to the complainant.

Body-worn camera footage showed the officer requesting the required documentation, and the complainant failed to comply with the named officer's request. The officer removed the complainant from the vehicle and subsequently searched for the required documentation. The officer opened the driver's door and looked briefly in the front interior of the vehicle, then opened the passenger door and looked inside the glove compartment and retrieved documents.

In *In re Arturo D.* (2002) 27 Cal.4th 60, the California Supreme Court concluded that where a driver has not produced a driver's license or registration when stopped for a traffic violation, an officer may enter the vehicle to conduct a limited search for registration and identification documents. The court stated, "Limited warrantless searches for required registration and identification documentation are permissible when, following the failure of a traffic offender to provide such documentation to the citing officer upon demand, the officer conducts a search for those documents in an area where such documents reasonably may be expected to be found." (*Id.* at 86.) In conducting such a search, the officer need not take the driver's word for it that he or she does not have a license. (*Id.* at p. 78.)

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

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force when he removed her from the vehicle. The complainant stated that the officer raised her up off her feet then slammed her hard to the ground.

The named officer denied using unnecessary force during the detention of the complainant. The named officer further stated that the only use of force he used was placing his hand on the complainant's left arm when guiding her in exiting her vehicle and applying handcuffs.

Body-worn camera footage was consistent with the officer's description of the force he used during the detention of the complainant. The officer was observed gently guiding the complainant out of her vehicle, applying handcuffs in a controlled manner, then gently assisting the complainant in sitting down on the sidewalk.

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

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SUMMARY OF ALLEGATION #4: The officer handcuffed an individual without cause.

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

FINDINGS OF FACT: The complainant stated that the officer handcuffed her without cause.

The named officer stated that after effecting a traffic stop of the complainant's vehicle, he requested that she provide required documents that the complainant failed to comply promptly. The officer further stated he detained and subsequently arrested the complainant for Section 148 of the California Penal Code, delaying or interfering with a police officer in the performance of his/her duties. In doing so, the officer handcuffed the complainant per Department policy for officer and public safety.

SFPD Departmental General Order 5.01 authorizes handcuffing a detainee even when the detainee may be compliant.

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

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SUMMARY OF ALLEGATION #5: The officer arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated that the officer arrested her without justification.

The named officer stated that after affecting a traffic stop on the complainant's vehicle, he requested that she provide the required documentation. The officer further stated that the complainant refused to provide the requested documentation and argued that the traffic stop was not valid. Based on the complainant's refusal to comply, the officer stated that he removed the complainant from the vehicle and subsequently arrested her for Section 148 of the Penal Code, delaying or interfering with a police officer in the performance of his/her duties.

Department records reflected that during a traffic stop, the complainant positioned her body in a way that her hands were not visible and refused to provide the required documentation upon request. Based on the complainant's refusal to comply with the officer's request and the officer's observations and experience, he removed the complainant from her vehicle. He searched for the documentation as well as any weapons that would be immediately accessible to the complainant.

Body-worn camera footage showed the officer requesting the required documentation, and the complainant failed to comply with the named officer's request.

Section 148 1(a) of the California Penal Code states in part, " Every person who willfully resists, delays, or obstructs any ... peace officer...in the discharge or attempt to discharge any duty of his or her office or employment... shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment."

The named officer had probable cause to arrest the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated the officer delayed her trip by ambulance to the hospital when she was in severe pain from a broken elbow following a traffic collision with another bicyclist.

The named officer is no longer employed with the Department and therefore is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated the named officers pulled over her vehicle and accused her of nearly killing children in a crosswalk. When she exited her vehicle, the named officers grabbed her arm, pulled her to the curb and placed her into handcuffs. She stated the officers used unnecessary force, which resulted in an injury to her wrist.

The named officers denied using excessive force. They stated that they observed the complainant's vehicle narrowly miss colliding with three juveniles in a crosswalk. When they pulled her over, she stopped her vehicle in the lane of traffic and immediately exited her vehicle waving her arms and yelling, while standing in both lanes of traffic. The named officers stated they had to get the complainant out of traffic, as it was endangering her safety as well as theirs. Named officer #1 ordered the complainant to get back into her vehicle, but she failed to follow his orders. He then ordered her to put her hands on the top of her head, but instead she continued to wave her arms. Named officer #1 stated he grabbed the complainant's right wrist and "gently" walked her to the sidewalk. He stated the complainant continued to wave her free arm, which caused named officer #2 to grab her right arm and place her in handcuffs. The named officers stated it was necessary to place her in handcuffs for her and their safety because she could have attempted to run back into traffic. Both officers stated they used the minimum amount of force necessary to contain the complainant and that it was necessary to use the force they did because she failed to comply with verbal commands. The named officers stated an ambulance was summoned because the complainant complained of pain to her left wrist.

BWC footage corroborated the named officers' statements. The complainant exited her vehicle into a lane of traffic, yelled at the named officers, and waved her arms. Named officer #1 ordered her to get back into her vehicle, which she did not do. He then ordered her to put her hands on her head, but instead she continued to yell and wave her arms. Named officer #1 gained control of the complainant's right arm, while she continuously attempted to pull away. While named officer #1 had control of the complainant's right arm, he pointed to the sidewalk and told her that they needed to get out of traffic. The complainant did not move toward the sidewalk willingly. Once the complainant was on the sidewalk, she flailed her free arm which was then seized by named officer #2 who placed her in handcuffs with the assistance of

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named officer #1. The complainant complained about pain to her wrist and was evaluated by paramedics. She was provided with a wrist brace and released.

Photos taken of the complainant's left wrist, at the time of the incident, showed mild redness where the handcuffs were placed.

Department General Order 5.01 states in relevant part that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search; to overcome resistance or to prevent escape; and to gain compliance with a lawful order. Additionally, officers must use the minimum amount of force necessary to accomplish their lawful purpose.

Because the complainant failed to comply with verbal orders to get out of the lanes of traffic, it became necessary for the named officers to gain physical control of her, forcefully move her to the sidewalk, and place her into handcuffs. Based on BWC footage, the named officers' physical contact with the complainant was minimal and it was necessary to effect a lawful detention.

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

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SUMMARY OF ALLEGATION #3-4: The officers applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated the named officers unnecessarily placed her in handcuffs.

The named officers denied the allegation, stating that the complainant was placed in handcuffs because she suddenly ran into traffic and failed to comply with verbal commands to get back into her vehicle or move to the sidewalk. Named officer #1 stated when the complainant failed to get out of the street, he grabbed her right wrist and “gently” walked her to the sidewalk. He stated once she was on the sidewalk, she continued to flail her free arm. Named officer #1 stated he held her right arm while named officer #2 placed her in handcuffs.

BWC footage showed the complainant exit her vehicle into a lane of traffic. She yelled at the officers and waved her arms. Named officer #1 ordered her to get back into her vehicle, which she did not do. He then ordered her to put her hands on her head, but instead she continued to yell and wave her arms. Named officer #1 gained control of the complainant’s right arm, however she continuously attempted to pull away. While named officer #1 had control of the complainant’s right arm, he pointed to the sidewalk and told her that they needed to get out of traffic. The complainant did not move toward the sidewalk willingly. Once the complainant was on the sidewalk, she flailed her free arm which was then grabbed by named officer #2 who then placed her in handcuffs with the assistance of named officer #1.

San Francisco Police Department Arrest and Control Manual states that the primary purpose of handcuffing is to minimize the attack on officer and others, to minimize prisoner escape, and to minimize self-inflicted injury by the subject.

Because the complainant, who was detained on a traffic violation, exited her vehicle and refused to obey lawful commands to move to the sidewalk, the named officers acted within their training to apply handcuffs on the complainant.

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

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SUMMARY OF ALLEGATION #5: The officer spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated the named officer accused her of almost killing children in the crosswalk. She believed it was wrong for the officer to accuse her of that because she never would try and kill children.

The named officer stated he issued the complainant a citation because he witnessed her narrowly collide with three juveniles walking in a crosswalk. He informed the complainant that she almost hit three children in a crosswalk because he was notifying her why he was issuing her a citation as well as attempting to impress upon her the seriousness of the traffic violation and its potential consequences.

A witness officer stated he observed the complainant narrowly miss three pedestrians walking in a crosswalk.

BWC corroborated the named officer's statement. The footage also showed the complainant protest and yell that she would never kill kids.

Department General Order 9.01 sets policies and procedures regarding traffic enforcement, including moving, parking, and mechanical violations. The goal of the Department's traffic enforcement program is to reduce traffic collisions, facilitate traffic flow, and ease parking congestion. Additionally, officers are instructed that when issuing a citation, they must answer reasonable questions and inform the person of the nature of the violation and the proper means of disposing of the citation.

The named officer did not speak inappropriately or violate policy by informing the complainant the reason he issued her a citation and what the potential consequences could have been.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer issued her a citation for failing to yield to pedestrians in a crosswalk. She stated she did not violate any traffic laws.

The named officer stated he issued the complainant a citation because he witnessed her narrowly collide with three juveniles walking in a crosswalk. Although he is allowed to use his discretion when issuing a citation, he chose to cite her in the interest of public safety because the violation was extremely dangerous and in a corridor that was congested with pedestrians and traffic. The complainant's attitude did not factor in his decision to issue her a citation.

A witness officer stated he observed the complainant narrowly miss three pedestrians walking in a crosswalk.

Department General Order 9.01 states that officers shall act on moving violations after witnessing a violation.

Body worn camera did not capture the violation. DPA attempted to locate cameras that would have captured the alleged traffic violation; however, all cameras within range were non-operational at the time of the incident.

There were no cameras that captured the alleged original traffic violation and no independent witnesses were identified, therefore, the evidence fails to prove or disprove that the alleged conduct occurred.

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SUMMARY OF ALLEGATIONS #7-8: The officers knowingly engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated she was issued a citation and treated poorly because she is African American.

The named officers denied the allegation stating, the complainant was pulled over because they observed her commit a dangerous traffic violation. They stated they did not know the race of the complainant before they made the decision to take enforcement action and that they only discovered she was African American when she exited her vehicle. Named officer #1 issued her a citation based on the seriousness of the violation and the area in which it occurred.

Department General Order 5.17 states that it is the policy of the Department to police impartially by basing traffic stops, among other things, on probable cause in accordance with the Fourth Amendment of the U.S. Constitution.

Based on conflicting statements of the named officers and the complainant, there is not enough evidence to prove or disprove that the officers engaged in biased policing.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer lied in his chronological summary and gave false testimony in court. Specifically, the complainant stated that the officer misrepresented that a suspect had answered affirmatively to the officer's question as to whether the suspect understood his *Miranda* rights.

The named officer denied that he knowingly provided false information or testimony in connection with this case. He read the suspect his *Miranda* rights and asked whether he understood. At the time of the suspect's interview it was the named officer's impression that the suspect understood his rights as he believed the suspect responded "yeah." When the named officer later listened to a recording of the interview, he was less certain of the suspect's response. He did not think that the suspect clearly said no, but he believed that the suspect made a negative response ("naah"). The named officer further stated that he had not listened to the recording of the interview prior to his court appearance and when testifying in court, he truly believed that the suspect responded affirmatively that he understood his rights. The named officer stated that his typical practice when a suspect indicates that he or she did not understand their rights is to ask which part they didn't understand and then clarify. Here, he believed the suspect had agreed to speak with him, but later believed he made a mistake about which he expressed remorse.

The transcript of the court proceeding showed that the named officer testified that the suspect indicated to him at the beginning of his interview that he understood his *Miranda* rights.

The recording of the suspect interview included the named officer reading the suspect his rights and asking him whether he understood. The suspect did not clearly enunciate his response, but it sounded negative ("naah"). The named officer responded "Ok, great" and continued asking questions which the suspect continued answering. The suspect's speech overall was not especially clear, and often sounded slurred or muffled. The suspect became very animated at time, yelling profanities and using racial epithets.

The named officer mistakenly believed the suspect understood his *Miranda* rights based on the words and actions of the suspect at the time. The named officer did not intend to violate or deprive the suspect of his rights when he proceeded to question the suspect.

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

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer was driving a police vehicle when he began to make an illegal right-hand turn as the complainant entered the intersection on a bicycle. The complainant had to shout at the named officer to prevent a traffic collision. The officer stopped his vehicle, which allowed the complainant to enter the intersection uninterrupted. The complainant stated that the officer's vehicle had no right lights or sirens activated at the time of the incident.

The named officer stated he did not recall the incident and did not have any memory of the complainant. The officer stated that he did not recall having activated his emergency lights or sirens at the intersection in question by the complainant.

No witnesses were found, and body-worn camera footage does not exist of the incident.

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

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DATE OF COMPLAINT: 11/19/19 **DATE OF COMPLETION:** 08/05/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that a guest in his house called 911 and falsely reporting him as a trespasser, and that officers falsely cited him for trespassing.

The officers arrived on scene and found a landlord-tenant dispute between the complainant and his tenant. The complainant – the landlord - refused to leave the tenant’s apartment. The complainant admitted that he had not filed an unlawful detainer and did not have a court order entitling him to possession. The officers informed the landlord that he could not take back possession of the apartment without a court order. The named officer removed the landlord from the apartment and issued him a citation.

The named officer was presented with sufficient information to reasonably conclude that the landlord lacked the right to be in the apartment and was therefore trespassing.

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

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SUMMARY OF ALLEGATIONS #1: The officer displayed harassing behavior.

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

FINDINGS OF FACT: The complainant, who is homeless, stated the named officer harassed and preyed on her, because she patrols the area in which the complainant inhabits. The complainant watched the named officer patrol the area for thirty minutes and did not see any “trouble people.” The complainant felt unsafe and believed the named officer was wreaking havoc with her mental stability. The complainant acknowledged that she did not have contact with the named officer and the named officer did not attempt to contact her.

Department records indicate that the named officer regularly patrols the area in which the complainant inhabits. In addition, there is no record that the named officer had any contact with the complainant on the day in question.

The named officer did not have contact with the complainant; therefore, she could not have harassed or preyed on the complainant.

The evidence proves that the conduct alleged did not occur.

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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 a clerk at a liquor store pointed a gun at him, used a racial slur, and chased him to his car after he complained about the speed of service at the store. The complainant subsequently went to a district police station to file a report. He gave a statement to an officer and waited at the station for thirty minutes before he decided to leave. He returned to the liquor store and saw the named officer talking to the store clerk. When he told the named officer that he wanted the store clerk arrested, the named officer told him to leave the store.

The incident report indicated that the complainant reported that a liquor store clerk pulled a gun on him and used a racial slur. The complainant's statement was taken, and the named officer was dispatched to the liquor store to investigate the complainant's criminal complaint. The named officer obtained a statement from the store clerk, reviewed the video surveillance, and seized and booked a BB gun and broken bat. The complainant left the police station and returned to the liquor store where he contacted the named officer. The named officer was still investigating and told the complainant to go back to the station. The complainant never returned to the station.

The named officer's body worn camera showed him obtaining a statement from the store clerk and gathering evidence. The footage also captured the complainant yelling at the named officer that he wanted the store clerk arrested. The named officer told the complainant to leave the store and go back to the station.

Department General Order 5.04, Arrest by Private Persons, states that whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall determine if 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.

Based on the evidence, DPA determined that the named officer conducted a complete investigation and complied with Department policy. The complainant provided a partial statement and left before the completion of the investigation. The complainant requested a private person's arrest; therefore, the named officer was required to complete the investigation to determine if there was probable cause to arrest the store clerk. The named officer did complete the investigation and documented it in an incident report. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the named officers placed her on a mental health hold against her will because she informed them that police cadets sprayed her with poisonous chemicals.

Named officer #1 stated he was informed by another officer that the complainant was in the lobby of the police station causing a disturbance by yelling at SFPD Cadets. He spoke to the complainant who told him that SFPD attempted to poison her with chemicals over 30,000 times. He placed the complainant in handcuffs and advised her that she was not under arrest and that she would be transported to the hospital where she would receive a psychiatric assessment. He did not place the complainant on a mental health hold. Named officer #2 was the officer who placed her on the mental health hold, but he agreed with named officer #2's decision to do so.

Named officer #2 stated the complainant reported she was poisoned by SFPD and that SFPD Cadets were trying to kill her. In addition, the complainant smelled of a strong odor of feces, she rambled incoherently, and tried leaving the building due to "poison." He stated based on the information above, he placed the complainant on a mental health hold because she was not able to make statements based in reality.

A witness officer stated he heard the complainant state that police cadets sprayed her with poisonous chemicals. He stated the complainant yelled and made incoherent statements that he could not understand.

Another witness officer, who was stationed at the front desk of the police station, stated she observed the complainant make statements that she was poisoned by officers. She stated that she became very concerned about the complainant's mental state and therefore informed her supervisor.

DPA interviewed a Subject Matter Expert (SME) on mental health holds. The SME stated when the named officers placed the complainant on a mental health hold, they acted within their training they received at the Academy. She stated that although the officers found no evidence that the complainant did not have a reliable source of food, clothing, or shelter, as required with the Department General Order (DGO) 6.14, the officers acted appropriately by placing the complainant on a mental health hold because she stated she thought others could harm her. The SME stated individuals who make such a statement could potentially become dangerous if they are willing to take action to eliminate the potential harm that they could sustained. The SME stated DGO 6.14, effective in 1994, must be updated because the training at the Academy and mental health is far more complex than the current DGO, which is 26 years old.

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Department records indicate that the complainant expressed to the named officers that SFPD has attempted to kill her with chemicals over 30,000 times over the last five years. She also stated that she forwards all her findings to a police department in a different state. The named officers documented that the complainant smelled of body odor and feces and rambled incoherently. The records also indicate that named officer #2 spoke with the witness officer who informed him that the complainant was seated 15 feet away from two cadets who were spraying an x-ray machine with disinfectant and that the spray was not directed at the complainant. The witness officer stated the complainant began screaming incoherently at the cadets and became aggressive. Named officer #2 made the decision to place the complainant on a mental health hold because she was gravely disabled due to the fact that the complainant was exhibiting delusional behavior and unable to make statements that were based in reality.

The mental health hold form completed by named officer #2 documents that the complainant was placed on a mental health hold because probable cause existed that the complainant was gravely disabled because she was unable to make statements that were based in reality.

Body worn camera (BWC) footage corroborated the named officers' statements. The complainant made disjointed statements about her son and his out of state investigation reported and being poisoned over 30,000 times; however, she provided her address when asked. The complainant attempted to leave the police station three times with her bags and named officer #1 asked her to sit down, which she did. She stated to the officers that she did not want to be around people that wanted to harm her. The named officers told the complainant that she was not under arrest and they were going to take her to the hospital. Named officer #1 placed the complainant in handcuffs and explained he had to do so because she was going to be transported in the back of the patrol vehicle. The complainant was placed in the patrol vehicle and transported to the hospital without incident.

Department General Order 6.14 (Psychological Evaluation for Adults), effective as of 1994, states in relevant part that an officer may detain an individual for psychiatric evaluation when the officer believes, that as a result of mental illness, the individual is gravely disabled and unable to care for themselves. It defines that an individual is gravely disabled if they do not have a reliable source of food, shelter or clothing.

Welfare and Institutions Code section 5150 states in relevant part that an officer may take a person into custody, upon probable cause that the person is, as a result of a mental health disorder, gravely disabled.

The named officers did not comply with DGO 6.14 when they rendered her gravely disabled. There was no evidence that the complainant did not have a reliable source of food, clothing, or shelter. However, based on the SME's interview and Welfare and Institutions Code section 5150, DPA finds, and the SME agrees, that the DGO is outdated, not complete and that the training at the Academy needs to be far more

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in-depth and complex. The SME indicated that given the precise facts and nuances of this incident, she felt the officers had no choice at that time but to place the complainant on a mental health hold. DPA urges the Department to update DGO 6.14 which became effective in 1994.

The evidence proves that the alleged conduct occurred and was in compliance with Department policy or procedure; however, DPA recommends that the policy or procedure be changed or modified as it is outdated.

OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that when she was receiving treatment in the emergency room, the named officer and a physician laughed at her.

The named officer denied laughing at the complainant.

A witness officer stated the named officer did not laugh at the complainant.

The complainant's allegation also included that the emergency room physician laughed at her. Given the vast professional training provided to all doctors, DPA finds this allegation to be highly unlikely. In addition, the complainant admitted that she sometimes files complaints against officers to "mess with them." Given the totality of the allegations of inappropriate treatment, the existence of a witness officer who corroborated the named officer, and the complainant's admission, DPA finds that there is no credible evidence that the incident occurred.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #4: The officer behaved in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated the named officer and police cadets sprayed her with poisonous chemicals.

The named officer stated that he and the SFPD Cadets did not spray the complainant with poisonous chemicals.

Department records indicated that the complainant was seated 15 feet away from two cadets who were spraying an x-ray machine with disinfectant and that the spray was not directed at the complainant. It also indicated that the complainant began screaming incoherently and became extremely aggressive towards the police cadets.

The complainant might have perceived the disinfectant spray droplets to be poisonous chemicals. However, based on the named officer's statement and department records, and inconsistent statements made by the complainant, DPA finds by a preponderance of evidence that the named officer did not spray any chemicals at or toward the complainant.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: **FINDING:** **IO-1/IA** **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 Third Street
San Francisco, CA 94158

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

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

FINDINGS OF FACT: The complainants stated that the officer behaved in a rude and intimidating manner during a traffic stop of their vehicle.

The named officer denied intentionally displaying any behavior and/or saying anything that could be interpreted as rude. He described his normal demeanor during traffic stops as direct and polite and stated that he exhibited his normal demeanor with the complainants.

SFPD records reflect that the named officer and his partner conducted a traffic stop of a vehicle and closed out the encounter with an advisement.

Body-worn camera footage shows the named officer communicating and behaving respectfully and politely during the encounter.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer detained a person without reasonable suspicion.

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

FINDINGS OF FACT: The co-complainant stated the officer pulled her over for driving without headlights. She stated she had not driven very far and once she noticed, she turned them on, but the officer had already pulled her over. The co-complainant further stated the officers removed her from her vehicle and continued to detain her.

The named officer stated that he effected a traffic stop because he observed a vehicle driving with its headlights off during darkness in violation of the California Vehicle Code. While speaking with the driver he smelled a very strong odor of burned and unburned marijuana coming from the cabin of the vehicle and learned there was an unsealed container of marijuana inside the car.

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Body-worn camera footage showed the named officer informing both complainants that he smelled the odor of marijuana. The complainant subsequently showed an unsealed container of marijuana to the named officer. After advising the complainants that it was unlawful to carry marijuana in an unsealed container in a vehicle, he ordered the complainants to exit and initiated a vehicle search.

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

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

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

FINDINGS OF FACT: The co-complainant stated that the officer used heavy force in grabbing her arm at the elbow as she exited the vehicle.

The named officer denied grabbing the co-complainant's arm with heavy force and stated that as the complainant exited the vehicle, he gently touched her elbow to guide her toward facing the car.

SFPD records do not reflect any use of force during the detention of the co-complainant.

Body-worn camera footage showed that at no time did the named officer grab the complainant with any inappropriate degree of force. Rather, the footage is consistent with the named officer's statement that he placed his arm on top of the co-complainant's forearm as she exited the vehicle.

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

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SUMMARY OF ALLEGATION #4: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The co-complainant stated the officer inappropriately searched her entire vehicle.

The named officer stated that after stopping the co-complainant for driving her vehicle at night without activated headlights, he smelled the strong odor of marijuana emanating from the cabin of the vehicle. He noted that although possession of small amounts of marijuana by adults is now lawful, there are still restrictions on marijuana in vehicles. He determined that a search of the vehicle was appropriate based on the odor of marijuana, the fact that the co-complainant was driving at night with the vehicle headlights off (an indication of a driver possibly driving under the influence), the high crime area, and the presence of an open container of marijuana in the vehicle.

SFPD records reflect that the named officer and his partner conducted a traffic stop of a vehicle and closed out the encounter with an advisement.

Body-worn camera footage showed that the traffic stop occurred at night and the complainant admitting to the officer that she was driving without headlights, the officer telling the complainant that her vehicle “reeked of marijuana,” and the co-complainant displaying to the officer that he was in possession of an open container of marijuana while in the vehicle.

Under the law at the time of this encounter, the DPA finds that the search was not improper.

A probable cause warrantless search of a person or vehicle based on evidence of an open container of marijuana is legal. (*People v. Fews* (2018) 27 Cal.App.5th 553.) In *People v. Fews*, the court ruled that those guidelines continue to apply after Prop 64:

"The continuing regulation of marijuana leads us to believe that *Strasburg* and *Waxier* still permit officers to conduct a reasonable search to determine whether the subject of the investigation is adhering to the various statutory limitations on possession and use, and whether the vehicle contains contraband evidence of a crime."

(*Id.* at 562.)

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Based on the complaint being stopped for a traffic violation in a high crime area and presenting a clearly open container of marijuana, a violation of Cal. Veh. Code section 23222(b), the named officer determined a search of the vehicle was appropriate.

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

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DATE OF COMPLAINT: 12/05/19 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer never questioned him about a domestic incident and assumed that the complainant assaulted his girlfriend. He stated the named officer failed to clarify why the complainant was arrested, when he was the one injured and transported to the hospital. Also, the named officer did not read the complainant the *Miranda* warning. The complainant acknowledged that he did not review the incident report prior to filing his DPA complaint.

Body-worn camera footage and the incident report contradicted the complainant's statement. The evidence showed that the named officer responded to an assault and battery call reported by the complainant's girlfriend. Officers obtained statements from both the complainant and the complainant's girlfriend. The complainant sustained an injury and received medical attention. The named officer determined that based on the evidence, the complainant's girlfriend injured the complainant in self-defense. The complainant was not interrogated and therefore was not issued the *Miranda* Warning.

Department General Order 6.09 states that it is the policy of the San Francisco Police Department that members treat all acts of domestic violence as criminal conduct. When the elements of a crime exist, members shall make an arrest instead of using dispute mediation or other police intervention techniques

DPA attempted numerous times to obtain a copy of the complainant's medical records to corroborate his statement; however, the complainant failed to provide the requested documents to DPA. Additionally, the complainant made conflicting statements.

Based on the totality of evidence, DPA determined that the named officer acted within policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/19 **DATE OF COMPLETION:** 08/26/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that while he was transported to county jail, the named officer asked him about a pending criminal case.

Body-worn camera (BWC) footage contradicted the complainant's statement. The named officer and the complainant had a casual conversation that varied in topics. The named officer did not initiate the conversation about the complainant's pending criminal case.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/24/19 **DATE OF COMPLETION:** 08/01/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 07/29/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/01/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that officers were aggressive when they approached her home and rang her doorbell multiple times.

The named officers were investigating a call that some kids who lived next door were climbing on people's roofs and potentially trying to burglarize houses. The named officers stated they went to the house next door to investigate, knocked on the door and rang the doorbell several times but no one came to the door. Eventually, the officers opened the unlocked door and called into the house to see if anyone was home. The officers then made contact and spoke to the complainant. The complainant stated it was not possible her kids were involved and asked the officers not to ring the doorbell. The officers then left.

The officers' body-worn camera shows the officers acting professionally during the encounter.

The officers' repeated attempts to contact the complainant were a reasonable attempt to contact an adult to make sure the kids were supervised and to make sure that the occupants were safe.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/01/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers improperly entered a residence.

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

FINDINGS OF FACT: The complainant stated in an online complaint that officers improperly opened her door.

The named officers were investigating a call that some kids who lived next door were climbing on people's roofs and potentially trying to burglarize houses. The named officers stated they went to the house next door to investigate, knocked on the door and rang the doorbell several times but no one came to the door. Eventually, the officers opened the unlocked door and called into the house to see if anyone was home. The officers then made contact and spoke to the complainant. The complainant stated it was not possible her kids were involved and asked the officers not to ring the doorbell. The officers then left.

The officers' body-worn camera shows the officers acting professionally during the encounter.

The officers' repeated attempts to contact the complainant were a reasonable attempt to contact an adult to make sure the kids were supervised and to make sure that the occupants were safe.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/20 **DATE OF COMPLETION:** 08/19/20 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was working a shift driving for Uber at the San Francisco International Airport (SFO). He admitted he exited a certain airport parking lot by turning right even though the exit was supposed to be by left turn only. He said he did not see the signs because it was too dark out. The named officer pulled the complainant over and cited him for making an illegal right turn. After the complainant received the citation, he called 911. The complainant stated the named officer returned to the vehicle, demanded the complainant's car keys, placed them on the roof, and issued him another citation for not moving his car.

The named officer stated he was working patrol when he observed the complainant's vehicle make an illegal right turn. He pulled the complainant over and cited him accordingly. The named officer waited for the complainant to leave once the traffic stop ended. After two minutes, the named officer used a loud speaker from his car to advise the complainant to move his car. When the complainant remained in place, the named officer pulled up alongside his car and advised him he was parked in a no stopping area and needed to leave. At the time, the complainant was on the phone with 911 trying to contest the citation he had just received. The complainant told the named officer that he would leave when he was ready. The named officer pointed to the restricted stopping signs and advised him to leave again but the complainant gave the same response. The named officer issued the complainant another citation for parking in a restricted area and lacking the proper credentials.

The DPA obtained a copy of the citation which showed that the complainant was cited for violation of SFO Rules and Regulations, Rule 4.2, for failure to comply with all signs and road markings and no parking in restricted areas and Rule 4.7 for improper trade dress. The propriety of the citation for the improper trade dress is addressed in Allegation #2, below. The named officer provided photos of the location where the incident happened. One photo showed multiple signs indicating that there are no right turns out of the lot. Another photo showed the location where the complainant was pulled over. There were signs that indicated "no stopping except authorized personnel only."

The DPA also obtained a copy of the audio of the complainant's call to 911 made after he was initially cited. The named officer is heard advising the complainant multiple times to move his vehicle and then telling the complainant to turn off his vehicle and hand over his keys. The dispatcher advised the complainant repeatedly to follow the instructions of the officer. The complainant admitted to making an illegal right turn. The dispatch audio revealed that the complainant was not complying with the officer's orders to move before being cited a second time. The evidence proves that the alleged conduct occurred;

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/20 **DATE OF COMPLETION:** 08/19/20 **PAGE# 2 of 3**

however, the conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that he had the proper Uber decal and sticker on his car.

The named officer stated that the complainant had an Uber logo on his car but did not have the required square decal sticker, as indicated by his checking the box on the citation for improper trade dress.

The citation included a check mark next to “Lack of or Improper Trade Dress, Placard, TCP#, Decal.”

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer became aggressive during the traffic stop when he asked the officer why his hands were shaking. He stated that the named officer yelled at him, “Are you shaking now?!” The complainant stated that the named officer hit the knuckle on the top of his left hand at one point. He also stated that the named officer threw his driver’s license back at him and had his hand on his gun during the incident.

The named officer confirmed that the complainant asked him why his hands were shaking. He stated that he told the complainant that it was January and it was cold outside. He denied yelling to the complainant, “Are you shaking now?!” The named officer denied deliberately hitting the knuckle on the complainant’s left hand. He stated that as he was handing the complainant the citation for him to sign, their hands accidentally came into contact. The named officer denied throwing the complainant’s license back at him. The named officer did not recall if his hand was on his gun during the incident but stated that would not have been out of character especially with how agitated the complainant was being at the time.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/20 **DATE OF COMPLETION:** 08/19/20 **PAGE# 3 of 3**

The audio of the 911 call as well as the communication between the named officer and the dispatcher indicated that the named officer's demeanor was calm and professional while the complainant's demeanor was agitated.

No other witnesses were identified.

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

SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 18-105.

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

FINDINGS OF FACT: The DPA was unable to locate the required Department of Justice stop data associated with this incident.

The named officer stated that he entered the stop data for this traffic stop and provided a printout copy of the entry during his interview.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/19 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 07/03/2020.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 07/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant said that an officer failed to provide a sufficient explanation about what would occur after the complainant reported a crime.

The named officer, who was a station duty officer at the time, stated that she could not recall her explanation to the complainant about the process following his report of the crime. The complainant could not identify any particular defect in the officer's explanation except that he was not satisfied with the response.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer spoke in a condescending manner and gave improper advice that he move out of his apartment.

The named officer stated she was professional during the contact. The officer stated the complainant had filed multiple police reports against his landlord, so she offered several options to improve his quality of life, including looking into another place to live for peace of mind.

No witnesses were identified.

Advising the complainant that he could avoid his landlord by looking for another place to live does not rise to the level of unprofessional or condescending conduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #3: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that an officer refused to make an arrest.

The officer stated that the complainant reported minor property damage in violation of a civil harassment order. The officer stated that she did not have sufficient probable cause to make an arrest solely based on the complainant's report. The officer said that she told the complainant that she would forward the report to an investigator.

No witnesses were identified.

The alleged criminal activity did not occur in the officer's presence. Based on the complainant's statements, the officer reasonably concluded that she needed more evidence before establishing probable cause to conduct an arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #4: The officer behaved and spoke inappropriately.

CATEGORY OF CONDUCT: C U O **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said that an officer imposed his religious beliefs on the complainant.

The officer's body worn camera footage shows that that the complainant was emotional and that the officer expressed non-denominational words of comfort. The officer did not impose his religious beliefs on the complainant.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: N D **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer failed to respond to his request to identify a police services aide.

The officer's body worn camera video shows that the officer made reasonable efforts to identify the police services aide based on the complainant's description.

The evidence proves that the conduct alleged did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT:1/23/2020 **DATE OF COMPLETION:**08/24/2020 **PAGE# 1** of 1

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

CATEGORY OF CONDUCT: CUO **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: 01/27/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant and the co-complainant stated that the named officer did not conduct a follow up investigation regarding their stolen car. When the co-complainant asked the named officer if he looked for surveillance cameras in the area where the complainant's car was parked to see who stole the car, he told the co-complainant that he would not view the security camera footage. The complainants believe the lack of additional investigation caused the District Attorney's office to drop the charges against the person arrested for stealing the complainant's car.

The named officer stated that the case was assigned to him as a rebooking, which meant he took the arrest information, created a file, and sent it to the District Attorney's Office. He stated that the arresting officers detained, mirandized, and interrogated the suspect. The arresting officers determined they had probable cause to arrest the suspect, therefore no further investigation was necessary.

The arresting officer stated that the suspect was arrested for possession of a stolen car and she was not arrested for stealing the complainant's vehicle. The suspect had keys to the complainant's car.

Body-worn camera footage documented that when the arresting officers interviewed the suspect, she claimed she did not steal the car and did not know the car was stolen. She borrowed the car from a friend who gave her the keys to the complainant's car.

Department records show that the suspect had an out of jurisdiction warrant and the District Attorney released the suspect to the outside agency and closed the case.

DPA reviewed the incident report and body-worn camera footage and determined that no further investigation was necessary.

There is no documentation to indicate that the named officer had any requirement to further investigate when he presented the case to the District Attorney. The District Attorney's Office determines which charges are dropped and what cases go to trial. Additionally, the District Attorney's Office could have sent the case back to SFPD for further investigation, if needed.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The co-complainant spoke to the named officer twice regarding the recovered stolen vehicle and the second time they spoke the named officer changed his story.

The named officer denied the allegation, stating he returned the co-complainant's call and she asked multiple questions regarding the recovery of the stolen car. He told her that for a complete account of the incident she needed to request a copy of the incident report. He provided her a brief synopsis because she was not the registered owner of the car and they were talking on the phone. The co-complainant called back a second time and told the named officer that he had provided her incorrect information, to which he disagreed.

DPA determined that even if the named officer made statements that the complainants believed were inconsistent, he referred the co-complainant to the incident report, which was a reliable account of what occurred. The named officer returned the co-complainant's phone calls and provided her with limited information about the incident even though she was not the registered owner and they were communicating on the phone.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 3 of 4**

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

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

FINDINGS OF FACT: The co-complainant stated that the named officer screamed at her after asking him what his job description and duties were. He subsequently hung up on her when she told him to do his job.

The officer denied screaming or hanging up on the co-complainant. He stated that he explained to her what his job entailed and what his assignment was when it came to the rebooking. He stated that the co-complainant was extremely angry and argumentative from the moment she called him. He explained several times what his job was and how the rebooking process worked.

There were no witnesses to the conversation and phone call was not recorded.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION # 4: The officer behaved or spoke inappropriately.

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

FINDINGS OF FACT: The co-complainant stated that she spoke to the named officer and asked him what the role of his department was and what she could expect from the officer assigned to investigate the case. She stated the named officer was inept and could not answer that simple question. She stated he misspelled the captain's email twice which she felt was very unprofessional.

The named officer stated he spoke to the co-complainant several times. He first asked her for the opportunity to thoroughly investigate the complainant's case before responding to her questions. He then explained to the co-complainant that there was no further investigation needed prior to submitting the case to the District Attorney's Office. He explained the process of how an investigation is handled from the initial time the crime occurred until the case was presented to the District Attorney's Office. He believed his demeanor was courteous and professional.

The co-complainant was not satisfied with the responses and explanation the named officer provided. However, the behavior and actions of the named officer were within policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/20 **DATE OF COMPLETION:** 08/13/20 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that he was driving and noticed a patrol vehicle. He then drove very slowly to give a lot of space to the emergency vehicle. About a block later, the patrol vehicle pulled him over.

The named officer stated that he saw the vehicle driving at a very slow speed impeding the normal flow of traffic. Therefore, he decided to conduct a traffic stop on the vehicle.

A witness officer stated that he also observed the complainant's vehicle driving at a very slow speed violating California Vehicle Code (CVC) 22400(a). The named officer and he conducted a traffic stop.

Department records indicate that the officers were the primary unit who conducted a traffic stop on the complainant's vehicle because the vehicle was driven below the speed limit at approximately one mph, causing traffic to back up behind him. The document also noted that while they were driving beside him, they did not give him any orders or activate their lights or sirens until they conducted the traffic stop.

Body-worn camera footage showed that the complainant's vehicle was being driven at slow speeds. The footage captured the complainant acknowledging that the police vehicle did not have lights or siren activated until the traffic stop.

A witness who was a passenger inside the complainant's vehicle stated that he was in the back seat and that traffic was moving very slowly.

California Vehicle Code 22400(a) states, "no person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law."

A preponderance of the evidence shows that the complainant admitted he was indeed driving very slowly at the time, and there was no police emergency or warning lights on that require the complainant's vehicle to move slowly. The named officer was able to provide articulable facts to support his reasonable suspicion for the detention of the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/20 **DATE OF COMPLETION:** 08/13/20 **PAGE# 2 of 3**

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that after he was pulled over, the named officer asked him where he was from. The complainant responded he was from Russia. Then the named officer asked where the complainant lived. The complainant said the officer did not like his response and asked him to exit the car and sit on the curb. The complainant believed that it was unreasonable for the officer to do that.

The named officer said he spoke with the complainant about whether he was from the local area, and the complainant was argumentative. He admitted instructing the complainant to step out of the vehicle because both the patrol vehicle and the complainant's car were stopped in a moving lane of traffic, the complainant was argumentative, and the vehicle had multiple occupants with unusual passenger placement. The officer admitted asking the complainant to sit on the curb for tactical and officer safety considerations.

The witness officer confirmed that the named officer asked the complainant to step out of his vehicle and determined that having the passenger remain in the vehicle would leave him in a position of advantage.

Department records did not indicate that the named officer asked the complainant to step out of the vehicle or sit on the curb.

Body-worn camera footage showed that both the complainant and the patrol vehicle were parked in the middle of the lane. When the named officer approached the complainant, the complainant was the only person in the front of the vehicle, while a passenger was sitting in the back seat. The footage showed that the named officer asked the complainant where he was from. The complainant responded, "Moscow, Russia," and subsequently asked the officer where he was from. The named officer asked the complainant where he lived, and the complainant said, "you asked me where I'm from, and I answered you" and told the officer his address and said, "next question." The footage showed the officer requested the complainant step out of the vehicle and sit down on the side of the road. The complainant complied with the request.

The witness confirmed that he was sitting in the back seat of the vehicle.

A preponderance of the evidence proved that due to the stopping location of both vehicles, the unusual seat arrangement in the complainant's vehicle, and also the complainant being argumentative, the named officer asked the complainant to step out of the vehicle for officer safety reason.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/31/20 **DATE OF COMPLETION:** 08/13/20 **PAGE# 3 of 3**

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

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant believed that the officer stopped him for political reasons because there was a sticker “to impeach is patriotic” on the back of his car. The complainant stated the officer profiled him as a hippie.

The named officer denied that the complainant was stopped for political reasons or that he profiled the complainant as a hippie. The officer stated that he saw the complainant driving very slowly, causing traffic to back up.

The witness officer also stated that the complainant was driving slowly and violating the CVC 22400(a).

Body-worn camera footage showed that at no time did any officer mention political views or hippies.

A preponderance of the evidence shows that the named officer had reasonable suspicion to detain the complainant, and it was not due to any political reasons or profiling.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/20 **DATE OF COMPLETION:** 08/17/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove a city vehicle in a grossly negligent or reckless manner.

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

FINDINGS OF FACT: The complainant stated that he and his girlfriend were walking on the sidewalk near a police station when a police van pulled out of the garage and blocked the sidewalk. The complainant and his girlfriend attempted to walk behind the van so as not to walk in the middle of the road. The van began backing up and almost struck the complainant's girlfriend.

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

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated that after the named officer almost struck his girlfriend with the police van, he yelled an inappropriate comment from the window.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/20 **DATE OF COMPLETION:** 08/31/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant was on the phone with her sister when she heard her sister say to the named officer, "I wasn't standing behind you. I wasn't standing behind you. Why you talking to me like that?" The complainant heard the named officer yelling loud and in a threatening tone at her sister.

The named officer stated that the complainant's sister became argumentative after he asked her politely to not stand behind him. He described his demeanor as extremely polite and stern when she refused to comply and became argumentative. The named officer stated that he is naturally a loud person and lowered his voice to make the initial contact.

The body-worn camera footage documents that the named officer initiated contact with the complainant's sister in a normal tone. However, after she asked the named officer a question, the officer's tone and volume rose.

DPA attempted to interview the complainant's sister, but she did not respond to the request.

The allegation could not be proven by a preponderance of the evidence. The officer was not objectively discourteous; it is a matter of perception that his voice is "naturally loud." However, the named officer must be cognizant of his tone and attitude moving forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/20 **DATE OF COMPLETION:** 08/04/20 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: C U O **FINDING:** P C **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated her storage unit was burglarized and she had been the victim of corrupt health care workers due to ongoing persecution by the mafia. She went to Central Station to draft an incident report. She wanted to write the police report herself because she mistrusts the police department due to their alliance with the mafia and other sinister groups. She arrived at Central Station and the named officer refused to allow her to write her own report. He told her he would draft the incident report. The complainant stated that she left Central Station and went to Tenderloin Station, where she was able to write the report.

The named officer stated he met with the complainant at Central Station. She told him her storage unit had been burglarized. The named officer told the complainant that burglary reports required an officer to respond to the location of occurrence. The complainant refused to tell him the address of her storage unit, became very agitated, and left before he was able to provide her with a blank form for her to handwrite a statement.

The DPA obtained a copy of the complainant's two handwritten reports as well as a follow-up form provided by staff at the Tenderloin Station. The handwritten reports stated that she is the victim of ongoing mafia torment.

The complainant's belief in outside nefarious sources influencing the police compromised her credibility, and the DPA finds the named officer's version of the interaction to be credible. The actions that the named officer took were reasonable under the circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/20 **DATE OF COMPLETION:** 08/13/20 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in unwarranted action.

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

FINDINGS OF FACT: The complainant stated that he was waiting for a bus at a bus stop when he was approached by the named officers, told him he looked like someone they were investigating and questioned him. The complainant stated that he ended up missing his bus, and one of the named officers took down his information and took photographs of him and his bus pass prior to leaving.

The first named officer stated that while on patrol with the second named officer, he observed the complainant at a bus stop and noticed that the complainant looked like a suspect involved in a series of vehicle thefts. The officer had previously viewed a photograph of the suspect and stated that the complainant had similar physical features and shoes as the suspect. The officer stated that he contacted the complainant and asked him for his information in order to identify him. The officer said he had difficulty correctly identifying the complainant due to the complainant having a name change. The officer was unable to recall the name of the suspect at the time he contacted the complainant and while on scene, attempted to locate the suspect's details and the related case number but was unsuccessful. The officer was unable to confirm if the complainant was the suspect due to his name change. The officer took photos of the complainant and his bus pass so he could later verify if he had detained the correct suspect and, if so, document the similar-looking shoes the complainant was wearing during the detention. The officer stated that the photos were not documented as he later located the correct case number and suspect details and confirmed that the complainant was not the correct suspect. He also said the bus driver was asked by the second named officer to wait, and the bus driver agreed. The bus driver later asked to leave, and the complainant told the officers to tell the bus driver to leave.

The second named officer stated that he and the first named officer were on patrol when the first named officer recognized the complainant as a potential vehicle theft suspect. The second named officer stated that he and the first named officer were shown a printed photo of the wanted suspect during the beginning of their shift. The named officers approached the complainant, who was sitting at a bus stop and conducted a brief detention to identify him. The second named officer stated that the first named officer took photos of the complainant and the complainant's bus pass. He stated that he could not speak to why the first named officer took the photos. The second named officer stated that when the bus the complainant was waiting for arrived, he asked the bus driver if he could wait for a few moments, and the bus driver agreed. A few moments later, the bus driver asked when the bus could leave, and the complainant heard this and told the first named officer to tell the bus driver not to wait any longer. The second named officer then informed the bus driver he could leave and the bus left.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/31/20 **DATE OF COMPLETION:** 08/13/20 **PAGE# 2 of 2**

Body-worn camera footage for this incident showed that the named officers contacted the complainant at a bus stop. The first named officer told the complainant that he looked like someone they were investigating and asked the complainant for his information. The complainant provided his information, bus pass, and former name to the first named officer. Body-worn camera footage showed that a bus arrived, and the second named officer asked the bus driver to wait briefly. Body-worn camera footage showed that the bus driver later asked the named officers if he could leave, and the complainant told the named officers to tell the bus driver to leave. The second named officer told the bus driver he could leave. The body-worn camera footage also showed that the first named officer told the complainant that he was not finding the complainant's proper information and ask the complainant for more information. Body-worn camera footage also showed that the first named officer took photographs of the complainant and his bus pass and then returned the bus pass to the complainant before leaving the scene.

No witnesses were identified.

Department General Order 5.03 Investigative Detention, Section 1 B, states in part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity."

The named officers had reasonable suspicion to detain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/20 **DATE OF COMPLETION:** 08/28/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to properly investigate her claims of electronic harassment.

The named officer stated he interviewed the complainant about allegations that her neighbors were surveilling her home and threatening her via electronic devices. He did not hear any threats when he listened to recordings the complainant provided in support of her claims. What he heard were sounds “like thuds and grunt like noises,” as if someone is clearing their throat, and sounds of distant conversations. The conversations were too faint to determine the content. He spent an hour with the complainant listening to the recordings and several more hours listening to subsequently provided recordings as part of the investigation. When the complainant suggested that special technology was needed to enhance the recordings, the named officer told her that he did not believe the San Francisco Police Department (SFPD) had those technological capabilities.

The named officer met with the complainant and reviewed the evidence. He was unable to substantiate the complainant’s claims of electronic threats and harassment after reasonable diligence.

The evidence proves that the acts occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/20 **DATE OF COMPLETION:** 08/28/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated she went to the police station to report concerns of audio harassment and electronic stalking. She stated the named officer accused her of being delusional.

The named officer stated she met with the complainant two days in a row and spent over two hours with her. The complainant told her that she had been stalked through radio frequencies, satellite, interactive blogs and other “internet of things” 24 hours per day since 2017. She stated the complainant played audio and video clips on her phone during the first interview and recordings on her laptop from portable speakers she brought to the station during the second interview. Nothing the complainant had her listen to was concerning or abnormal. She stated the complainant avoided her questions and dismissed her comments when not in line with her own perception. The complainant expressed irritation, frustration and raised her voice when the named officer did not agree with her or do what the complainant wanted. She denied telling the complainant that her allegations were not based in reality. “In fact, I reassured her that I believed she was hearing what she was telling me and empathized with her personal hardship.” The named officer admitted she had concerns regarding the complainant’s mental health and noted same in her report.

In a supplemental report obtained by the DPA, the named officer stated, “I grew increasingly concerned for her mental health, as her statements do not appear to be based in reality.” The named officer then advised the SFPD Crisis Intervention Team of the incident.

The named officer spent a lot of time assisting the complainant and ultimately determined that the evidence provided did not support the accusations and that the complainant’s statements did not appear to be based in reality.

The evidence proves that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/20 **DATE OF COMPLETION:** 08/24/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant alleged that the officer placed him in tight handcuffs. The complainant stated he suffered excruciating pain and numbness to his wrists.

The complainant failed to respond to the DPA's numerous efforts to interview him for information necessary to complete the investigation.

The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant alleged that the officer laughed and taunted him during the contact.

The complainant failed to respond to the DPA's efforts to interview him for information necessary to complete the investigation.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that there is an auto break-in crime wave in her neighborhood, but there are no patrol cars patrolling. She stated that the police failed to respond after she reported that her car had been ransacked. Complainant also stated in another incident the police failed to secure her car door after they investigated a break-in.

The complainant did not respond to DPA's numerous attempts to contact the complainant by mail, phone, and email. The complainant did not provide further details regarding her DPA complaint, details necessary to identify her contact with the police.

DPA conducted a records search of the incident location provided in the initial complaint and the complainant's address but was unable to identify incidents related to the complainant.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: The complainant stated she observed the named officer wear a personal protection face mask that had a thin blue line design. The complainant felt that the mask was inappropriate, demonstrating either racial hostility or a complete lack of understanding of the impact of a racist symbol.

The named officer stated he forgot his personal protection mask at home and the mask with the thin blue line design was the only mask available. He wore it for personal protection. He denied that he wore the mask to promote any message, nor did he disseminate or encourage other officers to wear the Thin Blue Line mask.

Department Notice (DN) 20-066 states in relevant part that all officers must wear a mask at all times in the workplace. In addition, it states, "Members are encouraged and allowed to wear their own personal simple barrier style masks, that are workplace appropriate and do not reflect discredit upon the Department." No order was issued expressly prohibiting the masks in question.

The named officer wore a mask with a thin blue line design only because he forgot his personal mask at home, and he did not wear it to convey any message. The DN has since been updated requiring officers to only wear masks that are solid blue or black.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/20 **DATE OF COMPLETION:** 08/31/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within DPA jurisdiction and alleges use of a taser by an SFPD officer.

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

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

The complaint is closed based on the inconsistent statements and the lack of evidence showing police contact on that day. Additionally, San Francisco Police Department has never issued officers tasers.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/20 **DATE OF COMPLETION:** 08/07/20 **PAGE# 1 of 1**

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

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

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

San Diego Police Department
Internal Affairs
1401 Broadway, MS 700
San Diego, CA 92101

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 **DATE OF COMPLETION:** 08/14/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he viewed a video on social media that showed the named officer speaking lies about the San Francisco Police Department (SFPD). The complainant stated that the named officer said in the video that the SFPD is racist. The complainant felt that what the named officer said brought discredit to the Department.

The DPA obtained the video in question. The named officer stated that his opinions were entirely his own and that he was not speaking on behalf of the SFPD. The video showed the named officer speaking about the relationship between African Americans and law enforcement in the United States. The named officer also discussed the American criminal justice system and the negative impact the legal system has had on African Americans. The named officer stated that he wants to help bridge the gap between the African American community and law enforcement. The named officer ended the video stating that he is a proud black police officer and that he wants to help reform his department and other police departments around the country.

The named officer spoke on the timely and national topic of police reform and other closely related topics in a general sense. The SFPD was not the focus of his video. The named officer spoke about police reform despite the potential for criticism from members of his own department. The named officer should be commended for illustrating to San Franciscans that there are members of the department who are listening and willing to be the positive change that communities demand.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/20 **DATE OF COMPLETION:** 08/14/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer knowingly engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that the named officer's video on social media made him feel that the named officer is incapable of unbiased application of the law. The complainant also stated that the named officer would be incapable of rendering him services based on his race.

The DPA obtained a copy of the video in question. At no point in the video does the named officer make any comments which imply that he is biased towards another race.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/3/20 DATE OF COMPLETION: 08/26/20 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CVO 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: 06/11/20 **DATE OF COMPLETION:** 08/19/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he had to meet with his boss to pick up a check. He went to an office building for the meeting and found the front glass entrance doors locked. The complainant could see two San Francisco Police Department (SFPD) officers in the lobby talking with front desk security. The complainant knocked on the door. One of the officers turned around and showed the complainant his badge. He continued to knock. The complainant stated that the named officer then turned around and gave him the middle finger.

The DPA obtained the security camera footage from the day of the incident. The footage has no audio. The video showed the named officer and another officer in the lobby with front desk security and the building engineer. The complainant was outside trying the door handle, looking in the glass, and knocking on the glass. The other officer turned around and showed his badge to the complainant. The named officer stepped away from the front desk, turned towards the complainant, and moved his arms and hands in communicative gestures appearing to say something like, “what?” or “we’re busy.” He did not appear to give the middle finger.

Witness #1 stated that he was working front desk security for the building when the named officer and the other officer arrived. He stated that they wanted to look at their security camera footage regarding a potential homicide case. As he was assisting the officers, the complainant arrived and proceeded to knock on the door to be let in. Witness #1 stated that the complainant appeared to be agitated. The other officer turned around and showed his badge as to say, “We’re cops. We are working on something.” The named officer turned around and gave a gesture with his hands to say, “Look, we’re busy.” Witness #1 stated that the complainant “went ballistic” and began screaming that the named officer flipped him off. Witness #1 denied that the named officer gave the complainant the middle finger.

Witness #2 works as the building engineer. He stated he was talking with Witness #1 and the officers when the complainant wanted to be let in the building. He stated that the named officer gave the complainant a “what?” gesture and not the middle finger.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/2020 **DATE OF COMPLETION:** 08/28/20 **AGE# 1 of 1**

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

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

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

Oceanside Police Department
C/O Professional Standards Unit
3855 Mission Avenue
Oceanside, CA 92054

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/20 **DATE OF COMPLETION:** 08/28/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she went to a police station to file several police reports when officers at the station asked her questions, specifically about her health and well-being. The complainant stated she answered the officers' questions about getting sleep, if she had eaten and if she were mentally sick. The complainant further stated city and state employees are corrupt.

The complainant did not identify any misconduct engaged in by the officers with whom she had contact. The complainant was not able to provide names or star numbers of the officers. A search of SFPD records failed to reveal an incident on the date and time she indicated her contact with officers occurred.

No witnesses were identified.

The evidence proves that the conduct alleged likely did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/2020 **DATE OF COMPLETION:** 08/28/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/20 **DATE OF COMPLETION:** 08/17/20 **PAGE# 1 of 1**

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

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

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

U.S. Park Police San Francisco Field Office
1217 Ralston Avenue
San Francisco, CA. 94129

AND

San Francisco Recreation and Parks Department
501 Stanyan Street
San Francisco, CA 94117

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/20 **DATE OF COMPLETION:** 08/13/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that her neighbors were being loud and disturbing her, so she called the police to report the noise disturbance. An officer responded to the call and told her to relax and to take something to relax. The complainant provided an estimate for the date of the incident.

Department records failed to identify the alleged incident.

An officer identification poll was sent to the station in the district the incident was alleged to have occurred in. The poll was returned with negative results.

No witnesses were identified.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that during a protest demonstration a child veered into her with an electric scooter. The complainant later noticed that the same child spoke with police officers in the area and carried a small shield that read "police." The complainant stated that the child was angry and scowled at the crowd of demonstrators. The complainant concluded that the child was with the police and under the care of the officers. The complainant stated that the officers exploited and neglected the child and his well-being during this incident.

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

No witnesses were identified.

The officer(s) could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she was on her way back home when a man threatened to rape her. The complainant called 911 and the named officers responded to the scene but failed to take any action and arrest the man.

Department records showed a call from a reporting party who stated that a subject had a gun in his bags and threatened to rape her. Officers responded to the scene and detained the subject that matched the description provided to dispatch. Department records showed officers searched the subject and his bags and did not locate any weapons. Department records revealed that officers spoke with the subject who told officers he did not threaten the reporting party. Additionally, department records showed that the reporting party refused to answer officer's questions and walked away.

Body-worn camera footage related to this incident showed that officers detained, questioned, and searched the subject and his belongings. Body-worn camera footage also showed that the first named officer approached the complainant to speak with her about what happened. The complainant yelled and cursed at the first named officer. The complainant stated that the man threatened to rape her and asked the first named officer to deal with him and not to bother her. The first named officer commented that the complainant was being uncooperative, and the complainant disagreed. Body-worn camera footage showed the first named officer state that the incident was a verbal 418 (fight or dispute). The second named officer told the complainant that there is not anything else they can do regarding what the subject said. The complainant yelled and cursed at the second named officer, told her to arrest the subject and then left the scene. Body-worn camera footage also showed that the second named officer spoke with the subject who detailed a verbal altercation he was involved in with the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated the first named officer approached her and spoke with her about her personal relationship status which she found inappropriate. She also stated that the second named officer was not courteous or respectful when speaking with her and acted like she knew her.

Body-worn camera footage for this incident showed that the first named officer commented that the complainant's boyfriend had just left the area. The first named officer stated that he knew the complainant's boyfriend was not supposed to be around the complainant and told another officer that the boyfriend was subject to a restraining order. Body-worn camera footage further showed that the second named officer spoke with the complainant, told her there was not much else they could do, and asked the complainant what she would like help with. The complainant made a comment about her father having been a police officer to which the second named officer responded she didn't care, that the complainant always brought up her father when they encountered each other. The complainant yelled and cursed and left the scene. The complainant and the second named officer spoke in raised voices back and forth with each other as the complainant walked away.

No witnesses were identified.

Under DGO 2.01 officers must treat the public with courtesy and respect. The conduct here did not rise to the level of misconduct. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/20 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the officer was disrespectful to her when she was standing outside. The officer was involved in an effort to contain a mountain lion that was seen in the area and told the complainant that if she didn't move from where she was standing the mountain lion would attack her.

Body-worn camera footage showed the named officer approach two people on the sidewalk. One of the individuals backed up, but the complainant responded that she was behind the safety zone and not within the area marked off by caution tape. The named officer explained that there was no safety zone and that the mountain lion could come into the area. The complainant told the named officer that she felt okay with where she was standing and that she understood the severity of the situation. The footage showed the named officer tell another officer to let the complainant be and stated that if the mountain lion came into that area the complainant would be the target. The complainant could be heard using the term "ridiculous" and the named officer responded "yes, you are."

Department General Order 2.01 provides that officers shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. In the present case, given the totality of circumstances, the evidence proves that the alleged conduct occurred, but did not rise to the level of misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/20 **DATE OF COMPLETION:** 08/31/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/20 **DATE OF COMPLETION:** 08/31/20 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: C U O **FINDING:** N F **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officer harassed him during 2008-2010.

The complainant's statements failed to identify specific misconduct, and the officer has since retired and is not available to the DPA for an interview.

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

CATEGORY OF CONDUCT: N D **FINDING:** N F **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officer failed to return property originally seized in 2008-2010.

The complainant's statements failed to identify specific misconduct, and the officer has since retired and is not available to the DPA for an interview.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/20 **DATE OF COMPLETION:** 08/06/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The anonymous complainant stated in a phone message that corrupt officers have been constantly intimidating non-white workers in the area.

The complainant did not respond to repeated requests for additional information that could have led to the identity of the officers.

The identity of the officers could not be established.

The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The anonymous complainant stated in a phone message that officers have been constantly intimidating black and other non-white workers in the area.

The complainant failed to respond to repeated requests for additional information that could have led to the identity of the officers.

The identity of the officers could not be established.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/9/2020 **DATE OF COMPLETION:** 08/26/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/20 **DATE OF COMPLETION:** 08/05/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he saw a sheriff's deputy yelling at another person. The complainant believed that the deputy was being a bully and tried to intervene. The complainant stated that the deputy retaliated against him and arrested him on fabricated charges.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/20 **DATE OF COMPLETION:** 08/19/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate or negligently prepared report.

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: 07/26/20 **DATE OF COMPLETION:** 08/03/20 **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 State University Police Department
Internal Affairs Unit
1600 Holloway Avenue
San Francisco, CA 94132

Note: The complaint is against members at-large of the San Francisco State University Police Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

CATEGORY OF CONDUCT: **FINDING:** **IO-1/Goshen Police Dept.** **DEPT.**
ACTION:

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

Goshen Police Department
Chief of Police
Internal Affairs Unit
111 E. Jefferson Street
Goshen, IN 46528

Note: The complaint is against the Goshen Police Department in Goshen, Indiana.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/20 **DATE OF COMPLETION:** 08/10/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/20 **DATE OF COMPLETION:** 08/10/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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:

Madison County Sheriff's Department
405 Randle Street
Edwardsville
IL, 62025

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/20 **DATE OF COMPLETION:** 08/11/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/20 **DATE OF COMPLETION:** 08/28/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer violated department rules or law.

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

FINDINGS OF FACT: The complainant said that he saw a photograph of the named member in front of a poster that says, “Black lives matter to the San Francisco Police Department” at a public building while in uniform and on duty. The complainant said the named member violated state and local law by siding with a political group.

Using the phrase “Black lives matter to the San Francisco Police Department,” does not constitute political activity or any other type of misconduct. Furthermore, the San Francisco Police Commission, on July 15, 2020, passed Police Commission Resolution 20-44, directing that the Department display such posters at each of its District Stations. The Police Commission has direct authority over the San Francisco Police Department.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/20 **DATE OF COMPLETION:** 08/17/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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: 08/15/20 **DATE OF COMPLETION:** 08/21/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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:

Emeryville Police Department
Internal Affairs
2449 Powell Street
Emeryville, CA 94608

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/20 **DATE OF COMPLETION:** 08/24/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #: 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:

Pittsburg Police Department
Professional Standards
65 Civic Ave.
Pittsburg, CA 94565