

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/30/16 **DATE OF COMPLETION:** 10/10/17 **PAGE#** 1 of 1

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

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

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

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

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

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

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**DATE OF COMPLAINT:** 01/23/17    **DATE OF COMPLETION:** 10/20/17    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the named officers tackled him to the ground outside of a concert venue after he got into an argument with several of the venue’s security guards. The complainant stated he was actually the victim in the situation because one of the security guards pushed him and another had threatened him. He stated he pulled out a knife and told the security guards that he would push the knife into one of their faces if they touched him again. The complainant stated the named officers arrived and said that he was under arrest for disorderly conduct. The complainant stated the named officers placed handcuffs on his wrist, took him to the ground, and held him down. The complainant stated he was doing nothing wrong and that the named officers should not have tackled him.

A portion of the incident was recorded with body-worn cameras. The videos showed that the named officers detained the complainant while he screamed at them. The named officers held both of the complainant’s arms behind his back and handcuffed him. The video showed that the complainant pulled away from them and lunged toward another officer calling him a “racist piece of shit.” The two named officers then brought the complainant to the ground.

A witness officer stated that the complainant was hostile, agitated, and did not comply with the named officers’ orders. He stated that the complainant was becoming increasingly hostile and agitated just before the named officers took him to the ground.

Several witnesses stated that the complainant was extremely hostile and angry and that he made verbal threats.

San Francisco Police Department (SFPD) Department General Order (DGO) 5.01 allows officers to use reasonable force to affect a lawful arrest, detention, or search.

Clear video evidence showed that the complainant pulled away from the named officers and lunged at another officer during a detention. In response, the named officers brought the complainant to the ground.

A preponderance of the evidence established that the level of force used by the named officers was proper and reasonable. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated that an officer stepped on his ankle.

Several officers were involved in the complainant's detention/arrest. The officers denied the allegation.

The identity of the alleged officer could not be established.

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

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

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

**FINDINGS OF FACT:** The complainant stated that an officer stepped on his neck.

Body-worn camera video showed the complainant being detained, handcuffed, and guided to the ground. The video shows the complainant's neck while he was being searched and held by officers on the ground. No officer touched, stepped on, put a knee on, or held the complainant's neck at any time during the detention.

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

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**SUMMARY OF ALLEGATION #5:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that the named officer unnecessarily placed a spit guard around his head.

The named officer stated that he applied a spit guard to the complainant's head while the complainant was lying on a gurney and medical and public safety personnel were working around the complainant's head. He could not specifically recall the complainant spitting, but stated that he generally uses a spit guard to prevent someone from spitting and biting.

A witness officer stated that the complainant spoke so forcefully towards the officer that spit was coming out of his mouth. He did not recall if the complainant was spitting directly at a person.

Another witness officer did not recall if the complainant was spitting.

Body-worn camera video showed that the named officer placed the spit guard on the complainant's head while he was on a gurney and medical and public safety personnel were working around the complainant's head.

Several witnesses observed that the complainant acted in an extremely hostile and angry manner and that he made threatening statements.

The evidence established that it was reasonable for the named officer to place a spit guard around the complainant's head. Several witnesses stated that the complainant was extremely hostile, angry, and threatening. The complainant had previously been talking so forcefully to an officer that spit came out of his mouth. Additionally, medical and public safety personnel working near the complainant's head may have needed protection.

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

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**SUMMARY OF ALLEGATIONS #6-7:** The officers engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that the named officers laughed and snickered at him during the detention. The complainant also stated that he is a stand-up comic.

Body-worn camera video showed that the complainant identified himself as a comedian and made a joke while he was detained. The video showed the named officers laughing in response to the complainant's joke.

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

**SUMMARY OF ALLEGATION #8:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that an officer took possession of his camera and erased a video he had taken earlier. The complainant subsequently stated that he had the video.

Body-worn camera video showed that the named officer took the camera off the complainant's neck while he was being detained and held the camera for safekeeping. The video further showed that the named officer did not manipulate the camera in any way while it was in his possession. At the end of the police contact, the named officer gave the camera to another officer who immediately gave the camera and the complainant's other property to medical personnel to take with the complainant in the ambulance.

The complainant initially stated that an officer erased a video from his camera and then later stated that he had the video. Additionally, video evidence showed that the named officer held the complainant's camera without manipulating it and then ensured it went to medical personnel for safekeeping.

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

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**DATE OF COMPLAINT:** 02/01/17 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer, who was on a motorcycle, drove in a bicycle lane for over 100 feet. The complainant said the officer did not have his lights or siren activated on his motorcycle. It was raining at the time of the incident and the complainant said that this combined with the officer's driving, created a great deal of risks for the other cyclists who were traveling in the bicycle lane.

The named officer stated that at the time of the incident, he was working a fixed post assignment where he was assisting with traffic issues near a construction area. The named officer said that he did not leave his post at any time.

No witnesses were identified.

Department records showed that the motorcycle identified by the complainant was assigned to the named officer.

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

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**DATE OF COMPLAINT:** 02/21/17    **DATE OF COMPLETION:** 10/10/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was visiting San Francisco with his girlfriend and was taking pictures at a local tourist spot when their vehicle was burglarized, prompting them to call 9-1-1. The complainant stated his case was assigned to the named officer. The complainant alleged that the named officer failed to return his phone calls.

The named officer stated that she was off duty when the incident happened and learned that the case had been assigned to her when she returned to work four days later. She stated she received one voicemail from the complainant's girlfriend, which was left while she was off duty. The named officer stated she left voicemails for, and sent emails to, the complainant and his girlfriend. The named officer was able to set up an appointment and meet with the complainant.

The complainant's girlfriend stated that she contacted the district police station a day after the incident and was told by an officer that the named officer would be in the next day. The complainant's girlfriend stated she heard back from the named officer the next week and met with the named officer in person.

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

**SUMMARY OF ALLEGATION 2:** The officer failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant complained that no arrest has been made even though the suspects were known.

The named officer stated that two separate photo line-ups of possible suspects were conducted and that the complainant was unable to identify any of the suspects. The complainant's girlfriend did not see the suspects. The named officer also said that there was no surveillance footage of the incident. As such, no arrests were made.

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

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**DATE OF COMPLAINT:** 12/16/16    **DATE OF COMPLETION:** 10/20/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer towed a car without justification.

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

**FINDINGS OF FACT:** The complainant stated that the named officer towed her mother's van without justification.

The complainant's mother stated that she was awake watching television when she heard the tow truck outside her residence. She stated that another officer had previously cited her for having expired registration and that she was given a deadline to renew the registration that would allow her time to fix the problem. She stated that she planned to renew her registration before the deadline. She showed the officers who were towing her van the citation, but they towed her van anyway.

The named officer stated that he towed the van because its registration was expired. He stated that, before arranging for the tow, he ran a Department of Motor Vehicles (DMV) check on the van and confirmed that the registration was expired. The named officer stated that he arranged for the van to be towed pursuant to California Vehicle Code (CVC) Section 22651(o)(1)(A).

San Francisco Police Department (SFPD) records showed that the named officer towed the van and cited expired registration as the reason for the tow. DMV records indicated that the van's registration had been expired for exactly six months.

SFPD General Order 9.06 authorizes officers to tow vehicles pursuant to CVC Section 22650, *et seq.* CVC Section 22651(o)(1)(A) authorizes a peace officer to "remove" a vehicle located on a highway, "[w]ith a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the off street parking facility."

Since the tow date was exactly six months from the registration expiration date, and not in excess of six months, the tow did not comply with CVC 22651(o)(1)(A) and was improper.

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



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**DATE OF COMPLAINT:** 03/02/17 **DATE OF COMPLETION:** 10/12/17 **PAGE#** 1 of 1

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

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

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

Ingleside Police Station  
1 John Young Lane  
San Francisco, CA 94112

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 03/13/17    **DATE OF COMPLETION:** 10/20/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the officer, who was on an SFPD motorcycle, detained and admonished him for making an illegal lane change. The complainant denied committing the violation.

The named officer acknowledged he was patrolling on the date in question on a motorcycle, but did not recall the incident.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer displayed an inappropriate attitude, engaged in intimidating behavior and behaved in an unsafe manner.

The named officer had no recollection of the incident.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 10/13/17 **DATE OF COMPLETION:** 10/16/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was arrested for driving under the influence without cause.

The named officer and witness officers stated that the complainant was given field sobriety tests and failed, giving the named officer probable cause to arrest the complainant for driving under the influence of drug(s).

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

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

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

**FINDINGS OF FACT:** The complainant stated that his vehicle was towed after his DUI arrest.

The named officer stated that the complainant's vehicle was in a busy area, prompting the named officer to have the vehicle towed after the complainant's arrest.

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

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**DATE OF COMPLAINT:** 10/13/17 **DATE OF COMPLETION:** 10/16/17 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer roughly put him in handcuffs.

The named officer denied being rough with the complainant.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer failed to read him his Miranda rights during a DUI investigation.

The named officer stated that he is not required to read the complainant his Miranda rights while investigating him for being under the influence. The named officer did not interrogate the complainant after he was arrested.

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

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**DATE OF COMPLAINT:** 04/10/17 **DATE OF COMPLETION:** 10/04/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer followed her vehicle and then detained her for no reason. The complainant admitted that she had stopped her car herself, but said that the named officer made it difficult for her to leave. The complainant said that although the named officer told her she was not detained, he threatened to detain her.

The named officer denied the allegation, stating that records revealed that the registered owner of the vehicle had a suspended driver's license. He stated that he followed the complainant to investigate and the complainant made a u-turn and stopped her car. The named officer said he shined a spotlight on the vehicle and saw that the complainant was not in the age group of the registered owner. The named officer said that he informed the complainant why he had shined a light in her direction, as a courtesy to her.

The witness officer corroborated the named officer's statement.

No other witnesses were identified.

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

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**DATE OF COMPLAINT:** 04/27/17 **DATE OF COMPLETION:** 10/27/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that an officer at a station refused to write an incident report.

Officers questioned by the DPA did not recall speaking with the complainant.

No witnesses were identified.

The identity of the alleged officer could not be established.

**SUMMARY OF ALLEGATION #2:** The officer behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated that an officer behaved inappropriately.

Officers questioned by the DPA did not recall speaking with the complainant.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 05/16/17 **DATE OF COMPLETION:** 10/09/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The anonymous complainant stated that she observed a patrol car failed to come to a complete stop at an intersection in violation of the Vehicle Code.

The officers who were assigned to the car identified by the complainant did not recall the incident or who was driving during the shift in question.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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**DATE OF COMPLAINT:** 05/12/17 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The SFPD misused a confidential database.

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

**FINDINGS OF FACT:** The complainant stated he was involved in a civil case filed against the City and County of San Francisco and the San Francisco Police Department. The complainant stated he was served with a subpoena at his mother-in-law's address. The complainant believed that someone within the SFPD used CLETS to find his mother-in-law's address.

Department records check failed to support the complainant's allegation against the SFPD.

The process server stated that he received the complainant's mother-in-law's address from his client.

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



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**DATE OF COMPLAINT:** 05/16/16    **DATE OF COMPLETION:** 10/19/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was eating while standing outside of a grocery store when the named officer approached him and arrested him for an outstanding warrant. The complainant admitted having an outstanding warrant.

The named officer, who had prior knowledge of the complainant's outstanding arrest warrants, stated that the complainant was arrested on outstanding warrants. The named officer made a computer query and discovered the complainant had outstanding warrants being held against him. The named officer's partner did not recall the incident.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer hurt the complainant's wrist during the arrest. The complainant said the officer was rough with him after he had been handcuffed. He stated the officer pulled the complainant by the arms, which applied pressure to his left wrist.

The named officer acknowledged handcuffing the complainant. He did not remember the complainant resisting arrest or complaining of any pain. Neither the named officer's partner nor the transporting officer remembered the complainant complaining of pain.

The witness officers did not remember any details of this incident. No other witnesses were identified. The complainant signed a medical screening form at the station. The medical screening indicated the complainant was asked whether he was seriously ill or injured. The complainant answered "no." The form indicated the complainant was also asked whether he needed immediate medical attention. Again, the complainant responded "no."

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer called him a “dope addict.”

The named officer denied calling the complainant a dope addict.

The named officer’s partner and the transporting officer did not recall the incident.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** The officer failed to properly process the complainant’s property.

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

**FINDINGS OF FACT:** The complainant stated he had approximately one gram of hashish in his jacket pocket at the time of his arrest. He reportedly told the arresting officer that this substance was his pain medicine. The complainant stated he had a medicinal use medical card, which allowed him to use this substance. The complainant also stated that pursuant to his arrest, the officer found and seized this substance, but never returned it to the complainant when he was released from custody.

The named officer did not recall finding any hashish on the complainant. The complainant’s personal property was inventoried after the complainant arrived at the police station for prisoner processing. This property inventory listed the complainant’s property that the complainant had in his possession. The property listing did not identify the hashish or the medicinal use marijuana card among the complainant’s property. The complainant signed this form acknowledging the inventory. The named officer’s partner stated he did not recall the incident.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer failed to take required action (improper care at station holding area)

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

**FINDINGS OF FACT:** The complainant stated he was transported to the police station and placed in a holding area where he was handcuffed to a bench for two and a half hours without being allowed to get up or use the bathroom.

The named officer could not recall how the complainant was transported to the station.

No other witnesses were identified.

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

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**DATE OF COMPLAINT:** 06/05/17    **DATE OF COMPLETION:** 10/18/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was driving for Lyft and waiting in a parking lot designated by the San Francisco International Airport (SFO) as a lot for rideshare drivers. The complainant stated the named officers approached him and accused him of not having his Lyft Application on, which is required while waiting in the airport lot. The complainant stated the named officers ignored his explanation. The complainant stated the named officers cited him and sent the citation directly to Lyft, causing him to be temporarily suspended from using the application and risking a permanent suspension.

One of the named officers stated she queried the complainant's vehicle on an application designed to monitor app-based ground transportation at SFO, and it showed that the complainant's application was off, in violation of airport rules. The officer stated the complainant attempted to show her, with his phone, that his application was on. The officer stated she determined that the complainant had turned his application back on when she made contact with him. The officer stated that when she asked the complainant for his license, registration, and insurance, he became irate and refused to comply. The officer stated she and the other named officer were both very cordial and diplomatic with the complainant. The officer stated the complainant eventually exited his vehicle and demanded their star numbers. The other named officer confirmed that the complainant refused to provide any documentation, and stated that the complainant either ignored them or yelled at them. Both named officers stated they avoided escalating the situation. The named officers explained that citations go to the SFO Landside Office, which determines if a fine is to be issued and sends the fine to the Transportation Carrier Permit holder – in this case Lyft.

The SFO Ground Transportation Administrative Citation showed that the complainant was cited at 7:46 a.m. The comment on the citation reads, "App Exit ... 0744 HRS," and "Refused to Give CDL, REG & Insurance." A Vehicle Inquiry from the SFO transportation application showed that the complainant's vehicle made an Entry at 7:21 a.m., then an Exit at 7:44 a.m. It showed the next Entry at 7:45 a.m.

There is no evidence that the named officers behaved inappropriately toward the complainant. As such, the evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

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**DATE OF COMPLAINT:** 06/05/17    **DATE OF COMPLETION:** 10/18/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3-4:** The officers issued a citation without cause.

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

**FINDINGS OF FACT:** The complainant stated that he was cited because his Lyft application was off while parked at an SFO parking lot, where rideshare drivers are required to have their applications on. The complainant stated that his application was on and he attempted to show the named officers, but they would only accept the information on their phone. The complainant stated that one of the named officers originally approached him in his vehicle, while he was asleep or falling asleep. He also stated that there is no reason for him to go to the airport and do nothing without his rideshare application on.

One of the named officers stated that she determined, using an application on her Department-issued phone, that the complainant's Lyft application was off. The named officer stated that she determined that the complainant turned his application back on after she made contact with him. The named officer stated that SFPD has received many complaints regarding drivers using the designated rideshare lot to sleep or take breaks, and this has affected other drivers who are unable to find space in the lot. The other named officer stated he also checked on the complainant's license plate and was able to confirm that his application was off when the first named officer initially made contact with him.

The Administrative Citation showed that the complainant was cited for a violation of SFO Rule 4.2 Failure to Comply w/All Signs and Road Markings at 7:46 a.m. A Vehicle Inquiry printout from the SFO transportation application showed that the complainant's vehicle made an Entry at 7:21 a.m., then an Exit at 7:44 a.m. It showed the next Entry at 7:45 a.m. A photograph of a sign at the parking lot entrance shows the following directive: "Active TNC Vehicles Only (App must be on at all times)."

The named officers were justified in citing the complainant because the information they queried showed that his application was turned off, in violation of the posted sign.

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

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

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

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

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

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

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**DATE OF COMPLAINT:** 08/08/17    **DATE OF COMPLETION:** 10/13/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he received a citation for making a U-turn in a business district, which he denied.

The named officer stated he was riding a Department motorcycle in full uniform. He saw the complainant make a U-turn in a business district from the far right northbound lane turning across the left lane of the street and over a set of double yellow lines and onto the southbound side of the street. The officer stated he cited the complainant for violating 22102 CVC which states: "No person in a business district shall make a U-turn, except at an intersection, or on a divided highway where an opening has been provided in accordance with Section 21651...."

SFPD Body Worn Camera footage supported the officer's account of the complainant making the illegal U-turn in a business district.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer failed to address him by his name, was unprofessional and threw the citation and his California Driver's License inside the complainant's car. The complainant stated he "begged" the officer not to give him a citation because it would affect his license, but the officer cited him anyway.

The Body Worn Camera (BWC) footage established that the officer was professional, courteous and respectful during the entire traffic stop. The footage failed to support the complainant's allegations against the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/26/16 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATIONS #1 - 3:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated that officers came to her home, broke in the door, and detained her and her family improperly while they searched her home. The complainant, who said she had seen paperwork indicating that the officers were executing a search warrant, denied she knew the suspect listed. The complainant also said she was not told who the suspect was. The complainant stated the suspect did not reside at her residence and that the suspect was not at her residence when the police arrived and searched her home. None of the witnesses the complainant stated were present during this incident responded to the DPA's requests for interviews. The complainant's unreasonable denial of knowledge of the suspect, coupled with contradictory statements of fact in her DPA interview, significantly diminished her credibility.

One named sergeant, the lead investigator in the case, authored a search warrant naming a homicide suspect, and linking the suspect to the complainant's home. While the warrant was sealed by the court, Department records associated with the warrant indicated that the warrant did include the address of the complainant's home.

Another named sergeant, the leader of the Tactical Unit team that entered the complainant's home, detained the complainant and her family, stated that his team performed a "no-knock"<sup>1</sup> warrant service, as approved by the warrant, and entered the residence for the purpose of a protective sweep. The sergeant stated that among those detained was the suspect named in the warrant.

The third named sergeant was the lead homicide investigator in the case for which the warrant was issued. He confirmed that the complainant and her family were detained for their and the searching officers' safety during the search.

Department records indicated that the complainant and her family member were issued Certificates of Release pursuant to DGO 5.03, Investigative Detentions. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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<sup>1</sup> A no-knock warrant is a warrant issued by a judge that allows law enforcement officers to enter a property without immediate prior notification of the residents, such as by knocking or ringing a doorbell.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/26/16 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 2 of 4

**SUMMARY OF ALLEGATIONS #4 - 5:** The officers searched a property without cause.

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

**FINDINGS OF FACT:** The complainant stated she told the officers that she did not know the suspect they were looking for and that the officers had an incorrect address. The complainant stated the suspect did not reside at her home and that the suspect was not present during the incident. The complainant's denial of knowledge of the suspect, coupled with contradictory statements of fact in her DPA interview, significantly diminished her credibility.

Numerous witnesses named by the complainant failed to respond to DPA requests for interviews.

Department records indicate that the complainant's home was searched pursuant to a search warrant.

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

**SUMMARY OF ALLEGATIONS #6 - 7:** The officers entered a residence without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers entered her residence by mistake. The complainant stated she heard one of the officers tell another officer that they got the wrong address regarding the search warrant. The complainant stated she did not know the suspect and that the suspect did not reside at her residence. The complainant's denial of knowledge of the suspect, coupled with contradictory statements of fact in her DPA interview, significantly diminished her credibility.

Numerous witnesses named by the complainant failed to respond to DPA requests for interviews.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/26/16 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATIONS #8:** The officer seized property.

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

**FINDINGS OF FACT:** The complainant stated officers seized property from her after the search of her residence. The complainant stated she was shown a search warrant and that she signed a property receipt form listing the property seized. The complainant further stated an officer returned her property, cellular phones, to her within a few days of the incident.

The complainant's family did not respond to requests for interviews, and failed to provide the requested necessary information.

The named sergeant stated he was the lead homicide investigator and stated he took control of the premises and seized property and ordered other property seized from the complainant's residence.

An SFPD incident report detailed numerous pieces of property that were seized, including cell phones listed as belonging to the complainant and her family members. The sergeant stated the complainant signed a consent to search form for her phone and that the complainant's property was booked as evidence. The officer stated he returned the complainant's property, the cellular phones, to the complainant a few days after the incident.

The search warrant served on the complainant commanded the search of her residence, among others. Documents associated with the warrant indicated it ordered the seizure of property at the residence searched, including cellular phones.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/26/16 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 4 of 4

**SUMMARY OF ALLEGATIONS #9:** The officer damaged property.

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

**FINDINGS OF FACT:** The complainant stated the police damaged her residence, specifically its front door. The complainant's family did not respond to requests for interviews, and failed to provide requested additional evidence.

The named sergeant stated he led the team that entered the complainant's residence in adherence with a "No-knock" service of a search warrant naming the residence and a homicide suspect associated with the address.

The named sergeant stated the search warrant was signed by a judge of the Superior Court of San Francisco and authorized the entrance to the complainant's residence without knocking. The sergeant stated that an officer used a Department breaching tool, a ram, to open the complainant's locked front door to safely make entry into the residence and serve the warrant.

The sergeant stated the entry into the residence was tactical and acknowledged the damage caused to the complainant's front door, doorframe and locking mechanism. The sergeant stated photographs were taken of the damaged property, and the damage was documented per Department protocol in an incident report and memorandum.

An incident report documenting the incident contained photographs of the damage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/05/17 **DATE OF COMPLETION:** 10/05/17 **PAGE#** 1 of 1

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

**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:** 09/13/17 **DATE OF COMPLETION:** 10/25/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/19/17 **DATE OF COMPLETION:** 10/27/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she and her companion have been sleeping at a construction site without any complaints or problems. The complainant said the named officer ordered her to leave the area.

The named officer denied that he ordered the complainant to leave. The named officer stated, however, that he did advise the complainant to find another area to sleep for the night due to the public safety hazard in the immediate area. The named officer said he offered the complainant city resources and shelter, but he refused.

No witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer was rude, inappropriate and unprofessional.

The named officer denied the allegation.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/03/17 **DATE OF COMPLETION:** 10/12/17 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/06/17    **DATE OF COMPLETION:** 10/24/17    **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/06/17 **DATE OF COMPLETION:** 10/12/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer intentionally damaged personal property.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/05/17 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/11/17 **DATE OF COMPLETION:** 10/24/17 **PAGE#** 1 of 1

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

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

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

Division of Emergency Communications  
Department of Emergency Management  
c/o Maria E. Luna  
1011 Turk Street  
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/16 **DATE OF COMPLETION:** 10/05/17 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was detained without justification. He stated he got into an argument with his wife when he came home at around 5:30 a.m. after drinking at a friend's house.

The named officers stated they were dispatched to a call for service regarding a domestic violence assault/battery. Upon arrival, the officers observed the complainant on the street, under the influence of alcohol and unable to care for himself, prompting the officers to detain him.

Records from the Department of Emergency Management (DEM) show that the named officers responded to a domestic violence call.

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

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

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

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

**FINDINGS OF FACT:** The complainant stated he was arrested without cause.

Department records show that the complainant was arrested for domestic violence.

The victim and the witness identified in the incident report did not respond to DPA's request for an interview.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/06/16 **DATE OF COMPLETION:** 10/05/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers failed to provide their names and star numbers upon request.

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

**FINDINGS OF FACT:** The complainant stated the named officers refused to provide him with their names and badge numbers.

The named officers denied the allegation.

No witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #7:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the named officer said, "You're a liar. They didn't hit you. They didn't hit you with a club. They hit you with their fists."

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/16/17 **DATE OF COMPLETION:** 10/23/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/14/16 **DATE OF COMPLETION:** 10/11/17 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant was arrested for aggravated assault with a weapon, kidnapping and assault to commit mayhem or specific sex offenses, among other charges. The complainant stated the named officer told numerous lies and perjured himself while testifying during the preliminary hearing in his criminal case. The complainant stated the named officer's testimony contradicted other statements made by the alleged victim, witnesses, and his own incident report. The complainant specifically identified inconsistencies between the named officer's testimony and a statement that the victim provided later to other officers.

The named officer denied the allegation and stated that he believed his testimony was true and accurate to the best of his recollection. He stated his incident report contains a summary of the information that the victim verbally provided to him after experiencing severe trauma from the complainant.

The related incident report was written by the named officer and documents his response to a call for service involving a woman, the victim, who was bleeding and being chased by a male. The report documents the named officer's initial interview with the alleged victim, in which she identified the complainant as the perpetrator.

Records from the Department of Emergency Management show that the call for service was an "A" Priority aggravated assault call, and it includes a description of the perpetrator, along with the fact that the victim was attempting to run away.

The transcript of the named officer's preliminary hearing testimony shows that his testimony was consistent with what he wrote in his incident report.

A preponderance of the evidence established that the named officer did not misrepresent the truth.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/05/16 **DATE OF COMPLETION:** 10/02/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was arrested for domestic violence without cause.

The named officer stated the complainant was arrested for violation of Penal Code 273.5(a), because he determined the complainant to be the primary aggressor in the domestic violence incident.

The victim made conflicting statements regarding the incident.

According to the incident report, a person came forward and reported she heard the victim and the complainant arguing for 20 minutes and the sound of someone being thrown against the wall. This person said she shares an adjacent wall with the victim.

Records from the Department of Emergency Management showed that the complainant called 9-1-1 and reported the victim was bleeding from her legs, acting out of control, and cut herself accidentally. Comments in CAD indicate “sounds like PT is trying to fight w/RP” and “line disconnected from what sounds to be from a struggle between PT/RP...”

Officers at the scene observed scratches over several parts of the complainant’s body and one on his forehead that was bleeding. The complainant would not explain how he was injured.

The Incident Report documents that the complainant stated he was in the living room when the victim fell into the mirror in the bedroom. The victim stated she got upset with the complainant and fell into the mirror, and then the complainant left the room. During the DPA interview the complainant stated he was in the kitchen when he heard a loud crash from the bedroom.

The evidence established that probable cause existed to arrest the complainant based on interviews of the parties, nature and extent of injuries to the parties, physical evidence, and a statement from a witness.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/05/16 **DATE OF COMPLETION:** 10/02/17 **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #2-3:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers behaved inappropriately and made inappropriate comments.

The named officers denied the allegation.

Other officers at the scene denied observing the named officers behave inappropriately or make any inappropriate comments.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant alleged the officers failed to properly investigate. He stated the officers never interviewed his girlfriend about what caused her injuries before taking him away.

Both of the named officers denied the allegation. The first named officer stated both parties were interviewed and provided conflicting statements. Both parties were observed to be intoxicated. Based on the investigation and the physical evidence, he determined the complainant was the primary aggressor of a domestic violence incident. The second named officer stated he spoke with the complainant, observed the crime scene, directed officers to contact neighbors as well as interviewed the involved parties, and ensured photos of the parties and crime scene were taken.

The victim stated the officers asked her what happened and she told them that she fell. Department records show the officers complied with the provisions of DGO 6.09 Domestic Violence.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/05/16 **DATE OF COMPLETION:** 10/02/17 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** This complaint raises matters outside DPA's jurisdiction. This complaint has been partially referred to the San Francisco Sheriff's Department at:

San Francisco Sheriff's Department  
Investigative Services Unit  
Attn: Lt. Charles Flewellen  
25 Van Ness Avenue, Suite 350  
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/16    **DATE OF COMPLETION:** 10/03/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she called police dispatch after a mentally ill homeless man hit her in the face as she was opening the door to her business. The complainant stated that the responding officer(s) told her that there was nothing they could do. The complainant stated she was not injured.

The named officer stated his recollection of this event is limited and he did not recall specific communication with the complainant. He stated, however, per the CAD he informed the complainant about a citizen's arrest but the complainant declined. According to the CAD, the complainant refused any further police action, which indicates she did not want to press charges.

The witness officer stated the complainant refused to sign a citizen's arrest form and did not want to press charges.

No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/16    **DATE OF COMPLETION:** 10/03/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she witnessed an officer use force on an unknown, elderly gentleman in the middle of lunch hour on a busy street in the Central district. The complainant stated the unknown officer then released the man after issuing a citation to him. The complainant did not know the date of the incident.

The incident could not be located.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated she witnessed an officer screaming at an unknown, elderly gentleman in the middle of lunch hour on a busy street in the Central district.

The incident could not be located.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/30/16 **DATE OF COMPLETION:** 10/03/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The two complainants stated that during a police investigation of a traffic collision, the named officer told one of the complainants, "Get out of here. Go back to your country."

The named officer stated that the complainant continually insisted that an officer who had caused a traffic collision be arrested, stating that if he were in Ireland, he would have the officer arrested. The named officer denied making the comment or anything similar, explaining that the only reference he made to the complainant's home country was that he was not in Ireland, but San Francisco. The named officer stated that he did not hear anyone else make the comment.

Two officers listed on Department records as having been on the scene indicated that they were not present. One officer, who was the partner of the named officer, has resigned from the Department and was not available for an interview. One officer acknowledged being at the scene but said he did not hear the named officer make the alleged comment.

One officer on the scene stated that the named officer made a comment similar to that alleged, explaining that the officer suggested the complainant go back to Ireland. A sergeant who was overseeing the traffic collision and who took the DPA complaints from the complainants, stated that he heard the named officer make the comment while he was talking to the complainants.

Department General Order 2.01, Rule 14 states, in part:

When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/16 **DATE OF COMPLETION:** 10/16/17 **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant stated that an employee at his restaurant called 911 to report that a juvenile suspect with a history of stealing and being disruptive in the restaurant spat on him and tried to punch him. The suspect was gone by the time officers responded. The complainant stated that his employee met with the two named officers and pointed out the suspect's apartment, which was directly across the street. The complainant stated that the named officers did not try to contact the complainant at his apartment. Instead, the named officer said that they were going to look for the suspect on the street. The complainant stated that two other officers were already out searching for the suspect and that the two named officers should have gone to the suspect's apartment to locate him or speak with his parents. The complainant stated that the named officers should have made a better effort to locate or identify the suspect. The complainant stated that, during the spitting incident, the suspect bragged about breaking an expensive neon sign affixed to the storefront. The complainant stated that he asked one named officer to prepare a report about the vandalism, but the named officer stated that he needed more proof in order to take a report. The complainant stated that the named officers never asked for the suspect's name.

One named officer stated that he conducted as thorough an investigation as possible with the limited information available to him. He stated that, although he interviewed both the employee and the complainant, he did not know the suspect's name or his exact address. He stated that he did not attempt to locate the suspect at his apartment and instead went to look for the suspect in the direction he was last seen walking. He acknowledged that two other officers were already patrolling the area looking for the suspect. He stated that the employee declined any further police action other than requesting that the officers look for the suspect. He stated that he looked at the neon sign, which did not appear to be damaged. The other named officer did not recall the incident.

The employee stated that he told one named officer that the suspect spat on him and tried to punch him. The employee stated that he asked one named officer about options for pressing charges, including making a citizen's arrest. The named officer told the employee there was not much that he could do because the suspect was a juvenile. The employee pointed out the suspect's apartment and told the named officers that the restaurant's security cameras might have recorded spitting incident. The employee stated that neither officer went to the suspect's apartment building or asked to see the security video. He stated

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/16 **DATE OF COMPLETION:** 10/16/17 **PAGE#** 2 of 6

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

the officers took the notes, spoke with his manager by phone, and left the restaurant without taking a report or providing a case number. The employee stated that the named officers announced that they were going to look for the suspect and never contacted him again.

San Francisco Police Department General Order 2.01, 20, Investigative Responsibility, defined as “When an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation.

No other witnesses came forward.

There was insufficient to either prove or disprove the allegation made in the complaint.

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

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

**FINDINGS OF FACT:** The complainant stated that both he and his employee reported the assault to one named officer. The complainant stated that he also asked the named officer to prepare a report about the vandalism to his neon sign. The complainant stated that the named officers did not provide a report regarding either the spitting incident or the vandalism. The complainant stated it was particularly important to document the crimes that were committed because of the suffering his employees were enduring. He stated that the suspect often threw things at his employees and harassed them by riding his skateboard into the restaurant and shouting racial and homophobic slurs at them.

One named officer stated that he did not prepare an incident report because he lacked enough information to prepare a competent and complete incident report. Regarding the battery, the named officer stated that he had limited suspect information because the employee did not know the suspect’s name and only had a general idea of where he lived. Regarding the sign, the named officer stated that he offered to prepare an incident report, but only if the complainant could come to the scene to provide proof that the sign was



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**SUMMARY OF ALLEGATIONS #3-4** continued:

actually broken and documentation of the repair costs. He stated that he needed more information about the sign to establish the severity of the crime and because the sign appeared to be in working order. The other named officer did not recall the incident.

The employee stated that he asked one named officer about options for pressing charges, including making a citizen's arrest. The named officer told the employee there was not much that he could do because the suspect was a juvenile. The employee pointed out the suspect's apartment and told the named officers that the restaurant's security cameras might have recorded spitting incident. The employee stated that neither officer went to the suspect's apartment building or asked to see the security video. He stated the officers took the notes, spoke with his manager by phone, and left the restaurant without taking a report or providing a case number.

Department of Emergency Management records show that the named officers were dispatched on the date of the incident to the complainant's restaurant for an assault and battery. The named officers noted in the CAD that the area was searched and no further police action requested.

Department records show that, the following day, another officer prepared an incident report documenting the spitting incident and suspected vandalism.

Department General Order 1.03, Duties of Patrol Officers, requires officers to "Make written reports on crimes observed or brought to their attention that have not been previously reported." Department General Order 2.01, Section 25, On-Duty Written Reports, states: "While on duty, members shall make all required written reports of crimes or incidents requiring police attention." This duty was clarified in Department Bulletin 14-224 MISSION of the SFPD "Help People," (recently reissued 17-071, Requests for Service) which states in part that:

Writing incident reports is a primary function of patrol officers. Members working in the district in which a call is received or on-viewed, shall take full responsibility for all aspects of the initial investigation and follow-up.

There is no dispute that crimes were reported to the named officers, requiring an incident report to be written. The named officers acknowledged that the complainant and his employee reported the spitting incident and vandalism. The complainant and his employee both provided the named officer with additional details on the spitting incident, the broken sign, and the suspect's residence. Departmental

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**SUMMARY OF ALLEGATIONS #3-4** continued:

policy dictates that writing an incident report is a primary function of patrol officers and that they are required to write reports of crimes or incidents are brought to their attention. Had the named officers written an incident report, they would have documentation of the crimes reported to them and the steps taken in their investigation.

No other witnesses came forward.

By failing to prepare an incident report, the named officers not only failed to document the crimes reported to them but caused obstacles for any follow-up investigation. Although one named officer did not recall the incident, he was the senior-ranking officer and was therefore responsible for ensuring that an incident report was prepared. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**SUMMARY OF ALLEGATION #5:** The officer engaged in threatening and intimidating behavior.

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

**FINDINGS OF FACT:** The complainant stated that, when he saw the suspect the next day, he flagged down the named officer and asked one of his employees to call 911. The complainant told the named officer that he wanted to make a citizen's arrest. The complainant stated that the named officer did not allow him to explain the situation and instead asked him to move down the street so he could speak with the suspect alone. The named officer told the complainant that he wanted to speak with the suspect first because he knew him. The complainant stated that he briefly walked down the sidewalk, where he was joined by one of his employees. The complainant and his employee gradually began moving closer to the named officer. The complainant stated that the named officer suddenly charged towards him, used profanity, yelled at him to move across the street, and said that he was interfering with the investigation. The complainant asked the named officer if he was serious, said that he was doing nothing wrong, and said that he did not have to move across the street.

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**SUMMARY OF ALLEGATION #5 continued:** The named officer denied trying to threaten or intimidate the complainant. The named officer stated that the complainant flagged him down while he was on bike patrol. He stated that the complainant immediately explained his side of the story and identified a juvenile suspect. The named officer stated that he knew the suspect because he was his school-resource officer. The named officer stated that he needed to meet with the suspect separately in order to hear his side of the story and because he was a juvenile. The named officer stated that he asked the complainant to step away while he interviewed the juvenile suspect more than once and that the complainant was noncompliant. The named officer stated that the complainant interfered with his investigation by following him and the suspect as he tried to conduct an interview. The named officer stated that he used a firm voice because the complainant was interfering. He denied raising his voice, using profanity, and charging at the complainant. He stated he did not recall if his hand was on or near his holster.

A manager at the complainant's restaurant said that he and the complainant were walking down the street and happened to bump into the named officer, who was talking to the suspect. He stated that the named officer asked the complainant why he was not down the street after being told to move. He stated that the named officer yelled at the complainant while stepping back with his hand near his firearm. The witness then called 911 at the complainant's request. When additional officers arrived, the named officer remained across the street and stared at both him and the complainant.

One witness officer stated that he arrived after the interaction between the named officer and the complainant. The complainant told the witness officer that he was upset about his experience with previous night's officers and did not specifically mention having an issue with the named officer's behavior.

No additional witnesses came forward.

Department General Order 2.01 requires officers to "treat the public with courtesy and respect and not use harsh, profane or uncivil language." However, officers may exercise verbal control when a person disobeys a lawful order. The named officer was interviewing a juvenile suspect in connection with a crime reported by the complainant. The named officer was following department policy when he ordered the complainant to wait up the street so that he could interview the juvenile suspect privately. When the complainant disobeyed his order to wait up the street, the named officer acted within policy by raising his voice and ordering the complainant to wait across the street.

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

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**SUMMARY OF ALLEGATION #6:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the named officer did not provide him an opportunity to completely explain the situation. The complainant stated that the named officer should have interviewed him.

The named officer stated that the complainant flagged him down while he was on bike patrol. He stated that the complainant immediately told him about the crimes that had occurred the night before and that the juvenile suspect was in the area. The named officer stated that, after briefly meeting with the complainant, he interviewed the juvenile suspect while he waited for the primary unit to arrive. The named officer stated that primary unit took over the investigation once they arrived.

A witness officer stated that he took over the investigation upon his arrival. He stated that the named officer assisted with the investigation.

Department records show that the witness officer conducted an investigation and prepared an incident report.

San Francisco Police Department General Order 2.01, 20, Investigative Responsibility, defined as, "When an officer who is charged with the final investigation is at the scene of an incident, he/she shall immediately assume responsibility for the investigation."

The named officer assisted the primary officers by interviewing the juvenile suspect. The named officer was relieved of his duty to investigate once the primary unit took over. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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

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

**FINDINGS OF FACT:** The complainant stated he was taking a break in front of his worksite when the named officer approached him on foot and asked him about smoking. He stated there were other people smoking in the area and he did not understand why he was singled out. The complainant stated the named officer asked him if he was on probation or parole, and he acknowledged that he had been arrested before. The complainant stated the named officer asked for his ID, and he provided it. The complainant stated the named officer asked him multiple times if he had anything on him. The complainant stated he revealed to the officer that he had a small amount of marijuana in a container, and the named officer took it. The complainant stated the named officer asked him if he had a medical marijuana card, and threatened to take him to jail. The complainant stated the named officer queried the complainant's information using his ID, then returned it to him when he learned he did not have any warrants or warrants.

The named officer stated the entire incident was a consensual encounter. He stated he was dispatched to the area because the complainant was seen smoking near a doorway, and he was requested to see if the complainant was smoking marijuana. The named officer stated the dispatcher was able to watch surveillance video and direct him to the specific individual. The named officer stated that as he approached the complainant, he smelled the odor of marijuana, which got stronger as he got closer. The named officer stated he asked the complainant if he had any marijuana or drug paraphernalia on him, and the complainant responded affirmatively and revealed a small container. The named officer admitted that he asked to examine the container, but that the complainant later told him he did not want it back. The named officer stated he was investigating whether the complainant had been smoking marijuana in public. The named officer admitted that he asked if he could see the complainant's ID, but said that he freely gave it to him and could have asked for it back at any time.

One witness stated he was watching security cameras, and he called SFPD because he saw the complainant acting suspiciously in an area where there had been a number of thefts recently. He also said that he saw the complainant inhaling something. Another witness stated she thought the incident was unfortunate, but believed that the complainant was likely stopped because of recent thefts in the area.

There was insufficient evidence to either prove or disprove that the interaction between the complainant and the named officer was consensual.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer told the complainant that he was going to make the complainant's life a living hell. He stated that the named officer waved the complainant's weed in the air, put the complainant on display, and refused to move the conversation from the complainant's worksite.

The named officer denied the allegation, stating that he did not threaten, harass, or intimidate the complainant.

One witness stated that the named officer's questioning of the complainant escalated into an argument. Another witness stated that the interaction between the complainant and the named officer got so loud, that she had to close the door to her business.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer took his marijuana and dumped it in the street.

The named officer stated that the complainant told him that he did not want the marijuana, so he dumped the marijuana in the street. He stated that he did not to book the complainant's marijuana.

SFPD General Order 6.15 states the member who receives or takes property is responsible for it until the item is processed as property for identification and is received at the district stations or at the Property Control Section. The General Order also has specific provisions related to booking narcotics.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was substituting at a San Francisco high school when he noticed the named officer riding horse back with two other mounted officers in front of the school. The complainant stated that he approached the named officer and heard him yelling at two 10<sup>th</sup>-grade students. The complainant stated the named officer angrily shouted, “You know what we call animal abusers? Pussy! You are a pussy!” He said the named officer used the word “pussy” multiple times and at one point spelled it out. The complainant stated the named officer did this in front of dozens of other students from the school. The complainant said he told the named officer that his conduct was inappropriate.

The named officer stated he said, “Anyone who would hit a defenseless horse is a pussy.” He stated he made this statement in the course of reacting to a potential threat. He stated he heard one of the students dare another to slap his horse on the ass. The named officer stated that if the students had hit his horse’s rear, the horse’s reaction could have caused him, and/or the students, serious injury. The named officer stated the students were laughing and continued to suggest they might hit the horse, so his intent was to strongly convey the message that such conduct was serious.

At an Internal Affairs interview, the named officer stated that he showed bad judgment in using an inappropriate word, but otherwise he would not have changed anything about his actions on that date. At his later DPA interview, the named officer was shown an amateur video that captured a short clip of him approaching the students, putting his hand on his hip or holster, and using additional harsh language. The named officer admitted that he had not seen the video before. The named officer acknowledged the language but stated he had not recalled it earlier.

A witness officer stated the named officer was having a discussion with the two students and he was “very serious.” The officer stated he heard the named officer shout the word “pussy” at the students. The officer described the two students as “looking up at [the named officer] and listening,” and that they were “taken back.” The officer stated that when the named officer rejoined him and a third officer, he told them that one of the students had dared the other to hit his horse.

The other witness officer stated he did not hear anybody use the word “pussy” during this incident, but he saw that the named officer was angry and shouting. The officer stated the named officer told him afterward that he had used that word “pussy” and regretted it. The officer stated that the named officer also told him that he “was reading that kid the Riot Act,” because he threatened to hit his horse.

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**SUMMARY OF ALLEGATION #1 (continued):** One of the two 10<sup>th</sup> grade students confronted by the named officer stated that he asked if he could pet the horse. He did not recall any of the other students daring him to hit the horse. He stated the named officer was the one who dared him, and he thought that he might have been joking at first. He also stated the named officer said something like, “you know what I do to animal abusers? Come here.” The student said that the named officer then turned the horse, using it to hit him in the back of the head. He said the named officer then used foul language and called him an “animal abuser,” a “pussy,” and a “sissy.” The student stated the named officer kept repeating the word “pussy,” and spelled the word out as well. The student said that he was scared during the encounter.

The other student that was primarily involved in the incident stated that his friend had asked the officers if they could pet one of the horses, and the named officer replied, “go ahead, try it, I dare you.” The student stated the named officer then said, “you know what I call animal abusers? Pussies.” He stated the named officer said something like, “do you want to know how it feels to be abused,” and then moved the horse by pulling its reins to hit his friend’s head. He stated the named officer used the word “pussy” multiple times and spelled it out at least once: “You know what I call people like you? P-U-S-S-Y, pussy.” The student also stated that the named officer questioned an assistant principal about how he ran the school. He described his friend as “traumatized” after the incident.

The assistant principal stated that, as he approached the officers, the first thing he heard the named officer say was, “You pussy!” He said he heard the named officer use this expletive three times. The principal stated the two students seemed to be very scared. He stated the named officer used his horse to “dance around” the students and him, which made him feel intimidated. The principal stated the named officer asked, “Is this how you discipline your students? Is this how you teach your kids?”

A witness, who was working in and around a truck parked on the road by the incident, stated that the named officer “kept cussing” at the kids. He stated he saw the named officer move his horse left and right and hit one of the students with his horse. He also stated that when the assistant principal was present, the named officer said something to the effect of, “I don’t know what kind of school you’re running here.”

Students present described the named officer as provoking the students and being angry. Most corroborated the fact that the named officer had used the word “pussy.” One student said that she heard the named officer say, “you think its funny to abuse a horse,” and “how would you like it if you got smacked?” Another student stated that her impression was that the student that was hit was “terrified” by the incident. A different student stated that the named officer was cussing at the student that he hit and had his hand on his gun. She said that she video-recorded part of the incident and posted it to Snapchat.



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**SUMMARY OF ALLEGATION #1 (continued):** The video of the incident taken by the student witness, and originally posted to Snapchat, showed the named officer riding in front of the school, approaching and starting to pass a male student. The student asks “can I?” In response, the named officer says, “I dare you. Try it and I’ll fucking knock you on your ass.”

Surveillance video from the school has no audio, but shows the named officer riding in front of the school with two other officers on horseback following. The video shows the named officer looking back at two students as he passes them, while he seems to be speaking to them. The video shows the named officer turning his horse, making head to head contact with one of the students. The named officer then continues to speak to the students, starts to ride away, but returns three times to further address them and later the assistant principal. The named officer’s horse can be seen shifting around as he addresses the various bystanders.

SFPD General Order 2.01, General Rules of Conduct, Section 9 states:

Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

Section 14 states: “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

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

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

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

**FINDINGS OF FACT:** The complainant stated he did not witness the beginning of the encounter and did not see the horse hit the student. The complainant stated he later learned that one of the students had asked to pet the horse, and the named officer used his horse to hit that student in the head.

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**SUMMARY OF ALLEGATION #2 (continued):** The complainant stated he also learned that the named officer had hit that student a second time with his hand. The complainant stated he was with the student 45 minutes later, and he reported that his head was still throbbing. The complainant stated he was told that the named officer may have put his hand on his holster or gun during the incident.

The named officer stated he turned his horse more than 90 degrees in response to a voice he heard a little behind him to his left. He stated he heard one student dare the other student to hit his horse, so he turned to assess the threat and potentially prevent the horse from being hit in the rear. He stated he did not know how close the students were until he turned his horse around, and that he had been looking forward. After watching surveillance video of the incident, however, the named officer stated it appeared he was looking backward before making the turn. In response to that video also showing a number of other students walking behind, and very close to his horse, a minute or two after he had turned to face the alleged threat, the named officer stated that these other students did not concern him because they had not threatened to hit his horse. He denied attempting to hit anyone with his horse. He denied ever hitting anyone with his hand. The named officer acknowledged putting his hand on his left hip, but not on his gun.

One of the witness officers stated that he heard the named officer tell the students not to slap or hit his horse. The officer stated that he saw the named officer turn his horse and that the bridle or chin area of the horse “brushed” or “grazed” the top of the student’s head. The officer said he thought the contact was incidental. The other witness officer stated that he saw the named officer turn his horse, but he did not see the contact. The officer described the named officer’s demeanor as angry throughout the encounter.

One of the students stated the named officer used the horse to hit him in the back of the head. The student stated that his head was throbbing afterward and he applied an ice pack, though he did not seek medical care beyond that. His friend stated that after the student asked to pet the horse, the named officer said, “go ahead, try it, I dare you.” He stated the named officer said something like, “do you want to know what it feels like to be abused,” and he then hit the student with his horse by pulling on its reins. He stated he remembered his friend holding his head immediately afterward. Both students thought the named officer may have also hit the one student with his hand, but neither was sure. Both students also said that they heard that the named officer had put his hand on his gun, but did not witness it directly.

Other students who were present all stated that the named officer intentionally moved his horse to hit or try to hit the student. One specified that the named officer surely knew how close he was to the student, because he was looking at him the whole time. Another recalled that the student was holding his head after the contact. A non-student witness who was working in and around his delivery truck stated that the named officer hit one of the students with the horse. The assistant principal stated that the named officer used his horse to “dance around” the students and him, which made him feel intimidated. He did not see the horse turn or hit the student, but he did not witness the entire incident.

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**SUMMARY OF ALLEGATION #2 (continued):** The amateur video of the incident, originally posted to Snapchat, does not show the contact but documents the named officer daring and threatening the students. Surveillance video from the school shows the named officer stopping his horse and turning his upper body towards the student. It then shows the named officer riding forward, while still looking in the student's direction. The video then shows the named officer's horse turn, appearing to make head to head contact with the student, who simultaneously ducks down and steps away. A number of students start to walk towards the school passing just behind the named officer's horse – some appear to even brush against the horse or its tail as they are forced to walk between it and a concrete wall. All three officers eventually ride away.

SFPD General Order 5.01, Use of Force, in effect at the time, states, "Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more."

The investigation established that the named officer was engaged in reckless horsemanship, and that he could have taken more appropriate and less risky actions to reduce the potential threat to himself, his horse and the public. The investigation also established that the named officer was likely looking in the direction of the students, but it was not clear that he had a clear view of where they were in relation to his horse. Although it is more likely than not that the named officer's horse made head to head contact with the student, there was not a preponderance of evidence showing that the named officer intended to hit the student. As such, there was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer engaged in inappropriate behavior and/or comments (prior incident).

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

**FINDINGS OF FACT:** During the course of the investigation, the DPA learned of an image of the named officer that had been posted to Instagram from a previous incident. The image showed the named officer on horseback within a few feet of a male, who was pinned against a wall and appeared frightened.

A witness officer is also in the image observing the interaction. A caption is written with this quote: "you better behave yourself before I kick your fucking teeth in."

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**SUMMARY OF DPA-ADDED ALLEGATION #1 (continued):** The named officer stated that the photograph was from an incident in which he, and the two officers from the primary complaint, had been flagged down by a bus driver. The named officer stated that the male in the photo had been standing in front of the bus, blocking its progress. The named officer stated that he told the individual to get on the sidewalk, and he complied. The named officer denied ever stating he would kick anybody's teeth in. The witness officers corroborated the named officer's statement.

The photographer stated that he witnessed the incident and thought the named officer's conduct was inappropriate. He stated that he heard somebody say, "you better behave yourself before I kick your fucking teeth in." He said that he thought it was the named officer who said it. The photographer also said that the named officer was very close to the civilian in the photo and appeared very intimidating.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was detained without justification. He stated he walked up the street and saw broken glass on the ground from a car window that had just been busted, but he had nothing to do with it. A lady in a nearby window said she was calling the police.

The named officers stated they had no recollection of the incident. The officers acknowledged that based on the incident report and other department records, they were the first unit to arrive and they had one person detained. However, they were not the primary unit. The named officers detained the complainant regarding an investigation related to a car burglary/vandalism. When the primary unit arrived, they took over the investigation because it was in their sector. The named officers left the scene to handle another "A" priority call in their sector.

A witness stated she looked out the window and saw three or four guys walking down the street and one of them broke the window on a family member's car. She told her family members what she saw and they went outside to confront the individuals.

A second witness stated he ran outside and saw only the complainant and that the other suspects took off. He tried to "interrogate" the complainant. The witness' girlfriend called the police and they kept the complainant there until police arrived. The witness stated the complainant was the only person on the street when police arrived and was standing at the bus stop.

The reporting officer stated her unit was the primary unit, but they did not arrive first. When she and her partner arrived, the complainant was already detained and handcuffed. She spoke with the parties and prepared the incident report.

Records from the Department of Emergency Management (DEM) show that dispatch put out a call for a 405 [Citizen Holding a citizen] citizen arrest. The reporting party stated they caught the person breaking into their vehicle.

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

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

The evidence established that the named officers had reasonable suspicion to detain the complainant. Two witnesses pointed out the complainant to the officers as the person who broke the window on the car. Following an investigation, the witness declined to sign the Citizen's Arrest form. The reporting officer issued a Certificate of Release to the complainant pursuant to Department policy.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officers handcuffed him without justification. The complainant stated he was at the scene where a car break-in had just occurred. Several people confronted the complainant, which prompted him to walk away and cross the street to the bus stop. The complainant stated officers pulled up, detained him and handcuffed him.

Witnesses identified the complainant to the officers as a suspect and the complainant walked away from the scene.

Neither of the named officers remembered the incident, but department records show their unit detained the complainant.

The reporting officer stated that when she and her partner arrived on scene, the complainant was already detained and handcuffed by the named officers.

The evidence established that the named officers were justified in handcuffing the complainant based on the report of a citizen's arrest of a person breaking into the vehicle, the complainant's behavior and to detain the complainant for the purpose of conducting an investigation into the alleged crime.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officers pushed him up against a window. The officers had the complainant stand and face the window, handcuffed him and put him on the ground.

Both of the named officers stated they have no recollection of the incident.

The reporting officer stated she did not see the alleged conduct. This officer's partner stated he did not see the officers push the complainant against the window or onto the ground.

Two witnesses stated they did not see the interaction between the officers and the complainant.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #7-8:** The officers applied tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated he was placed in tight handcuffs.

Both officers stated they had no recollection of the incident.

The reporting officer stated that she did not hear the complainant say anything about the handcuffs being too tight, and he did not complain of any pain.

A witness officer stated he did not recall any complaints about the handcuffs being too tight or any complaint of pain.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he flagged down an officer to report an incident. The complainant stated the officer performed a pat search on him. The complainant stated he told the officer(s) about the murders and the bodies embedded in the floor of his apartment and that several people were trying to kill him. The complainant stated the named officer told him that he made him nervous and pat searched him.

The named officer stated he conducted a cursory “Terry” search for weapons on the complainant. The officer explained that the complainant flagged him down. The officer said he was alone with the complainant in a quiet alley with no other people around and the complainant was fidgety and kept his hands in his pants pockets. After a conversation with the complainant, the named officer called for backup. Once the named officer’s back up was within sight, he performed the pat search. The named officer stated the complainant made statements that he had a psychological condition and taking medication.

One of the witness officers stated he observed the named officer performing what looked to be a cursory pat search on the complainant. The other witness officer did not recall who pat searched the complainant. This witness officer stated that based on the subject’s erratic behavior and lack of cogent thoughts, he believed it would have been reasonable to believe that the complainant was possibly armed or dangerous.

The evidence established that the complainant flagged down the named officer and started talking about murders and bodies being embedded in the floor of his apartment. The named officer stated the complainant kept his hands in his pants pockets. Based on the totality of circumstances, the named officer reasonably believed that the complainant might be armed and dangerous.

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



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

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

**FINDINGS OF FACT:** The complainant stated he was smoking in front of a theater when the named officers approached him and told him to stop smoking. The complainant stated it was legal for him to smoke where he was standing but was asked for his license and told him he was being detained.

One of the named officers stated he saw the complainant smoking in front of the theater in clear violation of SF Health Code Article 19F, which states: "Smoking only at the curb, or if no curb at least 15 ft from exits, entrances, operable windows, and vents." The officer stated that despite the existence of a clear curb line, the complainant refused to stop smoking in front of the theater building. He continued to smoke as the officer was speaking to him. The named officer also stated that "No Smoking" signs were clearly posted.

The other named officer stated that the security guard at the theater approached him and his partner regarding the complainant, who was smoking in front of the theater and was refusing to leave. He said that the guard had asked the complainant to move several times, but the complainant refused to cooperate. The named officer also stated that there were "No Smoking" signs clearly posted in the front windows of the theater.

No witnesses came forward.

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

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

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

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

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

**FINDINGS OF FACT:** The complainant stated that he asked the officers to arrest the security guard at the theater for brandishing a taser at him, but the officers refused.

One of the named officers stated that after interviewing the complainant and the security guard, he determined that no crime had occurred. The other named officer did not recall being asked to arrest the security guard.

The security guard could not be located.

No other witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #1-9:** The officers failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The co-complainant stated that he was falsely charged with murder. The co-complainant and his mother (complainant) stated that the officers did not conduct a proper investigation, used hearsay as evidence, and coerced witnesses. The complainants stated that some interviews of witnesses were not recorded.

The named officers denied the allegation. They were involved in a homicide investigation and, in some cases, investigations into other crimes involving the co-complainant. One of the named officers stated that hearsay was used as an investigative lead which is legal and permissive, even though it may be barred as evidence in court. Some of the named officers acknowledged that interviews were not always recorded, and in one interview, there was a malfunction of the recorder.

The chronology of the officers' investigation showed that named officers interviewed witnesses and followed leads, including information related to a vehicle reportedly at the scene of a homicide. The chronology further documents that named officers were eventually able to present their evidence to a judge and obtain an arrest warrant for the co-complainant.

Court documents show that one murder case against the co-complainant ended in an acquittal, while the other ended in a hung jury.

The investigation established that the officers did receive information connecting the co-complainant to the murders of two individuals. Hearsay evidence was considered as an investigative lead and not as evidence. There was no evidence that the officers used coercion with any witness. Although there were some unrecorded interviews, review of audio interviews and notes do not indicate coercion.

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

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**SUMMARY OF ALLEGATION #10:** The officer arrested the co-complainant without cause.

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

**FINDINGS OF FACT:** The complainant and co-complainant stated the arrest was based on false charges. The co-complainant stated that he was not convicted, and this further demonstrated that he had been falsely accused. The co-complainant stated he was in jail for three years for something that he had nothing to do with.

The named officer stated the case against co-complainant included multiple eyewitnesses and the evidence was supported and corroborated by social media, cell records, handwriting analysis, and other evidence. The named officer stated the evidence gathered from their investigation was used to obtain a felony arrest warrant for murder signed by a Superior Court Judge.

Court records indicate that the co-complainant was acquitted in one murder case and that the jury hung in another murder case. Records also show that the co-complainant was found guilty of charges related to dissuading a witness.

The evidence established that at the time of the co-complainant's arrest the named officer had sufficient probable cause to make an arrest and obtain a warrant signed by a judge.

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

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**SUMMARY OF ALLEGATIONS #11-12:** The officers conducted an improper search of the complainant's residence.

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

**FINDINGS OF FACT:** The complainant stated that she was not provided a copy of the search warrant until after the search of her home. The complainant said she was not allowed to read the warrant and stated her entire house was searched. The complainant stated that she believed the search exceeded the scope of the warrant because it continued even after the co-complainant was removed from the house and arrested. The complainant stated that the search should have ended at that point because the co-complainant did not live with her, had not used her address before, did not receive mail there, and had no personal belongings at her home.

The named officers denied the allegation. One of the named officers stated the scope of the search as detailed in the warrant included evidence such as firearms, ammunition, indicia, computers, media devices, cell phones, and evidence of "flight," such as plane or bus tickets. The named officer stated that the search did not exceed the scope of the warrant to the best of his knowledge. The named officer stated some items seized pursuant to the warrant belonged to the co-complainant and his wife, while other may not have. The named officer stated that items were returned to their owner if and when it was determined they had no evidentiary value. The other named officer stated he does not recall the scope of the search warrant, the areas he searched, or the items he sought. The named officer stated that, prior to searching the residence, he was briefed on the scope of the search warrant.

The search warrant was sealed by court order.

The related incident report documented that the complainant was provided with a property receipt and a search warrant return, and all occupants were shown a copy of the search warrant.

A preponderance of the evidence established that the officers conducted a search pursuant to a search warrant.

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

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**SUMMARY OF ALLEGATIONS #13-14:** The officers engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated that the named officers defamed the co-complainant by publicly accusing him of murder. The complainant referred to a specific news article that used the phrase, “committed murder of individuals.” The complainant stated that the named officers spread this information even though it had not been proven.

One of the named officers stated that she was the author of a press release regarding the case and also gave a number of interviews to the media. The named officer said she does not know how many interviews she gave or to whom she gave those interviews. The named officer stated that the information had to be approved by the Homicide Detail and all press releases also go through an approval process. The other named officer stated that the SFPD did provide the media information that the co-complainant murdered an individual prior to the conclusion of his investigation and the subsequent trial.

The relevant press release from the SFPD included facts about the location of the arrest, the agencies involved, and the date of the homicide. The release also stressed that the investigation was ongoing and included information about how to contact the Department, including through an anonymous tip line.

None of the news articles found included any inappropriate statements from the named officers. No article could be found that included the phrase “committed murder of individuals,” or similar phrases.

A preponderance of the evidence indicated that there were no improper statements made to the news media by the named officers.

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

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**SUMMARY OF ALLEGATION # 15:** The officer used force against the co-complainant.

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

**FINDINGS OF FACT:** The co-complainant stated he was slammed to the floor during his arrest, causing him to bump his head.

Officers who were present during the arrest, stated they did not see any use of force against the co-complainant. Officers also stated that there were no injuries visible on the co-complainant and he never complained of pain.

The identity of the alleged officer could not be established. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #16:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer has been harassing him since 2011 resulting in various false arrests. The co-complainant stated that the named officer would use various means to elicit statements from witnesses against him. However, no specifics were provided.

The named officer denied the allegation and stated his contacts with the co-complainant have all had a lawful purpose. The named officer said he did not know why charges against the co-complainant were dismissed for lack of evidence without seeing all the court transcripts and/or talking to the District Attorney's Office. The named officer stated firearm cases often come down to DNA evidence, which is often difficult to locate on firearms. The named officer stated that he has no personal grudges against the co-complainant.

Department records document only lawful contacts between the named officer and the co-complainant. No evidence was provided or found, that the named officer has been harassing the co-complainant illegally since 2011, or that he used inappropriate means to obtain witness statements against him.

The evidence showed that the acts alleged by the co-complainant did not occur, or that the officer was not involved in the acts as alleged.

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

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

**FINDINGS OF FACT:** The complainant stated he was stopped and cited for having an expired registration. The complainant admitted having an expired registration; however, he believed he should not have been searched during the traffic stop as he was no longer on probation.

The named officer stated that records check revealed that the complainant had a search condition.

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

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

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

**FINDINGS OF FACT:** The complainant stated that his vehicle was illegally searched.

The named officer stated that records check revealed that the complainant had a search condition.

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



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**SUMMARY OF ALLEGATION #3:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated the named officer damaged the complainant's vehicle during the search. The complainant did not provide evidence of the damage to his vehicle.

The named officer and witness officers denied the allegation.

The BWC video from the officer in charge at the scene did not reveal visible damages to the complainant's car or any complaint of damages.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #4-6:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated he was embarrassed, humiliated, harassed by the officers as bystanders walked by during the incident.

The named officers denied the allegation.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #7-9:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that he believed that his race was the primary factor in this traffic stop. The complainant admitted having an expired registration.

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. They stated that the complainant was pulled over because he had an expired registration. They denied knowing the complainant's ethnicity prior to the stop.

A preponderance of the evidence established that the named officers did not engage in biased policing as alleged, and that the complainant was pulled over because he had an expired registration, which he admitted.

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