

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2019      DATE OF COMPLETION: 10/4/2019      PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 07/19/2018      DATE OF COMPLETION: 10/3/2019      PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/22/19    **DATE OF COMPLETION:** 10/08/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer detained him and sent him to SF General Hospital on a psychiatric evaluation hold for no reason.

The named officer stated that she received a report that the complainant had sexually harassed customers at a massage establishment and refused to leave. The named officer stated that she had just received emails from the complainant's neighbors saying that the complainant had been throwing items out of his second-story window and had been driving recklessly on the street. The named officer then met with the complainant near the massage establishment, where he admitted throwing items out of his window and said he could drive however he wished. Based on her assessment, the named officer placed the complainant on a mental health detention based on him being a danger to himself and others.

Department records show that the complainant was reported by the employee of a massage establishment that he was sexually harassing and insulting customers and employees. The records also indicate he was transported to the hospital after he admitted throwing items out of his second story window and saying he could drive how he wished, actions that posed a danger to himself and others.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer told the complainant that he could not leave the hospital without talking to her, which he believed was a violation of his Constitutional rights.

The named officer stated that she went to the hospital to give the complainant a citation for sending harassing voicemails to a deputy city attorney. However, the named officer said she did not speak with the complainant prior to her arrival on that day. When she arrived, she was told by the medical staff that the complainant was not free to go because his medication and discharge paperwork was not finished based on a 5150 hold.

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**DATE OF COMPLAINT: 01/22/19    DATE OF COMPLETION: 10/08/19    PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #2: (Continued)**

Department records show that a deputy city attorney reported the complainant had left numerous threatening and harassing voicemails to him, and DPA investigation confirmed that the deputy city attorney complained of this conduct to the Department.

A preponderance of evidence shows that the complainant was held at the hospital not because the named officer told him he could not leave the hospital without talking to her, but because he was waiting for the discharge paperwork from the hospital.

The evidence proves that the conduct alleged did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer did not like him because he is Asian, and she is Irish.

The named officer stated that she knew the complainant's race prior to this incident. Her first contact with the complainant started in September 2013. However, the named officer denied that race was a factor in the complainant's detention, and she contacted the complainant at the hospital because she needed to issue him a citation for annoying and harassing phone calls.

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

The evidence proves that the conduct alleged did not occur.

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**DATE OF COMPLAINT: 01/30/19    DATE OF COMPLETION: 10/4/19    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that she was involved in an argument with shelter staff over her use of the bathroom. The complainant was told by the shelter’s supervisors that she needed to leave the bathroom or they were going to call the police. The complainant then went to her bed and was awakened by the named officer. The complainant said that the named officer evicted her without a judge’s order and even after she told him that she was appealing the shelter’s decision.

The named officer stated that he responded to a call for service regarding an individual who was making threats and harassing staff at a nearby shelter. When he arrived on scene, the named officer spoke with shelter staff who stated that the complainant was referring to the staff using racial slurs and was threatening to slap them. The named officer spoke with the complainant, who informed him that she attempted to use the powder room and was asked to leave by a member of the shelter’s staff. She told the named officer that there were two other individuals in the powder room that were African American, but they were allowed to stay. The complainant felt that she was singled out. The complainant told the named officer that she had been assaulted because a member of the staff put on latex gloves while she was speaking with her and gave her the impression that she was going to grab her. However, the complainant stated that she was never physically touched by the staff. The named officer escorted the complainant off the premises. The complainant informed the named officer that she wanted to appeal the shelter’s decision to evict her. The named officer had the night supervisor explain to her the appeal process. The named officer said that the complainant committed a category ‘A’ violation, which resulted in immediate removal from the shelter. The named officer stated that he did not need a court order to remove the complainant because the shelter was a free shelter that requires guests to check in on a day-to-day basis and to abide by the shelter rules. Guests of the shelter that are denied service are considered trespassing on private property after being advised. This provides police the authority to enforce criminal trespassing violations by either escorting the individual off the premises or placing them under arrest.

A copy of the complainant’s housing records was obtained from the shelter. The complainant’s shelter records show that she has been written up for multiple complaints over the past year and has been denied service twice.

A copy of documentation that is provided to shelter guests was obtained. The documents state under rules and penalties regarding category A violations, “The following infractions will result in client being immediately denied services”. Point A3 states, “Verbal threats of violence, threatening body language, such as by a raised fist, and/or inciting others to acts of violence against another person, including other participants, staff members, or volunteers either inside the shelter or within 200 feet in any direction from

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

a currently used access door”. Point A9 states, “Verbal harassment toward other participants, staff members or volunteers, including but not limited to racist sexist, homophobic, or transphobic language, or language that is offensive to a religious group.” The shelter’s rules are posted on the wall of the lobby.

No other witnesses were identified.

The shelter’s rules state that any client who violates a section ‘A’ rule will result in immediate denial of services. The complainant violated two of those rules by using ethnic slurs and threatening to slap the shelter staff. The shelter staff wanted the complainant removed from the premises and the named officer assisted in escorting her off the premises. Any issue regarding the removal process would be a matter for the shelter management and not SFPD.

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

**SUMMARY OF ALLEGATION #2:** The officer failed to comply with Department General Order 10.11

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

**FINDINGS OF FACT:** The complainant stated that she was unjustifiably removed from a shelter where she was residing. During her interaction with the named officer, the named officer did not have his body worn camera activated.

The named officer stated that his body worn camera was activated during the entire incident.

Footage from the named officer’s body worn camera indicated that it was activated during his contact with the complainant.

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

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**DATE OF COMPLAINT: 02/19/19    DATE OF COMPLETION: 10/11/19    PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers towed a vehicle without authorization.

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

**FINDINGS OF FACT:** The complainant stated that she purchased a vehicle from a tow company and parked it on the street. The complainant stated that when the named officers arrived at the parked vehicle location, they began to impound the vehicle. The complainant stated she told the named officers that she legally purchased the vehicle and had documents to prove it. The named officers reviewed the papers and impounded the vehicle without cause.

Named officer #1 stated that he observed the unoccupied vehicle and conducted a stolen vehicle check through his mobile digital computer. The vehicle's status returned as stolen from the city of San Francisco. Named officer #1 reviewed the documents provided by the complainant and determined the complainant had a civil issue on hand. Named officer #1 attempted to contact the registered owner several times with negative results. Named officer #1 consulted with the Sergeant on the scene, who told him that since the registered owner could not be contacted, tow and impound the vehicle. Named officer #1 impounded the vehicle and informed the complainant.

Named officer #2 stated they discovered the unoccupied vehicle and conducted a vehicle inquiry through their mobile digital computer. The inquiry results came back as a stolen vehicle from San Francisco. Named officer #1 began to impound the vehicle when the complainant stated that she bought the vehicle that day and had documents to prove it. Named officer #2 reviewed the documents and asked the sergeant on the scene to review the information. Named officer #1 stated, the sergeant told him that since the registered owner could not be located, the vehicle must be towed.

Department records, including computer inquiry results, verified the complainant's vehicle was a reported stolen. Department General Order 9.06 says in part:

Officer are authorized to tow a vehicle under section 22650 of the CVC when the vehicle is reported stolen, and the registered owner could not be contacted.

SFPD documents showed that a sergeant authorized the towing and impounding of the complainant's vehicle.

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

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**DATE OF COMPLAINT: 02/02/19    DATE OF COMPLETION: 10/11/19    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated she was called to the scene of a traffic incident in which a car struck her 63-year-old mother. The complainant alleged that two officers at the scene did not treat her properly and aggressively interrogated her mother inside an ambulance. The complainant did not respond to DPA requests for interviews, nor did her mother. The complainant's sister, who was also at the scene, stated that when she arrived, the complainant told her an officer had spoken to her in a rude and condescending manner.

One named officer, a bilingual officer who interviewed the complainant's mother, stated there was a moment in which he had to talk loudly because the victim had difficulty hearing him. The officer stated he and the victim did not argue, and the victim fully understood him. The officer stated he could not recall having any contact with the complainant or her companions.

The other named officer stated that he spoke with a group of people at the scene that may have included the complainant. The officer stated he told the group that the victim was being assessed, had complained of pain, was alert, and was to be transported for further assessment. The officer stated that to ease the group's concerns, he told them that according to the paramedics, the injuries did not appear to be serious. The officer denied being rude and condescending in his interaction.

A witness who came forward stated she did not witness the events that occurred after the victim was brought to an ambulance.

The bilingual officer's Body Worn Camera video footage shows he did not speak to the complainant or any of her companions. The video footage capturing his interview of the victim does not show the officer engaging in aggressive interrogation or any inappropriate behavior.

The other officer's Body Worn Camera footage shows he did not have any verbal contact with the 63-year-old victim. The footage captured the officer speaking to the group, including a woman who was crying, but does not show the officer behaving rudely or inappropriately.

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



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**DATE OF COMPLAINT:** 02/02/19    **DATE OF COMPLETION:** 10/11/19    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

**FINDINGS OF FACT:** The complainant alleged that her mother was not afforded proper language services for translation purposes.

The named officer stated that he is a certified Cantonese-speaking officer. He stated that when he contacted the victim, they spoke in Cantonese. The officer stated they were able to understand each other, and that the victim did not present any difficulty expressing herself during the conversation.

A witness who speaks Cantonese stated that the victim and the officer understood each other well and were comfortable taking in Cantonese.

The officer's Body Worn Camera video footage shows he and the complainant were able to communicate effectively in Cantonese.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT: 02/01/2019    DATE OF COMPLETION: 10/28/2019                    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The named officer responded to a call of a hit and run. The complainant stated a van driver struck his car and did not stop, so he called 911 and begun following the driver until they both stopped at a parking lot located a few miles from the scene of collision. The named officer arrived to investigate the incident. Another officer responded as back up and assisted the named officer in his investigation. The complainant alleged that the named officer failed to conduct proper investigation by not considering collision as a hit and run.

The named officer said he investigated the incident and determined that the hit and run allegation was likely the result of a misunderstanding. The named officer said that the van driver told him he had stopped initially but continued driving after the other driver refused to approach him to exchange information. The named officer also noted that both cars had left the scene of the initial accident.

The named officer's decision to believe the van driver and conclude that the hit and run was a misunderstanding was not so unreasonable to rise to the level of misconduct.

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

**Officer Simon Hoang #310**

**SUMMARY OF ALLEGATION #2:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant alleged that the named officer failed to write an incident report, so he was forced to file a report at a district station.

Department General Order 9.02, Vehicle Accidents, states in part, that it is the policy of the Department to investigate and report all hit and ran vehicle accidents resulting in property damage.

The named officer said he investigated the incident and determined that the hit and run allegation was likely the result of a misunderstanding. The named officer said that the van driver told him he had stopped initially but continued driving after the other driver refused to approach him to exchange information. The named officer also noted that both cars had left the scene of the initial accident.

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**DATE OF COMPLAINT: 02/01/2019    DATE OF COMPLETION: 10/28/2019                    PAGE# 2 of 2**

The named officer's decision to believe the van driver and conclude that the hit and run was a misunderstanding was not so unreasonable to rise to the level of misconduct.

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

**SUMMARY OF ALLEGATION #3:** The officer failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant alleged that the officer failed to arrest the driver.

The named officer said he investigated the incident and determined that the hit and run allegation was likely the result of a misunderstanding. The named officer said that the van driver told him he had stopped initially but continued driving after the other driver refused to approach him to exchange information. The named officer also noted that both cars had left the scene of the initial accident.

The named officer's decision to believe the van driver and conclude that the hit and run was a misunderstanding was not so unreasonable to rise to the level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 02/11/2019    DATE OF COMPLETION: 10/9/2019    PAGE# 1 of 4**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer should not have arrested him for an outstanding warrant and should have had him cited and released.

Department records indicated that the complainant had a \$10,000 warrant for his arrest which was confirmed as valid by the named officer. Additionally, the complainant was arrested based upon a signed private person's arrest for driving on a suspended license. Finally, the complainant did not have proper identification.

San Francisco Sheriff's Department records documented the complainant's \$10,000 arrest warrant.

Body worn camera (BWC) footage showed the named officer received confirmation that the arrest warrant was valid. Under these circumstances, the named officer was not required to cite and release the complainant at the scene.

The evidence proves that the alleged conduct occurred; however, the conduct 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 the named officer illegally searched his vehicle.

Department records indicated the police contacted the complainant at the scene of a vehicle collision where he was the driver. The records documented that the complainant's license was suspended which resulted in the towing of his vehicle.

DMV records documented that the complainant had three prior license suspensions.

Department Bulletin 18-117 states in pertinent part, "A vehicle shall be towed when the driver's license status is Suspended/Revoked and: CLETS/DMV records confirm the driver of the vehicle has been cited at least once for a 14601/12500 CVC related violation in the past . . ."

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**DATE OF COMPLAINT: 02/11/2019    DATE OF COMPLETION: 10/9/2019    PAGE# 2 of 4**

California Vehicle Code 14601(a) states in pertinent part, “No person shall drive a motor vehicle at any time when that person’s driving privilege is suspended . . . “

Department General Order 9.06.III.B. states in pertinent part, “When towing a vehicle, officers shall inventory the contents of the vehicle.”

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

**SUMMARY OF ALLEGATION #3:** The officer towed a vehicle without cause.

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

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

Department records indicated the police contacted the complainant at the scene of a vehicle collision where he was the driver. The records documented that the complainant’s license was suspended which resulted in the towing of his vehicle.

DMV records showed that the complainant had three prior license suspensions.

Department Bulletin 18-117 states in pertinent part, “A vehicle shall be towed when the driver’s license status is Suspended/Revoked and: CLETS/DMV records confirm the driver of the vehicle has been cited at least once for a 14601/12500 CVC related violation in the past . . .”

California Vehicle Code 14601(a) states in pertinent part, “No person shall drive a motor vehicle at any time when that person’s driving privilege is suspended . . . “

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

**SUMMARY OF ALLEGATION #4:** The officer failed to properly process property.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT: 02/11/2019    DATE OF COMPLETION: 10/9/2019    PAGE# 3 of 4**

**FINDINGS OF FACT:** The complainant stated his money was confiscated when he was arrested. He stated upon his release a large amount of his money was not returned.

BWC showed the named officer removed the complainant's cash from his pockets before he was placed in a patrol vehicle. The footage showed the cash was then placed into a large manila envelope, which was counted, inventoried and documented on a Property Inventory Record. During the inventory the complainant stated he had approximately the same amount of cash indicated on the San Francisco Property Inventory Record.

The San Francisco Property Inventory Record documented the amount of cash taken for safekeeping.

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

**SUMMARY OF ALLEGATION #5:** The officer engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant stated he was arrested based upon his race.

Department of Emergency Management records documented the named officer was dispatched to a call where the complainant was involved in a vehicle collision.

Department records showed that named officer arrest the complainant because a \$10,000 warrant was issued for his arrest.

San Francisco Sheriff's Department records showed that an arrest warrant was issued for the complainant.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT: 02/11/2019    DATE OF COMPLETION: 10/9/2019    PAGE# 4 of 4**

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

SAN FRANCISCO POLICE DEPARTMENT  
INTERNAL AFFAIRS DIVISION  
1245 3<sup>RD</sup> STREET  
SAN FRANCISCO, CA 94158

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

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

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

SAN FRANCISCO SHERIFF'S DEPARTMENT  
INVESTIGATIVE SERVICES UNIT  
25 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT: 02/01/19      DATE OF COMPLETION: 10/10/19      PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that the officer moved an illegal tenant into her home in early February 2016. Notably, much of the complaint is unintelligible.

The named officer denied any knowledge of the allegations. The named officer stated that he had been called to the residence numerous times to respond to quality of life violations and disputes arising between the tenants and landlord, but he has never moved anyone into the residence.

Department records show that the named officer responded to the complainant's home around the time alleged by the complainant in response to a landlord-tenant dispute.

A preponderance of the evidence proves that the act alleged in the complaint did not occur.



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**DATE OF COMPLAINT: 06/17/2019    DATE OF COMPLETION: 10/01/2019    PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer failed to receive a private person's arrest.

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

**FINDINGS OF FACT:** The complainant stated he told the named officer that he wanted the suspect arrested.

Body Worn Camera footage showed that the complainant informed the named officer he wanted the suspect arrested and taken to jail. The named officer stated to the complainant, "You can sign a citizen's arrest . . . that you want him placed under arrest, but in all reality, the most likely scenario is that it would be a cite." The named officer described the process of a citizen's arrest and citation. The complainant gestured in a negative manner and stated to the named officer, "Ah, this is no good man . . . Go ahead; I'll follow whatever procedure, I don't care . . ." When the named officer walked to where the suspect was located, the complainant told him, "I just wanted to see the paramedics so he can give me some medicine."

Body Worn Camera footage also showed the complainant speak to another officer. The officer explained to the complainant that the suspect would not be going to jail and would be cited based upon the severity of the crime. The officer stated to the complainant, "You have to make a citizen's arrest for the person to be cited." The complainant stated to the officer, "I got to stick around and come to court . . .?" And then the complainant said, "Awe man, no." The body worn camera footage shows that the complainant, both by his words and his gestures, ultimately declined to sign a citizen's arrest form. When the named officer returned from speaking with the suspect, the named officer mentioned to the complainant that he already explained the citizen's arrest and told the complainant that the incident would be documented and that the DA may potentially contact him if they were going to pursue the case. The complainant responded "OK" and did not make any further request for a citizen's arrest.

Department records document that the named officer explained to the complainant that he could sign a citizen's arrest, but he declined and wished for the incident to be documented in an incident report.

DGO 5.06 I(b) CITATION RELEASE, MISDEMEANOR EXCEPTIONS directs officers that generally persons subject to misdemeanor arrest shall be cited. The numerous exceptions to this rule do not apply here. Therefore, the named officer was correct that the subjects would have been cited rather than subjected to a full custodial 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: 06/17/2019    DATE OF COMPLETION: 10/01/2019    PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer wrote an inaccurate incident report because the incident report stated he did not want the suspect arrested.

Body Worn Camera footage showed the complainant telling the named officer that he wanted the suspect arrested and taken to jail. The named officer explained to the complainant he would have to sign a citizen's arrest form and that the suspect would most likely get a citation with a promise to appear in court. The complainant became upset that the suspect would not be taken to jail. When the named officer began walking to where the suspect was located, the complainant told him, "I just wanted to see the paramedics so he can give me some medicine." The named officer informed the complainant that the incident would be documented on an incident report.

Body Worn Camera footage also showed the complainant speaking to another officer. The officer explained to the complainant that the suspect would not be going to jail and that he would have to make a citizen's arrest if he wanted the suspect cited. The complainant stated to the officer, "I got to stick around and come to court . . .?" And then the complainant said, "Awe man, no." The body worn camera footage shows that the complainant, both by his words and his gestures, ultimately declined to sign a citizen's arrest form. When the named officer returned from speaking with the suspect, the named officer mentioned to the complainant that he already explained the citizen's arrest and told the complainant that the incident would be documented and that the DA may potentially contact him if they were going to pursue the case. The complainant responded "OK" and did not make any further request for a citizen's arrest.

Department records show that the named officer explained to the complainant that he could sign a citizen's arrest, but he declined and wished for the incident to be documented in an incident report. The incident report documented the complainant's initial desire to effect a private person's arrest, as well as his later decision not to sign a citizen's arrest form. Though the incident report did not include every detail available in the body worn camera, it accurately reflected the details that were included.

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

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**DATE OF COMPLAINT: 09/20/19      DATE OF COMPLETION: 10/8/19      PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant told the DPA that his house was burglarized. He said he ran out of the house but did not bring keys with him. He said the burglars then locked the front and back doors of his house. When officers came on scene, they kicked open the door after he gave them permission. After this incident, the complainant said he contacted the captain of the district station and asked the station to repair the broken door. However, he said that the captain never answered or returned his calls.

Department records show that the complainant called police regarding a burglary of his residence, but when he called, he indicated that it happened 3 to 4 days before. The complainant confirmed with dispatch that he just wanted officers to report there was a break-in several days before. He stated that burglars had left the residence. Department records also show that the complainant told dispatch that he was able to enter his residence and would wait for the officers to show up.

In addition, Department documents indicate that an acquaintance of the complainant called 911 around the same, because the complainant was ringing her doorbell, claiming there were bad people in his house. The witness expressed to dispatch that she did not believe complainant's account of bad people because complainant frequently exhibited erratic behavior and complained of unsubstantiated allegations.

Other documents show that when the officers arrived, the complainant told them that he had called police to report that his garage doors had been damaged by an unknown suspect. He said he had just returned from vacation and noticed that both garage doors had been damaged – that he was unable to open the doors easily. Department records also indicate that there was no damage to property done by the police.

The complainant's statement to the DPA contradicts the information he provided to dispatch and to responding officers during the incident, which undermines his credibility. The evidence shows that officers responding to the complainant's call did not have to break the back door when they arrived because the complainant was already inside the house. Since the door the complainant identified was not broken, the named officer had not duty to respond to the complainant's request for the door to be repaired.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/20/19      DATE OF COMPLETION: 10/8/19      PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that he contacted the captain of the station after the incident and asked the station to pay for fixing a broken door. He stated that the captain hung up on him when he identified himself.

Department records show that during the 911 call, the complainant told dispatch that the burglary occurred several days prior to his call. The complainant confirmed that he just wanted to make a report of the break-in. He was able to go back into his residence and wait for the officers to show up. Department records also indicate that a witness called 911 regarding the burglary, and expressed doubt about the complainant's account, as it was part of a pattern of inaccurate reports of actions from the complainant.

Other documents showed that when the officers arrived, the complainant told them his garage doors had been damaged by an unknown suspect while he was on vacation. Moreover, there was no record of private property damaged by police.

The complainant's statement to the DPA contradicted the statement he provided to dispatch and officers during the incident, which undermines his credibility. A preponderance of evidence shows that the officers did not break the complainant's back door. Therefore, the named officer had no duty to respond to the complainant's request for recompense.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/15/2019    DATE OF COMPLETION: 10/11/2019    PAGE# 1 of 2**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant said the named officers failed to write an incident report documenting elder abuse. The complainant also said the named officers left to respond to a robbery but never returned.

SFPD records show the complainant called the emergency line and told the operator he wanted to make a report about an Adult Protective Service worker not following the law. The records showed the named officers responded to the call and when they arrived at the scene, they could not locate the complainant. The officers reported trying to call him but there was no answer.

DGO 2.01 states that, “while on duty, members shall make all required written reports of crimes or incidents requiring police attention.”

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: 03/15/2019    DATE OF COMPLETION: 10/11/2019    PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant said the named officers failed to write an incident report documenting elder abuse.

Body Worn Camera footage shows the complainant telling the named officers that four Adult Protective Service (APS) employees were abusing him by refusing to supply him a social worker. The complainant then played a recording of the alleged abuse. In the recording, the complainant asked for the APS operator's name, and when the operator refused, complainant became verbally abusive and hung up. The complainant then played a second recording in which another APS operator refused to provide a name to the complainant. The named officers advised the complainant that APS did not refuse to provide him with a social worker. The complainant then told the officers he wanted a note documenting that the officers responded to his call of elder abuse and named officer #2 told him there will be a note on the computer. The complainant said, "Thanks. That is all I need."

DGO 2.01 states that, "while on duty, members shall make all required written reports of crimes or incidents requiring police attention."

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:** 03/30/19    **DATE OF COMPLETION:** 10/11/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant called 911 after a vehicle hit his motorized scooter. Officers responded to the scene to investigate the incident. The complainant alleged that the named officer was argumentative and disrespectful. He also stated that the officer did not treat him properly. The complainant did not respond to requests for further information.

Body Worn Camera footage of the named officer and other officers who responded to the incident did not contain any evidence that the named officer disrespected the complainant or behaved inappropriately. The named officer was professional in his interaction with the complainant, called him sir, and was deferential to the complainant in his demeanor. While minor disagreements arose while the two were speaking, none of the officer's statements approached impropriety. There was no visible evidence that the officer made any inappropriate facial expressions.

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

**SUMMARY OF ALLEGATIONS #2 - 4:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The complainant alleged that the named officers smirked at him and gave condescending looks.

Body Worn Camera videos of the incident show the officers behaved professionally during the contact. There was no visible evidence on the that the officers made any inappropriate facial expressions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/24/19    **DATE OF COMPLETION:** 10/09/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that while he was painting a mural on a private building the named officer approached him, told him he had a complaint about his painting and ordered him to stop painting. The complainant asked the officer to contact the building owner to confirm the complainant had permission to paint on the building. The complainant stated that later in the contact, the officer misrepresented the truth when he told him he had spoken to the building owner, who denied that the complainant had permission to paint the mural.

The named officer denied misrepresenting the truth. The named officer stated that he explained to the complainant that he had spoken to an employee of the building owner who stated that he had standing instructions from the owner to call the police to stop the complainant from painting on the building.

Department records reflect the named officer responded to a vandalism call, in which the reporting party stated that the complainant painting murals on the building had been an ongoing problem.

Body Worn Camera footage shows the officer explaining to the complainant that he spoke with the employee of the building owner who stated that he has standing instructions from the owner to call the police to stop the complainant from painting murals on the building.

A witness with ties to the building owner stated the complainant has never had permission to paint murals on the building.

A letter from the building owner to the City includes a statement that the complainant does not have authorization to paint murals on the back of the building.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/05/2019    DATE OF COMPLETION: 10/24/2019    PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The sergeant made an arrest without cause.

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

**FINDINGS OF FACT:** The complainant said she called the San Francisco Police Department after her son threatened to destroy items in her house and refused to leave.

Body Worn Camera footage shows officers arrested the complainant's son. The officers interviewed the complainant's son, and during the interview, he alleged the complainant threatened to pour bleach on him. The named sergeant and other officers then requested that complainant step outside for paperwork. When the complainant stepped outside, the named sergeant arrested her. The named sergeant explained to the complainant she was arrested because her son and witnesses reported that she threatened to pour bleach on her son.

SFPD documents show the complainant's son signed a private citizen's arrest form naming the complainant. The documents show the complainant's son told the officer that complainant threatened to harm him with a shovel and bleach.

One witness said she heard an argument but had no first-hand knowledge of the behavior of the people arguing.

No other witnesses came forward.

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 sergeant applied handcuffs too tightly.

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

**FINDINGS OF FACT:** The complainant said the named sergeant placed the handcuffs on her too tightly.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/05/2019    DATE OF COMPLETION: 10/24/2019    PAGE# 2 of 2**

Body Worn Camera footage shows the named sergeant placed the handcuffs on the complainant in a reasonable way. The complainant told the named sergeant to be careful because she has arthritis. The named sergeant told the complainant that he was being very careful. There were no further complaints of pain from the complainant captured by the body worn camera.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant said the named sergeant forced her to wait for a female officer to conduct a search of her person.

Body Worn Camera footage shows the named sergeant explaining to the complainant that a female officer would have to come on-scene to search her person. The complainant said, "that is fine." The named sergeant waited about 10 minutes for a female officer to arrive. When the named sergeant found out a female officer was not available, the named sergeant directed two male officers to conduct the search of the complainant.

The Arrest and Control Manual states in pertinent part, "In searching members of the opposite sex arresting officer should: Attempt to have an officer of the same sex as the subject, conduct the search."

No witnesses were identified.

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:** 06/13/19    **DATE OF COMPLETION:** 10/09/19    **PAGE #** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer displayed a rude demeanor.

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

**FINDINGS OF FACT:** The complainant stated that the named officer, in an angry tone and without justification, threatened to tow her vehicle and impound it for 30 days.

Body Worn Camera footage revealed that the named officer, in a calm and professional tone, explained to the complainant that if she failed to correct an issue with her vehicle for which she had been cited previously, he would be justified in having her vehicle towed and impounded.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/07/19    **DATE OF COMPLETION:** 10/09/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated in an online complaint that she had a seizure, and responding paramedics contacted SFPD to assist in securing the complainant's motorized wheelchair. The complainant stated the named officer received the wheelchair and was told to take it to UCSF Medical Center where she was transported. The complainant stated that when she was released from the hospital, she was told that her wheelchair was secured at a police station. She called the station and was told that the station did not have her wheelchair.

The complainant failed to respond to numerous attempts to reach her for more details.

The named officer stated that he had no recollection of responding to a call as described by the complainant. The officer stated there was no record of him responding to such a call. The officer stated he requested from Dispatch a record of similar calls on the date provided, and Dispatch was not able to find any such incident.

DPA searches of Department call records also failed to reveal an incident as described by the complainant, involving the named officer.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 06/07/2019    DATE OF COMPLETION: 10/9/2019**

**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 alleged that a female broke into her house and stole her mail and phone. The complainant stated the woman was arrested but released before she could “sign a complaint,” and no one returned her stolen mail and phone.

The complainant failed to respond to DPA efforts to interview her for further evidence.

A search of computer records at an address provided by the complainant yielded one incident but the facts did not match the description of the incident the complainant described.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/14/19    **DATE OF COMPLETION:** 10/28/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 7/31/19

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 05/17/2019    DATE OF COMPLETION: 10/01/2019    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer seized property without justification.

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

**FINDINGS OF FACT:** The complainant stated an officer seized her handicap placard without justification.

The complainant did not provide additional requested information and evidence necessary to conduct an investigation.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/12/18 **DATE OF COMPLETION:** 10/9/19 **PAGE#** 1 of 2

**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 he filed a police report as the victim of a battery and, after a period of almost five months, he phoned police and a sergeant told him that the report had not been assigned for investigation.

Department records showed that the incident report was not assigned for investigation for almost five months, but that after the complaint was filed, the case was assigned for investigation.

The named lieutenant stated that he was in charge of the “Station Investigation Team” (SIT) at the District in which the crime occurred when the initial report was filed. The named Lieutenant stated that it was his responsibility to review and assign cases for investigation. The named lieutenant said he did not recall the complainant’s case, but that, based on a review of the initial report, the case should have been assigned the day it was received. The named lieutenant could not explain the delay in the assignment of the case for investigation.

The named sergeant, who signed the initial report as the reviewing officer and officer in charge, confirmed that on the day the initial report was written, he had the responsibility for reviewing reports and submitting them to a lieutenant for assignment. He stated he had no independent recollection of this report. The named sergeant stated that his role in the investigative referral process was to make two copies of the report and place one copy in the SIT’s “in-box” for the review and assignment. The named sergeant stated that he was not aware of any incidence in which he failed to forward a report to the SIT.

Another sergeant assigned to the SIT said he was acting as an assigning lieutenant when the case was finally assigned for investigation. That sergeant said he did not know why the case was initially not assigned. He said when he was informed of the case, he was told only to review it, he did so and assigned it immediately.

The officer whose name is on the initial report confirmed that he took the initial report and submitted it to the officer in charge for review and forwarding to a lieutenant. His partner that day said he had no knowledge of the assignment of the complainant’s case or why it would have been delayed.



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**DATE OF COMPLAINT:** 09/12/18 **DATE OF COMPLETION:** 10/9/19 **PAGE#** 2 of 2

The sergeant who received the call from the complainant asking about his case stated that he knew nothing about the case until he received the complaint, then forwarded the matter to the appropriate unit for review. He could not explain the delay in assigning the case.

The DPA concludes that the five-month delay was likely due to a paperwork error or administrative mistake. There is no evidence of bias or improper motive in delaying the investigation. As a result, although the case was delayed for five months, the allegations are not sustained as they do not rise to the level of misconduct.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/21/18      **DATE OF COMPLETION:** 10/16/19      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to prepare an accurate and complete report.

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

**FINDINGS OF FACT:** The complainant stated that the traffic collision report was inaccurate and incomplete because the named officers excluded an independent witness interviewed by an officer on scene and added an unknown witness who they did not see being interviewed.

The named officers stated that they conducted the investigation with the assistance of another unit that responded to this vehicular injury collision involving a vehicle and a motorcycle. The named officers stated that evidence was gathered, statements were obtained by the officers at the scene, but the officers stated they did not recall any independent witnesses they did not include in the traffic collision report.

Body worn camera footage showed that numerous officers were on the scene and interviewed various parties who were involved with and who claimed they witnessed the collision. The named officers did not directly interview the witness named by the complainant. Another officer did interview the witness named by the complainant and did report to one of the named officers that the witness claimed to have seen the collision and stated that both parties to the collision were in their lanes.

Another independent witness approached the named officers after they terminated their body worn camera recordings and stated that the complainant was at fault.

Because of the numerous witnesses and competing statements during the investigation, which occurred on a busy street with significant traffic, it is unclear which purportedly independent witness the named officers were aware of and which information appeared to be relevant to their conclusion when they completed the investigation. Given that, the potential exclusion of an independent witness does not rise to the level of misconduct.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/22/18    **DATE OF COMPLETION:** 10/10/19    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-4:** The officers failed to accept a private person's arrest.

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

**FINDINGS OF FACT:** The complainant stated that he stole a cell phone from a man who chased, caught up to, and then choked him. He stated that officers who responded to the scene did not accept his request to have the man arrested for choking him.

Named Sergeant #1 stated that he was the field training officer for Named Officer #2 and that they were the investigating officers of the incident that was the subject of the complaint. He and Named Officer #2 stated they interviewed a robbery victim, who stated that he chased a man who stole his phone, and when he caught him, the man assumed a fighting stance and a physical fight occurred between them. Named Sergeant #1 and Officer #2 further stated that the victim stated he restrained the complainant by placing him in a headlock. Named Sergeant #1 and Officer #2 said they learned during their investigation that the complainant wished to place the victim under private person's arrest for choking him. Named Sergeant #1 and Officer #2 explained that they developed sufficient probable cause to arrest the complainant for the theft of the cell phone and they then Mirandized him. The officers said the complainant invoked his right to remain silent; therefore, they could not interview the complainant to determine if there was sufficient probable cause to accept his request for a private person's arrest.

Named officer #3 stated the complainant asked for a private person's arrest of the man for choking him and he passed on that request to the investigating officers.

Named officer #4 stated he did not recall the complainant asking to press charges.

Department records confirmed that the officers responded to a call reported as a fight with no weapons. The descriptions of the combatants matched the descriptions of the complainant and victim. Further, dispatch records included a comment that the robbery victim had placed the complainant in a "headlock."

DGO 5.04 requires that before accepting a private person's arrest officers must determine if there is sufficient probable cause that a crime occurred and that the suspect committed the crime. The order also requires that in the event of a request for a private person's arrest, officers shall write a report documenting the request.

The Body Worn Camera (BWC) footage associated with the incident shows Named Sergeant #1 and Named Officer #2 interviewing the complainant and the victim, whose statements were consistent with the information the officers provided to the DPA. The BWC further shows a witness telling Named Officer #4 that he saw a man chasing the complainant, telling him to give him back his phone. The witness also stated that the complainant was yelling let me go and that he was going to press charges.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT: 10/22/18    DATE OF COMPLETION: 10/10/19    PAGE# 2 of 2**

**SUMMARY OF ALLEGATIONS #1-4: (Continued)**

While the named officers did attempt to question the complainant and produced a report regarding the alleged cell phone theft, the report makes no mention of the theft suspect's request for a private person's arrest.

The investigation failed to disclose sufficient evidence to either prove or disprove the allegations made in the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/07/18    **DATE OF COMPLETION:** 10/07/19    **PAGE#** 1 of 5

**SUMMARY OF ALLEGATIONS #1 - 4:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to fully investigate the incident and initially assumed he was the suspect in the incident.

The named officers stated they attempted to interview the complainant about what happened from the incident, but the complainant was agitated, argumentative, belligerent, hysterical, uncooperative, hostile, hysterical and intoxicated with the officers at the scene. One of the named officers attempted to ask questions about the incident, but the complainant refused. Another named officer interviewed the other party who stated the complainant refused to leave the area.

None of the witnesses came forward. A sergeant who was the supervisor on the scene stated he attempted to get the complainant's point of view, but the complainant was angry, argumentative and that the complainant was not able to calm himself down to better tell them what occurred.

The SFPD Body Worn Camera (BWC) footage documents that the officers investigated the incident by interviewing the complainant and the other party. and summoning an ambulance for the complainant. The footage reveals the investigating officers and the officer in charge spoke with the complainant and interviewed the other party about what occurred in the incident. The footage shows that the named officers attempted to control the complainant who was not cooperating and agitated.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/07/18    **DATE OF COMPLETION:** 10/07/19    **PAGE#** 2 of 5

**SUMMARY OF ALLEGATIONS #5 - 8:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the officers threw him and pushed his face onto the ground. The complainant stated he sustained cuts and bruises during the incident.

The named officers stated the complainant was agitated, augmentative, hostile, combative, belligerent, non-compliant and intoxicated. The named officers stated they escorted the complainant out of the bar to further investigate, but he resisted and attempted to pull away from the officers. The named officers also stated the complainant tensed up his body and due to officer safety and the complainant's own safety, he was taken to the ground and subsequently restrained by the officers and the medics. The complainant did not sign a medical release form and as such, the DPA was unable to obtain his medical records.

None of the witnesses came forward.

The SFPD Body Worn Camera (BWC) footage reveals that the officers were calm and professional in trying to talk to the complainant about what happened. The footage also documents that the named officers held onto each of the complainant's arms and they brought him to the ground to prevent him from fleeing the scene. The footage further documents SFPD medics and officers restrained the complainant as he resisted and struggle with the officers.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/07/18    **DATE OF COMPLETION:** 10/07/19    **PAGE#** 3 of 5

**SUMMARY OF ALLEGATION #9:** The officers placed tight handcuffs.

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

**FINDINGS OF FACT:** The complainant stated the officers took him to the ground and handcuffed him which caused cuts and bruises to his wrists. The complainant did not sign a medical release form and as such, the DPA was unable to obtain his medical records.

The named officers stated he did not recall who handcuffed the complainant. The named officer stated the complainant refused to comply to commands and that he actively resisted the officers. The named officer stated the officers took the complainant to the ground and handcuffed. The named officer stated he did not recall if the complainant complained of tight handcuffs, wrist or forehead/face pain or injuries.

No witnesses came forward. Witness officers stated they arrived on scene as back up after the incident.

The SFPD Body Worn Camera (BWC) footage documents that the initial officers detained the complainant, but there was no complaint of injuries, pain or visible injuries regarding the complainant. The footage shows a group of officers took the complainant to the ground and subsequently the named officer handcuffed him. The footage also shows that SFPD medics arrived on scene and that they and officers restrained the complainant to a gurney for transport.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/07/18    **DATE OF COMPLETION:** 10/07/19    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATIONS #10 - 14:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated officers detained him as he sought help at a nearby bar. The complainant stated he called the police for help and that he was the victim of an aggravated assault by another party who maced him. The complainant stated he thought he was being robbed by the other party, so after he the other party mace him, he decided to seek help from a nearby bar. The complainant stated the officers released him to the medics who transported him to a nearby hospital for an evaluation. The complainant acknowledged that he located a Certificate of Release form he found in his bag a few weeks after the incident. The complainant refused to provide a medical release that would have allowed the DPA to obtain his medical records.

The named officers stated dispatch advised the complainant trespassed and was maced by another party. The named officers stated the complainant was in a hysterical, agitated and inebriated state and that he was involved in an altercation. The named officers further stated they investigated the incident and they believed that the complainant had entered an area of a business where he was not permitted and that he refused to leave when asked by an employee. The named officers stated the complainant was detained so an investigation could be conducted to determine the complainant's role in the initial service and to get him medical assistance.

No witnesses came forward.

The SFPD Body Worn Camera (BWC) footage shows that the officers responded to the scene, attempted to interview the complainant and escorted him out of a business. The footage also reveals that officers detained the complainant for further investigation and medical aid due to someone that pepper sprayed him. The footage documents the officers assisted the medics in securing him on a gurney for transport.

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.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 11/07/18    **DATE OF COMPLETION:** 10/07/19    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATIONS #15 - 18:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated his personal property inside his bag along with his pants, sunglasses, and wristwatch were damaged as a result of the officers detaining him at the scene.

The named officers stated they were not aware of the complainant's personal property, intentional or accidentally, being damaged on scene. The named officers stated the complainant was in a hysterical state, yelled, tensed up his body and pulled away from them. The named officers stated they took the complainant to the ground while he resisted and berated the officers.

No witnesses came forward.

The SFPD Body Worn Camera (BWC) footage documents that the officers detained the complainant, but there was no complaint of damages or visible damages regarding his personal property. The footage documents that a SFFD medic gently placed the complainant's backpack next to the complainant who was inside an ambulance for transport.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/18      **DATE OF COMPLETION:** 10/04/19      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said that he heard the named officer speak harshly to a homeless man and saw the officer push the man while removing him from the sidewalk. When the complainant told the officer that he didn't like the way the officer was treating the man, the officer became aggressive, coming close to the complainant and saying "What? You don't want to say it to my face? You're not man enough."

The named officer acknowledged being at the location, but he denied speaking harshly to or pushing a homeless person. He recalled that a citizen walked past the scene and made a negative comment but denied being aggressive or making the alleged comments to the civilian.

Another officer who was at the scene at the time did not recall the named officer speaking harshly or pushing any homeless persons on the scene or speaking to anyone passing by.

The DPA could not locate any other witnesses.

DGO 2.01, 14. Public Courtesy. states, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect....."

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/18/18    **DATE OF COMPLETION:** 10/04/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was at his home when he heard shots outside. He stated that after police arrived on the block in front of his home, he went outside and spoke to officers, informing them that he had video from surveillance cameras in front of his home that had possibly captured some elements of the shooting and participants. He said the officers said they would like to see the footage and the complainant began walking back to his home to prepare the video for viewing. He said he encountered the named sergeant, who upon contact began yelling at him that he was in a crime scene and to leave. He said he told the sergeant he was going to his house, but the sergeant ran up to him and told him to turn around and get out of the crime scene. He said as he stood facing the officer, the officer grabbed him, pushed him into a gate, and struck him in the chest with a closed fist.

The named sergeant stated that on the night of the incident, he was the ranking officer who had taken control of the crime scene involving a felony shooting. When he arrived on the block where the shooting occurred, there were no pedestrians present, and he instructed officers to tape off the scene to preserve evidence and keep pedestrians out of the area. He said when he encountered the complainant, he was overseeing the securing of evidence of the shooting, as was his primary duty. He said he then told the complainant he was in a crime scene and needed to leave immediately. The named sergeant said when he told the complainant to get out of the crime scene, the complainant said nothing about having video of the crime or having spoken to officers and made an arrangement to go home. He said he did not hear any officer at the scene telling him that the complainant was providing evidence.

The named sergeant said when the complainant actively resisted his lawful order to leave the scene, the man kept coming toward him, with his chin up and an angry look on his face. Fearing the man might strike him, the sergeant said, he pushed the man back and told him again to get out of the crime scene. He stated the force he used was minimal and resulted in no complaint of pain or injury. He said he turned his attention to the preservation of the crime scene and other officers took over removing the complainant.

An officer on the scene that night stated that when the named sergeant was interacting with the complainant, he heard the named sergeant tell the complainant to get out of the crime scene. He said the complainant failed to heed that instruction and tried again to walk past the named sergeant, while using profanity. The officer stated he saw the named sergeant place a hand on the complainant's chest and push him back, to direct him out of the crime scene. The officer stated that he called out to the sergeant that the

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 10/18/18    **DATE OF COMPLETION:** 10/04/19    **PAGE#** 2 of 2

complainant was going to provide video and followed up with the named sergeant later, when he realized that the named sergeant did not know during his interaction with the complainant that the complainant was offering evidence in the crime.

One officer said he did not recall seeing or hearing any interaction between the named sergeant and the complainant. Another officer stated that he heard the named sergeant tell the complainant that he needed to stop, because he was in a crime scene. That officer stated that he was told by another officer that the complainant may have video evidence of the crime they were investigating, and he walked with the complainant to his home.

A witness, who was an Airbnb client in the complainant's home, said he was watching from a third-floor window when he saw a man, he later learned was the complainant, walking toward several officers in the street below. He said he could tell they were talking among themselves but could not understand what was said. He saw one officer push the complainant hard in the chest, toward the wall of a building.

Body Worn Camera (BWC) footage from an officer on the scene showed from a distance at night that the complainant walked toward the named sergeant, who told him loudly he was in a crime scene, and the complainant continued walking toward the named sergeant. The BWC footage shows the named sergeant push the complainant back and the complainant again walking toward the named sergeant. At that point, the named sergeant did apparently push the complainant back aggressively, against a chain-link fence. The complainant again walked back in the direction the named sergeant had ordered him not to. The only comments the complainant made describing what he was doing were that he was "going home," and that he was, "not in your crime scene." An officer can be heard on the footage saying, "Hey Sarge, he's going to give us video," but there is no indication that the named sergeant heard the statement.

No other witnesses were identified.

The officer used minimally invasive force in response to the complainant's refusal to follow the officer's order to leave the crime scene. It is immaterial that another officer had previously told the complainant to retrieve surveillance video. The complainant should have immediately responded to the officer's order to leave the scene and explained the contradiction later.

The officer's conduct was lawful and proper.

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**DATE OF COMPLAINT:** 10/24/18 **DATE OF COMPLETION:** 10/17/19 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant's unleashed dog chased a man riding a skateboard on a street. The officer drew out his firearm and started yelling, asking for the dog's owner. The complainant acknowledged to the officer that he was the owner of the dog. The officer contacted the complainant and asked for his ID, and when he failed to present one, the officer detained him and placed him in handcuffs. The complainant alleged that the officer engaged in unnecessary roughness by grabbing his shoulders. He also alleged that the officer was hostile and angry.

The named officer stated that he was upset with the complainant but was not irate or unprofessional. He stated that he might have raised his voice but could not recall yelling or screaming at the complainant.

The named officer's partner stated that the named officer behaved appropriately and was never hostile or angry. The officer stated he could not recall the named officer yelling or screaming at the complainant.

A police lieutenant who witnessed the contact stated that the named officer was never angry or hostile. He stated that the officer was concerned about the safety of the skateboarder and the public and was frustrated with the complainant's behavior. He stated that the officer's actions were appropriate and in policy.

Body Worn Camera (BWC) footage shows the named officer raising his voice at one point during the contact when the complainant asked the officer why he had to pull his gun out. The BWC shows the named officer walking away, telling the complainant that he was done talking to him. The named officer's supervisor then talks to the complainant about his dog almost attacking someone. The complainant was taken to the station because he did not have an identification.

A preponderance of the evidence shows that the named officer's conduct did not rise to a level of misconduct. The officer's demeanor was confrontational, but it was not sufficiently inappropriate to be misconduct. The officer's substantive statements were accurate, and the officer was upset that an unleashed dog could have bitten someone and wasn't in its owner's control.

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

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**DATE OF COMPLAINT:** 10/11/18    **DATE OF COMPLETION:** 10/18/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said the named member took a DNA sample from him while in custody against his will and without consent. The complainant was arrested and is being prosecuted for multiple felonies.

Proposition 69 requires the collection of DNA samples from anyone arrested for any felony before the suspect is charged in court and mandates the samples to be forwarded to a national database for use by Federal, State, and local police.

The evidence proves that the acts which provided the basis for the allegation occurred; however, such acts were justified.

**SUMMARY OF ALLEGATION #:**

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

**FINDINGS OF FACT:**

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**DATE OF COMPLAINT:** 11/15/19 **DATE OF COMPLETION:** 10/11/19 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant reported that officers in plain clothes conducted a traffic stop of him and his girlfriend. The named officer walked to the passenger side and detained the complainant. The complainant stated the named officer unlawfully detained him because he was neither driving the vehicle nor involved in the matter for which the driver was being detained.

The complainant and his girlfriend failed to respond to requests for DPA interviews.

The officer stated the vehicle had no license plates and its windows were heavily tinted. The officer stated that aside from the infractions, the vehicle looked similar to vehicles (newer vehicles with paper license plates and tinted windows) used in residential and auto burglaries and home invasions that occurred in different parts of the City. The officer stated they had reasonable suspicion to stop the vehicle because of ongoing criminal investigation.

One of the named officer's partners provided the same reasons for the stop.

A third officer who witnessed the stop corroborated the testimony of the named officer. This officer stated an investigative stop was conducted due to an ongoing investigation into auto burglaries.

An investigator from the Burglary Unit stated that a vehicle similar to that of the complainant's vehicle was the type of vehicle used in one of the burglaries that he investigated around the time of the complainant's detention. He stated that vehicles with no license plates and tinted windows are the most common vehicles used by burglars. Another investigator from the Burglary Unit recalled a case that was investigated by their unit involving a vehicle matching the description of the complainant's girlfriend's car. The officer stated people resort to such scheme to elude capture or avoid detection by law enforcement officers.

No other witnesses were identified.

The officers had grounds under the Fourth Amendment to detain the car because it lacked license plates and the windows were heavily tinted, both of which are traffic code violations. On the other hand, the officers purported reason for detaining the vehicle is generalized and lacks a sufficiently strong nexus to suspicion of a specific crime. Accordingly, the DPA finds insufficient evidence to prove or disprove that officers detained complainant for a subjectively improper reason.

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

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

**FINDINGS OF FACT:** The complainant stated the officer searched him for no reason. The complainant and his girlfriend failed to respond to numerous requests for DPA interviews.

The officer stated that when he approached the passenger side of the vehicle, the complainant put his hands up and said that he had a weapon. The officer stated he told the complainant to exit the vehicle. Once outside, he pat searched the complainant and found a folding knife on his person.

The officer's partner stated that the complainant was pat searched for officer safety reasons because the complainant said he was armed.

A third officer who was present at the scene stated that the complainant had a knife on his person.

Officers are permitted to search persons who they reasonably believe are armed with a weapon, be that a firearm or a knife. The conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3:** The officer interfered with the complainant's right as an onlooker.

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

**FINDINGS OF FACT:** The complainant stated that he was prevented from using his cell phone to record the officers' actions during the stop.

The named officer stated that he stopped the complainant from using his phone because the complainant was under detention and was not an onlooker.

DO 5.07, Rights of Onlookers, pertains to rights of bystanders who are not involved in any criminal activity to record police officer enforcement activities.



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The complainant was not a bystander or onlooker. He was one of the two subjects that the officers detained during an investigation.

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

**SUMMARY OF ALLEGATIONS #4 - 5:** The officers behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that one the named officers verbally harassed him by repeatedly asking who he was even though he already provided his name. The complainant stated he offered his ID, but the officer refused to take it. The complainant further stated that the other named officer verbally harassed him by asking if he was on any type of parole supervision in Florida.

The complainant and his girlfriend failed to respond to DPA requests for further information.

One of the named officers stated that he did not talk to the complainant.

The other named officer stated that aside from identifying and pat searching the complainant, he had only a vague recollection of his interaction with him.

No other witnesses were identified.

The conduct, even it occurred, was justified, lawful, and proper. Officers are entitled to request that detainee's provide their names and whether they are on parole.

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**DATE OF COMPLAINT: 11/26/2018    DATE OF COMPLETION:10/08/2019                    PAGE# 1 of 3**

**SUMMARY OF ALLEGATIONS #1-5:** The officers displayed intimidating behavior.

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

**FINDINGS OF FACT:** In an online complaint, the complainant wrote that eight police officers burst into her home, based on a false report. The complainant stated she and her son were in the apartment, when the officers entered with guns drawn, in response to a false report that she was having a mental breakdown. She wrote that she suffers from mental distress and anxiety as a result, and her son is now afraid when he sees police officers. The complainant did not respond to DPA's requests for an interview.

The named officers stated they acted in a professional manner. The named officers stated they responded to a call of a person having a mental breakdown who was screaming and throwing items inside the house, with a 2-year-old child inside that was also screaming and crying. The officers arrived to conduct a well-being check.

The witness, who was the reporting party, declined to provide a recorded statement. The witness acknowledged she called 911 to get police to come and help her get her belongings out of the complainant's apartment in the early morning hours. The witness stated she used to be friends with the complainant, but they are no longer friends. The witness stated the officers did not burst into the apartment with their guns drawn and that nothing like that happened. She then terminated the phone call saying she didn't want to talk anymore.

Body Worn Camera (BWC) recordings of the incident show the five named officers acted in a professional manner. The footage shows five officers entering the apartment. The officers are very calm and the complainant walks out of a bedroom carrying her young son. The complainant is calm. The complainant tells the officers that two friends were there earlier banging on her door wanting to get their things and she didn't want to let them in. The complainant tells officers she called the front desk to tell them the two individuals shouldn't be up there. The complainant explains to the officers that her friends had been staying there, sleeping in her son's room and the friends are both heroin addicts. The complainant tells officers that one person can come back at 10 a.m. to get her things. The officers apologize to the complainant and the complainant apologizes to the officers. The complainant says good night to the officers and thanks them. The officers leave. The contact lasted less than 4 minutes. The behavior of the named officers was not intimidating.

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

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**DATE OF COMPLAINT: 11/26/2018    DATE OF COMPLETION:10/08/2019                    PAGE# 2 of 3**

**SUMMARY OF ALLEGATIONS #6-10:** 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 apartment without cause. The complainant did not respond to DPA's requests for an interview.

The named officers stated they responded to a 911 call for service to conduct a well-being check of a female and a 2-year-old child. The officers stated that they relied on information provided by the 911 dispatcher that a person was having a mental breakdown, screaming and throwing items inside the house, with a 2-year-old child inside that was also screaming and crying. When the officers arrived, they did not hear any noise coming from inside the residence which worried them because they did not know if anyone was hurt inside or not. One of the named officers stated she knocked on the door prior to entry and no one answered. The officers obtained a key from the front desk clerk and entered the unit. One of the named officers who was the primary unit stated it was her impression that it was critical they conduct a well-being check on the complainant and the 2-year-old child who was (according to CAD), screaming and crying inside the residence. She entered the unit to ensure the complainant and the child were not having an emergency that required immediate medical attention and that all people in the residence were okay. The primary unit officer stated she entered the unit and saw the complainant in a bedroom with a child. She asked the complainant to exit the bedroom and inquired about her mental health. One of the named officers stated that the absence of a response to the knock and announcement was a determining factor into their decision to enter, since they didn't know why there was no response. One of the named officers stated the entry into complainant's residence to conduct a well-being check was reasonable and based on good cause.

Records from the Department of Emergency Management show that dispatch received a call at 2:13 a.m. regarding a citizen standby. The female caller was waiting in front of the building for police to help retrieve her belongings from inside. Two more calls were made at 2:44 a.m. and 2:48 a.m. The caller reported her property was possibly being destroyed and that she was still waiting outside the building. Another call to 911 was received at 3:10 a.m. The caller stated her friend was having a mental breakdown, screaming and throwing things around inside the house. The caller stated a 2-year-old child was in the house and the caller could hear the child screaming and crying. The call was changed from a C- to A-priority call of a child well-being check. Three units arrive on scene at 3:14 a.m. The call was cleared at 3:34 a.m.

Body Worn Camera (BWC) recordings of the incident show the named officers entered the unit to conduct a well-being check on the complainant and her son. One of the named officers conducted a sweep of the unit while the other four named officers remained in the kitchen.

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Well-being checks fall under the “community caretaking” exception to the normal rules governing law enforcement searches. Courts use a balancing test to judge whether such a search was permissible. Relevant issues include the seriousness of the situation, the reliability of the information demonstrating the need for a search, and whether the intent of the officers was to further a community caretaking objective. The named officers responded to a call for service to conduct a well-being check of a mother and her child. The named officers relied on the information provided to them by the 911 dispatcher. The BWC shows the entry was minimally intrusive and allowed officers to determine whether anyone’s health or safety was at risk and provided for other safety concerns.

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 #11:** The officer displayed a weapon without justification.

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

**FINDINGS OF FACT:** The complainant stated she and her son were in the apartment, when the officers entered with guns drawn, in response to a false report that she was having a mental breakdown.

Department Bulletin 15-255 states: “Drawing or exhibiting a firearm without intentionally pointing it at the person, such as the low-ready position is not considered a reportable use of force.”

The named officer stated she had her department-issued firearm at the low-ready position when she entered the apartment. She was trained to take her firearm out of the holster when clearing a building for officer safety. She did not intentionally point her firearm and it was not a reportable use of force.

Body Worn Camera (BWC) recordings show the named officer entered the apartment with her firearm in the low-ready position and walked toward a door. The officer tells the complainant to come out slowly. The officer re-holsters her firearm. The officer then walks into a second bedroom in the rear and removes her firearm again to check this room and immediately re-holsters her firearm when she finds the room unoccupied. The complainant exits her bedroom holding what appears to be a young male child in her arms. He is asleep and is resting his head on her shoulder. The named officer explains to the complainant they received a call for a well-being check on a child and that someone was having a mental breakdown and asks the complainant if she is okay. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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**DATE OF COMPLAINT:** 11/29/18      **DATE OF COMPLETION:** 10/04/19 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the station representative, the complaint was mediated and resolved in a non-disciplinary manner on 08/01/19.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the station representative, the complaint was mediated and resolved in a non-disciplinary manner on 08/01/19.

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**DATE OF COMPLAINT:** 12/06/18    **DATE OF COMPLETION:** 10/03/19    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-8:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that officers knocked on his apartment door over the course of multiple days.

Named Officer #1 stated that she and Named Officer #7 responded to a call for service regarding a dispute between two neighbors. One of the neighbors, identified as the complainant, was repeatedly banging on the walls. The named officer could not recall the specific incident but stated that she did not speak with anyone on scene. Named Officer #1 stated that she did not believe she knocked on the complainant's door.

Named Officer #2 stated that he responded to a call for service regarding a battery where a female was pepper-sprayed by the complainant. Named Officer #6 and Named Officer #8 responded to the scene with Named Officer #2. Named Officer #2 spoke with the victim who stated she was in the hallway of her apartment complex when the complainant approached her and sprayed her with pepper spray. The complainant then fled the complex. Named Officer #2 went to the complainant's apartment and knocked four times but there was no answer.

Named Officer #3 stated that he responded to a call for service regarding a female who had been pepper-sprayed by a neighbor who was later identified as the complainant. Named Officer #2, Named Officer #3, Named Officer #6, and Named Officer #8 also responded. Named Officer #3 and Named Officer #2 spoke to the victim, who stated that her cat had gone into the complainant's room. She saw that her cat had exited the complainant's room, so she went out to get it. That is when the complainant sprayed the victim with pepper spray. Named Officer #4 spoke with a neighbor who stated he heard the complainant earlier that day tearing up his room and yelling violently at someone. Named Officer #3 stated that Named Officer #2 knocked on the complainant's door four times and Named Officer #8 knocked on the complainant's door an unknown number of times. Named Officer #3 did not speak with the complainant.

Named Officer #4 responded to a call for service with Named Officer #5 regarding a woman who was being harassed by her neighbor. The complainant was allegedly pounding on the walls and harassing the neighbor. Named Officer #4 said she and Named Officer #5 knocked on the complainant's door multiple times and announced their presence. No one answered the door. The officers did not speak with the complainant. Named Officer #5 provided the neighbor with the CAD number and left the scene.

Named Officer #5 said she responded with Named Officer #4 to a call regarding a dispute between two neighbors. They spoke to an individual who stated that the complainant was banging on the walls and was

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screaming. Named Officer #5 said she and her partner knocked on the complainant's door to speak with him regarding this dispute, but no one answered. They provided the other involved party a copy of the CAD number and left the scene.

Named Officer #6 stated he responded to a call for service regarding an assault with pepper spray. Named Officer #3 also responded to the call for service. Named Officer #6 interviewed the victim, who stated that the complainant had her cat in his room. She saw the cat exit his room and went downstairs to obtain it. When she came back, the complainant, unprovoked, sprayed her with pepper spray. He proceeded to follow her still spraying her with pepper spray while saying, "Come on! Come on!" The complainant mentioned something about a restraining order then fled the scene. Named Officer #6 did not speak with the complainant because he was not on scene when they arrived.

Named Officer #7 responded to a call for service regarding a neighbor dispute. The complainant was allegedly pounding on the walls and harassing his neighbor. Named Officer #7 responded on scene with his partner Named Officer #1. Named Officer #7 stated that they were unable to meet with either party involved in the incident. He could not recall if they knocked on the complainant's door.

Named Officer #8 responded to a call for service regarding an assault with pepper spray. Named Officer #2, Named Officer #3, and Named Officer #6 also responded to the incident. Named Officer #2 and Named Officer #3 spoke with the victim who stated that the complainant sprayed her with pepper spray. Named Officer #8 knocked on the complainant's door four times. He was then informed by Named Officer #2 he already attempted to contact the complainant with negative results.

Department records indicated the named officers responded to a call for service for a neighbor dispute. The records described the incident as, "dispute with neighbor who keeps banging on the walls". The records also show that responding officers, "[g]ave CAD to reporting party. No answer at door 212," and that a "next door neighbor just pepper sprayed reporting party." The records indicate the man using the pepper spray was the complainant.

No other witnesses were identified.

All contact attempts made by the named officers were initiated by calls for service. In all three incidents, the complainant was mentioned, by name, in the calls for service as a suspect as shown in the corresponding CADs.

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

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**DATE OF COMPLAINT: 12/13/2018    DATE OF COMPLETION: 10/15/2019    PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated he was working as a LYFT driver and was dropping off a passenger at the airport. The complainant stated a bus was in the lane next to him and made contact with his vehicle, but there was no damage to either vehicle. The complainant stated the officer who investigated the incident behaved inappropriately and made inappropriate comments. The complainant stated the officer treated him in a poor and unprofessional manner. The complainant stated the officer told him, "Don't tell me how to run my investigation." The complainant stated the officer was inappropriate in the areas of behavior and body language. The complainant stated the officer said to him, "Give me your driver license."

The named officer stated he did not behave inappropriately or make inappropriate comments towards the complainant. The named officer stated he was calm, empathetic and respectful toward the complainant. During his initial contact with the complainant, the complainant attempted to direct his investigation by placing the bus driver at fault. The complainant told him he wanted to file suit against the City for lost wages. The named officer acknowledged he told the complainant not to tell him how to run his investigation. The officer did so because the complainant was repeatedly trying to direct the investigation in his favor. The named officer stated he was attempting to obtain information regarding the incident and the complainant was not answering his questions.

The bus driver stated both officers who came to the scene conducted themselves professionally. The bus driver stated the complainant was irate and seemed to be trying to pick a fight with him. The complainant told him he was going to sue him and threatened that he was going to lose his job. The bus driver stated he did not get off the bus due to the complainant's angry demeanor and informed the complainant he was calling a supervisor to come to the scene.

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



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**SUMMARY OF ALLEGATIONS #2:** The officer misused CLETS information.

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

**FINDINGS OF FACT:** The complainant stated the named officer asked the complainant for his driver license and personal information and that the officer ran a records check. The officer wrote down the complainant's personal information obtained from the records check and provided it to the bus driver's supervisor who was on scene. The complainant stated this was a violation of his constitutional rights and constitutes a violation of CLETS.

The name officer denied he misused CLETS information. The named officer stated he asked the complainant for his license and information that was necessary for the collision report and to confirm his license was valid and that complainant had insurance for his vehicle. The complainant produced a California Driver License, a rental agreement for the vehicle and proof of insurance. The officer stated he conducted a records check on the validity of the complainant's license through dispatch. The named officer provided the complainant's driver's license information to the bus driver's supervisor so a report could be completed regarding the incident.

A SNIFFER records inquiry showed that the named officer did not run the complainant's name or obtain any sensitive Criminal Justice Information from CLETS.

The evidence established that the named officer did not misuse CLETS information.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 12/13/2018    DATE OF COMPLETION: 10/15/2019    PAGE# 3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer did not cite the bus driver for the incident and that the officer should have issued a citation to the bus driver. The complainant also stated the officer should have given him the bus driver's personal information, put the bus driver out of service and conducted drug and alcohol testing on the bus driver.

The named officer denied he failed to take any required action regarding the incident. The named officer prepared a Traffic Collision Report regarding the incident. The named officer stated there was no damage to either vehicle and there was no injury. The named officer stated he supplied the complainant and the bus driver's supervisor with a case number. It was the responsibility of the bus driver's supervisor to take the driver out of service and conduct any drug/alcohol testing if the supervisor felt this was necessary. The bus driver showed no signs of intoxication.

The incident was documented in a Traffic Collision Report. The report documents that both drivers were interviewed, and their information was obtained. The report indicates the driver of the bus attempted to enter the roadway from the bus parking area and may have contacted the right side view mirror of the complainant's vehicle which was north on the outer roadway in the number two (2) lane. The report documents that during the course of the investigation another officer was collecting the bus driver's information and the named officer was interviewing the complainant and collecting the complainant's information. A supervisor at the scene requested the complainant's information from the named officer and he provided it. The complainant became agitated and stated he wanted the bus driver's information and the named officer advised he could not give the complainant the bus driver's information because he didn't have it. The complainant replied he didn't want to talk to the named officer and wanted to talk to a supervisor. The named officer advised a sergeant, and the named officer and the sergeant switched reportees to continue the investigation. The report documents there was no damage to either vehicle, no debris on the ground, no contactable witnesses/passengers, and conflicting statements regarding contact between the vehicles; thus, the named officer was unable to determine if both vehicles made contact and was unable to determine a Primary Collision Factor, so no citation was issued.

The evidence established that the named officer conducted a thorough and diligent investigation. The officer did not issue a citation to the bus driver because the named officer was unable to determine the primary collision factor based on the lack of physical evidence. The complainant, by his own admission, acknowledged the officer is entitled to discretion in whether to issue a citation. A preponderance of the evidence established that the named officer's actions at the scene were justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT:** 12/17/18    **DATE OF COMPLETION:** 10/18/19    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated four subjects assaulted him by slapping his phone out of his hands. Later that day, he saw three of the subjects and followed them to a park. He called the police and when they arrived the named officers failed to question the subjects about the identity of the fourth subject who was not at the scene.

Named officer #1 stated when she interviewed the complainant, he identified the three individuals as witnesses and did not say they were the suspects in the assault. When she questioned the three individuals, they reported that earlier that day the complainant harassed them by following them and putting his phone in their faces.

Named officer #2 stated the complainant could not positively identify the subjects as the person who assaulted him. Named officer #2 stated named officer #1 questioned the three subjects, which did not yield results for the person who battered the complainant.

No witnesses were identified.

Body worn camera (BWC) footage showed the complainant told the named officers the three subjects witnessed the assault. The complainant asked the officers to confront the subjects to have them identify the individual who assaulted him. Named officer #1 told the complainant she could not detain the subjects because they did not break the law and because a police report was filed earlier in the day. Named officer #1 told the complainant that an investigator would conduct steps in the investigation. Named officer #1 then approached the three subjects who said that they felt threatened when the complainant put his cell phone in their faces. Named officer #1 informed the complainant that the three subjects had no information about the fourth subject. The complainant admitted that earlier in the day he walked in the middle of the four subjects and put his phone within arm's length to photograph their faces.

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

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**DATE OF COMPLAINT:** 12/17/18    **DATE OF COMPLETION:** 10/18/19    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3-4:** The officers spoke and behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the named officers spoke and behaved inappropriately when they argued, yelled at him, threatened to arrest him, and told him to confront the subjects on his own.

Named officer #1 stated she was not confrontational or argumentative with the complainant. She stated she occasionally raised her voice because the complainant was very sarcastic, spoke over her and would not listen. Named officer #1 stated she did not tell the complainant to approach the subjects nor did she threaten to arrest the complainant.

Named officer #2 stated he was not confrontational or argumentative with the complainant. He stated he did not yell or speak to the complainant in a rude manner. He stated when he spoke to the complainant, the complainant would not allow him to respond to his questions and spoke over him. Named officer #2 stated he did not hear named officer #1 yell or threaten to arrest the complainant.

BWC footage showed the named officers speak with the complainant, who was very sarcastic and laughed at inappropriate times. The complainant did not listen to the officers and was distracted by his phone. At times the named officers raised their voices when the complainant spoke over them or spoke sarcastically. At no time did the named officers threaten to arrest him or tell the complainant to approach the subjects.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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**DATE OF COMPLAINT: 12/23/2018    DATE OF COMPLETION: 10/08/2019    PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated she lives in a single-family home as a tenant and property manager. She said that she and the owner had been having problems with another tenant that rented a room in the house and were starting the eviction process. The complainant said that the tenant had been purposely damaging a surveillance camera on the property. She stated that she called the police, and the named officers responded. However, they would not cite or arrest the tenant.

Named officer #1 stated that he and his partner responded to the complainant's address for a vandalism/eviction investigation. Named officer #1 examined the security camera in question and attempted to contact the owner of the camera with negative results. Named officer #1 advised the complainant to obtain authorization from the security camera owner so a report and investigation could take place.

Named officer #2 stated that he and named officer #1 attempted to call the owner of the security camera to get permission to press charges for the alleged vandalism. Several attempts were made to contact the owner with negative results. Both named officers suggested to the complainant to obtain a notarized letter from the apartment owner indicating the complainant was the manager of the building. Named officer #2, along with named officer #1, could not determine if the crime of vandalism occurred and left information with the complainant on the civil eviction process.

Department records, including SFPD landlord-tenant brochure, says in part:

Determine if the dispute is essentially civil in nature or has civil aspects in addition to the criminal violations. When civil aspects are present, officers are to provide proper referrals for the parties involved.

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

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**DATE OF COMPLAINT: 12/23/2018    DATE OF COMPLETION: 10/08/2019    PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that she called the police to report that a tenant in her building had vandalized a surveillance camera. Based on what other officers had told her, she ensured she had a notarized document that showed that the owner of the home, empowered her to press charges. She said the named officers responded but refused to cite or arrest the tenant.

The complainant told both the named officers that she was in the process of evicting the problem tenant and that she had video proof that he vandalized a security camera. Named officer #1 inspected the video camera in person and observed the video footage by the complainant. The named officer #1 did not observe any damage to the security camera. Named officer #1 attempted to contact the problem tenant to obtain his side of the story, which met with negative results.

Named officer #1 explained to the complainant that the elements of vandalism were not present for an immediate arrest or citation. Named officer #1 advised the complainant that he would take a suspicious activity report and turn it over to investigations.

Named officer #2 stated the elements of vandalism were not present to make an arrest or issue a citation. Named officer #2 said there were no independent witnesses to the incident, and he was unable to contact the problem tenant. Named officer #2 opined that the security camera was not damaged or defaced under section 594 of the California Penal Code (CPC), and the best course of action was to take a report.

DPA reviewed the video clips provided by the complainant. The footage revealed that an unknown person manipulated the camera; however, there was no indication that the security camera was damaged, destroyed, or defaced.

California Penal Code Section 594 says in part:

Any person who, without permission, damages, destroys, or defaces with graffiti or other inscribed material, real or personal property not belonging to him or her is guilty of vandalism.

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

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**DATE OF COMPLAINT: 12/23/2018    DATE OF COMPLETION: 10/08/2019    PAGE# 3 of 3**

**SUMMARY OF ALLEGATIONS #5-6:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officers responded to her house about a tenant that had damaged a surveillance camera. She said the named officers were dismissive and condescending.

Named officer #1 stated that he and named officer #2 responded to the complainant's apartment and conducted a vandalism investigation. Named officer #1 indicated that he explained all the options to the complainant in a professional and calm manner.

Named officer #2 stated that both officers were on the scene with the complainant for over an hour. He, along with his partner, explained how to file a report and the follow-up procedures. Named officer #2 stated that he and his partner were professional and polite during their encounter with the complainant.

BWC failed to support the complainant's allegations against the named officers.

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

**SUMMARY OF ALLEGATION #7:** The officer failed to comply with DGO 2.04.

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

**FINDINGS OF FACT:** The complainant stated that the named officer failed to initiate a citizen's complaint against an officer.

A witness officer who worked at the police station stated that he remembered the complainant coming into the station and requested to speak with the named officer, regarding a complaint. The witness officer stated he contacted named officer and told him that the complainant wanted to file a complaint. The witness officer stated he did not hear the conversation between the complainant and the named officer.

The named officer retired from the SFPD in May of 2018 and could not be interviewed and is no longer subject to Department discipline. The evidence fails to prove or disprove that the alleged conduct occurred.

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**DATE OF COMPLAINT: 06/29/19    DATE OF COMPLETION:10/29/2019    PAGE# 1 of 1**

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

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

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

**SUMMARY OF ALLEGATION #1:** The officer displayed harassing behavior.

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

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



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**DATE OF COMPLAINT:** 07/11/19 **DATE OF COMPLETION:** 10/09/19 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated she went to a store to resolve her bill. She stated she attempted to sit on a couch and got into an argument with another customer who was seated on the couch. A manager from the store confronted her and told the complainant to leave the store. Police were called and the named officer told the complainant to leave the store. The complainant stated the officer took her outside, "like some girl." The complainant stated the officer did not even try to understand and did not listen to her. The complainant asked someone on the street to go and call the worker from the store so he could come out, but the officer didn't allow that man to enter the store. The complainant stated the store manager was standing next to her and then the manager called the police.

The named officer denied he behaved or spoke inappropriately to the complainant. The named officer stated he observed the complainant in a verbal confrontation with the store manager and the manager told the complainant she had to leave or that he would get the officer to escort her out. The officer stated the manager told him that the complainant was sitting on a sofa when she became verbally abusive with another customer and the manager decided to refuse service to the complainant and wanted her to leave the store. The manager stated he would be willing to sign a citizen's arrest for trespassing. The officer stated he explained to the complainant multiple times that the store management was refusing service to her and wanted her to leave. The named officer stated that instead of getting physical with the complainant he carried the complainant's bag out of the store and placed it outside the front door, hoping the complainant would follow him. The complainant followed the officer outside the store and became visibly upset. The complainant then tried to re-enter the store and became confrontational with the officer, repeatedly stating telling the officer, "go from my way," which the officer took as the complainant saying, "get out of my way."

The store manager stated he is familiar with the complainant as she has been in the store many times. The manager stated the complainant came into the store and sat on a couch directly next to another customer who was being assisted. The complainant and the customer got into an argument and the manager stated he asked the complainant to move to another floor, where they had more seating. The complainant refused to move, so the manager requested the complainant leave the store. The manager notified a store security guard who ordered the complainant to leave the store and the complainant refused to leave. The manager stated he and the security guard motioned for the officer, who was standing nearby to come over and assist. The manager stated the officer explained to the complainant she was being asked to leave the store and the complainant refused. The officer escorted the complainant out of the store by carrying the complainant's bag outside. The officer then came back inside the store.

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**DATE OF COMPLAINT:** 07/11/19 **DATE OF COMPLETION:** 10/09/19 **PAGE#** 2 of 2

The store security guard stated the manager was trying to assist the complainant when the complainant got into an argument with another customer. The security guard stated the complainant started raising her voice with the manager and her. The security guard stated she heard the manager tell the complainant to leave the store and she refused. The security guard stated she then told the complainant to leave the store and the complainant raised her voice and refused to leave. The officer then told the complainant the store management wanted her to leave and that she was trespassing. The complainant did not comply. The officer then carried the complainant's suitcase out of the store and escorted the complainant out of the store. The officer immediately came back inside the store.

Department records show the named officer was working a special overtime assignment for the store and that the officer was already stationed inside the store when the incident occurred.

The Body Worn Camera (BWC) recording corroborates the account of the incident given by the officer and the witnesses.

The store has a legal right to refuse service and ask someone to leave. The officer facilitated the store employees in exercising that right, after the complainant was told to leave the store multiple times and refused to comply.

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

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**DATE OF COMPLAINT:** 07/11/19    **DATE OF COMPLETION:** 10/25/19    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated a motorcycle officer passed him too closely while he was riding his bicycle in the bike lane. The complainant did not respond to DPA requests for additional identifying information.

An officer identification poll was sent to the district station where the incident occurred. The ID poll failed to produce the name of an involved officer.

The identity of the alleged officer could not be established.

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

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

**FINDINGS OF FACT:** The complainant stated that when he complained to the motorcycle officer who passed him too closely, the officer responded by pointing in the area of the gutter and telling the complainant that he had “room,” and that he was travelling, “slower” than traffic. The complainant did not respond to DPA requests for additional information.

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

The identity of the alleged officer could not be established.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 07/09/2019    DATE OF COMPLETION: 10/24/2019    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that she tried to break up a fight that occurred outside a fast-food restaurant. She stated that when police arrived an officer grabbed her by the throat, choked her, and pushed her down to the pavement.

The manager of the fast-food restaurant stated that no fight occurred outside the restaurant at the time and date indicated by the complainant.

Video camera footage from the restaurant showed that no police officers or fight occurred at the time, date, and location indicated by the complainant.

The complainant failed to respond to requests for additional information or evidence.

The evidence proved that the alleged conduct did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that the officer who assaulted her refused to provide his name and star number.

The manager of the fast-food restaurant stated that no fight occurred outside the restaurant at the time and date indicated by the complainant.

Video camera footage from the restaurant showed that no police officers or fight occurred at the time, date, and location indicated by the complainant.

The complainant failed to respond to requests for additional information or evidence.

The evidence proved that the alleged conduct did not occur.

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**DATE OF COMPLAINT: 07/09/2019    DATE OF COMPLETION: 10/24/2019    PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer knowingly engaged in biased policing or discrimination.

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

**FINDINGS OF FACT:** The complainant stated that the police officer was of White ethnicity and assaulted her because she was of Native American ethnicity.

The manager of the fast-food restaurant stated that no fight occurred outside the restaurant at the time and date indicated by the complainant.

Video camera footage from the restaurant showed that no police officers or fight occurred at the time, date, and location indicated by the complainant.

The complainant failed to respond to requests for additional information or evidence.

The evidence proved that the alleged conduct did not occur.

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**DATE OF COMPLAINT:** 07/22/19    **DATE OF COMPLETION:** 10/08/19    **PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant's next-door neighbor called 911 reporting a loud noise coming from the complainant's apartment. The named officers arrived and repeatedly knocked on the complainant's door, announcing themselves as police officers. With no one answering the door for them, the officers opened the unlocked door and entered the complainant's apartment. The complainant alleged that the officers unlawfully entered his apartment without a warrant or consent.

Officers can enter a residence without a warrant or consent if exigent circumstances exist such as those that would cause the officers to reasonably believe that entry is necessary to prevent physical harm to persons.

Department records showed the officers responding to an "A" priority domestic violence assault and battery. The reporting party reported hearing people in the complainant's apartment hitting each other and one yelling for help.

The records further showed that when the officers arrived, they heard banging noises from the complainant's apartment.

Body Worn Camera footage showed that officers pounded on the door, and neither of the two occupants responded verbally or by opening the door. The officers were in the apartment only briefly and left as soon as the occupants confirmed they were neither fighting nor in distress.

The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper. The officers had sufficient facts of an ongoing violent altercation in the apartment to reasonably conclude that exigent circumstances justified a warrantless entry into the residence. Furthermore, the officers' entry was appropriately tailored to the exigent circumstances.

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

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

**FINDINGS OF FACT:** The complainant alleged the officer grabbed his arm and threw him across the room.

Body Worn Camera footage from the named officer and his partner showed that when they entered the apartment while responding to a reported domestic violence battery, they encountered the complainant and another occupant closed in the bathroom of the apartment. The named officer guided one occupant away from the other and announced that the officers were investigating a call about audible fighting in the apartment. There was no evidence that the named officer threw anyone across the room or used unnecessary force in separating the two. The officers were in the apartment only briefly and left as soon as the occupants confirmed they were neither fighting nor in distress.

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

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**DATE OF COMPLAINT: 08/05/    DATE OF COMPLETION: 10/10/2019    PAGE# 1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated that he received a citation from the named officer which resulted in a two-day suspension from his employer. The complainant opined that the named officer must have submitted false information to his employer because the officer did not pull him over and issue him a citation. The complainant stated he did not appeal the citation through the SFIA Ground Transportation Commission.

The named officer stated that he observed the complainant make two administrative violations at the San Francisco International Airport (SFIA.) The named officer noted and photographed the complainant's vehicle with the improper trade dress display on his vehicle. The named officer also observed the complainant failed to follow directions from a posted sign. The named officer stated since the violations were administrative and not criminal in nature, the violation was sent to SFIA, Ground Transportation Commission for processing. The named officer also indicated that the complainant could appeal the citation through his rideshare employer and the Ground Transportation Commission.

The DPA reviewed official documents from the Airport Commission Rules and Regulations. Rule 14.0 says in part:

The Airport, through any authorized Airport Commission employee or any Law Enforcement Officer, may cite infractions of these rules and regulations to an individual or business entity by issuance of a verbal or written Admonishment or a written Citation.

Rule 14.5(c) provides the process for an appeal from the initial review decision. The complainant had the right to appeal the decision of the citation that was issued by the named officer to the SFIA, Ground Transportation Commission.

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



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

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

**FINDINGS OF FACT:** The complainant stated that he received a citation for violating SFIA rules and regulations from the named officer. The complainant stated the officer acted inappropriately when he sent the citation in the mail and did not issue the citation in person. The complainant opined that if the officer had given him the citation in person, the complainant's side of the story may have changed the outcome of the citation.

The named officer stated that he observed the complainant make two administrative violations at the San Francisco International Airport (SFIA.) The named officer noted and photographed the complainant's vehicle with the improper trade dress display on his vehicle. The named officer also observed the complainant failed to follow directions from a posted sign. The named officer stated that since the violations were administrative and not criminal in nature, the violation was sent to SFIA, Ground Transportation Commission for processing. The named officer also indicated that the complainant could appeal the citation through his rideshare employer and the Ground Transportation Commission.

The DPA reviewed official documents from the Airport Commission Rules and Regulations. Rule 14.0 says in part:

The Airport, through any authorized Airport Commission employee or any Law Enforcement Officer, may cite infractions of these rules and regulations to an individual or business entity by issuance of a verbal or written Admonishment or a written Citation.

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

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**DATE OF COMPLAINT:** 08/05/19    **DATE OF COMPLETION:** 10/24/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that police officers illegally entered and searched his business premises in 2015.

Department records indicate no police presence occurred at that location in 2015.

The complainant failed to respond to requests for additional evidence.

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

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

**FINDINGS OF FACT:** The complainant stated that police officers instructed civilians to illegally remove property from his business premises in 2015.

Department records indicate no police presence occurred at that location in 2015.

The complainant failed to respond to requests for additional evidence.

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**DATE OF COMPLAINT: 08/07/2019 DATE OF COMPLETION: 10/24/2019 PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that she spoke to the named officer to complain about her car, which she felt had been towed unfairly. The complainant said the officer was rude and called the complainant, "Posh."

The named officer stated that she was courteous and professional during the interaction. The officer informed the complainant that SFMTA had towed the vehicle and provided the correct information to contact that agency. The officer denied being rude or using the word "posh."

A witness officer was unable to recall the incident. No other witnesses came forward.

The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

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

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

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**DATE OF COMPLAINT: 08/21/19    DATE OF COMPLETION: 10/10/19    PAGE# 1 of 1**

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

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

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

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**DATE OF COMPLAINT: 08/23/19    DATE OF COMPLETION: 10/25/19    PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1:** The officer failed to make an arrest

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

**FINDINGS OF FACT:** The complainant stated that a colleague assaulted her at her workplace. Police were called, and the complainant gave the named officer an account of the assault. The complainant said she instructed the officer that she wanted to press charges, but the officer tried to dissuade her. The officer then failed to arrest the work colleague as she had requested.

Body-worn camera footage showed the named officer conducting a thorough investigation at the scene of the altercation. The officer independently interviewed six witnesses who all said that the complainant's allegation had no merit and that the complainant's colleague did not assault her. The officer explained the outcome of the investigation to the complainant and asked if any witnesses can verify her account. The complainant was unable to provide any additional witnesses. The officer accepted the complainant's citizen arrest, informed her that he will write an incident report, and explained that he would not arrest the work colleague because there was no probable cause to believe that the colleague committed a crime.

Department General Order 5.04, Arrests by Private Persons, Section II 4 states that whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall determine if probable cause exists to believe the individual committed the crime. If probable cause exists such that an arrest can be made, accept the person's arrest and book or cite the individual. If probable cause does not exist, the individual is free to go.

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

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**DATE OF COMPLAINT: 08/23/19    DATE OF COMPLETION: 10/25/19    PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant said that the named officer was rude, raised his voice, and told her that the assault was in her mind.

Body-worn camera footage showed that the named officer spoke with the complainant at length during the interaction. The officer was polite, courteous, and professional throughout. When confronted by complainant about his loud voice, he apologized and explained that his voice was naturally loud.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/26/19 **DATE OF COMPLETION:** 10/11/19 **PAGE** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/23/19    **DATE OF COMPLETION:** 10/30/19    **PAGE# 1 of 1**

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

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/18/19    **DATE OF COMPLETION:** 10/11/19    **PAGE# 1 of 1**

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

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

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

California Highway Patrol \  
Office of Investigations  
601 North 7<sup>th</sup> Street  
PO BOX 942898  
Sacramento, CA 94298

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/03/19    **DATE OF COMPLETION:** 10/30/19    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was involved in a verbal dispute with a convenience store employee and that one of the officers who responded to the scene was rude, aggressive and wouldn't allow the complainant to tell his side of the story.

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

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/18/19    **DATE OF COMPLETION:** 10/11/19    **PAGE# 1 of 1**

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

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

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

San Francisco Police Department  
Investigative Services Unit  
1245 3rd Street  
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/19    **DATE OF COMPLETION:** 10/11/19    **PAGE#** 1 of 1

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

**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:** 09/12/19 **DATE OF COMPLETION:** 10/11/19 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he had a verbal altercation with a bicyclist after the complainant opened a vehicle door into the path of the bicyclist. An officer approached the complainant and asked what happened. The complainant became upset with the officer because the officer allowed the bicyclist to leave without speaking to the bicyclist. The complainant stated the officer told him he was tired of talking to him, and then ordered the complainant to leave or he would punch the complainant in the mouth.

A search for calls related to the time and location provided by the complainant failed to identify an incident.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back without identifying any officer.

The identity of the involved officer could not be established.

**SUMMARY OF ALLEGATION #2:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity when speaking to the complainant.

A search for calls related to the time and location provided by the complainant failed to identify an incident.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back without identifying any officer. The identity of the involved officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/13/19 **DATE OF COMPLETION:** 10/31/19 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant, in a written complaint, alleged that the officers failed to take action after she reported her neighbor's activities.

No witnesses were identified.

The complainant did not provide additional requested evidence and the investigation could not be conducted without such evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/13/19    DATE OF COMPLETION: 10/31/19    PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1:** The officer behaved or spoke inappropriately,

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

**FINDINGS OF FACT:** The complainant, in a written complaint, alleged that when she went to the police station to make a report the officer was rude, screamed in her face and insinuated the complainant was not being truthful.

The complainant did not provide additional requested evidence and the investigation could not be conducted without such evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/19 **DATE OF COMPLETION:** 10/15/19 **PAGE#** 1 of 1

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/22/19 **DATE OF COMPLETION:** 10/15/19 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/18/19      **DATE OF COMPLETION:** 10/10/19      **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/19      **DATE OF COMPLETION:** 10/16/19      **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/02/19 **DATE OF COMPLETION:** 10/04/19 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/27/19    DATE OF COMPLETION: 10/04/19    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer made an arrest without cause.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/30/19 **DATE OF COMPLETION:** 10/17/19 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer applied handcuffs too tightly.

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

**FINDINGS OF FACT:** The complainant stated that he was arrested during a protest in late 1969 or 1970, and the officer applied handcuffs with an excessive degree of tightness.

There are no officers on the SFPD roster who were on the SFPD in 1969 or 1970.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/19    **DATE OF COMPLETION:** 10/18/19    **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:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/10/19      DATE OF COMPLETION: 10/18/19      PAGE# 1 of 1**

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

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/16/2019 DATE OF COMPLETION: 10/31/2019 PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated he was told by officers to get down on the ground and that two or four officers pointed their guns at him. The complainant stated that he was told by officers that a civilian had reported to police that the complainant and his friend passed a gun to each other. The complainant denied he had a gun. He was alone when he was detained.

Records from the Department of Emergency Management show a caller reported to dispatchers that he was being chased down the street. Dispatch received a second call that the suspect had a pistol.

The Body Worn Camera (BWC) recordings show when officers arrived on scene, they were told by the reporting party that the complainant had a gun. The recordings show that the first named officer removed his firearm from his holster and held it in the low-ready position while the named officer's partner ordered the complainant to get on the ground. The first named officer did not point his firearm at the complainant. The second named officer removed a long gun from a patrol vehicle upon arriving at the scene, and the recordings show the complainant was already on the ground and being handcuffed when the second named officer arrived. The second named officer had no involvement in the detention of the complainant and did not have any contact with the complainant. The second named officer is seen carrying the rifle over his shoulder as he walks down the street searching for a second subject.

SFPD Bulletin 15-255 states: "Drawing or exhibiting a firearm without intentionally pointing it at the person, such as the low ready position, is not considered a reportable use of force."

The evidence proved that the acts alleged in the complaint did not occur. Notably, even if officers had pointed their firearms at the complainant, they would have been justified in doing so as the officers had received information that the suspect was armed.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/16/2019 DATE OF COMPLETION: 10/31/2019 PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated the officers should not have handcuffed him during his detention. The complainant stated it was unnecessary for the officers to handcuff him.

Footage from officers' Body Worn Cameras (BWC) show the named officers detaining the complainant due to a report he had a gun. The named officers order the complainant to the ground and the complainant immediately complies with the officers' orders. The video shows the officers were calm when handcuffing the complainant, and the complainant did not resist. The officers told the complainant he was not under arrest and that he was being detained and handcuffed.

SFPD Arrest & Control Manual, page 56, Handcuffing Guidelines states: Who should be handcuffed:

- When the subject is being arrested for a felony offense
- When the subject is a violent misdemeanor or a misdemeanor who exhibits a tendency to escape
- Nothing in the above shall preclude the use of handcuffs on any prisoner when their use is deemed necessary by the arresting officer

The handcuffing of the complainant by the named officers, while they conducted an investigative detention was justified under the circumstances. Department records showed the officers were told by a reporting party that the complainant had a gun.

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

**SUMMARY OF ALLEGATION #5:** The officer conducted an improper search or seizure.

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

**FINDINGS OF FACT:** The complainant stated officers told him they were going to pat search him for weapons. The complainant stated to the officers that any search was a violation of his rights.

The Body Worn Camera (BWC) recordings show the named officer conducted a pat search for weapons of the complainant, after detaining him on a call of a gun. No gun was recovered during the pat search,

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/16/2019 DATE OF COMPLETION: 10/31/2019 PAGE# 3 of 3**  
but the named officer removed a knife. The knife was returned to the complainant when he was released. Officers explained to the complainant that they were going to pat search him for weapons.

Officers are permitted to conduct pat searches for the purpose of officer safety and to take control of any weapons, if reasonable suspicion exists that a weapon may be present. Receiving information that a suspect is armed supports reasonable suspicion that a weapon may be present.

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

**SUMMARY OF ALLEGATION #6:** The officer displayed threatening, intimidating or harassing behavior.

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

**FINDINGS OF FACT:** The complainant stated during his DPA interview that he believes the SFPD sent a man who reported him to the police to harass him. The complainant stated he is harassed every day, and police deploy different individuals who are on drugs to harass him and that people not from this county harass him. The complainant stated police have LYFT drivers follow him around all the time. The complainant believes police are trying to provoke him and the people who follow him are drug addicts. The complainant also stated police are following him on his phone and they do little tricks with his phone to harass him and that police are "gang stalking" him. The complainant stated he doesn't know who the officers are and did not provide any evidence of their alleged conduct.

The identities of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/14/2019    DATE OF COMPLETION: 10/24/2019    PAGE# 1 of 1**

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

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

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

San Mateo Police Department  
Att: Internal Affairs  
200 Franklin Parkway  
San Mateo, CA 94403

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/22/2019 DATE OF COMPLETION:10/29/19 PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/19 **DATE OF COMPLETION:** 10/29/19 **PAGE#** 1 of 1

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

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

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

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