

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/19 DATE OF COMPLETION: 10/05/20 PAGE# 1 of 2

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

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

FINDINGS OF FACTS: The complainant stated that the named officer made abusive comments to her son during his transport to and at the police station.

The named officer stated he and his partner took the complainant's son into custody. The named officer denied any inappropriate comments.

The named officer's body worn camera (BWC) shows that the named officer asked the complainant if he thought his arrest was a joke, but the officer did not make any other inappropriate statements during the arrestee's transport. The officer's BWC was not operating inside the station.

The partner of the named officer denied that the named officer behaved or spoke inappropriately during the incident.

The DPA could not identify any other witnesses. The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATION #2: The officer displayed threatening behavior.

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

FINDINGS OF FACT: The complainant stated the named officer physically threatened her son at a police station.

The named officer stated he was calm and professional during his interaction with the arrestee. The named officer denied physically threatening the arrestee.

The named officer's body worn camera did not capture the period of time when the complainant's son was in the police station.

The named officer's partner denied that the named officer made any threatening statements.

No other witnesses were identified. The evidence fails to prove or disprove that the alleged conduct occurred.

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

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

FINDINGS OF FACT: The complainant stated officers arrested her son.

The named officers stated they were on patrol when they observed a male suspect graffiting a wall of a building. The named officers stated that the complainant's son physically interfered when the officers attempted to detain the suspect.

Body worn camera video footage shows the complainant's son physically interfering with one of the named officers' detention of a male suspect. The level of interference justified an arrest.

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

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity after he was taken into custody.

The named officer stated they did not recall using profanity during the incident.

The named officer's body worn camera showed that the named officer did not use profanity during the transport to the station. The body worn camera does not show the time in the station.

The DPA could not identify any other witnesses.

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

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

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

FINDINGS OF FACT: The complainant stated that police failed to investigate his 911 call of homeless people arguing near his children's school.

The named officers explained that they investigated the call and contacted the suspects. The officers determined that the two suspects were not engaged in any criminal activity.

Department records corroborate the officers' statements that they responded to the call, arrived on scene, and determined there was no criminal activity.

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

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DATE OF COMPLAINT: 11/05/19 **DATE OF COMPLETION:** 10/15/20 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer's discourteous behavior and statements were related to race or ethnicity.

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

FINDINGS OF FACT: The complainant stated that during a criminal investigation of her client, the named officer sent him racist messages.

The named officer denied sending racist messages to the complainant's client or creating the profile from which the messages originated.

DPA reviewed pages of messages and the data associated with the messages and determined that it was more likely than not that the content in question did not originate from the named officer. Instead it more likely came from someone impersonating the named officer, to make it appear that they were the named member.

The evidence proves that the accused officer was not involved.

SUMMARY OF ALLEGATION #2: The officer inappropriately accessed a database or confidential information.

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

FINDINGS OF FACT: The complainant stated that the named officer called her on her private cell phone, and she did not give him her private cell phone number.

The named officer acknowledged that he called the complainant on her private cell phone number; however, he stated that he received her number from an attorney. He stated that the attorney was present with him when he called the complainant.

The named officer did not improperly access any protected database to retrieve the complainant's private cellphone number.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that during court proceedings, the named officer sent an email to the presiding judge.

The named officer denied the allegation, stating that he did not create the email account or send the email to the judge.

DPA's investigation determined that numerous emails were sent from an encrypted email service purporting to be from the named officer. The details contained within the emails contradict specific knowledge held by the named officer. Additionally, the language and grammar were inconsistent with the named officer's speech patterns. The named officer is a veteran in the Department and was well-versed in inappropriateness of contacting a judge in an active case. The DPA examined the metadata associated with the e-mail and discovered it was more likely than not sent from a person attempting to impersonate the officer.

The evidence proves that the accused officer was not involved.

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

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

FINDINGS OF FACT: The complainant stated that the named officer harassed her by ordering her to stay out of or leave commercial establishments.

The named officer stated she was a foot beat officer and was familiar with the complainant. She had less than ten contacts with the complainant and could not recall the specific incident referred to in the complaint. She stated that, on occasion, employees from the retail stores requested that she inform the complainant that the staff did not want the complainant in the stores because of her loud, unprovoked, and aggressive actions toward customers and staff. She stated that either she or the retail store staff probably asked the complainant to leave the store on the date indicated in the complaint.

Witness #1, a manager at one of the retail stores, stated he was familiar with the complainant and the named officer. He asked the complainant to leave his store multiple times because she screamed and shouted at his customers. He also stated the complainant doesn't listen. He had asked the named officer to remove the complainant from his store and she was really nice, not aggressive, and acted professionally.

Witness #2, a security guard at one of the retail stores, stated that he was familiar with the complainant and the named officer. He has observed the complainant walk in and out of the retail store and scream at people very loudly. He has had to ask the complainant to leave the store. He has never seen the named officer interact with the complainant. He has seen the named officer interact with shoplifters and she has been very professional and does her job. The complainant had never been physically removed from the store as she walks through the store from one entrance to the other. He has also observed her sit and stand in front of the store screaming at people. Customers complain and he has asked her to stop.

Witness #3, a general manager at one of the retail stores, stated that she was familiar with the complainant and the named officer. The complainant had been patronizing her store for several years. The complainant previous stalked an employee and would continuously visit the store and disrupt the employee. When the employee left the company, the complainant found out where she worked and began stalking her there as well. She has observed the complainant smile and then becomes angry or act like she does not see anyone. She has asked the complainant to leave the store for being disruptive. She was not aware of any interactions between the complainant and the named officer. However, when she had asked the named officer to remove individuals from her store and she has always been professional and polite.

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SUMMARY OF ALLEGATION #1: (Continued)

The Based on the totality of evidence, the named officer more likely than not gave the complainant a lawful order.

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

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DATE OF COMPLAINT 12/30/19 **DATE OF COMPLETION:** 10/07/20 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to respond promptly to the scene.

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

FINDINGS OF FACT: The complainant stated she called 911 to report that an intruder had entered her home without permission and that she and her brother were detaining the individual. She stated that she complained repeatedly to the 911 dispatcher that the officer's response was excessively slow. She further stated that upon the officers' arrival their initial actions were nonchalant relative to the nature of the call.

The first named officer stated that their response time was appropriate given the information that he and his partner had and that they did not receive information that the call involved injuries, a violent encounter or that there were weapons involved. The second named officer stated that dispatch changed the priority level assigned to this call for service a number of times and that their response time was reasonable.

SFPD records reflect that this dispatch initially categorized this call as call as priority A (highest priority) with a description of "person breaking in." Within approximately 2 minutes, the named officers were noted to be en route in a back-up capacity. Approximately 1 minute after that, dispatch downgraded the call to priority B with a description of "citizen arrest." Then, approximately 2 minutes thereafter, dispatch recategorized the call as a priority A. The named officers arrived on scene within 4 minutes of that categorization or 9 minutes 16 seconds after the call was created.

Body-worn camera footage showed the named officers directly approaching the complainant and the detained individual. The named officers then immediately handcuffed the individual and took him into custody. The footage further showed the second named officer explain to the complainant that they had just received the call and the call had been described as a citizen's arrest, one person holding another. The second named officer further explained to the complainant that had they known the full details of the incident they would have responded with lights and siren.

In an audio recording of the 911 call the complainant stated that an individual broke into her residence. The complainant could then be heard speaking to an unknown individual instructing him not to let an individual leave. The complainant, again speaking to an unknown individual, could be heard saying that he wasn't going anywhere, then telling the dispatcher that she did not see the individual in possession of any weapons.

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SUMMARY OF ALLEGATIONS #1-2:(Continued)

Priority A calls are for incidents where there is imminent danger to life or major property damage. The target response time for a priority A call is 7 minutes. Priority B calls are for incidents where a crime has just occurred, and where there is the potential for damage to property. The target response time for a priority B call is 20 minutes. (Breed, L. (2020, Sept.) *Alternatives to Police for Responding to Non-Violent 911 Calls*. Retrieved from <https://medium.com/@LondonBreed/alternatives-to-police-for-responding-to-non-violent-911-calls-44c7d40ad9b1>.)

Given the totality of the circumstances, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/20 DATE OF COMPLETION: 10/02/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was at the car rental area at the San Francisco International Airport (SFO) attempting to rent a car. He admitted he had been in the area for several hours but stated no one from the car rental companies asked him to leave. He said he was surrounded and detained by San Francisco Police Department (SFPD) officers for no reason.

The named officers stated they responded to a call for service made by a car rental staff member regarding the complainant. They spoke with car rental employees who identified the complainant as someone they had seen in the area many times but who had never made any attempt to rent a car. The named officers stated that they detained the complainant during their investigation into whether he had legitimate business with any of the car rental companies. They determined that he did not.

The DPA obtained a copy of the incident report relevant to this incident. The statements provided by the named officers are consistent with the information provided in the incident report. The Communication Aided Dispatch (CAD) confirmed that an employee called police regarding a 915, homeless related call.

The car rental employee confirmed that he called the police regarding the complainant.

SFPD Department General Order (DGO) 5.03 states, in relevant part, that, "A police officer may briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity." In this case, the officers were called to the scene and had reasonable suspicion that the complainant was committing a crime.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the named officers told him to leave the airport for no reason.

The named officers stated they investigated whether the complainant had legitimate business with any of the car rental companies after receiving a call for service from car rental company staff. They determined that he did not. The complainant sought clarification for the reason he was detained and asked for the Airport Duty Manager (ADM). The officers briefed the ADM when he arrived. The ADM told the complainant he had to leave or risk being cited for trespassing. The named officers told the complainant he had to leave or risk a private person's arrest for trespassing, and he submitted to an escort off the premises.

The DPA obtained a copy of the incident report pertaining to this incident. The statements provided by the named officers are consistent with the information provided in the incident report.

The ADM confirmed that he admonished the complainant that he could not loiter on airport property without a business purpose.

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

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DATE OF COMPLAINT: 01/08/20 **DATE OF COMPLETION:** 10/02/20 **PAGE# 3 of 3**

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

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

FINDINGS OF FACT: The complainant stated that he was at the car rental area attempting to rent a car. He said the named officer yelled at him that he needed to leave.

The named officer stated he was professional and calm during the detention of the complainant. He denied shouting or yelling at him at any point. He stated he asked the complainant to leave because the ADM would consider placing him under private person's arrest for trespassing if he stayed after he was admonished to leave.

The witness officer stated that the complainant was defensive and did not seem to understand why he had to leave. He denied that the named officer yelled at the complainant.

The ADM denied that any of the officers spoke loudly or in an unprofessional manner.

The evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 01/22/20 **DATE OF COMPLETION:** 10/07/20 **PAGE#** 1 of 3

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

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

FINDING OF FACTS: The complainant stated that his wife, the co-complainant, was arrested without cause, and her necklace worth \$4000 was lost during the arrest process. The complainant requested that the co-complainant not be arrested, and the named officers refused to honor his request.

The named officers stated that the complainant informed them that his wife attacked him, and he had visible injuries. The officers stated that they had probable cause to arrest the complainant's wife, despite the complainant's request that his wife was not arrested.

Body-worn camera footage revealed the complainant told officers that during an argument with his wife, she slapped him on the head and punched him in the stomach. The complainant stated he was also locked out of his home by the co-complainant. The named officers interviewed the co-complainant who admitted to hitting the complainant.

Department records showed that the named officers photographed the complainant's visible injuries and arrested the co-complainant for elder abuse and domestic violence. The named officers issued and served an Emergency Protective Order and issued the complainant domestic violence victim pamphlets.

Department General Order 6.09 Domestic Violence III B (3) states, in part, "If probable cause exists to believe that an assault or battery had occurred upon a current or former spouse and the arrest is made as soon as possible as probable cause arises; members may make a warrantless arrest."

The named officers' investigation showed that they had probable cause that the co-complainant had committed a crime.

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

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SUMMARY OF ALLEGATIONS #3-6: The officers failed to process property.

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

FINDINGS OF FACT: The complainant stated that his wife, the co-complainant, was arrested without cause, and her necklace was lost during the arrest process.

The co-complainant stated that she was arrested with her necklace; however, once released from custody, the necklace was missing. The co-complainant did not recall if the named officers or the medical staff had removed the necklace from her person. The co-complainant stated the necklace was worth approximately \$50 and not \$4000, as the complainant initially stated.

The named officers stated they did not take the necklace from that co-complainant.

Body-worn camera footage revealed the co-complainant was arrested with a necklace around her neck and was on her person before being seen by doctors at the hospital. Upon departure from the San Francisco Sheriffs' booking facility, the co-complainant's property had been removed.

Department records indicated that the co-complainant was transported to the hospital for an evaluation and then taken to the San Francisco Sheriffs' booking facility. During the booking admittance process, the complainant's property was removed and placed into a property bag by the named officers and sheriff deputies.

Due to the lack of body-worn camera footage, and independent witnesses of removing the complainant's property, the evidence fails to prove or disprove the alleged conduct occurred.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 01/27/20 **DATE OF COMPLETION:** 10/21/20 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that the named officers showed up to his residence because someone called 911 and hung up. The named officers entered and searched the complainant's home without a warrant.

Named Officer #1 stated that he and Named Officer #2 were dispatched to the residence due to a 911 hang-up. When they arrived on scene, they met with the complainant who invited them to follow him upstairs to the apartment. The complainant walked up the stairs with the officers, opened the apartment door, and walked in, leaving the door open. The complainant's mother was in the apartment as well. Named Officer #1 asked the complainant and his mother if he could conduct a premises search to make sure everything was okay. The complainant said, "no," but the mother said, "yes." Named Officer #1 conducted a walkthrough of the residence based on the mother's consent but did not find anyone else.

Named Officer #2 stated that the apartment is known to officers in the district, and many officers have responded there before usually to conduct welfare checks on the residents as the complainant is known to have mental health issues. When they arrived on scene, they met with the complainant, who opened the locked gate to the apartment building. They followed the complainant up to the apartment and entered after him through an open door. The named officers explained to the complainant and his mother that they received a 911 call from the residence, and they needed to look around to make sure no one was hurt. The complainant refused but his mother gave consent.

The DPA obtained the named officers' body worn camera (BWC) footage of the incident. The named officers arrived on scene and stood outside a four-story apartment building. A locked gate prevented them from entering. An officer yelled, "hello?" and a male voice said something from above. The officer asked if the man lived in a certain apartment number, and he confirmed he did. The man, who is the complainant, walked down the stairs, opened the locked gate, spoke with the officers, and then waved his hand for them to follow him up the stairs. At the top, the complainant turned the corner and walked into an apartment, leaving the door open. He walked into the center of the living room, stood next to his mother, and turned to face the officers. Named Officer #1 followed the complainant into the apartment while Named Officer #2 stood in the doorway. Named Officer #1 then asked to check around. The complainant's mother clearly stated, "sure, sure." The complainant told Named Officer #1 "no" and asked him if he had a warrant. Named Officer #1 asked the mother again if he could check the house and she consented. Named Officer #1 walked around the apartment. During the walkthrough, Named Officer #1 peered in the open door of the complainant's bedroom, but did not enter.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

Consent is an established exception to the warrant requirement. *Schneckloth v. Bustamonte*, (1973) 412 U.S. 218, 219. Consent may be expressed or implied, and may be demonstrated by conduct as well as words. *People v. Frye* (1998) 18 Cal.4th 894, 990. The question is whether the person's conduct would have caused a reasonable person to believe he consented. *U.S. v. Jones*, (2001) 254 F.3d 692, 695. A parent's consent to search the parent's premises, including a search of the adult child's bedroom in his parents' home, is reasonable "absent circumstances establishing the son has been given exclusive control over the bedroom." *In re D.C.* (2010) 188 Cal.App.4th 978, 983 citing *People v. Daniels* (1971) 16 Cal.App.3d 36, 43.

In this case, the complainant's conduct would lead a reasonable person to believe that he consented to the officers' entry of the apartment. He greeted the officers who were standing outside a locked gate. He opened the gate, spoke with the officers, let the officers in, and waved for them to follow him. He walked up flights of stairs and entered the apartment, leaving the door open, and walked to the center of the room where his mother was standing. The mother clearly consented to a search of the premises. Notwithstanding, Named Officer #1 did not enter or search the complainant's bedroom.

The entry and search of the complainant's residence was justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 5.20.

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

FINDINGS OF FACT: The complainant stated that the named officer questioned his mother, who did not speak English, without an interpreter.

The named officer stated that while inside the apartment, the mother gave him hand signals implying there was an issue with the complainant. The named officer interpreted this as she may need help. The named officer took her outside and asked if she was okay. She stated that her son had been drinking and smoking, but she felt safe and did not need further assistance. The named officer stated that he was able to communicate with the complainant's mother effectively and she was able to understand him. He acknowledged that she said something to the effect of, "I don't speak English," but he interpreted that as a signal to get her away from her son. Once they were outside and away from the complainant, she engaged in conversation with the named officer in English and did not request language services.

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SUMMARY OF ALLEGATIONS #3: (Continued)

The DPA obtained the named officer's BWC footage of the incident. The complainant's mother gave hand signals to the named officer indicating that her son was mentally unstable and had been drinking. The

named officer asked the complainant's mother if he could speak to her outside privately. She told him that she did not understand English. The named officer and mother exited the apartment. The officer asked safety questions and the complainant's mother answered the questions and explained her concerns in English.

The DPA interviewed the complainant's mother. The DPA asked her from the outset of the interview if she needed to use an interpreter for the interview. She refused. She stated that she was able to adequately understand and communicate with the named officer in English. She was happy with the officer's intervention and had no complaint regarding the interaction. The DPA was able to understand the complainant's mother's English, and she was able to answer all questions asked.

Department General Order 5.20 states that officers shall use limited English proficiency services when speaking to an individual who does not speak English as their primary language.

While there was a point in the encounter in which the complainant's mother stated she did not speak English, she stated to the DPA after the incident, in English, that she did not require language services during her interactions with the officer and demonstrated a command of the English language.

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

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DATE OF COMPLAINT: 01/22/20 **DATE OF COMPLETION:** 10/02/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated he called a district police station and spoke with a female officer who was rude to the complainant, yelled at the complainant, and hung up on the complainant.

A search for related calls to this complaint failed to identify an incident.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll failed to identify an involved officer.

The complainant provided insufficient information and the officer could not reasonably be identified.

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

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

FINDINGS OF FACT: The complainant stated he spoke with a female officer on the phone and the officer refused to provide her name or star number.

A search for calls related to this complainant failed to identify an incident.

An Officer Identification Poll was sent to the district station where the incident occurred, but the poll failed to identify an involved officer.

The complainant provided insufficient information and the officer could not reasonably be identified.

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

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

FINDINGS OF FACT: The complainant said the named officer interfered with the complainant's effort to make a report.

The named officer stated he asked the complainant for details pertinent to the investigation and allowed the complainant the opportunity to provide detailed information for the report. He asked the complainant questions and the complainant responded to the questions. The named officer described his demeanor toward the complainant as "professional" and described the complainant as "calm."

Body Worn Camera (BWC) footage shows the named officer acted in a professional manner.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #: This complaint raises matters outside 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 partially referred to:

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

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DATE OF COMPLAINT: 1/29/20 DATE OF COMPLETION: 10/23/20 PAGE# 1 of 5

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

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

FINDINGS OF FACT: The complainant stated her daughter was the victim of domestic violence. She stated her daughter was gravely injured when her boyfriend threw hot grease on her. She was taken to the hospital and the police were called. Her daughter's attacker and a witness were arrested. The complainant stated the named officers arrived at the hospital at approximately 3:00 a.m. Her daughter was heavily sedated and could not be interviewed at the time. She asked the officers to interview her daughter at a different time. Named Officer #1 agreed to come back and try to interview the complainant's daughter another time. Named Officer #1 left the hospital, released her daughter's attackers and closed the investigation. He never returned to interview her daughter.

Named Officer #1 stated he and Named Officer #2 decided to release the suspect and the witness pending further police investigation. They based this decision on the suspects' statements and their inability to interview the victim. After releasing the suspects, Named Officer #1 gathered additional evidence and information and drafted an arrest warrant that was approved by the District Attorney's office and led to the suspect's arrest.

Named Officer #2 confirmed she and Named Officer #1 decided to release the suspect based on the information they collected that night and their inability to interview the victim. She explained the investigation was continuing even though the suspect had been released shortly after the incident.

Two witness officers who had worked on the investigation described meeting with the victim earlier in the evening and interviewing her. They stated they relayed what they had learned to the named officers. Witness Officer #1 stated that, based on his knowledge and experience, domestic violence incidents often require further investigation to get enough facts or evidence to take the suspect into custody.

The DPA made several attempts to interview the complainant's daughter by phone or in-person. The attempts were unsuccessful.

The DPA received the Computer Aided Dispatch (CAD) concerning this incident. It documented the victim had been hit with hot grease forty-five minutes prior to her arrival at San Francisco General Hospital.

The DPA received the incident report for this case, drafted by Witness Officer #1. He documented meeting with the victim and what he learned about her injuries. The victim explained how she had been attacked and who had been involved. Witness Officer #1 described how the suspect and witness were

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

brought to a police station. He documented that the named officers interviewed the suspect and the witness. Under the direction of Named Officer #1 and Named Officer #2, the suspect and the witness were both released from the station.

The DPA reviewed a Chronological of Investigation from Named Officer #1. He and Named Officer #2 responded to the hospital to speak with the victim. They met with the complainant and the victim. The victim was asleep. Named Officer #1 documented the complainant being uncooperative with providing any information about herself or what she had learned about the incident from the victim. The complainant refused to allow the officers to speak with the victim or take any photos of her. The named officers then went to a police station to interview the witness and the suspect separately. They both stated the victim had attacked the suspect. The named officers noted an injury on the suspect's face. Both the witness and the suspect stated the victim had thrown the hot oil and had accidentally gotten the oil on herself. Named Officer #1 stated that, based on the statements provided by the suspects and the evidence in this matter, there was no sufficient cause to believe that the suspect assaulted the victim with the boiling oil. The suspects were released.

Named Officer #1 continued to investigate the incident and collected additional evidence that resulted in his drafting an arrest warrant for the suspect. He attempted to interview the victim five times. The complainant called Named Officer #1 and claimed he was harassing the victim. An interview was scheduled with another sergeant within the Special Victims Unit. After the victim was interviewed, Named Officer #1 completed the arrest warrant and the suspect was arrested.

The DPA received recordings of the named officers interviewing the complainant, the witness, and the suspect. The complainant's interview was cut short because she refused to be recorded. The suspect and the witness described the victim attacking the suspect and accidentally spilling hot oil on herself when she tried to throw it on him.

The DPA received the arrest warrant drafted by Named Officer #1. It documented the investigative steps Named Officer #1 took to develop the probable cause necessary for an arrest. He wrote that Named Officer #2 had reasonable cause to believe the victim may have been the dominant aggressor in the incident. This belief was based on facts described by the suspects, the victim's lack of immediate notification to law enforcement and the victim's delayed medical treatment. Named Officer #1 documented the numerous attempts he made to reach the victim for a statement.

Under the Fourth Amendment of the US Constitution, an officer must have probable cause before they can arrest someone. Probable cause for arrest exists when facts and circumstances within the police officer's knowledge would lead a reasonable person to believe that the suspect has committed, is committing, or is about to commit a crime.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

The complainant alleged that Named Officer #1 never returned to interview her daughter and closed the case. However, the named officers documented that they conducted a reasonable investigation the night of the incident. While they determined they did not have enough evidence to arrest the suspect on that night, they did not conclude the investigation. The investigation continued for several weeks and Named Officer #1 attempted to interview the victim numerous times. Despite the victim's reluctance to provide Named Officer #1 a statement, he helped facilitated an interview between her and another SFPD sergeant. After these investigative steps, Named officer #1 drafted an arrest warrant that was approved by the District Attorney's office, and led to the suspect's arrest.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated her daughter was the victim of domestic violence. She alleged the named officers released the suspects who had attacked her daughter and closed the investigation into the incident.

Named Officer #1 stated he released the suspects the night of the incident pending further investigation. He based this decision on the suspects' statements and his inability to speak with the victim. He continued to investigate the incident and additional evidence and information. He later drafted an arrest warrant that was approved by the District Attorney, which resulted in the arrest of the main suspect.

Named Officer #2 confirmed she and Named Officer #1 decided to release the suspects based on the information they had collected that night and their inability to interview the victim.

Two witness officers who took part in the investigation provided statements. Witness Officer #1 stated that domestic violence incidents often require further investigation to get enough facts or evidence to take a suspect into custody.

Named Officer #1's Chronological of Investigation was analyzed by the DPA. It documented all the steps he took during his investigation. Named officer #1 collected numerous pieces of evidence which led to him drafting an arrest warrant for the suspect in the incident. After these appropriate investigative steps were taken, the suspect was arrested.

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SUMMARY OF ALLEGATIONS #3-4: (Continued)

Named Officer #1 drafted an arrest warrant for the suspect in this incident. It documented the investigative steps Named Officer #1 took to build the probable cause necessary to arrest the suspect.

Under the Fourth Amendment of the U.S. Constitution, an officer must have probable cause before they can arrest someone. Probable cause for arrest exists when facts and circumstances within the police officer's knowledge would lead a reasonable person to believe that the suspect has committed, is committing, or is about to commit a crime.

The complainant stated the named officers failed to arrest her daughter's attacker the night of the attack. Named Officer #1 stated, and his documentation of his investigation confirmed, that he released the suspect because he needed to further investigate to build probable cause for the arrest. He then conducted a reasonable investigation of the incident and collected sufficient evidence for the suspect's arrest.

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

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

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

FINDINGS OF FACT: The complainant stated that Named Officer #1 appeared unprepared when he came to interview her daughter at the hospital. Specifically, he needed to change the batteries in his recorder. She stated he also spoke to her unprofessionally.

Named Officer #1 stated he acted professionally when he met with the complainant at SFGH. He stated the complainant requested that he not record their conversation and he obliged her request.

Named Officer #2 stated she and Named Officer #1 acted professionally when they met with the complainant.

The DPA received a recording of Named Officer #1 and Named Officer #2 speaking with the complainant. The complainant refused to be recorded and Named Officer #1 deactivated the recorder. The recording does not capture Named Officer #1 making any unprofessional remarks.

The DPA received the Chronological of Investigation for Named Officer #1. The Chronological documented that the complainant was uncooperative and refused to provide information she had learned about her daughter's attack.

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SUMMARY OF ALLEGATIONS #5: (Continued)

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

The complainant alleged that Named Officer #1 spoke to her in an unprofessional manner and that he was unprepared. Named Officer #1 and Named Officer #2 stated that he was professional. While there is a partial recording of the interaction, it does not capture the entire conversation.

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

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

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

FINDINGS OF FACT: The complainant stated that officers were outside his building and on the street yelling at his neighbor. The complainant believed that the yelling triggered actions by his neighbor that could have possibly been avoided with a calmer approach.

Named officer #1 stated that he and multiple officers responded to the complainant's building regarding a mentally disturbed person that was trespassing in a vacant unit. He stated that the unit the complainant's neighbor illegally occupied had an open window that faced the street. He yelled at the open window requesting that the complainant's neighbor come outside and talk to him. He stated that he tried to convince the complainant to come outside to de-escalate the situation.

The named officers' body-worn camera footage captured the named officers at different times yell at the window for the complainant's neighbor to come outside and talk, but the complainant's neighbor was nonresponsive. Eventually, multiple officers entered the building.

Police records showed that the named officers responded to a call regarding a mentally disturbed person who was armed with a sledgehammer, threatened staff, was illegally occupying a vacant unit, and who had spray-painted death threats in common areas of the building. Social workers were unsuccessful with getting him to exit the unauthorized unit and return to his unit. They called the police for assistance.

DPA attempted to obtain a statement from the complainant's neighbor. However, he no longer lived in the building.

Based on the totality of the circumstances, the named officers attempted to de-escalate the situation and gain compliance by communicating with the complainant's neighbor from an open window. The officers were a safe distance from the window and therefore had to yell to get the complainant's neighbor's attention to start a dialogue.

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

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SUMMARY OF ALLEGATION #3: The officer carried an unauthorized weapon or ammunition on or off duty.

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

FINDINGS OF FACT: The complainant heard a commotion outside his room and then he heard two very loud electrical grinding noises. He stated that based on his military training, he recognized the grinding noise as a taser.

A witness officer stated that the San Francisco Police Department did not have tasers. He also stated that he did not have anything on his duty belt that sounded like a taser.

The body worn camera captured the entire incident. None of the officers had tasers and there was no electric grinding noise heard in the background.

The evidence proved that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #4: The officer carried an unauthorized weapon or ammunition on or off duty.

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

FINDINGS OF FACT: The complainant stated that he saw an officer holding a shotgun with an orange tip.

The named officer is no longer employed by the San Francisco Police Department.

The body worn camera and department records indicated that the named officer was holding an Extended Range Impact Weapon (ERIW). It looked like a shotgun but is a less lethal weapon.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant stated that he saw his neighbor on the ground with multiple officers on top of him.

Named officer #1 is no longer employed by the San Francisco Police Department.

Named officer #2 denied using unnecessary or excessive force. He stated that when he attempted to arrest the complainant's neighbor, the complainant's neighbor tensed his body and pulled away. He stated that he used a control hold to remove the complainant's neighbor from the unit and to place him in handcuffs. He stated that the complainant's neighbor did not complain of pain or injury after he was placed in handcuffs.

A staff member, who witnessed the entire incident, stated that officers handled the situation appropriately. She stated that if there was police brutality, she would have reported it herself.

Body-worn camera footage showed that the named officers used reasonable force to arrest the complainant's neighbor.

Department General Order 5.01 states that officers may use reasonable force options in the performance of their duties to effect a lawful arrest, detention, or search, or to overcome resistance or to prevent escape.

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

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

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

FINDINGS OF FACT: The complainant stated he had been attacked, but the named officer was not investigating the incident. The named officer told him that San Francisco Police Department (SFPD) did not have access to the cameras in the relevant area. Additionally, the named officer told him he needed to speak with a witness before he could make an arrest. The complainant stated his injuries should have been enough evidence to prove he had been attacked.

The named officer stated he accepted three cases on the day he took the complainant's case and had been very busy. The complainant's case was outside the usual cases his unit investigated, but he still took the case instead of referring it out. He stated he needed witnesses or video of the incident before he could present the case to the district attorney. Six days later, he attempted to acquire security footage, but the footage had expired by that time. Nonetheless, he continued to investigate. The complainant told him he knew of a witness; however, the complainant failed to provide the witness information and stopped communicating with him altogether. The named officer stated that the case was still an open investigation.

The named officer's Chronological of Investigation confirmed that the named officer searched for relevant footage and continued investigating after he was informed the footage had expired. The Chronological also documented the named officer's attempts to obtain witness information from the complainant.

The company controlling the security footage confirmed the footage was deleted two days after the named officer had first learned of the incident.

The DPA was able to acquire the footage of the complainant's incident on the date that this complaint was filed. The footage showed the complainant fighting an unknown person.

Department Bulletin 19-140, Booking Recording Device Evidence and Written Statements, states, in part, "Department members are required to check crime scenes and scenes of police action for video and/or audio recording device evidence... If a member is unable to obtain recordings, the member shall document in the narrative of the incident report the efforts taken to obtain the evidence."

The named officer attempted to locate footage of the incident, but the footage had expired by that time. He documented his attempts and continued his investigation. Had the named officer searched for the

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SUMMARY OF ALLEGATION #1: (Continued)

footage within the two days he knew of the incident, he would have gotten it in time. However, the DPA was unable to prove that the failure of the named officer to locate the footage was the result of negligence.

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

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

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

FINDINGS OF FACT: The complainant alleged he provided the named officer with enough evidence to arrest his attacker.

The named officer disputed that he was provided enough information. The complainant stated there was a witness but failed to provide the witness information and eventually stopped speaking with the named officer. After watching footage of the incident obtained by the DPA, the named officer stated he would need to authenticate the video, but he would likely close the case as unfounded since the video appeared to show that the attack was actually a mutual fight.

The named officer's Chronological of Investigation documented several attempts to obtain additional information from the complainant. It also documented that the complainant ceased communication.

The footage of the attack appears to show the complainant and another party fighting.

The Fourth Amendment of the U.S. Constitution requires law enforcement to have probable cause before they can arrest an individual. Probable cause for arrest exists when an officer knows specific facts and circumstances that would lead a reasonable person to believe that the suspect has committed, is committing, or is about to commit a crime.

The complainant was unable to provide the named officer with information to either identify his attacker or any witness. Additionally, the named officer stated the attack appears to be a mutual fight with both parties attacking each other. The named officer stated he would likely be unable to arrest the other party with the information he had. Furthermore, the footage refutes the complainant's allegation.

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

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SUMMARY OF ALLEGATION #3: The officer drafted an inaccurate incident report.

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

FINDINGS OF FACT: The complainant alleged the named officer failed to draft a complete incident report even though he provided him all the information necessary to identify the attacker.

The named officer stated he met with the complainant and drafted a summary of the complainant's statements.

The named officer's incident report states the complainant provided a physical description of the attacker, the attacker's first name, and his address. The incident report documented that the address provided by the complainant did not exist.

The named officers' body worn camera (BWC) captured his interview with the complainant. The video confirmed that the complainant provided the attacker's first name, his description, and an address as documented in the incident report. The named officer asked for the attacker's last name, but the complainant did not answer.

The SFPD Report Writing Manual states, in part, "The narrative must describe the facts surrounding an incident, and answer the questions: who, what, when, where, how, and why ... An accurate and comprehensive narrative must, as applicable ... Describe the nature and details of the incident ... Identify all involved persons and describe their actions prior to, during, and after the incident ... Include any statement or unsolicited comment of potential evidentiary value."

The named officer's BWC footage captured his entire conversation with the complainant. The named officer's incident report correctly documented everything said by the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated he was the victim of an assault that took place at a bar. His brother arrived to pick him up because he had been drinking and called 911. The complainant stated officers arrived on scene, telling them what had occurred. He asked the officers whether he could accompany them into the bar to identify the suspects and to review security camera footage from the bar, but the officers declined. He stated he was told by the officers that they went into the bar and spoke with the bartender who said she did not see anything. The complainant alleged that the incident was not investigated properly.

Department records showed that the named officer was the reporting officer for this incident and completed an incident report. Records detailed that the named officer responded to the scene of the incident and contacted the complainant and his friend who both displayed symptoms of alcohol intoxication. Records revealed that statements were taken from the complainant and his friend, that the named officer observed injuries on the complainant, and that photos were taken of the complainant and his friend at the scene. Department records also showed that officers performed a walkthrough of the bar to search for the suspects, witnesses and additional information and that one of the officers spoke with an employee of the bar regarding the incident. Records revealed that cameras were located in the bar and a bar employee informed an officer that the footage could be accessed by the manager who was not present. Department records also showed that the named officer took photos of the complainant's injuries when he later arrived at the police station.

Body-worn camera footage was consistent with the department records. Footage showed that the complainant provided a statement and descriptions of the suspects, that officers spoke with the complainant's friend regarding the incident, and that the complainant and his friend had been drinking. Footage also showed that the named officer took photographs of the complainant's injuries and the complainant's friend. Footage further revealed that a bar employee let officers inside the closed bar where officers walked through and spoke with bar employees regarding the incident. Body-worn camera footage showed that an officer asked a bar employee whether there were security cameras inside the bar and the bar employee confirmed that there were, but that they could only be accessed by the manager who was not present. Footage showed that the complainant asked the officers to take him into the bar to look for the suspects and that the officers told him that the bar was closed, that they searched it and no patrons were inside, and that they could not obtain the security camera footage from the bar as the manager was not there to access it.

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SUMMARY OF ALLEGATION #1: (Continued)

A witness stated that he and the complainant were assaulted at a bar. He stated that officers arrived on scene and did not do much. He stated that the responding officers said they spoke with the bartender, and that he and the complainant asked if they could go inside the bar with the officers to point out the suspects as they were not sure whether the officers searched the bar thoroughly, but the officers refused. The witness also stated that he requested that the officers check for security camera footage. He felt like the officers did not want to help them.

The evidence does not show that the named officer failed to properly investigate.

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

SUMMARY OF ALLEGATIONS #2-6: The officers failed to provide their names or star numbers.

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

FINDINGS OF FACT: The complainant stated that his friend asked the officers if he could have each of their names and star numbers and they did not respond to his request.

Body-worn camera footage showed that the complainant asked Named Officer #4 for his name and star number, and the officer provided them. Footage further showed that Named Officer #2 provided the complainant and his friend with follow up forms, explained that his star number was on the form, and showed the complainant where his last name and star number appeared. Footage showed that the complainant's friend stated that he wanted to get all of the officers' star numbers, while another member of their party was attempting to escort him away from the scene. The complainant's friend at one point broke away from the individual attempting to hold him back, approached Named Officer # 1 and specifically asked him for his star number which he provided. Footage showed that the complainant's friend continued to say, while he was being escorted away by a colleague, that he wanted to get the officers' badge numbers.

Although the named officers were all in the general area when the complainant's friend commented that he wanted to get all of their star numbers, a clear and specific request was not made to each named officer and star numbers of some of the named officers had already been provided at the time of this request. The complainant and his friend had been drinking rendering the situation somewhat ambiguous.

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SUMMARY OF ALLEGATIONS #2-6: (Continued)

The evidence does not show an intentional or willful failure to provide names or star numbers.

The evidence proves that the underlying events occurred; however, given the totality of the circumstances, the conduct does not rise to the level of misconduct. The conduct was justified, lawful and proper.

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated the named officer illegally detained his client. The complainant stated the named officer alleged that he recognized the complainant's client as an individual who had a stay away order, yet when the named officer stopped and handcuffed the complainant's client, the named officer had to flip through a book of photos to identify the complainant's client.

The named officer, a Field Training Officer, stated he had previous contacts with the complainant's client and that the complainant's client was known to him. He initially saw the complainant's client while on his way to another call. When he returned to the location, the complainant's client was still in the area, in violation of a stay-away order. The named officer was aware of the complainant's client's stay-away order because the named officer ran stay away orders weekly and he ran it before the incident. To stay current on what was happening in his sector, the named officer kept identification cards of individuals with current stay away orders. Upon detaining the complainant's client, the named officer handed the complainant's client's identification card to his partner, a recruit, to verify the stay away order with dispatch.

The named officer's partner was in his first phase of the Field Training Program and was supervised by the named officer. The named officer's partner is no longer employed by SFPD.

Body-worn camera footage and department records confirmed that the named officer had reasonable suspicion to detain the complainant's client.

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

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

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SUMMARY OF ALLEGATION #2: The officer arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer arrested his client without probable cause.

The named officer stated he had probable cause to arrest the complainant's client because the complainant's client was in violation of a stay away order.

Body-worn camera footage and court records confirmed that the named officer had probable cause to arrest the complainant's client.

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

SUMMARY OF ALLEGATION #3: The officer searched a person without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer illegally searched his client and removed money from him.

The named officer denied the allegation, stating he did not search the complainant's client. He explained that when he handcuffed the complainant's client, the complainant's client had cash in his hand. The cash was in plain view, and therefore was not discovered as the result of a search.

Body-worn camera footage corroborated the named officer's statement. The named officer did not search the complainant's client. The named officer saw cash in the complainant's client's hand and told the complainant's client to hand him the cash before placing the complainant's client in handcuffs. The named officer's partner searched the complainant's client incident to arrest.

The evidence proves that the conduct alleged did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the named officer treated his client with disrespect when he told his partner, “and then we bring our prize home,” which inculcated a dangerous and toxic mentality in his partner, a recruit, to believe that it was acceptable behavior.

The named officer stated his partner was fresh out of the Police Academy and the incident occurred on his seventh day on the street. He stated that his partner had confidence issues and that his job as a Field Training Officer was to help his partner step out of himself and be assertive in police work. He stated that prior to the incident, his partner had a mishap and had the belief that he was going to get fired, although that was not the case. Also, they had a previous detention which did not result in an arrest and he stated that making an arrest in the first phase of field training was a big deal. He stated that his partner arresting the complainant’s client was therefore a big deal. The named officer made the comment to his partner in hopes of boosting his spirits. He stated that the “prize” was the arrest, a win, for his partner. He stated the “prize” was not a person. He further stated that for the sake of no ambiguity regarding the comment, if he could, he would have used a different word. He stated the complainant’s client and arrested persons deserve respect.

The named officer’s partner is no longer employed by SFPD.

Body-worn camera footage showed that the comment was made when the complainant’s client was placed in the patrol car. The named officer’s partner did not respond to the comment. It did not appear that the comment was meant for the complainant’s client to hear.

Department records confirmed that the named officer’s partner had a mishap and that he had confidence issues.

DPA believes the comment made by the named officer was problematic and that words matter; however, based on the totality of circumstances, there was insufficient evidence to either prove or disprove the named officer’s intent in making the comment without interviewing his partner. Thus, DPA cannot prove by a preponderance of the evidence that the comment rose to the level of misconduct.

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SUMMARY OF ALLEGATION #5: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated that the named officer had obvious bias against his client, because he made several comments based on assumption and disrespect. For example, the named officer said, “he probably sold a ten shot to the guy in the wheelchair” and “just can’t stop selling drugs can’t we. Can’t stop selling drugs.”

The named officer denied the allegation, stating that his comments were based on his history with the complainant’s client and the amount of money that was in the complainant’s hand. The named officer reiterated that he absolutely did not detain the complainant’s client because of his race. He did not have the opportunity to speak with the man in the wheelchair because he left the scene, thus he could not say that he saw the complainant’s client selling drugs. He stated that he was lecturing the complainant’s client because of his repeated arrests and detentions.

The body-worn camera footage documented that complainant’s client was in violation of a stay-away order. The footage also showed a man in a wheelchair leaving the scene as the officers stopped the patrol car to get out.

The named officer was familiar with the complainant’s client and had current information on individuals with stay-away orders in his sector. Although there are no rules against officers lecturing detained or arrested individuals, DPA hopes that the named officer engages in more helpful dialogue in the future.

The evidence proves that the conduct alleged did not occur.

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DATE OF COMPLAINT: 01/28/20 **DATE OF COMPLETION:** 10/23/20 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #6: The officer prepared an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the veracity of the report was undermined when the named officer's partner told him what to write in the report. Additionally, the body-worn camera footage did not support all the incident report's narrative.

The named officer a Recruit was in his First Phase of the Field Training Program and was supervised by his partner.

The named officer's partner stated he did not tell the named officer what to write in the report. However, he stated that as a Field Training Officer he provided guidance as to what elements needed to be included in the report. He stated the second paragraph of the report contained the reasonable suspicion for the detention. Furthermore, he was unaware of a requirement that the incident report had to be in sync with what was captured on the body-worn camera footage. He stated that the report was a synopsis and should be accurate to the best of the officer's ability and memory. He informed the named officer that the complainant's client was a known drug dealer. However, he did not tell him to include that information in the report. He did believe it was appropriate, as it related to the basis for the stay-away order.

The SFPD Field Training Manual states that it is the responsibility of the FTO to thoroughly review the training guide materials with the new officer and to demonstrate proper patrol procedures. Additionally, new officers are required to perform various law enforcement duties under the guidance and supervision of his/her assigned FTO.

DPA determined that there was no requirement that the body-worn camera footage must be completely in line with the incident report. Also, the accuracy of the report was not undermined by inclusion or information or facts not captured by the body-worn camera footage.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #7: The officer failed to comply with DB 18-256 Activation of Body-worn cameras.

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

FINDINGS OF FACT: The complainant stated that the body-worn camera did not capture when the officer recognized his client and yelled his client's name.

The named officer stated that Department Bulletin 18-256, Activation of Body-worn cameras (BWC), did not apply during that time. He stated that during that incident the requirement was to activate the body-worn camera once at the scene. Also, the named officer stated he did not detain the complainant's client when he yelled out his name. He recognized the complainant's client as he was driving to another incident.

Department records showed that the incident occurred before Department Bulletin 18-256 Activation of Body-worn cameras was issued. Also records indicated the named officer was in the area for another incident, prior to detaining the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/20 DATE OF COMPLETION: 10/23/20 PAGE# 1 of 6

SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary or excessive force.

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

FINDINGS OF FACT: The complainant had a dispute with her neighbor, who then called the police. The complainant stated that the responding officers immediately restrained her, tackled her, and slammed her to the ground.

Department records reflect that officers responded to a priority “A” call for service regarding a person with a knife. The records indicate that the complainant’s neighbor told dispatch that the complainant had threatened her with a black switchblade, and that the complainant and her daughter had tried to jump her.

The named officers stated that upon arriving at the scene they spoke with the reporting party, who positively identified the complainant as the suspect in the matter. The officers stated that as they approached the complainant to confirm her identity, she began to back away from them. The officers stated that because the nature of the call involved a person with a knife involved in a physical altercation, they recognized the complainant’s actions as dangerous and attempting to delay arrest. The officers therefore immediately restrained and controlled her. One of the named officers stated that because he was unsure where the complainant had her knife, he believed it necessary to physically control her by grabbing her arm. The named officers stated that the complainant resisted arrest by tensing her arm, pulling away, and actively resisting.

The officers denied “slamming” or “tackling” the complainant. Rather, they stated that the complainant let her upper body weight to drop to the ground, forcing two of the officers to force her to the ground so the other officers could handcuff her. Once handcuffed, the officers stated that they stood her back up without further incident. The officers stated that their actions in restraining and handcuffing the complainant were in compliance with Department General Order 5.01, Use of Force.

Body-worn camera footage confirms the officers’ account. The officers spoke with the reporting party, who informed them that the complainant brandished a knife and threatened her. The reporting party also described the knife. Body worn-camera footage shows that the officers approached the complainant in an attempt to confirm her identity. The complainant immediately stepped back and appeared to tense up. Two of the officers grabbed her arm and the officers all then assisted in taking her to the ground, where they handcuffed the complainant. They then help the complainant to her feet without further incident.

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

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SUMMARY OF ALLEGATION #5: The officer made an arrest without cause.

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

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

The named officer stated that the reporting party informed him that the complainant brandished a knife and threatened her, saying “I will kill you.” The named officer stated that the knife in question was later located inside the complainant’s backpack. Based on these statements and the victim’s positive identification of the both the complainant and the switchblade knife, the officer stated he had probable cause to believe that the complainant had committed a crime.

Body worn-camera footage reflects that the reporting party informed the officer that the complainant brandished a knife and threatened to kill her. The footage also depicted the knife, which was positively identified by the reporting party, being located inside the complainant’s backpack.

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

SUMMARY OF ALLEGATION #6: The officer failed to Mirandize.

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

FINDINGS OF FACT: The complainant stated that during the course of her arrest, officers failed to read her Miranda rights.

The named officer stated that he was not required to Mirandize the complainant as he did not question her regarding her involvement in the incident while she was under arrest.

Body-worn camera footage also reflected that the complainant was not entitled to Miranda warnings. The footage showed that the named officer did not ask the complainant any questions regarding the incident while she was in his custody. While transporting the complainant to the patrol car, the complainant asked the transporting officers if she could tell them her side of the story. The officer responded, saying that she would have the chance to speak with someone at the station regarding the incident. Moreover, the footage shows that the complainant told the named officer that she did not like speaking to police. The officer responded that she was not required to, and no questioning regarding the incident took place.

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Pursuant to the Fifth Amendment of the United States Constitution, police officers must advise suspects of their Miranda rights prior to the start of a “custodial interrogation.” Custodial interrogation occurs when a suspect is both in police custody, and under interrogation.

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

SUMMARY OF ALLEGATION #7: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that the officers improperly searched her backpack.

The named officer stated that he lawfully searched the complainant’s backpack for the following reasons: (1) a search incident to a lawful arrest prior to transporting her to the district station; (2) consistent with his academy training, he conducted a transportation search of her belongings because she and her property were now his responsibility for safekeeping; and (3) it is illegal to bring contraband, weapons, or illegal substances into a police facility or county jail.

As stated above, the arrest was proper, and therefore the officer was within his rights to conduct a search of her backpack incident to a lawful arrest. Additionally, department policy also authorizes officers to conduct a transportation search of a suspect and their belongings, for the reasons stated above by the officer.

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

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SUMMARY OF ALLEGATION #8: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that she repeatedly told the officers that she had water in her lungs and was having an asthma attack; however, the officers failed to provide her with medical treatment.

The named officer stated that he did not recall her repeating the statement numerous times. He did recall that, while transporting her to the district station, the complainant informed him she recently smoked a blunt and requested to smoke more marijuana.

Body-worn camera footage showed the complainant stating that she had water in her lungs and was having an asthma attack. However, the complainant's demeanor and behavior belie her claim of a medical emergency. The footage showed the complainant laughing and engaging in conversation with the officers.

The complainant stated that she sought medical treatment for an "exacerbation" of asthma after the incident; however, despite repeated requests, she failed to provide any medical documentation to support her claim.

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

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SUMMARY OF ALLEGATIONS #9-10: The officers behaved or spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officers laughed at her and made inappropriate comments regarding the contents of her purse. She stated that the officers made comments regarding her sanitary products and remarked on a potent smell coming from her purse. Additionally, the complainant stated that when she asked questions regarding the validity of her arrest, an officer responded by stating “shut up and sit back there,” and proceeded to take her to the station.

Both named officers denied making fun of the complainant and denied behaving inappropriately during their interaction with the complainant. The officers stated that they did not make jokes or otherwise laugh at the complainant. Named officer #1 does recall that when he opened her backpack, a very strong odor emanated from it, causing him to say, “It stinks.” During the transport, he inquired of the complainant why there was such a strong odor coming from her backpack and asked whether it was perfume. The officer stated that he did not believe such an interaction was inappropriate as he was merely stating an observation and a reaction to a strong odor.

Neither officer recalled anyone telling the complainant to “shut up and sit back there.”

Body-worn camera footage reflected that the officers behaved appropriately. Body-worn camera footage showed that while one of the officers did make a comment regarding the smell from the complainant’s bag, neither officer was rude or made fun of the complainant. The officers were merely inquiring about the source of the potent odor.

Additionally, body-worn camera footage confirmed that the officers did not tell the complainant to “shut up and sit back there.”

The evidence proves that the alleged conduct did not occur.

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SUMMARY OF ALLEGATIONS #11-14: The officers failed to provide his or her star number.

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

FINDINGS OF FACT: The complainant stated that she requested the officers' names and star numbers, but the officers failed to provide the information and told her she did not need it.

Three of the four named officers stated that they do not recall the complainant asking for their name and or star number. However, named officer #4 stated that the complainant did ask him his name and he responded appropriately.

Body-worn camera footage captures that the complainant only asked two of the four officers for their names, and each officer responded appropriately.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/20 DATE OF COMPLETION: 10/03/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer had been harassing her elderly landlord/roommate to convince him to evict her boyfriend and her from the residence without cause.

The named officer stated that the landlord had reached out to her expressing fear for his safety at the residence. She met with him a number of times and informed him of steps he could take to help ensure his safety.

The DPA obtained a copy of a related incident report. The report stated that the landlord did not feel safe in his home due to the complainant's boyfriend's and his friends' intimidating and threatening behavior. The incident report was forwarded for investigation.

A witness, who works at the San Francisco Department of Aging and Adult Services as an Adult Protective Services worker, stated she and the named officer met and worked closely with the landlord for a number of months because he expressed fear of the residents in his home. The witness stated that both she and the named officer informed the landlord of steps he could take to help ensure his safety.

No other witnesses came forward.

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

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DATE OF COMPLAINT: 02/24/20 DATE OF COMPLETION: 10/20/20 PAGE# 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that she was on the street near a hotel waiting for the public transportation system to re-open when two plainclothes officers detained her as a suspected prostitute. The complainant denied engaging in such activity.

The named officers stated they were patrolling the area with an emphasis on prostitution as a part of the Department's Human Trafficking Abatement Unit. The area is known for prostitution-related criminal behavior. The officers elaborated that on the night in question, a convention took place with event guests lodging in the surrounding hotels, including the one by which complainant was loitering. The officers believed that prostitutes target such events because attendees tend to hire prostitutes. Both named officers further stated that they have personally made numerous arrests for prostitution related offenses and are familiar with common behavior and mannerisms amongst working prostitutes. They stated the complainant's behavior was consistent with that of a working prostitute, and her attire was not suitable for the weather conditions, but rather for prostitution. They also observed her walking aimlessly in the area throughout their shift.

While Department policy states that factors such as dress alone do not justify even a brief detention for solicitation, the named officers stated that the complainant's attire was not sole the factor in their decision to detain the complainant, but rather was considered in addition to the factors mentioned above.

Neither surveillance footage nor body-worn camera footage exists. Department policy does not require body-worn cameras for plain-clothed officers.

The named officers articulated specific facts that reasonably support their decision to approach and detain the complainant to investigate further.

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

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DATE OF COMPLAINT: 02/24/20 **DATE OF COMPLETION:** 10/20/20 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officers harassed and intimidated her. She stated that the named officers hovered over her and made sarcastic and rude comments.

Named officer #1 stated that neither he or his partner harassed, physically intimidated, or otherwise behaved inappropriately towards the complainant. Named officer #2 stated that while he recalled informing the complainant that she appeared to be loitering for the purpose of prostitution and asked her whether she had been previously arrested for solicitation, he did not consider this to be name calling or harassing. Named officer #2 pointed at that he and his partner never used force, physical restraint techniques, or handcuffs on the complainant.

Plain clothes officers are not required to use body-worn cameras. Therefore, no footage of the incident exists, and there is insufficient evidence to determine whether the officers engaged in inappropriate conduct.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer took pictures of her over her objections and without consent.

The named officer confirmed taking a photo of the complainant to document her attire and book the photo into evidence as authorized by Department Bulletin 17-150 which states, "A photograph may be taken without a person's consent when a member has reasonable suspicion to believe that a crime related activity has taken place, or is taking place and the person he or she intends to photograph is a suspect in that crime."

As mentioned above, the named officer had reasonable suspicion to believe that a crime took place and was therefore authorized to take her picture without consent. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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DATE OF COMPLAINT: 02/24/20 **DATE OF COMPLETION:** 10/20/20 **PAGE# 3 of 4**
SUMMARY OF ALLEGATIONS #6-7: The officers knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated the officers targeted her and engaged in racial profiling.

The named officers stated that race did not play a factor in the detention of the complainant. The named officers stated that the reasons mentioned above were the basis of the detention.

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

SUMMARY OF ALLEGATION #8: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the officers issued her a citation without cause because she was not engaging in prostitution-related activity.

Department records reflect that the named officer issued the complainant a citation for loitering with the purpose of prostitution in violation of 653.22(a) PC.

The named officer confirmed he issued the citation.

In addition to the circumstances enumerated above, the named officers stated that the complainant also informed them that she had previously been arrested for prostitution-related offenses. Based on all these factors, as well as his training and experience, the named officer had probable cause to cite complainant for loitering for the purpose of prostitution in violation of 653.22(a) PC.

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

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SUMMARY OF ALLEGATIONS #9-10: The officers failed to provide his or her name or star number.

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

FINDINGS OF FACT: The complainant stated the named officers failed to provide her with their names and star numbers.

Both named officers stated that they do not recall the complainant asking for such information, and that in general, they are more than willing to provide such information to those who ask. They also stated that their star numbers were on display, and in plain view on their outer garments. Named officer #1 pointed out that the citation he issued to complainant contained both his signature and star number.

No video footage exists for reasons explained above.

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

SUMMARY OF DPA-ADDED ALLEGATIONS #1-2: The officers failed to activate their body-worn camera as required.

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

FINDINGS OF FACT: The named uniformed officers responded to the scene but did not activate their body-worn cameras.

Both named officers confirmed that they responded to the scene without activating their body-worn cameras, but explained that they were not required to do so because they were merely responding at the request of the primary investigating officer to provide him an inkpad. They emphasized that they were not responding to a call for service, did not participate in self-initiated activity, instances where Department Bulletin 18-256 requires body-worn camera activation.

Department records confirm that the primary officers broadcast a radio request for an inkpad, and the named officers responded to the scene for the sole purpose of providing it to allow the primary officers to complete the issuance of the citation.

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

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DATE OF COMPLAINT: 03/03/20 DATE OF COMPLETION: 10/16/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant called the police to report that his neighbor was harassing him by stomping on the floor. The complainant stated that the named officer obtained a statement from the complainant's neighbor, while the named officer's partner obtained a statement from the complainant. However, after the named officer spoke to his neighbor, and without talking to the complainant, the named officer concluded that no crime occurred.

San Francisco Police Code section 2901.11 states that it is unlawful for any person without justification to make or continue, or cause or permit to be made or continued, any unnecessary, excessive, or offensive noise, and including vocal or instrumental music and related sounds, whether live or reproduced mechanically by radio, television, stereo or otherwise, and which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance of any reasonable person of normal sensitivity residing or working in the area.

However, in general, the noise regulation excludes noise issues such as barking dogs, people talking loudly in front of your home or business, car alarms, holiday parties, and minor home improvement projects during the day until they become unreasonable or they occur between the hours of 10 pm to 7am. The Regulation operates based on the reasonable person rule.

Body-worn camera (BWC) footage showed that the named officer conducted a thorough investigation and determined that the complainant's neighbor did not violate the noise regulation. He also attempted to resolve the dispute by providing the complainant alternative solutions. However, the complainant was not receptive.

The evidence proves that the named officer's actions were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #2: The officer knowingly engaged in bias policing due to race.

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

FINDINGS OF FACT: The complainant stated that he felt like the named officer threatened and attacked him, because he is an African American man. However, the complainant was not sure if that was the reason.

The named officer's body-worn camera footage contradicted the complainant's statement. The named officer attempted to engage the complainant in a courteous conversation about the noise complaint; however, the complainant was irritated with the named officer. The named officer remained calm and patient with the complainant and tried to offer some alternative actions to the complainant.

The evidence proves that the alleged conduct did not occur.

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DATE OF COMPLAINT: 03/03/20 DATE OF COMPLETION: 10/28/20 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 that he recognized a subject he had seen before and greeted him, at which time the subject took the complainant's suitcase and walked away with it. The complainant called 911 to report the incident and, while on the phone, saw a patrol vehicle, flagged it down, informed the named officers what had happened, and pointed out the subject who had taken his suitcase. The named officers contacted the subject and the complainant returned to his prior location as he had left a second bag there. The complainant stated that the named officers retrieved the suitcase from the subject and returned it to him. He told the officers he wanted the subject arrested or cited and the officers told him that they released him. The complainant stated that the officers asked him to sign a document but did not tell him why and did not provide him with a copy of the document upon request.

The first named officer stated that she and the second named officer were in a patrol vehicle when the complainant flagged them down and stated that a subject had stolen his suitcase. The complainant pointed out the subject and the first named officer approached the subject while he was removing items from a suitcase. The subject claimed that the suitcase belonged to him and that the complainant had previously stolen it. The subject was not able to identify the contents of the suitcase, so the first named officer returned the suitcase to the complainant who identified its contents, including paperwork that included his identification. The first named officer stated that the complainant showed signs of intoxication and informed her he had been drinking. She was not able to determine whether a crime had been committed related to the complainant's report, and did not issue the subject a citation for a variety of reasons: she was unable to locate independent witnesses; the complainant was intoxicated and she could not determine whether he was credible; the complainant and suspect appeared to know each other previously, and the complainant and suspect had conflicting information. She stated that she accepted a citizen's arrest from the complainant, provided him with a citizen's arrest form to sign, told him what the form was, and later documented the incident in a report. The first named officer stated that she was not required to provide a copy of the citizen's arrest form to the complainant as a citation was not issued during this incident.

The second named officer stated that he was partnered with the first named officer during this incident. The complainant flagged them down, stated that someone had stolen his bag, provided a description of the subject, and pointed in the direction he had gone. The first named officer was the investigating officer during this incident. The second named officer detained the subject and later released him from the scene after the first named officer advised him to do so. He was unaware of a citizen's arrest being requested or issued during this incident.

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SUMMARY OF ALLEGATIONS #1-2: (Continued)

Department records showed a call regarding a subject taking the reporting party's luggage. The named officers were flagged down by the complainant; the complainant informed them that a subject had taken his suitcase; the complainant pointed out the subject, and the named officers detained the subject. Department records also showed that the subject stated that the complainant had stolen the suitcase from him and that the complainant appeared intoxicated. The first named officer accepted a citizen's arrest from the complainant and documented the encounter in a report.

Body-worn camera footage showed that the named officers detained the subject who stated that the complainant had previously stolen the suitcase from him. The subject was unable to name the correct brand of suitcase while the complainant identified the suitcase contents. The first named officer returned the suitcase to the complainant. The subject was released from the scene and the named officers informed the complainant that there were conflicting stories between him and the subject. The first named officer accepted a citizen's arrest from the complainant. Body-worn camera footage showed the complainant was provided a citizen's arrest form to sign, was informed that he needed to sign the form for the citizen's arrest, and he signed the form.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer accused him of being drunk.

The named officer stated that the complainant was intoxicated and had been drinking. She stated that the complainant's eyes were blurry, and he smelled of alcohol. Her observation was that he was drunk.

A witness officer stated that he did not recall the complainant's demeanor during this incident.

Department records showed that the named officer reported that the complainant appeared intoxicated as his eyes were watery, his speech slurry, and the smell of alcohol was present on his breath.

Body-worn camera footage showed the named officer ask the complainant whether he was drunk, and the complainant deny this characterization. The footage captured the named officer ask the complainant whether he had any alcohol that day, but the complainant's response to this inquiry was inaudible. The

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SUMMARY OF ALLEGATIONS #3: (Continued)

footage showed the named officer saying a few times that the complainant was drunk and once saying that he told her that he had been drinking.

The evidence proves that the alleged conduct occurred; however, the conduct does not rise to the level of misconduct. The conduct was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 03/04/20 DATE OF COMPLETION: 10/23/20 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UF FINDING: IE DEPT. ACTION:

FINDINGS OF FACT: The complainant, a rideshare driver, stated after dropping a customer off at the airport, the named officer stopped him for making an illegal U-Turn. The complainant acknowledged that he made a U-turn, however he did not see the posted No U-Turn sign. When the named officer approached the complainant's vehicle, he had the driver's side window rolled down and the vehicle visor was down. He stated the named officer punched the visor, which hit the complainant in the face/head. The complainant stated that he had a pre-existing neck injury, chronic back pain, and had been under the care of a chiropractor with great improvement. He stated that after the incident his pain returned which he attributed to the named officer pushing his vehicle visor with force which contacted his face/head.

The named officer denied the allegation, stating he did not push the complainant's visor or have any physical contact with the complainant. The named officer stated that the incident occurred during the heightened alert of the coronavirus and he would not have touched anything inside anyone's car.

There was no body-worn camera footage. The complainant did not respond to several request for additional evidence and he lacked credibility.

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

SUMMARY OF ALLEGATION #2: The officer engaged in an unwarranted action.

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

FINDINGS OF FACT: The complainant stated he was concerned and upset that the named officer wrote on the top of his citation "Recommend Deactivation!" The complainant stated that driving was his livelihood, and he believed the named officer attempted to deactivate his airport privileges because he was angry with the complainant. The complainant acknowledged that he did not have his driver's license and that he did not have trade dress and a placard displayed because he did not work at the airport as other rideshare drivers did. Only on occasion did the complainant drop off or pick up customers at the airport.

The named officer stated he was driving behind the complainant when the complainant made the illegal U-Turn. He recommended deactivation of the complainant's airport privileges because after the complainant made an illegal U-turn, his angry behavior was a sign of road rage; he had no driver's license;

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SUMMARY OF ALLEGATION #2: (Continued)

and he had no trade dress and placard. He stated the incident was not personal. He stated that he did not issue the complainant a traffic citation that would affect his driving record. He issued the complainant an airport administrative citation.

The citation showed that the complainant was cited for making an illegal U-Turn and no trade dress and placard. In the comments section of the citation, the named officer wrote the justification for the citation. At the top of the citation, he wrote "Recommend Deactivation!"

Based on the complainant's own admissions, the named officer was justified in recommending deactivation.

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

SUMMARY OF ALLEGATION #3: The officer's discourteous act was related to the complainant's race.

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

FINDINGS OF FACT: The complainant believed that the named officer's aggression was racially motivated. He believed the aggression began after the officer saw his face.

The named officer denied the allegation, stating his demeanor was normal. He stated that he was not mad at the complainant and that the complainant's race had nothing to do with the stop or citation. He stated initially the complainant's demeanor was calm, but then the complainant became angry, yelled, and called the named officer a racist.

There were no witnesses identified. There was no body worn camera footage.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/20 DATE OF COMPLETION: 10/23/20 PAGE# 3 of 3

SUMMARY OF DPA ADDED ALLEGATION #1: The officer failed to comply with DB 18-105 and DB 18-247 Stop Data Collection System (SDCS) Implementation.

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

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

The named officer stated that he entered the stop data for this traffic stop and was able to locate it on the report; however, he mistakenly entered the complainant's race as Asian instead of Hispanic and the location of the violation he entered was where he stopped the complainant instead of where the violation occurred. He stated that he made his stop data entries using his cell phone after every incident, because he did not like to save the entries for the end of the day. He stated the entries on the cell phone app was small and could see how he could have made the race entry mistake.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/2020 DATE OF COMPLETION: PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he and the named officer had a verbal confrontation at a coffee shop. The complainant did not commit a crime and thought the interaction was over when the officer walked away. Prior to exiting the coffee shop, the named officer took a picture of the complainant with his cellphone. The complainant recorded a part of the interaction on his cellphone.

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

The identity of the alleged officer could not be established.

DPA contacted the coffee shop regarding security camera footage, but the footage was unavailable. DPA requested a copy of the complainant's cellphone footage, but he did not respond to our request.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/20 DATE OF COMPLETION: 10/13/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant, a senior, stated that officers frequently order him and other seniors playing checkers in the children's park area to leave. The complainant stated that the officers discriminated against him because of his age. The complainant could not provide specific dates, times, or descriptions of the officers.

The Children's Park is a gated area with posted signage that states that all adults in that area must be with a child.

San Francisco Park Code 3.02, Signs to be Posted, states that no person shall willfully disobey the notices, prohibitions or directions on any signs posted by the Recreation and Park Commission or the Recreation and Park Department.

San Francisco Police Department and Park Rangers patrol the park.

An officer identification poll was sent to the district police station where the incident occurred. The poll came back with negative results. The identity of the alleged officer could not be established.

San Francisco Recreation and Parks Department stated that they frequently have adults exercising and using the children's play structures as work out devices, when they do not have children with them, so the signs were posted in order to prevent this and ensure the parents feel safe with their children in the play area. Typically, Park Rangers use their discretion when enforcing Park Code 3.02 and if there are no children in the children specific area, they do not enforce it, as the spirit of the law is to keep the children safe.

The complainant was not cited. He was ordered to leave the children's park because he was in violation of Park Code 3.02. The evidence proves that the officers did not engage in biased policing or discrimination.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant, a business owner, complained that a homeless encampment close to the entrance of his business was deterring customers. The complainant called the police several times over 24 hours to request assistance, but no officers responded.

Department documents confirmed that the complainant called the police multiple times about the homeless encampment, but the call was assigned “C” priority, the lowest level for service calls. The call was finally serviced the following day.

The named officer stated that he was not on duty until the day after the initial call was received. He stated that, while on a nearby call, he received a notification from the dispatcher at the Healthy Streets Operation Center (“HSOC”) regarding the encampment. The officer stated that, because homelessness is a social issue, the Department takes an outreach approach prior to any enforcement action. For this reason, the call was diverted from the district station to HSOC. Although he responded at HSOC’s request, he could not recall whether he conducted any enforcement actions.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/20 DATE OF COMPLETION: 10/16/20 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers prepared an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated he was involved in a traffic collision. He was riding a motorized scooter when the car behind tried to go around him by driving into the center double-yellow lines. The complainant moved to the right side of the lane to allow the car to pass. Suddenly, his scooter stopped, and he went over the handlebars and landed on his face. He subsequently received the San Francisco Police Department (SFPD) Traffic Collision Report (incident report) which concluded that he was the party most at fault. The complainant stated that the conclusion was inaccurate.

Named Officer #1 drafted the narrative of the incident report. He stated that the complainant told him the car behind him tried to go around him. The car crossed the double-yellow lines, into a lane of oncoming traffic, and hit him on his left side. Named Officer #1 stated that other SFPD officers on scene relayed other party and witness statements to him. Named Officer #2 interviewed an independent witness on scene. The witness had a clear view because he was in the oncoming lane of traffic when the collision occurred. The witness stated he saw the complainant lane splitting. He saw the car involved driving straight in its lane, without ever veering. Named Officer #2 drafted a diagram of the accident based on the independent witness' statement and the paint transfer on the back-passenger door of the car. Named Officer #1 concluded the complainant was the primary party at fault for the accident. He relied on the parties' and witnesses' statements and California Vehicle Code (CVC) §§21658 and 21228.

The incident report documented the statements made by the complainant, the other party, two independent witnesses, and the physical evidence on the car and scooter. The diagram shows that the complainant split the two northbound lanes and struck the back-passenger side of the car. Named Officer #1 concluded that the complainant was traveling northbound, did not maintain his lane of traffic, veered into the car also traveling northbound, and the impact caused him to fall to the ground.

SFPD Body Worn Camera (BWC) footage captured the officers speaking with the complainant, other party, witnesses, and to each other. The footage confirmed the accuracy of the incident report.

The SFPD Report Writing Manual states, "The narrative must describe the facts surrounding an incident, and answer the questions: who, what, when, where, how, and why ... An accurate and comprehensive narrative must, as applicable ... Describe the nature and details of the incident ... Identify all involved

persons and describe their actions prior to, during, and after the incident ... Include any statement or unsolicited comment of potential evidentiary value."

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/20 DATE OF COMPLETION: 10/16/20 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #1-2: (Continued)

The POST Basic Course Workbook states a “factual report provides an objective accounting of the relevant facts related to the event or incident under investigation.” A clear report should have, “no doubt or confusion on what the investigating officer is reporting...Clarity is achieved by the use of appropriate language and logical order.” Appropriate language is “simple, common language.” A concise report, “should be brief yet, contain all relevant information the users will need to do their jobs.”

CVC §21658 states, in relevant part:

Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

- (a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety

CVC §21228 states, in relevant part:

Any person operating a motorized scooter upon a highway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or right edge of the roadway.

The BWC footage of the officers’ investigation shows that the incident report is a comprehensive and accurate summary of the information collected at the scene. The officer’s conclusion that the complainant did not maintain his lane of traffic was reasonable based on the information they collected at the scene.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/20 DATE OF COMPLETION: 10/16/20 PAGE# 3 of 3

SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to activate a body-worn camera as required.

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

FINDINGS OF FACT: While investigating this incident, the DPA learned Named Officer #2 activated his BWC after he had already begun interviewing a witness.

The named officer stated he had attempted to activate his BWC when he first arrived. He was on scene for approximately two minutes before he realized his BWC was not activated. Once he realized the BWC had not been activated, he activated the camera and had the witness repeat the information.

The named officer's BWC footage captured him speaking with a witness prior to activation during the camera's 30-second "buffer zone." After activating his BWC, the officer returned to the witness, who provided all relevant information about the accident. The BWC footage did not capture the officer asking the witness to repeat himself.

SFPD Department General Order 10.11, Body Worn Camera, states, in part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances...Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim... In any situation when the recording would be valuable for evidentiary purposes..."

The named officer stated he attempted to activate his BWC in a timely manner. Once he realized he had not activated it, he did so, and had the witness repeat the information. While there is no evidence to support that he attempted to activate his BWC when he first arrived at the scene or that he asked the witness to repeat himself, ultimately, he was able to capture the witness' entire version of events.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/20 **DATE OF COMPLETION:** 10/30/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer conducted an improper seizure.

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

FINDINGS OF FACT: The complainant stated that he was arrested, and his property was seized. He stated that upon release from police custody, he did not receive his property.

Department records indicated that the complainant's property was seized as part of an investigation into a robbery and domestic violence incident. There was a dispute regarding the ownership of the property, which resulted in the property being seized and booked as evidence. The named officer investigated that incident and determined that the property belonged to the complainant. The property was eventually returned to the complainant.

Department General Order 6.15 states in part that property may be returned to its owner if it is not contraband and cannot be connected to a crime. Additionally, the decision to release the property must be based on the facts in the case, the advice of the Investigations Bureau, the jeopardy to prosecution, and the real and urgent need of the owner.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/20 **DATE OF COMPLETION:** 10/16/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he contacted the named officer to ask a question regarding a parking citation issued to him by an officer at another location. The named officer initially yelled at the complainant to stay back and barely rolled his window down to speak to the complainant. The named officer subsequently rolled down the window more and accused the complainant of spitting on him. The named officer yelled at the complainant again to step back and then the named officer fully rolled up the window. The complainant acknowledged that he was not wearing a mask.

The named officer stated the incident occurred during the early stages of the pandemic. He stated he rolled his window down so that he could hear what the complainant had to say, but due to the fact the complainant was speaking angrily and not wearing a mask, he asked the complainant to step back. However, the complainant was so upset he kept moving closer to the named officer as he continued to speak. The named officer reminded the complainant that he could speak from a distance and still be heard from 6 feet away. The named officer stated the complainant was so upset he did not realize he was walking closer as he talked to him. The named officer stated that after his second request for the complainant to socially distance himself, the complainant became irate and continued to yell and walk closer to the patrol vehicle. The complainant could not control his movements while speaking, so the named officer rolled his window halfway up. The named officer stated the complainant continued to yell about the parking enforcement officer and saliva came from his mouth mid-speech. The complainant's saliva landed in the officer's right eye. The named officer told the complainant that he spit in his eye and the complainant immediately apologized, stepped back, and walked away.

The named officer's partner stated the complainant approached their patrol vehicle, so the named officer rolled down his window and told the complainant to back up so they could speak to each other. The complainant was standing within one foot of the passenger side window, did not have a face mask, and was obviously agitated and angry. The complainant spoke ill of a parking enforcement officer who issued him a parking ticket. The complainant appeared agitated to the point that he did not listen to the named officer's instructions to take a step back, let alone, a few feet back. The complainant was agitated to the point that he was not listening and wanted to yell and blame them for the actions of a parking enforcement officer. During the conversation between the named officer and the complainant, the complainant accidentally spit at the named officer's face or eye. He corroborated that the named officer told the complainant to step back because he spit in his face.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/20 DATE OF COMPLETION: 10/16/20 PAGE# 2 of 2

SUMMARY OF ALLEGATION #1: (Continued)

There was no body-worn camera footage for this incident.

The complainant made inconsistent statements.

Due to the heightened alert for COVID-19 and the preventive measures such as social distancing and wearing a mask, and the fact the complainant was not reporting a crime, the named officer's reaction was reasonable and did not rise to the level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/20 **DATE OF COMPLETION:** 10/07/20 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant said she was driving home when the named officer pulled her over. The officer told her she did not make a complete stop, which she said she did. She also complained that the officer did not stop her at the exact location, but a few stops after.

The named officer said he initiated the traffic stop because he saw the complainant's vehicle fail to stop at a posted stop sign, violating California Vehicle Code (CVC) 22450(a).

Body-worn camera footage showed that the named officer's patrol vehicle initially stationary before following a vehicle immediately after the camera started. About 25 seconds later, the patrol car stopped, and the officer walked out of the vehicle to the complainant's vehicle.

The evidence gathered proves that the named officer had reasonable suspicion to detain the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated the officer had an unfriendly tone of voice and kept arguing with her and treated her like a criminal. The officer also told her that she was wasting his time. She said the officer then asked her to sign the citation and threatened her numerous times that he would put her to jail if she did not sign it.

The named officer confirmed speaking with the complainant to inform her about the reason for the stop. He requested the complainant to sign the citation approximately ten times, and the complainant still refused to sign the citation. He admitted telling the complainant that she was wasting his time. He stated he explained the citation process to her both in English and via a translator. However, the complainant

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/20 DATE OF COMPLETION: 10/07/20 PAGE# 2 of 4

SUMMARY OF ALLEGATION #2 (Continued)

continued to ask the same questions to delay his law enforcement duties. He said the traffic stop was a 27-minute long stop compared to his typical 3 to 5-minute traffic stop.

Department records did not record the conversation between the complainant and the officer, but it did capture that the traffic stop lasted almost half an hour.

Body-worn camera footage captured the officer explaining to the complainant that he was citing her for not stopping at a stop sign. The complainant explained that she did stop at the stop sign, and the officer said she could dispute it in court. The complainant then refused to sign the citation, and the officer explained to her that signing the citation does not mean admission to guilt, and not signing the ticket means that she wants to see the judge now. The complainant continued and said she did not understand him and asked for a Cantonese translator. The officer then called for an interpreter, and the complainant explained to the interpreter that she did stop at the stop sign. The officer explained the citation process to her again via the interpreter. The complainant continued asking for information about the court date and time. The officer then said, "you're just wasting my time now," and the complainant said the same thing back to him. The complainant said she wanted to know everything before signing the citation and accused the officer of being rude. The officer apologized to her and told her where to file a complaint because the complainant asked. The complainant eventually signed the citation.

No witnesses were identified.

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

The evidence collected shows that the officer did not rudely talk to the complainant. Instead, he took his time to explain the citation process multiple times to the complainant. The officer did not threaten the complainant. Instead, he told her the truth about the consequences for refusing to sign the citation. Although the officer did tell the complainant that she was wasting his time, the video footage showed that he spent an abnormally large amount of time explaining the complainant's citation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/20 DATE OF COMPLETION: 10/07/20 PAGE# 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that she did make a stop at the stop sign because she drives on that road every day. However, she still received a citation.

The named officer stated that he observed the complainant's vehicle failing to stop at a posted stop sign, violating California Vehicle Code 22450(a). Therefore, he decided to conduct the traffic stop and issue the traffic citation to the complainant.

Body-camera footage did not the alleged violation.

Department records indicate that the officer issued a citation of failing to stop at the stop sign to the complainant.

No witnesses were identified.

The evidence collected is insufficient to either prove or disprove the complainant's and the officer's different accounts.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/20 **DATE OF COMPLETION:** 10/07/20 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that she is Chinese, and the officer discriminated against her because of the COVID-19 virus.

The officer said the allegation is entirely false and noted the COVID-19 Shelter-In-Place orders did not start for several weeks after the traffic stop occurred. The officer also stated that he could not see the driver's race when he first noticed the vehicle. He was observing the vehicle code violation and was 50 feet away. He denied that race was a factor for the detention.

Body-worn camera footage did not show any biased words or behavior exhibited by the officer.

City documents showed that the Mayor of San Francisco did not declare a state of emergency until a week after the traffic stop occurred. The Shelter-in-Place order was in effect a month after the incident.

No witnesses were identified.

The evidence shows that the officer had reasonable suspicion to stop and detain the complainant. There was also evidence showing that the incident happened before the City and County of San Francisco took formal actions regarding the pandemic.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/20 DATE OF COMPLETION: 11/27/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that in 2018, he reported an extortion crime via 911 and filed a report. In the year 2020, the complainant conducted a follow-up and discovered there was never a report created.

The complainant has failed to participate further in the investigation.

Police Department and Department of Emergency Management records revealed no record of the incident.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/20 DATE OF COMPLETION: 10/21/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that on multiple occasions officers looked in his vehicle even though he was legally parked. The complainant stated others, including college campus police officers, have observed the same thing and have asked the complainant why police officers always look in his vehicle. The complainant stated, despite this, he has never received a citation.

The DPA contacted the San Francisco Community College District Police Department (SFCCPD) as the area where the complainant parked was under their jurisdiction. A SFCCPD sergeant stated that two of their officers recalled an incident in which they saw an unmarked San Francisco Sheriff's Department vehicle drive by. Two deputies exited their vehicle and looked in the complainant's vehicle. The campus officers stated the deputies were searching for a possible suspect vehicle, that the incident was brief, and nothing more happened after the brief occurrence. A request to interview the campus police officers was never returned.

The complainant provided no identifying information or descriptions of the involved officers and did not return attempts to get clarification.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/20 DATE OF COMPLETION: 10/21/20 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers have looked into his vehicle multiple times for no good reason. He was concerned that he was being targeted by officers because he is black.

The Department of Police Accountability (DPA) requested an interview from the complainant on several occasions. The DPA was able to reach the complainant via telephone once but he stated he was too busy to speak. The DPA contacted the complainant via email and telephone again several more times. The complainant did not respond.

The complainant provided no identifying information or descriptions of the involved officers in his original complaint. No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: This complaint raises matters outside DPA's jurisdiction. This complaint was partially referred 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: 04/30/20 DATE OF COMPLETION: 10/23/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer was incompetent and did not conduct a thorough investigation. Additionally, the named officer did not allow the complainant to make corrections to the incident report.

Department records showed that the named officer conducted a thorough investigation.

Incident reports are not allowed to be changed once submitted; however, individuals can add a statement in a supplemental report.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer was surly with her and made her feel like she was a nuisance.

Department records did not support the complainant's allegation. The recorded phone calls between the complainant and the named officer confirmed that the named officer was professional and polite toward the complainant.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/20 DATE OF COMPLETION: 10/23/20 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the incident report was inaccurate as it did not contain the exact information she gave the named officer.

DPA reviewed the incident report and determined the incident report contained all the elements that were required of the named officer per Department training. The named officer wrote a synopsis of the facts rather than a verbatim account.

The San Francisco Police Department Report Writing Manual states that the incident report should be an accurate and objective account of an incident.

The named officer was not required to write a detailed word for word transcription of what the complainant stated.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/20 DATE OF COMPLETION: 10/23/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she went to a district police station to ask for information but the front counter officer was busy. While waiting in the lobby, she was assaulted by an unknown woman that entered the lobby. She stated that officers gathered at the counter window, watched like it was entertainment, and did nothing to stop the assault. The complainant did not have a specific date for the incident and provided an estimated date.

Department records failed to identify the alleged incident.

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

There were no witnesses identified.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/20 DATE OF COMPLETION: 10/07/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer issued him several vehicle citations for expired registration. The complainant admitted that his vehicle was not in compliance with the law. However, he opined the named officer could have given him a verbal warning instead of the citation.

The named officer stated that he received numerous citizen complaints regarding the complainant's vehicle. The named issued several citations for expired registration and verbal warnings to the complainant to fix the expired registration, which was expired over six months.

Body-worn camera footage showed the named officer issued a citation to the complainant for expired registration over six months. The complainant verified that the named officer gave him several verbal warnings before issuing the citation and impounding the vehicle. The complainant stated he did not have the money to pay for the registration and that the vehicle was registered in another person's name. A department supervisor responded and approved the citation and impound.

Section 4000(a)(1) of the California Vehicle Code states in part that "a person shall not drive, move, or leave standing upon a highway unless it is registered and the appropriate fees have been paid."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/20 DATE OF COMPLETION: 10/27/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in a written statement that he called the police station and reported vehicle break-ins had occurred on his block. The named officer requested that the complainant call another person at a different telephone number. The complainant opined the officer's response was not the proper one.

The complainant would not participate in a Department of Police Accountability interview despite numerous attempts.

The named officer stated that he was assigned as the station keeper on the date in question. The officer did not recall the incident with the complainant. The officer stated that he would have completed a report if the complainant was a victim of a crime.

There was no Body-worn camera, video footage, or independent witnesses to this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/20 DATE OF COMPLETION: 10/20/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated there had been constant fights and altercations from an alley near where she lived. She stated she was woken up one night and saw 15-18 people fighting, so she repeatedly called 911. She said she told the dispatcher she did not want to meet with the officers and did not request the officers to call her back. She said she waited for an hour, but no police came. Accordong to the complainant, the police did not do anything.

Both named officers stated that they responded to the location and did not observe any verbal altercation or physical fight. They checked both sides of the alley and did not observe anyone. They said they did not meet with the caller because the caller indicated that she did not want to meet. The officers closed the call because they were unable to locate the suspects.

Department records showed that the complainant made multiple calls to the police in a short period and stated she did not want to be interviewed by the officers. The documents indicated that the officers responded to the scene shortly after and could not locate the suspects.

No witnesses came forward.

The evidence collected proved that the officers did respond to the scene and did not observe any fights or altercations. The complainant did not want to be interviewed by the officers, so the officers did not contact the complainant for further information.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/20 DATE OF COMPLETION: 10/03/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that an officer was rude and aggressive when she asked the officer why she was arresting a person.

The named officer's body worn camera video shows the officer was not rude or verbally aggressive.

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

SUMMARY OF ALLEGATION #2: The officer failed to promptly provide name or star number.

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

FINDINGS OF FACT: The complainant alleged that the named officer refused to provide her name and star number when asked.

The named officer's body worn camera shows the complainant never asked for her name and star number.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/20 DATE OF COMPLETION: 10/03/20 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged that when she asked the named officer for his badge number, the named officer turned to his side and started dancing, taunting her and laughing. The complainant stated the officer also took her walker away.

Various officers' body worn cameras show the complainant yelling at police officers and interfering with an arrest. At one point, the complainant began to record one of the officers. The named officer played along and briefly moved side-to-side to strike different poses. The officer's actions deescalated the situation and did not rise to the level of inappropriate mockery or disrespect. The named officer also moved the complainant's walker a short distance onto the sidewalk where it was secure.

The named officer was remarkably patient with the complainant's ongoing interference in the arrest.

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

SUMMARY OF ALLEGATION #4: The officer failed to promptly provide name or star number.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to provide his star number when asked.

The officer's body worn camera shows he promptly provided the complainant with his star number upon being asked.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she observed the named officers engage in a skirmish with a subject she believed might be mentally ill. She stated they used unnecessary force when they slammed him against a wall and then flipped him on his stomach.

Department records indicate that named officer #2 cited the subject for crossing a street against a red light.

Department General Order (DGO) 5.01 states, in relevant part, that officers may use reasonable force in order to effect a lawful detention, or to overcome resistance, or to prevent escape.

Body worn camera (BWC) footage showed that the named officers detained the subject immediately after the subject crossed the street against a red light. Named officer #1 gave the subject multiple commands to sit on the ground. The subject eventually complied, but suddenly jumped up to his feet, after the officer told him to sit back down. This resulted in the named officers pushing the subject to the ground onto his stomach and placing him in handcuffs. During this time, the subject yelled that he was trying to get his identification out of his front pocket. Named officer #1 told the subject that he should not reach into his waistband when speaking to the police with an explanation. The footage showed the named officers seated the subject upright, removed the handcuffs, issued him a citation, and then released him.

Named officer #1 stated he detained the subject for crossing the street against a red light. He stated that the subject did not promptly comply with lawful orders. He stated that the subject became increasingly verbally hostile when named officer #2 attempted to positively identify the subject through police dispatch. When dispatch advised named officer #2 that there was no identification record found based on the information provided, the subject abruptly stood up and began reaching into his waistband. Named officer #1 became concerned that the subject intended either to flee or assault one or both of the officers. Named officer #1 stated that he placed his hands on the subject's shoulder and applied downward pressure until the subject was in a prone position. The subject was noncompliant and attempted to force his way back to standing. Named officer #1 stated that he handcuffed the subject to secure his detention and for officer safety. Named officer #1 also stated that the subject was subsequently cited for crossing a street against a red light and was released. He noted that the subject never complained of pain. Finally, he emphasized that he acted within Department policy because he used reasonable force to effect detention, to overcome resistance, and to prevent escape.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/20 DATE OF COMPLETION: 10/30/20 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #1-2: (Continued)

Named officer #2 stated he detained the subject for crossing a street against a red light. He stated that the subject appeared hostile and agitated because he spoke to the officer in an aggressive manner. Named officer #2 stated he asked the subject to sit on the ground and the subject eventually complied. He stated that while he was speaking with police dispatch to verify the subject's identity, the subject became increasingly verbally aggressive and angry towards the officers and suddenly stood up, which caused him to believe the subject was attempting to flee. Named officer #2 stated he placed his hands on the subject's back and applied downward pressure to force the subject back onto the ground. Named officer #2 also stated that he and named officer #1 were able to gain control over the subject and place him in handcuffs. He denied that he and named officer #1 used unnecessary force.

The named officers detained a subject for crossing a street against a red light. During the detention, the subject suddenly stood up which resulted in the named officers applying physical force on the subject to maintain control over him. BWC footage showed that the force used on the subject was brief and proportionally appropriate based on the circumstances, geared towards preventing the subject from standing up. Once the subject was under control and handcuffed, the named officers did not use additional physical force. The subject never complained of pain or injury.

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

SUMMARY OF ALLEGATION #3: The officer spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated she observed the named and witness officers engage in a skirmish with the subject. She stated that during the skirmish, the named officer inappropriately commented to the subject, "That'll teach you to reach for your belt around a cop."

The named officer stated he told the subject not to reach for his waistband while talking to the police as an explanation and education as to why he was placed in handcuffs.

The witness officer stated he did not hear the named officer make any inappropriate comments to the subject.

No other witnesses were identified.

BWC footage showed the subject seated against a wall while the witness officer communicated with police dispatch. The footage showed that the subject suddenly stood up, which resulted in the named and

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/20 DATE OF COMPLETION: 10/30/20 PAGE# 3 of 3

SUMMARY OF ALLEGATIONS #3: (Continued)

witness officers placing their hands on him and pushing him to the ground onto his stomach. During this time, the subject yelled that he was trying to get his identification out of his front pocket. In response, the named officer told him, “You don’t just stand up and reach into your waistband when you’re talking to cops.”

DGO 2.01 states in relevant part that an officer must treat the public with courtesy and respect.

The named officer did not violate DGO 2.01, because he was explaining to the subject why he was placed in handcuffs. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she observed the named and witness officers engaging in a skirmish with a subject. She stated that during the skirmish, she initiated dialogue with the named and witness officers and questioned their treatment of the subject. She stated that during this interaction the named officer “smirked” at her, which she felt was inappropriate.

The named officer stated he did not smirk at the complainant.

The witness officer stated he did not see the named officer smirk at the complainant.

No other witnesses were identified.

BWC footage does not depict the officer’s face while he is speaking to complainant.

DGO 2.01 states in relevant part that an officer must treat the public with courtesy and respect.

There is no independent evidence that confirms or dispels complainant’s allegation against named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he called the police because his houseguest refused to leave his residence. He stated when he contacted the named officer, he changed his mind and told him that he did not want his houseguest removed. The complainant stated the named officer disregarded his wishes and told the houseguest to leave.

Department records indicate that the named officer responded to the complainant's residence because the complainant's houseguest refused to leave.

Body worn camera footage showed that the named officer spoke very briefly with the complainant. The complainant never informed the named officer that he changed his mind about wanting his houseguest removed. The named officer asked the houseguest to leave the residence, which she did without incident.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 **DATE OF COMPLETION:** 10/30/20 **PAGE# 1 of 3**

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

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

FINDINGS OF FACT: The complainant stated the named officer detained a subject without lawful justification.

Department records indicate that the named officer responded to the subject's residence regarding a report that a person at the subject's address threatened to someone with a gun.

Body worn camera footage showed the reporting party identifying the subject to the named officer as the individual who threatened him with a gun, at which point the named officer immediately detained the subject.

Department General Order 5.03 (Investigative Detentions) states, in relevant part, that an officer may detain a person if they have reasonable suspicion that a person's behavior is related to criminal activity.

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

SUMMARY OF ALLEGATION #2: The officer conducted an improper search.

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

FINDINGS OF FACT: The complainant stated the named officer searched inside his brother's clothing without lawful justification.

Department records indicate that the named officer responded to the subject's residence because a reporting party alleged that a person at the subject's address threatened to shoot him with a gun.

Body-worn camera footage showed the named officer pat-searched the subject identified as alleged person with a gun.

Officers have the right to pat search individuals they reasonably believe may be armed and presently dangerous. Here the officer's belief that the subject may be armed was reasonable considering the 911 call and subsequent information obtained at the scene. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 DATE OF COMPLETION: 10/30/20 PAGE# 2 of 3

SUMMARY OF ALLEGATION #3: The officer behaved in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated the named officer smacked a popsicle out of a subject's hand.

Department records indicate that the named officer responded to the subject's residence after the reporting party alleged that a person at the subject's residence threatened to shoot him with a gun.

Body-worn camera footage showed that the reporting party identified the subject to the named officer as the individual who had threatened to shoot him. The named officer detained the subject and ordered him several times to place his hands on his head. The subject complied, but he had a popsicle in one hand. The named officer took the popsicle out of the subject's hand and tossed it on the ground.

San Francisco Police Department Arrest and Control Manual states, in relevant part, that an officer must gain physical control over a subject before conducting a search. It states that physical control must limit the ability of the subject from fleeing or assaulting an officer.

The named officer detained the subject, who was reported to have a gun, and had him place his hands on his head so he could conduct a pat search. The subject had a popsicle in his hand which prevented the named officer from gaining complete physical control of the subject. Therefore, the officer acted within policy when he took the popsicle out of the subject's hand and tossed it on the ground.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 DATE OF COMPLETION: 10/30/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #4: The officer applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated the named officer handcuffed a subject without legal justification.

Department records indicate that the named officer responded to the subject's residence because a reporting party alleged that a person at the subject's address threatened to shoot him with a gun.

Body-worn camera footage did not show the named officer handcuffing the subject at any time during the interaction.

The evidence proves that the alleged conduct did not occur.

SUMMARY OF ALLEGATION #5: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant stated that the named officer failed to issue a detained subject a certificate of release.

Department records indicate that the named officer responded to the subject's residence because a reporting party alleged that a person from that address threatened to shoot him with a gun.

Body-worn camera footage showed that the named officer detained the subject for less than six minutes. In addition, the footage showed that the named officer never handcuffed the subject or moved the subject from his original place of detention.

Department General Order 5.03 (Investigative Detentions) states in relevant part that an officer is not required to issue a detainee a certificate of release if the detention is brief, or the detainee is not physically restrained (handcuffed) or moved a significant distance.

The named officer acted within policy when he did not issue the subject a certificate of release because the detention was brief, the subject was never physically restrained, and he was he moved from his original place of detention. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/20 DATE OF COMPLETION: 10/27/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in a written complaint that an unknown officer drove improperly during a citywide protest. The unknown officer yelled and pointed a weapon at the protesters. The complainant did not provide any identifying information for the police vehicle or the officer.

The complainant refused to participate in an interview or provide further information needed to progress the investigation.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/20 DATE OF COMPLETION: 10/27/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that a friend attended a protest and witnessed the named officer laughing at a crying protester. The complainant was not on the scene when it happened.

The named officer denied laughing at the crying protester or any protesters.

The complainant's friend failed to participate in the investigation.

Department records confirmed the named officer was on scene at the protest.

No witnesses came forward.

The evidence collected proved that the named officer was on duty at the time of the incident, but there was insufficient evidence to either prove or disprove the alleged conduct occurred.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 DATE OF COMPLETION: 10/05/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant said he called 911 to report a verbal dispute that ensued when he confronted construction workers who were illegally smoking in Union Square. The complainant stated the named officer spoke rudely to him and dismissed his concerns.

The named officer stated that he responded to the scene and determined that there was no evidence of any criminal activity. The named officer asked all the parties if they had masks. The named officer denied speaking rudely to anyone and left after determining there was no merit to the call.

No witnesses were identified. The officer did not activate his body worn camera.

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

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing or discrimination due to race.

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

FINDINGS OF FACT: The complainant stated the named officer treated him rudely because he was Chinese.

The named officer stated that he responded to the scene and determined that there was no evidence of any criminal activity. The named officer asked all the parties if they had masks. The named officer denied speaking rudely to anyone and left after determining there was no merit to the call.

The DPA did not find any evidence of bias.

The evidence proves the alleged act did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/20 DATE OF COMPLETION: 11/21/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to activate a body-worn camera as required.

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

FINDINGS OF FACT: The complainant stated the named officer was directly behind a police barrier during a protest and the officer’s body-worn camera (BWC) was not activated. The complainant stated that he and other protesters were yelling for ten to fifteen minutes to inform the named officer before he engaged his BWC.

The named officer stated he did not recall any protesters yelling for him to activate his BWC. The named officer also stated that that officers are not allowed to activate their BWC during First Amendment activities unless there is suspected criminal activity.

A witness sergeant who was a supervisor at the protest stated that he also did not recall specifically people yelling at the named officer to turn on his BWC. The sergeant stated there may have been possibly 8,000 people at the protest that day and it was very loud.

The DPA requested BWC footage for both the named officer and the witness sergeant on this day but none was found for the time specified by the complainant.

DGO 10.11, D. Prohibited Recordings states in part, “Members shall not activate the BWC in a manner that is specifically prohibited by DGO 8.10, I, A. General Policy which states “It is the policy of the San Francisco Police Department to ensure that the First Amendment rights guaranteed by the United States Constitution are protected for all individuals and to permit police involvement in the exercise of those rights only to the extent necessary to provide for the legitimate needs of law enforcement in investigating criminal activity.”

DGO 8.10, II, A. states “First Amendment activities include: All speech, associations and/or conduct protected by the First Amendment and/or California Constitution Article I, Section 2 (Freedom of Speech) and/or Article 3 (Right to Assemble and Petition the Government, including but not limited to expression, advocacy, association or participation in expressive conduct to further any political or social opinion or religious belief.)”

The named officer was policing a large protest event, which qualifies as First Amendment activity under San Francisco Police Department rules and regulations. Unless there was criminal activity suspected, and there was none in this case, the named officer was prohibited from activating his BWC.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/20 DATE OF COMPLETION: 10/05/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he called a police station and spoke with the named officer about unsafe conditions on a street. The complainant stated the officer used vile and violent language, ridiculed him, and laughed at him. He added that the officer hung up on him, and that the officer's behavior was racist and unbecoming of an officer.

The named officer recalled speaking to a caller who reported "Black Lives Matter," painted on a street. He stated that the caller told him to get a mop and clean the paint from the street, cussed at him, and told him he was racist. The officer acknowledged that he hung up when he determined the hostile caller was not in need of police assistance.

The complainant failed to respond to DPA efforts to interview him.

The evidence shows that the named officer responded appropriately and professionally to an irate agitator. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/20 DATE OF COMPLETION: 10/20/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he left his office in a large commercial use building late at night. When he walked out the front door of the building, someone pointed a gun at him and demanded to see his hands. The complainant stated that he feared for his safety and ran back inside the building. He was unsure but thought they may be officers in plain clothes.

The named officer stated that he responded in full uniform to a burglar alarm that sounded at the address where the complainant's office is located. He and other officers surrounded the building, watching the exits for any potential suspects attempting to leave. The named officer stated that he knows from experience that burglars can be armed and that burglary tools can be used as weapons. The named officer saw an unknown person exit the building wearing a motorcycle helmet. The named officer could not see the individual's hands and believed the person could be a burglary suspect. The named officer pointed his firearm at the person and ordered him to show his hands. The individual turned and ran back inside the building. The named officer stated that his goal was to apprehend the person as peacefully as possible, and that he properly reported this use of force.

A second officer witnessed the conduct and confirmed that the named officer pointed his weapon and issued commands to an unidentified person who ran back into the building.

Department records and related incident report confirm that police officers responded to the building's burglar alarm, officers surrounded the building's perimeter to prevent any potential suspects from escaping, and that the named officers pointed his firearm at a possible suspect while shouting to see the person's hands. The documents also show that the named officer reported the use of force to a supervisor and followed the appropriate procedures enumerated in DGO 5.01.

Body-worn camera shows that officers created a perimeter around the building in response to the audible burglar alarm, and that the named officer, along with a colleague, were in full uniform covering two building exits. BWC also depicts a person wearing a motorcycle helmet exit the building, the named officer pointing his firearm, and issuing commands. The person then turns around and runs back inside the building, letting the door close and lock behind him. Finally, the BWC shows that the named officer radioed that information to others and later reported his use of force to a supervisor.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/20 DATE OF COMPLETION: 10/27/20 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated he got into a verbal altercation with a security guard at a bar seven years ago. When the police arrived, they racially profiled the complainant because he is a man of color.

Department records revealed no incident at the location, time, and date provided by the complainant. The complainant failed to reply to requests for clarification on the date and time or further information.

Attempts were made to contact the bar. The establishment failed to participate in the investigation.

No witnesses were identified.

The complainant failed to provide additional requested information and clarification regarding the date, time, and location of the incident. The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated that when the officers arrived at the incident seven years ago, the officers only interviewed the security guard. The security guard pointed his finger at the complainant, and the officers arrested him for no reason.

Department records revealed no incident at the location, time, and date provided by the complainant. The records revealed that the complainant was not arrested at the location on the date that he provided. The complainant failed to reply to requests for clarification on the date and time or further information.

Attempts were made to contact the bar. The establishment failed to participate in the investigation.

No witnesses were identified. The complainant failed to provide additional requested information and clarification regarding the date, time, and location of the incident. The alleged officer's identity could not be established, and there are no records that the complainant was arrested on the date he provided.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/20 DATE OF COMPLETION: 10/27/20 PAGE# 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to state the reason for the arrest.

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

FINDINGS OF FACT: The complainant said the officers did not tell him the reasons for the arrest.

Department records revealed no incident at the location, time, and date provided by the complainant. The records revealed that the complainant was not arrested at the location on the date that he provided. The complainant failed to reply to requests for clarification on the date and time or further information.

Attempts were made to contact the bar. The establishment failed to participate in the investigation.

No witnesses were identified.

The complainant failed to provide additional requested information and clarification regarding the date, time, and location of the incident. The alleged officer's identity could not be established, and there are no records that the complainant was arrested on the date he provided.

SUMMARY OF ALLEGATION #4: The officer used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers physically abused him because the officer threw him onto the ground. He lay face-down in front of the bar. Six officers surrounded him with one officer with his knees on the back of his neck and another had his knee on his back shoulder, preventing him from breathing. The complainant said he had sustained injuries to his chest and that his chest ribs were dislocated. The complainant did not provide any evidence of his injuries. The complainant failed to respond to requests for him to provide a HIPAA form to allow further investigation.

Department records revealed no incident at the location, time, and date provided by the complainant. The records revealed that the complainant was not arrested at the location on the date that he provided. The complainant failed to reply to requests for clarification on the date and time or further information.

Attempts were made to contact the bar. The establishment failed to participate in the investigation.

No witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/20 DATE OF COMPLETION: 10/27/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #4: (Continued)

The complainant failed to provide additional requested information and clarification regarding the date, time, and location of the incident. The alleged officer's identity could not be established, and there are no records that the complainant was arrested on the date he provided.

SUMMARY OF ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that he was transferred to the hospital and the officer who guarded him called him racist and offensive names.

Department records revealed no incident at the location, time, and date provided by the complainant. The records revealed that the complainant was not arrested at the location on the date that he provided. The complainant failed to reply to requests for clarification on the date and time or further information about which hospital he was taken to. The complainant failed to respond to requests for him to provide a HIPAA form to allow further investigation.

Attempts were made to contact the bar. The establishment failed to participate in the investigation.

No witnesses were identified.

The complainant failed to provide additional requested information and clarification regarding the date, time, and location of the incident. The alleged officer's identity could not be established, and there are no records that the complainant was arrested on the date he provided.

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**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/20 DATE OF COMPLETION: 10/1/20 PAGE# 1 of 1

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

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

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

Camden Security Services
24301 Southland Dr. Suite 312
Hayward, CA 94545

Safeway Customer Support Center
M.S 10501 P.O Box 29093
Phoenix, AZ 85038

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/20 DATE OF COMPLETION: 10/05/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant said that an officer refused to take his report.

The incident number the complainant provided did not match an incident report number or a dispatch record. The complainant did not respond to the DPA's numerous requests for a follow-up interview to obtain additional information necessary to investigate the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/20 DATE OF COMPLETION: 10/26/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she witnessed officers brag about beating people with batons, and that she witnessed officers drinking and driving and throwing beer cans out of their patrol car windows. The complainant stated that she did not feel safe enough to record the incident or obtain information about the involved officers.

The complainant did not respond to DPA's numerous attempts to contact her.

Department records in the district identified in the complaint showed no uses of force during the week identified by the complainant.

The DPA sent an identification poll to the station but failed to identify any involved officers. The identity of the alleged officers could not be established.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that unknown officers were having a loud conversation with a driver on the street, which disrupted her sleep. The complainant did not want to be contacted for an interview or to provide further information.

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 officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was conducting business at a kiosk in a pharmacy when another customer sat next to him, not respecting the social distance requirement of six feet. The complainant stated that he yelled for security and the named officer responded. He stated that the named officer did not order the other customer to abide by the social distance requirement.

The named officer stated that on the day of the incident he recalled a verbal altercation between two parties at a kiosk. He stated he reminded both parties of the social distancing requirement and both parties subsequently agreed to comply with the requirements.

DPA attempted to locate surveillance cameras that could have recorded the event; however, no such cameras were identified.

The City and County of San Francisco Department of Public Health Order No. C19-07f, which was in effect at the time of the incident, required everyone to stay at least six feet away from members outside their household.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/20 DATE OF COMPLETION: 10/20/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers took a statement from a subject who had been paid to make a fabricated claim about him. The complainant stated that the officers knew the claim was fraudulent but failed to also take the complainant's statement regarding the incident. The complainant stated that the officers left the area as soon as they saw him.

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

No witnesses were identified.

The complainant did not provide any identifying information for the alleged officers. The complainant could not be reached for further information. The officers could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/20 **DATE OF COMPLETION:** 10/15/20 **PAGE# 1 of 1**

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

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

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

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: 08/19/20 DATE OF COMPLETION: 10/15/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer was rude on the non-emergency line.

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

FINDINGS OF FACT: The complainant stated she called 311 to report a homeless person outside of her house. The complainant was transferred to the non-emergency line at a San Francisco Police Department (SFPD) district station. The complainant stated the officer who answered was rude and unprofessional. The complainant stated the officer berated her and was short with the complainant when she was providing information to the officer.

The Department of Police Accountability conducted an identification poll at station. No officer was identified that matched the information and description the complainant provided.

No finding outcomes occur under four circumstances: the complainant did not provide additional requested evidence, the complainant requested a withdrawal of the complaint, the officer could not reasonably be identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/20 **DATE OF COMPLETION:** 10/16/20 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
1251 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated that the named officer cited her friend for illegally parking, but did not issue a citation to the illegally parked car next to hers.

Department records showed that the incident location was a high tourist area that attracted parking and traffic violations. The named officer issued multiple citations in the area.

Body-worn camera footage showed the named officer issued citations to multiple parked cars. However, some drivers managed to get in their cars and leave before he could issue them a citation. The footage also showed the named officer speak to a driver who was leaving, while he was writing a citation for the complainant's friend's car.

The perception might have been that the named officer was citing certain cars and not others, but the named officer was by himself and he could not write the citations fast enough to get all the violators.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/20 DATE OF COMPLETION: 10/30/20 PAGE# 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that when asked why he cited some vehicles and not others, the named officer's response was rhetorical and sarcastic in his tone and actions.

Body-worn camera footage showed the named officer used analogies to educate the drivers about parking in San Francisco, as well as to explain why the complainant's friend received a citation.

The officer's comments and behavior did not rise to the level of misconduct; however, the officer should be mindful of his tone when speaking to members of the public.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/20 DATE OF COMPLETION: 10/20/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer stopped his vehicle for allegedly running a stop sign. The complainant stated that the officer was rude, wore an inappropriate blue lives matter mask, and did not care that complainant was merely dropping off his daughter at school. The complainant also stated that the mask made him fear for his life. The complainant was unable to provide any specific words or behaviors that he believed were inappropriate.

The named officer stated that he remained professional with the complainant during their encounter. The named officer explained that complainant was detained and cited because he observed complainant fail to come to a complete stop in front a school and make a U-turn over a double yellow line. Race was not a factor because he could not see complainant before initiating the stop. The named officer also denied wearing a face mask that violated department policy.

The named officer's Body Worn Camera (BWC) showed the officer explaining the offenses to the complainant. The officer then returned to his police vehicle to run computer checks on the complainant. The named officer then walked back to the complainant and saw that the complainant had disobeyed his order to remain seated in the car. The BWC depicts complainant ridiculing the named officer and using profanity. The officer can be seen handing complainant the citation and issuing a warning that he could have been issued another citation because complainant disobeyed the officer's instructions. The named officer then wished the complainant a nice day and returned to his police vehicle.

The named officer remained calm and professional even when the complainant was heard using profanity towards him.

The evidence proves that the conduct alleged by the complainant did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/20 DATE OF COMPLETION: 10/20/20 PAGE# 2 of 3

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

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

FINDINGS OF FACT: The complainant, who identified himself as Middle Eastern, believed that the officer's inappropriate attitude and behavior against him were motivated by racial bias.

As mentioned above, the officer's attitude and behavior were appropriate, and the named officer explained that he was unable to see complainant or identify his race before initiating the detention and during the detention.

The named officer's Body Worn Camera (BWC) shows that the vehicle had tinted windows, and that the named officer explained the basis for the stop and instructed the complainant to remain in his vehicle. The complainant disobeyed his order and walked his daughter into school. The named officer gave the complainant a citation and calmly explained that it was unlawful for complainant to cross double yellow lines. The named officer also calmly and correctly pointed out that the complainant's disobedience could have been probable cause for his arrest. The named officer told the complainant to have a good day. The

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

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department Bulletin 20-82.

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

FINDINGS OF FACT: The complainant stated that the officer was wearing a "Thin Blue Line" mask during the encounter. The complainant stated that such masks are racist and are in violation of Department policy.

The named office denied he was wearing a Thin Blue Line mask and stated that the mask he was wearing was in compliance with Department policy.

Department policy states that officers can wear department issued masks, N95 masks, or personal face masks that are plain black or plain navy.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/20 DATE OF COMPLETION: 10/20/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: (Continued)

The named officer's Body Worn Camera (BWC) did not capture the named officer's face and there is no way to assess what the mask that the named officer was wearing looked like.

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

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer wrongfully cited him for failure to stop at a stop sign. The complainant stated that he did stop at the sign.

Department records show that the named office conducted a traffic stop. A copy of the citation he issued to complainant cites Vehicle Code 22450(a), failing to stop at stop sign, and 21460(a), crossing double yellow lines.

Body Worn Camera footage did not capture the traffic violation. It showed the named officer explaining that the complainant should not have made a turn across double yellow lines, and instead should have turned at the intersection. The complainant did not deny the allegation. The named officer did not mention the stop sign violation on the recording.

The named officer reiterated that he stopped the complainant's vehicle for not stopping at a stop sign and making a U-turn over double yellow lines.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/20 DATE OF COMPLETION: 10/15/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #: 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: 09/19/20 **DATE OF COMPLETION:** 10/13/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Two officers visited the complainant's residence without notice or respect for the complainant's privacy to conduct a wellbeing check on the complainant's juvenile daughter, who officers previously placed on a mental health hold.

The complainant requested a withdrawal of the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/20 DATE OF COMPLETION: 10/26/20 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/20 DATE OF COMPLETION: 10/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant's daughter who was under the influence of narcotics went to a police station and reported that she was suicidal. The complainant stated two officers came to her house and told her what her daughter had reported. The officers also accompanied her to a hospital where her daughter had been taken. The complainant said that while at the hospital, she asked the officers for guidance on what to do about the situation. The complainant stated the officers rudely looked at her without saying anything and left.

The complainant requested a withdrawal of the complaint.

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

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

FINDINGS OF FACT: The complainant stated that a few days after her daughter had been hospitalized, officers came to her house and harassed her by knocking loudly on her door, looking for her daughter. The complainant stated the officers entered her apartment, searched her medicine cabinet and her daughter's room without cause.

The complainant requested a withdrawal of the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/20 **DATE OF COMPLETION:** 10/15/20 **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: 09/24/20 **DATE OF COMPLETION:** 10/20/20 **PAGE# 1 of 1**

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

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

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

Marin County Sheriff's Office
Secretary of Professional Standards
1600 Los Gamos Dr. #200
San Rafael, CA 94903

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/20 **DATE OF COMPLETION:** 10/15/20 **PAGE# 1 of 1**

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

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

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

Federal Bureau of Investigation
San Francisco Office
450 Golden Gate Ave, #413
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/20 **DATE OF COMPLETION:** 10/05/20 **PAGE# 1 of 1**

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

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

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

Concord Police Department
1350 Galindo Street
Concord, CA 94520

contactcpd@cityofconcord.org

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he was walking in a crosswalk when an officer driving a patrol vehicle ran a red light and almost hit him. He was unable to provide any identifying information about the officer or the patrol vehicle.

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

DPA attempted to locate surveillance cameras that could have recorded the event; however, no such cameras were identified.

No witnesses were identified.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 DATE OF COMPLETION: 10/30/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer responded to his house after the complainant was assaulted by a neighbor. He stated that after the named officer discovered that he had a felony on his record, the officer treated him unfairly.

Department records indicate that the named officer responded to the complainant's residence because the complainant reported an assault by his neighbor. The records also indicate that the named officer arrested the neighbor for the assault and provided the complainant with relevant information for victims of crime.

Body worn camera footage showed the named officer spoke with the complainant regarding an assault by his neighbor. During the interaction, the named officer discovered the complainant had a prior felony on his record. The named officer continued to interact in a manner consistent with his initial contact. The footage showed that the named officer arrested the neighbor for assault and also provided the complainant with resources for victims of crime.

Department General Order 2.01 states, in relevant part, that officers must treat the public with courtesy and respect.

Although the named officer knew complainant was a convicted felon, there is no evidence to support the complainant's allegation that the named officer treated him unfairly because the officer became aware of this history.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 DATE OF COMPLETION: 10/30/20 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer conducted an improper search.

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

FINDINGS OF FACT: The complainant stated he spoke to police officers inside his home to report an assault by his neighbor. He stated there was a plainclothes officer present who did not get his permission to enter his home before making entry.

Department records indicate that officers responded to the complainant's residence regarding a report of an assault by his neighbor.

Body worn camera footage showed that the complainant invited the police inside his home to discuss the alleged assault by his neighbor. The footage showed that the named officer, who was in plainclothes, came in while other officers were entering and exiting complainant's house while the front door was ajar. It also shows that the complainant sees the plain clothes officer enter, and complainant makes no objection to the plain clothes officer's presence while the two interact.

The complainant invited the police inside of his home to report a crime. The complainant gave implied consent to the presence of the named officer in his home because he never objected to his presence.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/11/20 **DATE OF COMPLETION:** 10/16/20 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/20 DATE OF COMPLETION: 10/21/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint was referred 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: 10/13/20 DATE OF COMPLETION: 10/21/20 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/20 DATE OF COMPLETION: 10/20/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/20 **DATE OF COMPLETION:** 10/30/20 **PAGE# 1 of 1**

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

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

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

SFMTA Headquarters
1 S Van Ness Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/20 DATE OF COMPLETION: 10/23/20 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/20 **DATE OF COMPLETION:** 10/27/20 **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.