

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/17 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that he was riding a bicycle and was pulled over by a motorcycle officer due to a stop sign violation. As the complainant was receiving a citation the named officer drove by, stopped and spoke to the other officer briefly. The complainant stated that he watched the named officer drive off, not come to a full and complete stop, and make a left turn without signaling. The complainant stated that the named officer was not using lights and sirens at the time, and did not appear to be pursuing anybody.

The named officer stated that on the day of the incident he saw another officer ticketing the complainant. He stopped by and asked the other officer if he needed assistance. The named officer stated that he drove off and came to a full and complete stop at the stop sign. He denied making a left turn as alleged.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainants stated that the named officer engaged in threatening and intimidating behavior and made threatening and intimidating comments during the investigation of a vehicle stop and tow. The co-complainant submitted a written complaint but failed to respond to requests for a DPA interview.

The named officer stated that during the incident he spoke to the complainants in a commanding voice, with a command presence as verbal persuasion because the complainant was agitated, argumentative, and uncooperative. The named officer denied threatening or intimidating the complainant.

The named officer's partner said using a calm tone when addressing the complainant was ineffective.

The Body Worn Camera recording showed that the named member was firm in speaking to the complainants, but also tolerant during his interactions with them depending on the complainants' level of cooperation.

The credibility of the complainant was compromised by his allegation that the officer repeatedly used profanity during the contact. A review of the body worn camera recording showed that the named officer did not use profanity.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: One of the complainants was not present during the first encounter with the named officer; however, this complainant said the other complainant told him that the officer repeatedly used profanity. The complainant who had the initial contact with the officer did not report the officer's use of profanity in his written complaint and did not respond to requests for an interview by the DPA.

The officer denied using profanity. The witness officer on scene denied hearing the named officer use the alleged profanity.

The body worn camera recording documented no use of profanity by the named officer.

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

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

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

FINDINGS OF FACT: The complainant stated that he was not riding but pushing a motorcycle at the time of the traffic stop. The complainants stated that the officer's reaction to the incident, towing the motorcycle and issuing a citation, and his behavior was disproportionately aggressive and attributed it to racial bias on the part of the officer.

The named officer and his partner stated that the complainant was riding the motorcycle, that the motorcycle was towed because it was not registered, and that he issued a citation only for the complainant riding a motorcycle without a helmet. The named officer denied that his actions to enforce the violation or the actions he took in conducting himself with the complainants were based on any sort of racial bias.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 02/03/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In a letter, the complainant stated that she was outside a concert and witnessed a man buy a ticket from a scalper. The man soon realized the ticket was fake and came back to confront the scalper in front of three Asian officers. One of the officers would not assist the man in getting his money back from the scalper.

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

Two officers assigned to the event denied being involved with the incident in question.

No witnesses were identified.

The identity of the alleged officers could not be established.

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

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

FINDINGS OF FACT: The complainant stated that she was outside a concert and witnessed a crime. She spoke with a police officer and asked for his name and the officer refused.

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

Two officers assigned to the event denied being involved with the incident in question.

No witnesses were identified.

The identity of the alleged officers could not be established.

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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 that he was involved in a traffic collision and that the named officer failed to properly investigate the incident.

The named officer stated that he was the officer who investigated the collision and that he did so thoroughly and properly. He stated that he searched for and located fluid, broken glass and vehicle parts. He stated that he took a statement from the complainant, who was the sole party to the collision on scene. He stated that he searched the vehicle that had collided with the complainant's car for any evidence relevant to the collision.

Department records showed that the named officer interviewed the complainant, requested medical assistance, coordinated traffic control, inspected the vehicles and investigated the collision. The named officer issued a citation to the complainant based on the complainant's statement, evidence at the scene and that he did not have proof of insurance. The named officer also prepared a collision traffic report as required, including photographing and measuring the collision scene. There was no evidence that the named officer failed to obtain or include evidence relevant to the collision in the investigation.

A witness, the complainant's brother, arrived after the incident.

No other witnesses were identified forward.

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

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

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

FINDINGS OF FACT: The complainant stated he yielded to several oncoming cars while he waited to turn at a controlled intersection, but admitted he attempted to turn on a red traffic light, at which point he was struck by an oncoming car. The complainant also admitted that he did not have his proof of insurance.

The named officer stated that he issued the citation for violations based on the statement of the complainant that he turned left in the face of oncoming traffic and that traffic struck him as he was turning, as well as by the damage to the cars. He stated that the complainant did not present proof of insurance.

Department records showed that the named officer issued a citation to the complainant for two vehicle code violations, CVC 21801(a) failing to yield right of way to oncoming traffic while turning left and CVC 16028(c) providing proof of insurance on demand. SFPD policy requires officers to determine fault at the scene of a collision and issue a citation to the responsible party.

A witness, the complainant's brother, corroborated the complainant's statement to the named officer that the complainant made a left turn against a red traffic light.

No other witnesses were identified.

The evidence established that the officer's actions were proper.

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

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate or incomplete incident report.

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

FINDINGS OF FACT: The complainant stated the named officer wrote an incomplete report by not documenting the seizure of evidence from the other car. The complainant also stated that the officer took an inaccurate statement from him about what had happened, which wrongly placed him at fault for the collision. Specifically, the complainant stated he told the officer he turned left at an intersection after the traffic light turned red, and the officer wrote that he turned on a yellow light.

The named officer stated he interviewed the complainant at the scene. He stated that the other party to the collision had fled the scene on foot. The named officer stated he inspected and inventoried both vehicles on scene for evidence related to the collision. The named officer stated he noticed less than an ounce of medicinal or recreational use marijuana in the vehicle that struck the complainant, but there was no other evidence indicating impaired driving. The named officer stated there was no legal authority to seize the property; therefore, he left the marijuana in the vehicle with the other personal items. He stated that he included all evidence relevant to the collision in the report that he prepared.

The named officer stated that he accurately recorded the statement of the complainant, who told him that he entered the intersection on a yellow light, waited while several oncoming cars past, and when he turned on the yellow light, he believed the other car would come to a stop, but it did not.

Department records showed that the named officer investigated and completed a traffic collision report while another officer completed the inventory of the towed vehicle. The report revealed a statement from the complainant that largely matched the facts presented by the complainant to the DPA, but did not include a statement that the light had turned red prior to the complainant turning left. It is not clear that the inclusion of the statement would have benefitted the complainant, or removed his liability for failing to yield right of way.

A witness, the complainant's brother, stated he heard the officers mention that there were drugs found inside the other driver's car. The witness also stated he heard the complainant tell the officers that he turned against a red traffic light.

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

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

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

FINDINGS OF FACT: The complainant stated that she called police numerous times during one evening and reported a theft from her apartment, but police never responded.

Department records indicated that two units accepted the call for service, and that the first unit was sent to a higher priority call before being able to respond to the complainant's call. The records show that a second unit was dispatched and responded, but reported that the suspect was gone on their arrival. There was no indication in the dispatch records that they made contact with the complainant.

The named officers acknowledged that they were patrolling as the unit identified as having responded to the complainant's address on the theft call, but both officers said they had no recollection of the call, of any delay in their response, of meeting with the complainant, or how they concluded the call.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was walking down the street when he heard a collision behind him between a vehicle and a female bicyclist. He did not witness the collision. The complainant stated he heard a male motorcycle officer on-scene tell the bicyclist he saw her speed up and that she was at fault for the collision. The complainant stated he did not think this was right, so he intervened and told the officer he could not do this. He said the officer is supposed to be unbiased.

The named officer stated he witnessed the collision and stated he told the bicyclist involved in the collision that he saw her speed up and that she was at fault.

The named officer was acting in the course and scope of his employment as a Traffic Unit officer and was qualified to make a determination as to who was the party at fault. In this instance, the officer was present and witnessed the collision between the vehicle and the bicyclist and rendered an opinion, for which he is qualified to do.

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

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

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

FINDINGS OF FACT: The complainant stated the officer should have written a report.

The named officer stated that he did not write a traffic collision report because a report was not required. He spoke to both parties and the parties stated they did not want a report. Neither of the parties complained of pain or injury.

Department General Order 9.02, Vehicle Accidents, does not require officers to investigate or report non-injury vehicle accidents.

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

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

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

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

**San Francisco Police Department
Internal Affairs Division
Attn.: Lt. Ray Cox
1245 3rd Street
San Francisco, CA 94103.**

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

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

FINDINGS OF FACT: The complainant stated four SFPD officers and an Animal Care & Control Officer failed to take required action regarding a dog bite incident involving the complainant's dog.

A search for related calls to this complaint resulted in negative results.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

Animal Care & Control records indicate that the incident was handled by an Animal Care & Control Officer. The animal was quarantined by the owner from February 16-17, 2017 in accordance with City & County regulations. The animal was not euthanized.

The Animal Care & Control officer stated there was an SFPD officer on scene, but the officer was just passing by, and he did not get the officer's name. The evidence established that members of the SFPD were not involved in this incident.

SUMMARY OF ALLEGATION #2: This complaint raises matters outside DPA's jurisdiction.

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

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

San Francisco Animal Care & Control
1200 15th Street
San Francisco, CA 94103

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

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

FINDINGS OF FACT: The complainant stated he was on his way to a sandwich shop when he noticed a person injecting himself with heroin in an alley. The complainant stated he observed nine officers responding to an incident nearby and approached a female officer to report what he had observed in the alley and asked the officer to make an arrest. The complainant stated the officer told him it was only a misdemeanor offense with no other offenses and the District Attorney would not prosecute. The officer did not take any action.

DPA conducted a thorough search for related calls surrounding this incident, which resulted in negative results.

An Officer Identification Poll was sent to the district station where the incident occurred. The poll came back with negative results.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that he was double-parked when he was told that he needed to move. The complainant did not respond to DPA's request for an interview.

The named officer stated he ordered the complainant to move because the complainant was double-parked in an area known for prostitution and drug-related activities.

The evidence established that the named officer's order was lawful and proper.

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

SUMMARY OF ALLEGATIONS #2 - 3: The officers behaved and/or spoke inappropriately.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that he felt disrespected because the officers did not give him the opportunity to move his vehicle after being ordered to move. The complainant wrote that when he was told to move, he told the officer(s) that he was still waiting for his brother.

Based on the complainant's own statement, the evidence established that the complainant was initially asked to move his double-parked vehicle. Instead of moving his vehicle, the complainant told the officers that he was still waiting for his brother, prompting the officers to issue him a citation.

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

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SUMMARY OF ALLEGATION #4: The office issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was double-parked when he was cited for being double-parked.

Based on the complainant's own statement, the citation was proper.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers engaged in biased policing based on age and ethnicity.

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

FINDINGS OF FACT: The complainant stated that he was driving without his headlights on when he was pulled over and cited for not having his headlights on. While the complainant admitted not having his headlights on, he believed he was pulled over because of his age and ethnicity.

The named officers were interviewed pursuant to DPA's Biased Policing Investigation Protocol. Both officers stated that the complainant was pulled over for driving without his headlights on after dark. They denied having any prior knowledge of the complainant's age or ethnicity prior to the stop and denied that those factors influenced their decision to stop and cite the complainant.

Based on the complainant's own statement, the officers had reasonable suspicion to stop and cite the complainant.

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

SUMMARY OF ALLEGATIONS #3-4: The officers searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that during the traffic stop, an officer inexplicably looked in the trunk of the complainant's car. He stated that he could see his trunk open in his rear-view mirror and was not provided an explanation for the trunk being opened.

San Francisco Body Worn Camera footage shows that the complainant's trunk was not searched.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was taking a break from work and was video chatting with a friend on his mobile phone. The complainant stated that the named officer and his partner were across the street detaining an individual at this time, and the named officer crossed the street, confronted him in an aggressive manner, and asked if he was recording. The complainant stated that the named officer and his partner later came back to his location and the named officer again was aggressive, asked for his identification, and told him that he was also on camera. The complainant said that the named officer told him he was not being detained, so he walked away.

The named officer stated that he went to his patrol vehicle and saw the complainant who appeared to be filming. The named officer told the complainant that it was okay for him to film them. The named officer stated the complainant yelled, "Are you threatening me!?" and said that he was going to report him to the ACLU. The named officer stated that he returned to the complainant to ask him what he was doing that was threatening. The named officer stated that the complainant refused to answer his question and said that he was being singled out. The named officer said the complainant asked several times if he was free to leave and he told him that he was. The named officer denied asking the complainant if he was filming or asking to see his identification. The named officer described his tone and demeanor as "normal."

A witness officer's Body Worn Camera (BWC) footage shows the detention of an individual. The BWC footage shows the named officer crossing the street to go to his vehicle. The BWC footage shows that when the named officer is returning, he has a verbal exchange with somebody, likely the complainant, just before crossing the street and rejoining his partner. The substance of that exchange is too faint to be heard on the video. The BWC footage also shows the subsequent interaction between the complainant and the named officer. The named officer states, "You're saying I threatened you?" The complainant states that he is going to go to 25 Van Ness and the ACLU. The complainant asks the named officer if he is being detained to which he responds, "No." The complainant then goes inside a building.

The BWC footage did not adequately document the initial interaction between the named officer and the complainant to determine whether the named officer acted inappropriately. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer towed the vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the named officer towed his vehicle without justification. The complainant stated he purchased the vehicle a few days prior to the incident. He stated the vehicle's registration was expired. He also acknowledged that he had not paid any fees to register the vehicle nor had he transferred the title to his name.

The named officer stated he towed the vehicle because he observed the van parked on the street with expired registration in excess of six months.

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

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

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

FINDINGS OF FACT: The complainant stated the officer issued a citation without cause. The complainant acknowledged that he did not have current registration and could not find his paperwork for the vehicle.

The named officer stated there was probable cause to issue the citation for violations of California Vehicle Code sections 4000(a)(1) – Registration of Vehicle/Title; and 16028(a) Proof of Insurance. The complainant had not registered the vehicle and he did not provide proof of insurance.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers had “attitude,” telling him it was not his car. The officer who towed the vehicle told him to “shut up” a couple of times.

The named officers denied the allegations. One officer stated he told the complainant he was not the registered owner of the vehicle based on the records check. The second named officer stated he was fair and professional toward the complainant. He does not recall telling the complainant the vehicle was not his, but there was the issue of proof of ownership and registration.

The Body Worn Camera video evidence shows the named officers acted in a professional manner.

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

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the officers racially profiled him. The complainant is African-Americans and the two named officers are Caucasian males. The complainant said he was racially profiled because the officers towed his van and had no reason to do it.

The named officers denied the allegations stating they did not know the complainant’s race at the time they decided to approach the vehicle. Both officers stated the vehicle registration sticker was expired for more than six months.

A preponderance of evidence shows that the allegations against the named officers for racially profiling the complainant did not occur and that the named officers had probable cause to detain and cite the complainant and legally tow his vehicle.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to comply with SFPD Department Bulletin No. 16-208, eStop – Contact Data Collection Program.

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

FINDINGS OF FACT: SFPD Department Bulletin 16-208, eStop – Contact Data Collection Program, requires members to collect and enter stop data for “all stops, including but not limited to pedestrian, bicycle and vehicle stops.

The named officer, who was a recruit officer in field training, stated he recalled entering the data, but he did not follow up to confirm it was saved in the system. The officer acknowledged that he received the Departments’ training and he was responsible for collecting and properly entering the eStop data prior to the end of his shift.

The Department found no record of the required traffic stop data being collected and entered as required.

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

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SUMMARY OF ALLEGATION #1: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to shoot the complainant.

The named officer stated that he does not know the complainant and denied making any threats.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer told several transient people in the park that the complainant was an FBI agent.

The named officer stated that he does not know the complainant and denied telling anyone anything about him.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: This complaint raises matters outside DPA's jurisdiction.

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

FINDINGS OF FACT: Part of this complaint raises matters outside DPA's jurisdiction. Part of this complaint has been referred to the San Francisco Police Department Internal Affairs Division.

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

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

FINDINGS OF FACT: The complainant stated she was sitting outside in a public area, praying, meditating, and eating. She stated that over the course of eight days, when she was sitting in the area, the named officer would come up to her and violate her rights. The complainant said he would drive up in a marked or unmarked car and address only her. The complainant said that the named officer told her she could not be there.

The named officer stated he would patrol the area on a foot beat, and when he passed the complainant she would inexplicably run towards him and shout obscenities at him. The named officer stated he never told the complainant to leave the area, or that she could not be there. He stated that he only advised her that she could not smoke marijuana in public.

The named officer's partner reiterated what the named officer stated.

No witnesses were identified.

SFPD records show that the named officer was on foot beat during the time that the incident occurred.

The complainant lacks credibility providing DPA with events that appear unlikely.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer mocked her and laughed at her.

The named officer stated that he never mocked the complainant.

The named officer's partner also denied this.

The complainant lacks credibility providing DPA with events that appear unlikely.

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

SUMMARY OF ALLEGATION #3: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated that she said the word "six" to the named officer, but because of a condition she has, it sounded like "sex." She stated that the named officer mocked her and said, "What? Sex? You want me to rape you?"

The named officer denied the allegation stating that nothing like this occurred. Both he and his partner stated they were not aware that the complainant had any sort of speech impediment.

The complainant lacks credibility providing DPA with events that appear unlikely.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was stopped for having no license plates. He stated that he had his plates with him, but acknowledged that they were not mounted to the car.

The named officer stated that he cited the complainant for a violation of California Vehicle Code section 5200, which requires that license plates be “attached to the vehicle to which they were issued”

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

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

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

FINDINGS OF FACT: The complainant stated the named officer insisted that he roll down his back windows and he did not understand why he should have to do that. The complainant said the named officer told him it was because they were tinted, and he looked threatening.

The named officer stated he asked the complainant to roll down his rear window for safety reasons – to ensure he could see all the occupants of the vehicle. The named officer stated that he could not see through the complainant’s rear windows due to the dark tint. The named officer denied telling the complainant that he looked threatening.

The Body Worn Camera (BWC) footage shows that the complainant’s vehicle had dark tinted windows. The footage also does not show any officer telling the complainant he looked threatening.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer pulled him out of his car and slammed him up against his car. He also stated the named officer later twisted his wrist when removing the handcuffs.

The named officer and his partner denied the allegation.

The BWC footage shows the named officer removing the complainant from his car, but does not show him slamming the complainant against the car. The footage does not show the named officer twisting the complainant's wrist. In addition, the video does not support the complainant's allegation of excessive force. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant said the named officer handcuffed him after he refused to roll down his back windows.

The named officer stated that the complainant would not roll down his rear windows, was being belligerent, and not following lawful commands. The named officer acknowledged removing the complainant from the vehicle and placing him in handcuffs.

The BWC footage shows that the complainant's rear windows were darkly tinted. The footage shows that the named officer asked the complainant to roll down his rear windows, more than once, and in a professional manner. The footage shows that the complainant would not open his windows.

The named officer was permitted to handcuff the complainant during the detention for safety reasons.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers refused to provide their names and badge numbers upon request.

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

FINDINGS OF FACT: The complainant stated that he asked the named officers for their names and badge numbers, but they refused.

One of the named officers stated he provided his name and star number verbally and it was also written on the citation provided to the complainant. The named officer also stated he provided his partner's name and star number verbally. The named officer acknowledged that he refused to provide a pen to the complainant.

The other named officer said he verbally provided his name and star number. The named officer said he was not required to write down his name and star number, and he was not trained to provide a pen to aggressive and agitated people who might use it as a weapon.

The BWC footage shows the complainant signed the citation and then asked for the named officers' names. The footage shows one of the named officers informing the complainant that his name was on the citation. It shows both officers provided their names and star number verbally. The footage shows that the complainant requested that the second named officer write his name on the citation; and that officer responded that he was not required to do so. The footage shows the complainant got a pen of his own and wrote down the officers' names.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant, an Uber driver, stated that he briefly left his car double-parked as he assisted an elderly passenger with her luggage. He stated that when he got back to his car, the named officer had left him a citation. He tried to explain the situation to the named officer, but the officer just walked away.

The named officer stated that it is part of his duty to enforce parking violations. He stated that he issues multiple parking citations per shift but has no recollection of either this incident or of any conversation with the complainant.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/17 **DATE OF COMPLETION:** 11/09/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant submitted a written complaint, stating that a black female stole his wallet. The complainant wrote that he returned to his hotel room and cancelled a credit card. The complainant indicated that he was hoping to get a police report as his credit card company had asked about one. The complainant stated that he went and searched for the suspect, and called police when he found her. The complainant stated that she returned the wallet, but he was still missing his Baht (Thai currency). The complainant stated the named officers arrived. He wanted them to look in the suspect's grocery bags but instead they threatened him with arrest if he did not leave.

The complainant did not respond to DPA requests for an interview.

The named officers stated an investigation was conducted and the suspect was cooperative. The named officers said that the suspect told them that there was no merit to the allegation and consented to a search of all her belongings, which yielded negative results. The named officers stated that the suspect did not have any grocery bags with her. The named officers stated that based on the lack of evidence it was concluded no crime had taken place. The named officers also said that neither party requested a police report.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/17 **DATE OF COMPLETION:** 11/01/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the police were called because a man, who had thrown up inside the store, refused to leave the store. The complainant stated that the named officer behaved inappropriately towards her, telling her that they should have called for an ambulance.

The named officer denied behaving inappropriately towards the complainant.

A witness did not corroborate the complainant's allegation against the named officer.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/17 **DATE OF COMPLETION:** 11/16/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the SFPD did not provide additional traffic controls or detours to manage the heavy traffic caused by an event at Golden Gate Park. The complainant stated that she was sitting in traffic for over an hour and later realized that SFPD had closed down one block of a perpendicular street due to the event.

A sergeant stated that the SFPD, along with other agencies, provided traffic control and alternative detours. The sergeant stated that the San Francisco Municipal Transportation Agency monitors pedestrian and vehicle traffic, and notifies SFPD when streets should be closed for safety reasons. The sergeant stated that there were a total of 39 officers and park rangers directing traffic around closed areas, and that there were designated routes around closed streets.

The Incident Executive Summary for the event documented the staff and agencies involved, as well as the alternate routes, and closures. The summary states that 10,000 to 12,000 people were expected to attend the event in a section of Golden Gate Park, and that the event mission objective included the following: "Facilitate pedestrian and vehicular traffic minimizing the impact that the event has on the surrounding neighborhoods."

News reports following the event cited park officials estimating 15,000 people attended the event.

The evidence established that there was coordination among multiple agencies as well as alternate routes in place to assist with traffic. While 3,000 more people attended than expected, crowd estimates were based on previous years and adequate plans were made to address the many competing interests in the area, including the needs of those driving nearby.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/17 **DATE OF COMPLETION:** 11/21/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer was dismissive when the complainant went to the station to file a police report.

The named officer stated he was attentive, polite, and professional when he spoke to the complainant to take his report.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated after he filed his initial incident report, he returned to the station to file another report and spoke to two different officers. The complainant stated that one of the officers made derogatory statements and behaved in a dismissive manner.

An Officer Identification Poll was sent to Central Station where the incident occurred. The poll came back with negative results.

No witnesses were identified.

The identity of the officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that as she was walking on the sidewalk, a dog bit her on the arm and breast even though the owner was holding the dog on a leash. The complainant walked away and dialed 9-1-1. The complainant stated an officer arrived at the scene and blamed her for the incident. The officer told the complainant that the dog attack was her fault for making eye contact with the dog.

The officer denied the allegation. The officer stated the complainant told him that she glanced at the dog while the complainant was walking past the dog, but the officer did not tell the complainant this action was the cause of the dog bite. The officer stated that for the sake of preparing an accurate report, he reiterated the complainant's statement of what had occurred. The officer suggested the complainant might have misunderstood his comment. The officer also stated he told the complainant that he was required to summon an ambulance due to the complainant's injuries, but the complainant could refuse medical treatment when the paramedics arrived.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to maintain the required knowledge.

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

FINDINGS OF FACT: The complainant stated she was very upset that the officer misinformed her about who bears the responsibility of paying medical costs resulting from the complainant being bitten by a dog. The complainant stated the officer told her that he was required to call for medical services. The complainant said she was concerned about the ambulance costs she might have to pay and told the officer she would go to the hospital emergency room on her own for treatment. However, due to statements made by the officer, the complainant felt compelled to have the ambulance transport her to the hospital. As a result, the complainant incurred large medical bills and lost wages relating to this incident. The complainant stated the police appear to be misinformed about the proper procedures in regards to the cost of ambulance transportation, medical treatment and lost wages. The complainant stated the Victim Compensation Board denied her claim for these costs because the Board determined there was no criminality involved in this incident.

The named officer stated he told the complainant that he was required to summon an ambulance due to the complainant's injuries, but the complainant could refuse medical treatment when the paramedics arrived. The officer stated the complainant agreed for paramedics to transport her to the hospital. The officer stated he never told the complainant she would be reimbursed for her medical treatment. The officer stated he provided the complainant with a follow-up form and Marsy's Card indicating resources that could be provided. Marsy's Card information indicates the victim can seek restitution from the person(s) convicted of the crime causing the loss. Additional resources listed in the brochure indicate the Victim Compensation Program can help victims pay for medical bills and loss of income.

In addition, the officer issued a citation and a citizen arrest form to the dog owner. The partner of the named officer summoned an officer from the department of Animal Care and Control (ACC) who responded and took control of the dog. The named officer also forwarded a copy of the Incident Report to the SFPD Vicious Dog Unit for follow-up investigation.

A preponderance of the evidence established that the named officer was responsive and conducted a thorough investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/17 **DATE OF COMPLETION:** 11/14/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to write a police report.

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

FINDINGS OF FACT: The complainant stated that she went to the police station to file a report regarding the possible theft of her niece's and nephew's passports by a member of her church. She stated that the named officer told her it was a federal matter and she should instead file a report with the FBI. The complainant went home and called the FBI, who told her to file a police report.

The named officer stated that the complainant told her that he niece and nephew were on their way to the station to report their passports as having been missing for the past 12 years. The officer stated that the complainant then visually showed her the documents in her possession. The named officer stated that the complainant was not making sense and began talking incoherently about propaganda she had posted in a church, human trafficking in Russia, and her niece and nephew. The named officer also stated that even though the complainant was not making sense, she would have been happy to take a report for the niece and nephew when they arrived at the station, as they were the victims. She stated that she told the complainant that she would write a report for them once they got there. However, they never came.

The named officer stated that when the complainant mentioned human trafficking in Russia, the officer told her that, because the SFPD does not have jurisdiction in Russia, that may be an issue more suitable to discussing with a Russian official, the Russian embassy, or perhaps even the FBI.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/17 **DATE OF COMPLETION:** 11/14/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to provide the spelling of her last name and her badge number upon request.

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

FINDINGS OF FACT: The complainant stated that she called the station to try and speak to the named officer's supervisor. The complainant stated that the named officer picked up the phone, recognized the complainant's voice, and refused to spell her last name or give her badge number, saying, "Why? Why do you need that?"

The named officer stated that the complainant got her name and her star number from her uniform when they spoke in person. The named officer also stated that, per Department Bulletin 17-059, she answers every single phone call by identifying both the station and herself in her greeting. The named officer stated that if she answered the complainant's phone call, then the complainant received this information from her. The named officer stated that she is not required to give her star or any other information to unknown callers for unknown reasons if the caller refuses to identify his/herself or refuses to answer her basic questions.

A witness stated that she observed the named officer speaking on the phone to the complainant, and that the officer's demeanor during the call was professional.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/17 **DATE OF COMPLETION:** 11/07/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers detained her in a “nonchalant way”.

San Francisco Police Department (SFPD) records indicate that officers responded to a call for a mentally disturbed person.

SFPD video shows the complainant state that she was diagnosed with a mental illness and wished to harm herself.

SFPD Department General Order (DGO) 6.14 states that officers may detain an individual for psychiatric evaluation pursuant to §5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is, *inter alia*, a danger to himself/herself.

The complainant stated to the officers that she was diagnosed with a mental illness and that she wished to harm herself.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/17 **DATE OF COMPLETION:** 11/07/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she was detained in a “nonchalant way”.

San Francisco Police Department (SFPD) records indicate that officers responded to a call for an assault. Records state that the complainant was detained due to her erratic behavior, inconsistencies in her story, and urinating in the middle of a coffee shop filled with patrons. Records further indicate that the complainant was detained pursuant to §5150 the day prior to the police contact.

SFPD video shows the complainant unable to answer simple questions by the officer and respond to his questions with bizarre, tangential statements. The video shows a witness state that, just before officers arrived, the complainant went into a café where the witness was working, pulled down her pants, and urinated in the middle of the café surrounded by patrons. The video shows the complainant state that she was detained pursuant to §5150 a few days prior and had been just released that morning. The complainant also stated that she was prescribed Depakote, Haldol, and Risperidone.

SFPD Department General Order (DGO) 6.14 states that officers may detain an individual for psychiatric evaluation pursuant to §5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is, *inter alia*, gravely disabled.

The complainant stated that she had just left the hospital that morning after she was detained pursuant to §5150 and that she was prescribed medications to treat mental illness. The complainant urinated in the middle of a café with patrons watching, and her responses to officers’ questions were unresponsive and bizarre.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/24/17 **DATE OF COMPLETION:** 11/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated she was cited for “loitering with intent.” The complainant stated that the location on the citation was incorrect. The complainant did not respond to DPA’s request for an interview.

A copy of the citation could not be located.

The named officer and his partner could not recall what was written on the citation.

Department records show that the complainant was cited for loitering with intent to commit prostitution. Records show that the named officer’s partner prepared an incident report documenting their contact with the complainant and three other women, loitering in an area known for prostitution.

No witnesses came forward.

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

SUMMARY OF ALLEGATIONS #2 - 3: The officers failed to properly process property.

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

FINDINGS OF FACT: In her written complaint, the complainant alleged that her identification went missing. The complainant did not respond to DPA’s request for an interview.

Department records show that the complainant was initially cited for loitering with intent to commit prostitution. About a week later, the complainant was arrested and booked for loitering with intent to commit prostitution and maintaining a public nuisance. Her Property Receipt Form show that two cell phones were seized from her. There is no record of her identification being seized.

The named officers stated that the complainant’s identification card was placed inside a property bag or envelope and was transported with her to county jail.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/17 **DATE OF COMPLETION:** 11/20/17 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street – 4th Floor
San Francisco, CA 94158

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer arrested him without cause for fleeing the scene of a traffic accident, which the complainant denied.

The named officer stated he arrested the complainant for violation of California Vehicle Code section 20001(a) *fleeing the scene of a collision with injury*, based on statements of the involved parties and evidence at the scene. The complainant was also determined to be in violation of California Vehicle Code sections 21703 *driving too closely for conditions*, and 22350 *Unsafe speed for conditions*. The officer stated the complainant was determined to be the primary collision factor in two separate vehicle collisions involving multiple vehicles resulting in injury. The injured party signed a Citizen's Arrest form.

A witness stated he was stopped in his vehicle when he suddenly felt a couple of bumps from behind. The car behind him hit his car. He parked his car and stepped out to get his phone to take photos. The female in the car behind him stepped out of her car and then he heard the second bump happening. She yelled out for him to step back. The third car [complainant's vehicle] behind him was stepping on the gas trying to charge forward with its tires burning. Both of them got back in their cars. The witness heard a lot of burning tires and the complainant's car drove away, but then crashed on the sidewalk.

A second witness stated she was stopped at the red light when she was rear ended by a 4-door car [complainant's vehicle], pushing her into the vehicle stopped in front of her. After she was hit, the driver of the vehicle that hit her kept his foot on the gas and pushed her car forward into the car in front of her and into the intersection. The vehicle then veered off to the right and struck two parked cars and a building. The tires were burning rubber. She called 9-1-1 to report the accident.

A third witness, who was injured in the collision, was unable to be interviewed by the DPA. However, this witness provided a statement to the reporting officer at the scene, which is summarized in the narrative of the Traffic Collision Report. In the collision report, the witness reported that his vehicle was stopped at a solid red light behind two vehicles when a black car [complainant's vehicle] struck his car from the rear. The force of the impact pushed his vehicle into the vehicle in front of him. He heard the engine revving, tires spinning and observed the black car turn northbound and collided with another vehicle and a house. The witness stated he began to walk over to the black car when he observed the vehicle attempting to reverse and flee again. An unidentified witness yelled to the fleeing driver to stop and get out of the vehicle, which he eventually did.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 2 of 2

Records from the Department of Emergency Management, Communications Division, reflect officers responded to a 9-1-1 call involving a vehicle accident w/injury – 5, possibly 6, vehicles. The records report that the complainant’s car had just hit 8 vehicles; the errant driver was trying to flee so residents and other vehicles were blocking him in.

Probable cause existed to arrest the complainant because the officer had reason to believe the complainant committed a misdemeanor/felony and a citizen’s arrest form was accepted for his arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/17 **DATE OF COMPLETION:** 11/16/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that officers rode motorcycles on the stairs of a park that is surrounded by an apartment complex. She stated that there had been recent incidents of a street bike gang riding motorcycles on the same stairs.

The named officer stated that the officers were riding their motorcycles on the stairs in the new park to familiarize themselves with the terrain and in response to complaints of youths riding motorcycles on the stairs.

The San Francisco Police Department subject-matter expert stated that motorcycle officers are responsible for patrolling parks and beaches. Officers are permitted to ride their motorcycles in parks to familiarize themselves with the terrain and in an enforcement capacity.

San Francisco Planning Department records indicated that the park had recently opened.

A witness stated that there was a span of time when a street bike gang rode on the stairs and scared the residents. They called for police but, by the time they arrived, the bikers would be gone.

The evidence indicates that the officers rode on the steps in the new park to familiarize themselves with the terrain and in an enforcement capacity in response to complaints of youths riding motorcycles in the park.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/17 **DATE OF COMPLETION:** 11/27/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer was inattentive to his duties.

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

FINDINGS OF FACT: The complainant stated that while driving through a construction zone near her neighborhood, she observed an officer who was supposed to be directing traffic, talking and not paying attention. She stated that two erratic motorcycle drivers passed near the area without any action on the part of the named officer.

The named officer stated that on the date of the incident he was working a 10B Traffic Control assignment which encompassed six blocks in the complainant's neighborhood. He stated that he was on foot, working alone, and was not assigned a police car for that day. As part of his duties, he spoke to construction crew members as well as, Muni supervisors to help assist the City buses through the construction zone. Additionally, he stated he spoke with the members of the public who requested assistance and directions. He did not recall any erratic motorcycle drivers during the day.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/17 **DATE OF COMPLETION:** 11/07/17 **PAGE#** 1 of 1

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

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

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

**FSP PPM Management LLC
Attn: Eric Viner
P.O. Box 280480
San Francisco, CA 94128**

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/17 **DATE OF COMPLETION:** 11/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was detained for a mental health evaluation at his residence for no reason.

San Francisco Police Department (SFPD) records indicate that the named officer and other city officials went to the complainant's residence to conduct a building inspection. The residence was found to be uninhabitable, and the complainant appeared unable to take care of himself. Records also indicate the complainant was unable to answer simple questions and in denial about the state of the residence.

SFPD records indicate that the complainant has a history of mental health detentions.

SFPD Department General Order 6.14 states, in pertinent part, that "[o]fficers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is...gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter or clothing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/17 **DATE OF COMPLETION:** 11/21/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated that he was assaulted by his neighbor and that the named officers failed to investigate the assault.

Department records showed that the named officers interviewed the complainant, the alleged suspect, and a witness identified by the complainant. The officers also provided the complainant a Citizen's Arrest form and prepared an incident report as required.

The evidence established that the officers' actions were proper.

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

SUMMARY OF ALLEGATIONS #4-6: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officers appeared disinterested with him.

Department records showed that the named officers interviewed the complainant, the alleged suspect, and a witness identified by the complainant. The officers also provided the complainant a Citizen's Arrest form and prepared an incident report as required.

The SFPD Body Worn Camera (BWC) footage shows that the named officers were calm and professional. The footage failed to support the complainant's allegations against the named officers.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/17 **DATE OF COMPLETION:** 11/21/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officers treated him like a “second-class citizen” due to his gender identity.

The named officers were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. The named officers stated that the complainant’s gender identity played no role in the way they treated the complainant.

Department records showed that the named officers interviewed the complainant, the alleged suspect, and a witness identified by the complainant. The officers also provided the complainant a Citizen’s Arrest form and prepared an incident report as required.

The SFPD Body Worn Camera (BWC) footage shows that the named officers were calm and professional. The footage failed to support the complainant’s allegations against the named officers.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that a tenant in her building claimed that the complainant had pushed her on the sidewalk. The complainant denied doing this. The alleged victim called the police and requested a citizen's arrest. The named officer accepted the arrest and issued a citation to the complainant for PC 242, battery.

The named officer stated the probable cause for the arrest was the victim's statement. He stated the victim was on scene, visibly shaken, and in distress, whereas the complainant was verbally aggressive and uncooperative. He stated the complainant refused to answer his questions. The named officer also stated that there was a size difference between the two parties, with the victim being smaller than the complainant. The named officer also noted that when he first approached the complainant, she spontaneously stated to him, "They're lying. They're lying. I didn't do a thing. I didn't touch anybody."

The named officer's partner stated that both the building manager and the victim directed officers to the complainant. The officer stated that the victim was distraught and in shock that the complainant had pushed her. In contrast, the complainant was confrontational and argumentative when presented with the incident.

The alleged battery victim stated that she was walking on the sidewalk with her boyfriend when the complainant bumped into her. The victim stated that she apologized and kept walking. She stated that she then felt the complainant give her a two-handed push. The victim spoke to the building manager, who suggested they call the police.

The building manager stated that he did not see the actual incident, but said that immediately after the incident, the victim and her boyfriend filed a complaint with management about the complainant pushing the victim. He told them to send him an e-mail with the details of the incident so he could document it on his end, and advised them to call the police if either of them had felt threatened.

Body-worn camera footage shows the named officer and his partner approaching the complainant and saying they would like to speak with her. The complainant then calls out, "They're lying, I didn't do a thing," and also spontaneously states, "I didn't touch anybody."

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the police did not get her side of the story and did not look at footage from the building's surveillance cameras that would have exonerated her.

The named officer stated the complainant was verbally aggressive, uncooperative, and refused to answer officers' questions. The named officer said he asked the complainant for her side of the story, but the complainant was uncooperative and did not provide a statement with regard to the incident. The named officer also stated that his partner checked for surveillance cameras that would have captured the incident.

The named officer's partner stated the complainant told him her side of the story numerous times. He said that he contacted the complainant first to let her give her take on the incident, and she told him that the victim was lying and she did not touch or hit anyone. The officer also stated that he checked for surveillance cameras that would have captured the incident. He stated that he did not view footage from the building's cameras, because the victim stated that the incident occurred about 20 feet east of the complainant's residence and there were no cameras pointing towards that part of the sidewalk. The witness officer said that he located the camera in front of the complainant's residence, but it was pointing towards the front door and not directed at the sidewalk; thus, it would not have captured the incident.

The victim of the alleged battery stated that the complainant pushed her in front of a café next door to the building where she resides.

Video footage from the surveillance cameras at the entrance to the complainant's residence showed that the exterior cameras do not capture the area where the alleged battery took place.

A witness at the residence stated that he did not see the alleged battery because he was not in the vicinity of where it reportedly took place.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/17 **DATE OF COMPLETION:** 11/28/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him and others around him to move along due to known drug activity.

The named officer stated that the complainant has a known history of using and selling illegal drugs. He stated he has witnessed the complainant use and sell illegal drugs. He stated that he told the complainant to move from the area pursuant to Health and Safety Code (HSC) Section 11532.

San Francisco Police Department (SFPD) records indicate that the complainant has a known history of possessing and selling illegal drugs.

HSC Section 11532 provides that it is unlawful for any person to loiter in any public place with the purpose and intent to commit offenses related to illegal drugs. Factors supporting a purpose and intent to commit offenses related to illegal drugs include prior relevant convictions and prior behavior indicative of illegal drug-related activity. Furthermore, the statute dictates that these factors should be considered particularly important when they occur in an area that is known for unlawful drug use and trafficking.

The named officer told the complainant to move from an area known for unlawful drug use and trafficking pursuant to HSC Section 11532. The named officer had personal knowledge of the complainant's history of drug use and sales, factors that support the reasonable belief that the complainant fit the criteria for violating the code section prohibition against loitering.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/17 **DATE OF COMPLETION:** 11/28/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer tells him to leave the area every time he sees him.

The named officer stated that he orders the complainant to leave the area only when he is engaging in illegal activity.

SFPD records indicate that the complainant has a known history of possessing and selling illegal drugs.

HSC Section 11532 provides that it is unlawful for any person to loiter in any public place with the purpose and intent to commit offenses related to illegal drugs. Factors supporting a purpose and intent to commit offenses related to illegal drugs include prior relevant convictions and prior behavior indicative of illegal drug-related activity. Furthermore, these factors should be considered particularly important when they occur in an area that is known for unlawful drug use and trafficking.

The area from which the complainant is told to leave is an area known for unlawful drug use and trafficking. The officer has personal knowledge of the complainant's history of drug use and sales. These factors support the reasonable belief that the complainant fits the criteria for violating HSC 11532 every time he is found in that area. Therefore, the officer is justified ordering the complainant to leave the area every time he sees him there.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/17 **DATE OF COMPLETION:** 11/07/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION # 1: The officer misused his authority.

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

FINDINGS OF FACT: The named officer is no longer with the Department.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/17 **DATE OF COMPLETION:** 11/08/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched his car without his consent during a traffic stop.

Department records indicated that the named officers stopped the complainant for failing to signal before changing lanes. During the traffic stop, the named officers reported that they smelled marijuana emanating from the complainant's car while they were standing next to the open car windows.

Body-worn camera video showed that, before searching the car, the named officers explained to the complainant that they were going to search his car because they smelled marijuana.

The vehicle exception allows an officer to search a vehicle without a warrant or consent if the officer has probable cause to believe that evidence or contraband is inside the vehicle.

The marijuana smell emanating from car provided the named officers with probable cause to search the vehicle for evidence of a crime or other contraband.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he found a smartphone on the street. A few days later, a man who the complainant had just met, a tourist from another country, stole the phone from the complainant. The complainant chased the man to a hotel where there were police present. One of the officers approached the complainant and told him that the complainant was the one who stole the phone and that police had proof. The complainant was very upset that police would accuse him of being a criminal. The complainant could not identify the officer.

Records from the Department of Emergency Management shows that the tourist recovered the phone from the complainant and called police. The record does not mention any police contact with the complainant during this incident.

The Department incident report establishes that three days earlier, officers responded to a report of a stolen \$1,000 smart phone. The victim was a tourist from another country. The officers looked at surveillance footage and saw an individual matching the complainant's description stealing a phone from the tourist. The report does not mention any police contact with the complainant during this event.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer detained a motorist without justification.

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

FINDINGS OF FACT: The complainant stated that he was driving behind a patrol car in a 30 MPH zone. The patrol car, in turn, was following a third vehicle, a Volkswagen. The complainant stated that all three cars were going 32 MPH in a 30 MPH zone. When the officer in the patrol car pulled over the Volkswagen, the complainant stopped as well and asked the officer the reason for the stop. The officer informed him that the Volkswagen had been going 40 MPH, which the complainant believed was untrue. The complainant told the officer that he was not justified in making the traffic stop.

The named officer stated that he paced the Volkswagen for a few miles, and observed the Volkswagen's speed at between 35-38 MPH. At one point, he saw the Volkswagen increase its speed to 42 MPH. The named officer stated that the driver of the Volkswagen told that he did not realize he was going fast. The named officer released the driver with a warning.

A preponderance of the evidence established that the named officer had reasonable suspicion to detain the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/17 **DATE OF COMPLETION:** 11/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was detained for a mental health evaluation outside the police station without justification. He stated that the incident report stated that he told officers that he was the Director of the FBI, but he stated that he was directing the FBI on matters he could not discuss. The complainant also stated that after he was taken to the hospital, he stayed in the hospital for eleven days.

San Francisco Police Department (SFPD) records indicate that the named officer found the complainant to be gravely disabled. SFPD records also show that the complainant has a history of mental health detentions.

SFPD Body Worn Camera video shows the complainant stating several times that he was the Director of the FBI and that the FBI would be arresting the named officer. The video also shows the complainant admitting that he defecated on himself. The video also shows that the complainant wanted to go to the hospital and asked the named officer for a ride.

SFPD Department General Order 6.14 states, in pertinent part, that “[o]fficers may detain an individual for psychiatric evaluation pursuant to Section 5150 of the Welfare and Institutions Code only when the officer believes that, as a result of mental illness, an individual is...gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter or clothing.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/17 **DATE OF COMPLETION:** 11/03/17 **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 she observed an officer in a patrol vehicle make a left turn where a sign is posted prohibiting left turns at the intersection.

A search for related calls surrounding this complaint resulted in negative results.

The Department has no record of a city vehicle matching the number and vehicle description provided by the complainant.

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: 10/16/17 **DATE OF COMPLETION:** 11/28/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant wrote, in part, “The whole department refuse [sic] to acknowledge the Victims Bill of Human Rights Act of 2008.”

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/16 **DATE OF COMPLETION:** 11/08/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him without justification. The complainant stated he saw a gentleman either handcuffed or had his hands behind his back. He said there were numerous police officers present. He stated that it was blocked off, so he walked into the street, walked around and stopped then started video recording the incident. The complainant said the officer told him he was trespassing in the police parking lot and jaywalking. The complainant admitted that he walked around a car and should have went back to cross over. He also stated he was in the street filming the incident behind a parked car.

The named officer stated he detained the complainant for a traffic violation (jaywalking) CVC 21955, and a trespassing violation. He stated he observed the complainant cross from the east sidewalk of the main street to the west sidewalk of the main street mid-block between two controlled intersections. Both of the intersections are controlled by 4-way traffic lights. The complainant then proceeded to enter the police parking lot.

The named officer's partner corroborated the named officer's statements.

Court records reflect the complainant was found guilty at trial for violating California Vehicle Code Section 21955 - Jaywalking, and ordered to pay a fine.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/16 **DATE OF COMPLETION:** 11/08/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2 - 3: The officers interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated the named officers interfered with his rights as an onlooker. The complainant stated he walked into the street, walked around, stopped and started videotaping. Immediately two police officers told him he could not do that and to stop videotaping, so he moved away. A female pedestrian walked by and told him he should not be doing that. At this point he put down the camera and stopped filming because he was trying to figure out what was going on with the incident. The complainant stated both of the male officers told him he was not supposed to videotape and that he could not tell the pedestrian to be quiet. The complainant denied he interfered with the officers' investigation. He stated he was in the street filming behind a parked car. At that point he was still taping but he started to move back.

Both of the named officers denied the allegation. Both officers stated the complainant was allowed to remain in the immediate vicinity to witness the incident, which was in a public area.

SFPD General Order 5.07, Rights of Onlookers, states, "It is the policy of this Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions and arrests of suspects occurring in public areas...".

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4-5: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that after he received the citation the two male officers walked away and used their hands to 'high-five' each other.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/16 **DATE OF COMPLETION:** 11/08/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer issued a citation without cause.

The named officer stated there was probable cause to issue the citation for jaywalking because he observed the complainant cross from the east sidewalk of the main street to the west sidewalk of the main street mid-block between two controlled intersections. Both of the intersections are controlled by 4-way traffic lights.

Court records obtained by the DPA reflect the complainant was found guilty of violating CVC 21955-Jaywalking and ordered to pay a fine at trial.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/17 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 1 of 1

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

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

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

San Francisco 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: 10/31/17 **DATE OF COMPLETION:** 11/09/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/17 **DATE OF COMPLETION:** 11/09/17 **PAGE#** 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/17 **DATE OF COMPLETION:** 11/07/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/17 **DATE OF COMPLETION:** 11/30/17 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO2 **DEPT. ACTION:**

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/16/17 **DATE OF COMPLETION:** 11/27/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/17 **DATE OF COMPLETION:** 11/20/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately and made inappropriate comments. The complainant stated the named officer asked him, “In your country, can you come into people’s personal space without getting in trouble?” The complainant also stated the named officer told him to just go home and ice his injuries.

The named officer denied the allegation. The officer denied that he said anything inappropriate to the complainant. He believes he was very personable toward the complainant by giving him time to contact his father, and explaining the process of a citizen’s arrest.

The complainant stated his friend was a witness to the incident. The complainant failed to provide the DPA with the name or contact information for the witness, after numerous requests. Thus, the witness was not identified and could not be interviewed.

The back-up officers denied that the named officer behaved inappropriately or made any inappropriate comments toward the complainant.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated three security guards attacked him outside a nightclub and officers responded. He stated the named officer failed to write an incident report. He said during his interview he told the officer that he wanted to press charges. The complainant stated the named officer tried to dissuade him from pressing charges by telling him that the club would press misdemeanor charges against him and it would be on his record. The complainant acknowledged that he told the officer he wanted to talk to his dad before figuring out what to do. Later that week, the complainant called the station several times to get a case number, to no avail. The complainant stated the named officer gave him the CAD number, but not the report number. The complainant stated he went to the police station and made a report on his own.

The named officer stated there was no need for a police report since neither parties was pressing charges and he could not determine if a crime had occurred. He said the complainant was adamant about wanting to speak to this dad before deciding to press charges. The officer said he explained to the complainant the process in making a citizen's arrest. The officer said he provided the complainant the CAD number in case he changed his mind. The officer talked to the complainant who told him that his friend was attempting to enter the club and was for some reason ejected. The complainant told the named officer he got in between his friend and pushed the security guard off of his friend in an attempt to separate them. The officer did not talk to the complainant's friend because the complainant did not identify him. Since all of the parties were not present he was unable to determine what crime had been committed. The security guard did not want to press charges nor did he want an incident report.

The named officer's partner stated that when they arrived on scene the parties were separated. The security guard told him the complainant and his friends were acting unruly and drunk and grabbing people. Security confronted them and told them they had to leave. The security guard told the officer that the complainant shoved him because the complainant did not want to leave the club. The officer stated that security person responded to being shoved by hitting the complainant back once with his hand. After that he was able to escort them out without further incident. The officer stated it was mutual combat.

The complainant, by his own admission, stated he wanted to talk to his father before deciding if he wanted to press charges. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/16 **DATE OF COMPLETION:** 11/03/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #3: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officer failed to properly investigate.

The named officer denied the allegation. The named officer stated that he and his partner responded to a 405 call of a "Citizen holding a citizen." The officer stated he did not interview the complainant's friend because the complainant never identified him to the officer. The officer stated his partner interviewed the security guard. The named officer stated he explained to the complainant that if he wanted to press charges against the security guard he was free to do so. The complainant told him he needed to speak to his father before he decided to press charges. The named officer and his partner separated the parties and conducted an investigation. Neither party wished to press charges.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he called the station and spoke to a desk sergeant who told him the incident was not being investigated because it was "minor" and nonviolent.

DPA sent an ID Poll to the police station but the identity of the alleged officer could not be established.

No witness was identified.

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

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COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #1: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated that he was going through a divorce. His wife at the time knew a police officer. The complainant believes she was using the police officer to intimidate him during the divorce proceedings. The complainant believes the officer sent a motorcycle officer to intimidate him. The complainant provided no further evidence.

The named officer stated that he did know the complainant's wife through his children's school. The named officer denied having anything to do with the complainant or their divorce. The named officer denied sending a motorcycle officer to intimidate the complainant. The named officer stated that the complainant is making false accusations against him to ruin his reputation.

The complainant provided no evidence that the named officer was involved in any way as alleged. A preponderance of the evidence established that the named officer was not involved in the acts alleged.

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

SUMMARY OF ALLEGATION #2: The officer intimidated the complainant.

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

FINDINGS OF FACT: The complainant stated that he was in Marin County when a SFPD motorcycle officer drove nearby him and stared at him in an intimidating manner. The complainant provided no further identifying information. The complainant stated he saw the same officer again in San Francisco and provided the time and location. There was no officer located at that time and location using department records.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated that he presented a case to an officer that the complainant's wife perjured herself on the stand. The complainant stated that the named officer failed to charge the complainant's wife.

The named officer stated that he spoke with the complainant and presented the information, including an incident report, to the District Attorney's office. An assistant district attorney told the named officer they would not prosecute the case. The named officer then relayed that information to the complainant.

The evidence established that the named officer's actions were proper, presenting the case to the District Attorney's office. The District Attorney's Office is responsible for prosecuting the case.

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

SUMMARY OF ALLEGATION #4: The officer searched and seized the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that an officer put a tracking device on his vehicle to be able to follow his whereabouts. The complainant provided no further evidence.

All witness officers said they did not know what the complainant was talking about.

No witnesses were identified.

The identity of the alleged officer could not be established.

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SUMMARY OF ALLEGATIONS #1 - 4: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers entered her home without a search warrant to look for her son. The complainant stated that her son did not live with her and that the named officers should not have entered her home to look for him. The complainant was not present during the incident and learned the incident details from her housemate.

The named officers stated that they entered the complainant's home to find her son, who was a suspect in an aggravated assault incident that occurred earlier in the day. The named officers stated that the complainant's son was on probation and subject to warrantless searches. The named officers stated that the complainant's home was her son's address of record.

Department records indicated that the complainant's son was a suspect in an aggravated assault incident that occurred a few hours before the search. Records also indicated that he had a warrantless search condition on the date of entry and that the complainant's house was his address of record.

A witness stated that the named officers entered the residence and stated they were looking for the complainant's son.

No other witnesses came forward.

Officers may lawfully enter a known residence of a probationer without a warrant.

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

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SUMMARY OF ALLEGATIONS #5 - 8: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers searched her residence, even though her son did not live with her. The complainant stated that the named officers should not have searched her home. The complainant was not present when the named officers searched the residence.

The named officers stated that the complainant's son was wanted in connection with an aggravated assault investigation. The named officers stated that they searched the home because the complainant's son was on active probation and had a warrantless search condition. The named officers stated that the complainant's son used her home as his address of record. One named officer stated that he had prior knowledge of the complainant's son living with her.

Records indicated that the complainant's son listed the complainant's home as his address. Records also indicated that the complainant's son had a warrantless search condition until further order of the court on the date of the search.

A witness stated that the named officers searched the residence and stated they were looking for the complainant's son.

No other witnesses came forward.

Because the complainant's son was on probation with a warrantless search condition, it was lawful for the named officers to search the home. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #9: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that an unknown officer searched her roommate's car without permission. The complainant stated she was not present when the search of the car occurred.

The officers involved in the search of the complainant's residence denied searching a car.

The complainant's roommate did not know if any officers searched her car.

A preponderance of the evidence established that the alleged search did not occur.

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

SUMMARY OF ALLEGATIONS #10 - 13: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that her roommate told her that the named officers were rude when they searched the residence because it was late at night and they would not allow the roommate to change clothes. The complainant was not present during the incident.

The named officers stated that were polite and respectful. The named officers stated that they told residents why they were at the residence and that the residents were cooperative.

The complainant's roommate stated that the named officers were rude because they did not say why they were at the residence. She also stated that the named officers told her they were looking for the complainant's son.

No other witnesses came forward. There was insufficient evidence to either prove or disprove allegation.

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SUMMARY OF ALLEGATIONS #14 - 16: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that her son told her that the named officers took property from his room. Neither the complainant nor her son was present during the search.

The named officers denied seizing any property from the complainant's son's room.

Department records indicated that the named officers did not book any property in connection with the search.

The complainant's son did not respond to requests for an interview.

A witness did not state that any items were removed from the home.

No other witnesses came forward.

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

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street -4th Floor
San Francisco, CA 94158

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SUMMARY OF ALLEGATIONS #1-2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant admitted he conducted “the transaction” with another person but said the officers lacked probable cause because they did not see it.

The named officers stated they were watching through binoculars when they saw the complainant remove a silver pill bottle from his waistband area, removed pills from it, and sell them to a motorist.

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

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

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

FINDINGS OF FACT: The complainant said the named officer located his personal use pill bottle in a area of his body that warranted an authorized strip search in privacy, and that the officer failed to activate his body worn camera until after the complainant was handcuffed.

The named officer and his partner stated that no strip search was necessary since the pill bottle was located within the waistband area. The named officer stated he attempted to activate his body worn camera when he approached the complainant but it did not start recording until he re-activated it five to ten seconds later.

An officer who was on scene verified the pill bottle was located in the area of the complainant’s waistband, and stated he did not activate his body worn camera because it fell when he exited his patrol car.

The named officer’s body-worn camera footage shows that the camera was activated after the officers had already exited their vehicle, and that the camera remained activated until the complainant was transported and brought into the station. While the camera appears to not have been immediately activated, it did capture the majority of the officers’ interaction with the complainant. There was insufficient evidence to either prove or disprove the named officer’s statement about the activation of his body-worn camera. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer, while in a vehicle, threatened to hit the complainant if he did not leave. The complainant said further that the officer made a sexually inappropriate comment while searching the complainant.

The named officer and his partner denied either made a remark from their vehicle. The body worn-camera footage from the event indicates the camera was activated when the officers were no longer in a car. The footage from the camera during the search of the complainant disproved the officer made any sexually inappropriate comment.

A preponderance of the evidence proved that the acts alleged in the complaint did not occur, or that the named officers were not involved in the acts alleged.

SUMMARY OF ALLEGATION #5: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the named officer ordered him to remove a gold ring during booking, and it was not among the property items he received upon release from County Jail.

Neither the named officer nor his partner could recall who or how the ring was retrieved during the booking process. The officers stated that the ring would have been sealed in a property envelope.

Department records indicated that the officers took one ring from the complainant and documented its booking as property.

Sheriff Department records indicated that the complainant signed for the receipt of the property included in his property envelope upon his release from County Jail.

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

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SUMMARY OF ALLEGATION #1: Members of the San Francisco Police Department entered and searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that members of the San Francisco Police Department entered and searched her house, including her in-law unit without her permission.

Department records showed that members of the San Francisco Police Department entered and searched the complainant's residence pursuant to a warrant. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The SFPD failed to state reason for detention.

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

FINDINGS OF FACT: The complainant stated that she did not know why she was detained until she was released. She stated that SFPD ordered her and her family to exit the residence for a search warrant service, but she was not provided a copy of the search warrant until after she and her family were allowed to re-enter the residence. The complainant stated that she was provided a property receipt for items seized.

Officers stated that a Knock and Notice was made, but was not required. The supervising officer stated that the complainant and occupants of the residence were told the reason for the detention during the Knock and Notice announcement. A sergeant stated that she provided the complainant a copy of the search warrant face sheet and property receipt.

The SFPD Search Warrant Manual states:

Once entry is made into the location, the officer(s) should show the original search warrant to the occupant(s), then give the occupant(s) a copy. It is not necessary to give the occupant(s) a copy of the affidavit or allow the occupant to read the affidavit.

There is no requirement that the occupants of a home be provided a copy of the warrant at the initiation of a search. The complainant was provided documentation at the scene. Furthermore, officers are permitted to detain occupants when executing a search warrant. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #3-5: The officers damaged property.

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

FINDINGS OF FACT: The complainant stated that the named officers caused damage to her home.

The named officers stated that the damage to the complainant's house was caused during the execution of a high-risk search warrant. They stated that they informed their supervisor of the damage and the damage was documented as required.

An SFPD Memorandum, Form 68, documented the property damage described by the complainant. The damage was caused by deploying of a robot that secures areas of a home before officers enter, as well as the forcing open of an interior door into a room that may have held a dangerous suspect.

SFPD Bulletin 16-156, Reporting Property Damage Caused by Members, requires officers that cause damage to a private person's property to report the damage on a memorandum form.

The damage caused by the named officers was reasonable under the circumstances, and all damage was properly documented as required.

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

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SUMMARY OF ALLEGATION #6: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated that SFPD seized her brother's Samsung tablet without permission and failed to include the tablet in the property receipt. She stated also that her grandson's cellular phone was taken, but later returned.

The named officer stated that the tablet was seized because it was an item that was listed in the search warrant. The named officer stated that she was not aware that a cellular phone was seized.

Evidence shows a valid search warrant was issued commanding officers to search for computer tablets, cellular phones, and other items to establish ownership and identify the owner. Evidence also shows that the tablet was documented in the property receipt.

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

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer was disrespectful, told her to shut up and would not allow her grandson to go to the restroom.

The named officer denied the allegation, stating he did not behave inappropriately or make inappropriate comments. He stated that he had limited contact with the complainant and the other occupants.

The supervisor at the scene stated that he did not witness any inappropriate comments or behavior, nor was he notified of any inappropriate comments or behavior.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that one of her juvenile grandsons did not receive a Certificate of Release.

The named officer did not recall issuing Certificates of Release at the scene, but acknowledged that it was his signature on the SFPD copies of the forms.

Records show that SFPD retained copies of Certificates of Release for both of the complainant's juvenile grandsons as well as all the other detainees.

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

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

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

FINDINGS OF FACT: The complainant stated she had a café employee call 9-1-1 after her life was threatened. The complainant stated that she had left the café late at night and went to a bus stop when she saw another customer follow her out. The complainant stated that this customer got within three feet of her and told her she was going to kill her. The complainant said that the customer re-entered the café, when she took out her phone and started to call the police. The complainant then returned and sought help from the employee, who took her to a stock room and called the police for her. The complainant stated that the named officer responded, but that he did not speak to a witness who had seen an earlier interaction between the threatening customer and the complainant. The complainant also said that the named officer seemed to want to leave and dismissed her suggestion that the threatening customer may need to be detained for a mental health evaluation (5150).

The named officer denied the allegation. He said that the complainant's main concern was that the suspect be 5150'd. The named officer stated that he determined that the suspect did not meet the 5150 requirements and that there was no merit to the threats allegation. The named officer stated there were no witnesses to the alleged threat, and that the suspect denied making any threats. The named officer said he spoke to others, and heard about an earlier disagreement between the complainant and the suspect regarding a dog in the café. He said he could not recall the names or faces of the other individuals who he spoke to at the scene.

The witness officers agreed that the suspect did not meet the 5150 criteria and that there were no independent witnesses to the alleged threat. One of the witness officers described speaking with the suspect and said that she had told the complainant to, "get on the bus, and get the fuck out of here." The other witness officer stated that the suspect told her she had gone outside when the complainant left the café, but it was just to "get air." She also said that the suspect told her that "she got really upset with the [complainant] for complaining about her dog." The officer stated that a staff person described the complainant's demeanor as frantic when she asked for help and mentioned that the suspect went into the employee area to continue to argue with the complainant. Both witness officers agreed that the suspect did not meet the 5150 requirements and that there was insufficient evidence to determine that a crime had been committed. Both officers also acknowledged that they were in communication with the named officer, regarding the investigation, throughout the incident.

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SUMMARY OF ALLEGATION #1 continued:

A witness who was present in the café and had offered to drive the complainant home said that she had seen an earlier interaction between the complainant and the suspect, and was still in the café when the complainant returned and said she feared for her life. The witness described the suspect as loud, angry, and appearing to have “mental issues.” The witness also described the complainant as “really scared” and “tense.” The witness stated the complainant identified her as a witness, but the named officer declined to speak to her. Another witness, a barista at the café, stated the complainant told her that she feared for her life because she had been threatened by another customer, and she did not feel safe leaving the store. The witness said she only called police because she felt the complainant was genuinely scared for her life. She described the complainant as tearful, trembling, and having difficulty speaking. The witness said they went to the stock room where the complainant told her that she had been at the bus stop when the suspect threatened to kill her. She said the suspect then entered the employee-only space, approached the complainant, and was confrontational with her. The witness described the suspect as the aggressor. She walked into a space customers aren’t supposed to be in without permission, and she had an elevated voice.

SFPD General Order 1.03, Duties of Patrol Officers, states, “Patrol Officers shall be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence.” It also requires that Patrol Officers “obtain information on witnesses.”

The named officer did not interview a witness that could have provided information regarding the demeanor of the complainant and the suspect, and information regarding the interactions between the two in the hours leading up to the reported threat. The named officer did not take into account the seriousness of the allegation and the evidence of genuine fear on the part of the complainant, coupled with the evidence of aggressiveness on the part of the suspect. The complainant described being followed outside of the café and threatened, while the suspect told officers that she happened to exit the café just when the complainant did, in order to get some air. An aggressive pursuit of complainant would have been consistent with the suspect’s later actions, when she pursued the complainant into a restricted area and berated her.

A preponderance of evidence established that the complainant’s fearful demeanor was consistent with someone who was threatened, and a thorough investigation would have made an incident report, if not a private person’s arrest, an obvious requirement.

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

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

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

FINDINGS OF FACT: The complainant stated that she told the named officer she wanted a police report, but the named officer would not provide one. The complainant stated that the named officer provided only a CAD number, and the name and the date of birth of the suspect. The complainant said that she later spoke to a sergeant on the phone and, in response, different officers were sent to take her statement and produce an incident report.

The named officer denied the allegation and stated that he did not recall the complainant requesting a police report. The named officer stated he did not prepare a report because he had determined that there was no merit to the threats and the suspect did not meet the criteria for a mental health detention. The named officer stated he did not offer any other police action other than to give the complainant a CAD number and the suspect's information so she could obtain a temporary restraining order if she wished.

One of the witness officers stated that a report should have been written if the complainant had asked for one, while the other stated that a Department General Order required that a report be written in this case.

SFPD General Order 1.03, Duties of Patrol Officers, states, "Patrol Officers shall make written reports on crimes observed or brought to their attention that have not been previously reported." DGO 2.01, General Rules of Conduct, Rule 25 states, "While on duty, members shall make all required written reports of crimes or incidents requiring police attention."

The fact that the complainant feared for her life and witnesses described her fear as palpable, as well as the fact that witnesses described the suspect's angry, erratic, and confrontational behavior, should have been sufficient to determine that a crime had been committed or, short of that, that police attention was required.

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

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that during her conversation with the named officer, it became clear through his demeanor that he did not want to be there. He rolled his eyes and tapped his foot at her. She stated that at one point she heard him tell dispatch, "I'm trying to get off of this. I'm trying to wrap this up." The complainant also said that the named officer lied about his ability to take a report.

The named officer denied the allegation.

The witness officers did not see this occur.

One witness stated her impression was that police handled the situation well and took the matter very seriously; however, she was not outside the entire time the police were investigating.

Audio of the radio call from the Department of Emergency Management showed that the named officer was being asked to follow up with another call in his sector and he responded, "we're still on this call but we'll head back out there afterward."

The audio from the radio call did not indicate that the named officer made any inappropriate comments, as reported by the complainant. The complainant did not believe that the named officer was taking her reported threat seriously, and may have misinterpreted some of his statements and actions.

There were no independent witnesses who saw the named officer's mannerisms or heard his statements regarding taking a report.

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

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SUMMARY OF ALLEGATIONS #1-4: The officers entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated he called police after a neighbor threatened him and two male officers responded to his residence. The complainant stated the officers talked to him, then left the scene. Later, while walking to his room, the complainant saw four officers approaching him - the two original officers and two new officers, so he ran into his room, locked the door and barricaded himself. The complainant stated the officers knocked on his front door, but the complainant refused to answer the door. When the officers demanded that the complainant open the door, he simply unlocked it. The complainant stated the officers eventually pushed through the door and entered his residence without his consent. One witness stated she heard the complainant say that he was going to buy a gun and shoot the other party in the back.

The officers stated they responded to a call-for-service involving a dispute at a single room occupancy hotel. The primary officers for this incident interviewed the involved parties and witnesses. The interviews were captured on the officers' Body Worn Cameras (BWC). The primary officers went to the police station and obtained an Emergency Protective Order (EPO) against the complainant.

The primary officers returned to the complainant's residence to serve the EPO and arrest the complainant for terrorist threats. While en route to the complainant's residence, another call was broadcast over the police radio. This call involved vandalism near the apartment of the resident whom the complainant had threatened. The named officers responded to the scene of this incident. When they arrived, the officers saw the complainant enter his apartment and close the door. While walking in the hallway, the officers saw broken plates, pots and other items scattered on the floor where the complainant's apartment is located. The officers also saw smeared blood coming from one location, leading directly to the complainant's apartment.

One of the named officers knocked several times on the front door of the complainant's apartment, but the complainant refused to answer. The officers believed an exigency existed for a well-being check on the complainant or an individual that could be injured inside his apartment. One of the officers went to the building management office and obtained a master key to the complainant's apartment. This officer, along with the other named officers, unlocked the front door to the complainant's apartment. The officers pushed away the barricaded items that were obstructing the door and entered the complainant's apartment.

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SUMMARY OF ALLEGATIONS #1-4 continued:

Based on exigent circumstances, the officers' entry into the complainant's apartment was legal to perform a welfare security check.

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

SUMMARY OF ALLEGATION #5: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he called police after a neighbor threatened him. The complainant stated he was frightened, so he barricaded his apartment door and refused to open his door to the police. The complainant stated the officers eventually pushed through the door, entered his residence and arrested him.

The named officer stated he responded to a call-for-service involving a dispute at a single room occupancy (SRO) hotel. The officer interviewed the involved parties, including the complainant, and interviewed witnesses. The interviews were captured on the officer's Body Worn Camera (BWC). One witness stated she heard the complainant say that he was going to buy a gun and shoot the other party in the back. The officer returned to the police station and obtained an Emergency Protective Order (EPO) against the complainant.

Officers went back to the complainant's residence to serve the EPO and arrest the complainant. While en-route to the complainant's residence, another call was broadcast over the police radio. This call involved vandalism near the apartment of the resident whom the complainant had threatened. Other officers also responded. The named officer responded a second time to the scene of this incident. When he arrived, the officer saw the complainant enter his apartment and close the door. While walking in the hallway, the officer saw broken plates, pots and other items scattered on the floor near the area where the complainant's apartment was located. He also saw smeared blood coming from one location, leading directly to the complainant's apartment.

One of the officers knocked several times on the front door of the complainant's apartment, but the complainant refused to answer. The named officer stated he believed an exigency existed for a well-being check on the complainant or an individual that could be injured inside his apartment.

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SUMMARY OF ALLEGATION #5 continued:

One of the officers went to the building management office and obtained a master key to the complainant's apartment. This officer, along with the other officers, unlocked the front door to the complainant's apartment. The officers pushed away the barricaded items that were obstructing the door and entered the complainant's apartment. The named officer then arrested the complainant.

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

SUMMARY OF ALLEGATIONS # 6-9: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers forcefully entered through the front door of his apartment that he had barricaded, crashed his furniture, knocked him to the ground and jumped on top of him.

One witness stated she heard the complainant say that he was going to buy a gun and shoot the other party in the back.

The primary officers went back to the complainant's residence to execute the EPO and arrest the complainant and two additional officers arrived to assist. The primary officers had seen the complainant enter his apartment when they arrived, and he refused to answer the door. The officers observed broken plates, pots and other items, as well as blood smeared on the floor, near the area where the complainant's apartment was located. The officers believed an exigency existed for a well-being check on the complainant or an individual that could be injured inside his apartment. One of the officers then went to the building management office and obtained a master key to the complainant's apartment. They unlocked the front door to the complainant's apartment, pushed away the barricaded items that were obstructing opening the door, and officers entered the complainant's apartment. One of the primary officers then arrested the complainant while the complainant was sitting on the bed.

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SUMMARY OF ALLEGATIONS # 6-9 continued:

A review of the BWC video revealed that the officers did not use unnecessary force during the arrest of the complainant.

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

SUMMARY OF ALLEGATION #10: The officer applied tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him to a pole while he was at the station. The complainant stated the handcuffs were applied so tightly that the handcuffs were cutting off his circulation. He complained to the officer, but the officer said he was able to place his finger inside the handcuff, which indicated the handcuffs were applied properly. The officer did not adjust the handcuffs.

The named officer denied applying the handcuffs too tightly. Three witness officers were interviewed and stated they did not hear the complainant complain of tight handcuffs. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #11 & 12: The officers failed to take the required action (medical treatment).

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

FINDINGS OF FACT: The complainant alleged that before he encountered the named officers, he cut his foot when he accidentally stepped on a coffee pot that had broken. The complainant stated the named officers later entered his apartment, arrested him for making terrorist threats and transported him to the police station. The complainant admitted the officers looked at his foot and called paramedics while the complainant was at the station.

One of the named officers stated he saw dried blood on the complainant's foot, but no open wounds. The complainant stated paramedics came to the station, treated him and recommended that he be taken to the hospital. The complainant stated he told the paramedics that it was not necessary for him to go to the hospital.

The complainant stated two additional officers subsequently transported him to the County Jail where he was medically screened. The nurse at the jail refused to accept the complainant for admittance until the complainant was seen, treated and cleared by medical personnel at a local hospital.

The complainant stated officers then transported him to the hospital where he was treated and cleared for admission to the jail. Officers then brought the complainant back to the county jail for admittance.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him with insufficient cause. The complainant stated he had pulled into a handicap space and was reading a nearby sign regarding construction. The complainant stated he was also speaking to a friend on his phone through the speaker function, but he was not holding the phone. The complainant said that the named officer told him he did not have a handicap decal and asked for his identification. The complainant said he showed the named officer his handicap placard that was sitting on his passenger seat. The complainant told the named officer that he needed time to assess the construction notice prior to parking at the handicap spot. The complainant said that he believed he was targeted because, among other things, he had tinted windows.

The named officer stated that he did not have a specific recollection of the incident but believed the detention was justified based on the complainant's own statement. The named officer specifically cited the fact that the complainant was parked in a handicap spot without a visible handicap placard, and the fact that he had tinted windows.

A witness officer stated that the complainant's window tinting was a potential vehicle code violation, as was his parking in a handicap spot without a placard visible. The officer added that the complainant was holding a mobile phone in his hand.

No other witnesses were identified.

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

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

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

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

FINDINGS OF FACT: The complainant said the named officer did not give him the benefit of the doubt because he had dread locks, his windows were tinted, and he was in an area with a lot of drug-related crime.

The named officer stated that although he had no recollection of the incident, he is always professional and he would not have acted inappropriately as alleged by the complainant.

A witness officer did not recall the statement alleged by the complainant, but denied that any officer behaved inappropriately.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant said that when the named officer spoke with him, the named officer looked at him with a gaze of intimidation, and he felt he was racially profiled because he was a black male with dreadlocks and his car had tinted windows. The complainant stated that when the named officer came to his window he was already assumed to be guilty because he was immediately told to turn off his car and asked for his ID before he was able to show that he had a handicap placard.

The named officer said there was no biased policing based on complainant's appearance, race, or vehicle, and the violations mentioned by the complainant are reasons alone for the stop. The named officer stated, if the complainant's windows were tinted, it may have been difficult to see the complainant before speaking with him.

A witness officer denied that the complainant's appearance, race, or vehicle played a role in the detention.

No other witnesses were identified.

SFPD records show that an eStop entry was made for the detention of the complainant.

SFPD General Order 5.17, Policy Prohibiting Biased Policing, states, "Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrest, nonconsensual searches and property seizures," and "Department personnel may not use, to any extent or degree, actual or perceived race, color, ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in conducting stops or detentions ..."

The investigation established that the named officer was able to articulate specific facts supporting reasonable suspicion for the detention of the complainant. Furthermore, an eStop entry was made to document the race, ethnicity, age and other identifying characteristics of the complainant. A preponderance of the evidence established that the named officer did not engage in biased policing.

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