

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/2019 DATE OF COMPLETION: 11/25/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer prepared an inaccurate affidavit.

The SFPD Search Warrant Manual Section I.(F.), Affidavit in support of a Search Warrant, states:

(b) Affidavit Contents and Form:

...

- (7) Qualification of informant(s), if applicable.
- (8) Facts establishing the commission of a crime.
- (9) Facts and information connecting the suspect(s) to the crime.
- (10) Facts and information connecting the suspect(s) to the evidence to be seized, the location(s)...

The search warrant affidavit here designated the informant as a “CRI” = a confidential, reliable informant. This designation has specific Fourth Amendment repercussions – the information of a reliable informant can support probable cause; an untested informant’s information must be corroborated.

The named officer acknowledged he did not include every basis for his informant’s alleged reliability in the affidavit. For example, the named officer had used the informant on prior occasions and did not include that information in the affidavit. The named officer satisfied the other Department requirements related to the use of an informant. The named officer additionally admitted that he did not explicitly document his training and experience supporting the notion that the evidence listed in the warrant would be at the location where police sought to search.

Given the named officer’s vast experience and numerous hours of training specific to search warrant procurement, along with review of the warrant by several judges, DPA found that the omissions in the search warrant affidavit were not aligned with the Department’s Search Warrant Manual, but did comport with the named officer’s training. Additionally, the Department’s Search Warrant Manual appears to be authored in approximately 1995 and DPA is not aware of any updates.

DPA urges the Department to emphasize the importance of complying with the portion of the Search Warrant Manual that requires officers to fully document the informant’s qualifications in the affidavit, as well as explicitly state why the member has probable cause to believe that contraband or evidence will be found at the location for which the warrant is requested.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/2019 DATE OF COMPLETION: 11/25/20 PAGE# 2 of 3

The evidence proves that the alleged conduct resulted from inadequate or inappropriate training, or contradictory training.

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

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

FINDINGS OF FACT: The complainant stated that the named officer illegally entered and searched his residence.

The named officer stated that he had a search warrant signed by a judge to enter and search the complainant's residence.

A search warrant was signed by a judge which gave the named officer authority to enter and conduct a search of the complainant's residence.

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

SUMMARY OF ALLEGATION #3: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer falsely arrested him for selling narcotics. The complainant denied selling drugs and stated that the narcotics found in his residence did not belong to him.

The named officer denied the allegation stating, based on his investigation, he had enough probable cause to arrest the complainant. Furthermore, the complainant was arrested for possession of narcotics with the intent to sell, not with narcotic sales.

The search warrant affidavit documented the named officer's investigation and was signed by a judge which gave the named officer authority to conduct the search of the residence, leading to the complainant's arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/2019 DATE OF COMPLETION: 11/25/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION # 4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the named officer failed to properly investigate after he told the named officer that the narcotics were not his and belonged to his roommates.

The named officer conducted an investigation, documented in a search warrant affidavit, which revealed that the complainant facilitated narcotics sales. Based on the affidavit, a judge signed a search warrant for the complainant's home and execution of that search warrant yielded narcotics. The complainant stated the narcotics found in his residence were not his and belonged to one of his many roommates. Documents and interviews revealed that the location of the narcotics provided probable cause for the complainant's arrest. While best practices would certainly dictate that interviews of all occupants should be conducted, the investigation in this matter followed Department policy.

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

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated that the SFPD defamed his character with reports to the media stating he owned a drug lab.

The DPA conducted a search for the news articles pertaining to the complainant's arrest; however, the media articles did not include language stating that the complainant owned a drug lab or manufacturing any drugs.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/18 **DATE OF COMPLETION:** 11/18/20 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that officers seized his girlfriend's RV as evidence in a criminal case and did not offer financial assistance, alternative shelter, or counseling services.

The named officer seized the vehicle as part of a murder investigation and an officer involved shooting investigation. He was not aware of the complainant asking for services.

The SFPD is not responsible for compensating a person whose property is lawfully seized as part of a criminal investigation. The San Francisco District Attorney Victim Services offers crisis support, counseling, financial support, and referrals to local resources and services, including housing. The complainant chose not to engage with Victim Services.

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

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

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

FINDINGS OF FACT: The complainant stated that officers seized his girlfriend's RV as evidence in a criminal case. The complainant said that he did not receive any documentation of the seizure and was not permitted to retrieve personal items from the vehicle.

SFPD records show that the RV was placed on a homicide hold and towed to a secure lot for evidentiary purposes. Homicide documented the seizure in a report and explained the reasons for the hold. Records show that the Crime Scene Investigations Unit then processed the RV and placed a hold on the RV pending criminal prosecution. At the time of the complaint, the District Attorney's Office had filed criminal charges and had not yet authorized the release of the property.

The named officer explained that he never received any request to retrieve personal items from the RV. The named officer stated that such a request would have been granted. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/18 **DATE OF COMPLETION:** 11/18/20 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3 – 9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that SFPD performed a tactical operation without regard for the safety of him, his girlfriend, or his dogs.

The incident began when SFPD located a murder suspect inside a parked RV. The officers treated the situation as a felony traffic stop. More units, including supervisors, arrived and the officers set up a perimeter and obtained shields. The officers then drew their firearms and ordered the occupants of the RV to come out with their hands up. Three people exited the RV and followed commands to lie on the ground. One of the people lying on the ground told officers that there was one person left in the RV. Based on a photo previously provided at line-up, the officers believed the remaining person to be the suspect. Officers ordered the suspect out by name.

The suspect then began firing at officers from the RV. The suspect fired two shots out of the right-side window, close to the front of the RV. Officers returned fire. As the officers returned fire, an officer fell to the ground, which other officers perceived as the officer being shot or “picked off.” A total of seven officers fired over fifty times at the side and rear of the RV. The officers were firing while at various distances from the RV and the three people who had exited the RV were still on the ground next to the RV. Fortunately, no one was injured.

The officers’ use of deadly force was reasonable and well within Department General Order 5.01. The officers reasonably concluded that they were at risk of great bodily injury or death when the suspect fired at them from the RV. As the DGO states below, the officers were therefore entitled to use deadly force.

DGO 5.01 VI.G.2. states, in relevant part:

2. DISCHARGE OF FIREARMS OR OTHER USE OF DEADLY FORCE

- a. **PERMISSIBLE CIRCUMSTANCES.** Except as limited by Sections VI.G.2. d. and e., an officer may discharge a firearm or use other deadly force in any of the following circumstances. The circumstances below (2.a.i.-iv) apply to a discharge of a firearm or application of deadly force:
 - i. In self-defense when the officer has reasonable cause to believe that he or she is in immediate danger of death or serious bodily injury; or
 - ii. In defense of another person when the officer has reasonable cause to believe that the person is in immediate danger of death or serious bodily injury. However, an officer may not discharge a firearm at, or use deadly force against, a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an immediate danger of death or serious bodily injury to the officer or any other person; or
 - iii. To apprehend a person when both of the following circumstances exist:

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/18 DATE OF COMPLETION: 11/18/20 PAGE# 3 of 4

- The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
- The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed...

The officers' conduct was also appropriate under DGO 8.02, which addresses barricaded suspects. Under DGO 8.01, the officers were permitted to respond freely with deadly force as soon as the suspect began firing at them.

DGO 8.02 states, in relevant part,

B. BARRICADED SUSPECT INCIDENTS. In the event that a suspect resists arrest by barricading himself, and normal police procedures fail to bring about his arrest, it is the policy of the San Francisco Police Department to use hostage negotiators to attempt a negotiated surrender.

C. ...

...

5. NECESSARY FORCE Nothing in this order shall preclude officers from using necessary force to protect themselves and other from death or serious injury (SEE DGO 5.01, Use of Force and DGO 5.02, Use of Firearms)

A straightforward application of these two DGOs does not however adequately account for the difficult circumstances these officers faced. In this situation, the officers faced deadly force from an enclosed, unknown space. Officers could only estimate the target's location based on muzzle flash and did not otherwise have a clear line of sight. In addition, the officers had little information about who remained inside the RV. The three occupants who exited said only one occupant remained, but it is not reasonable to make critical enforcement decisions based on this kind of quick, uncorroborated information. And finally, there were multiple officers on scene moving around and attempting to take cover at different distances from the RV. Officers had to fire past one another to fire at the RV. Under all these circumstances, seven officers firing more than fifty rounds at the side of the RV posed a very high risk of harm to both innocent civilians and other officers.

The DPA therefore recommends that the SFPD consider adding a section to DGO 8.02 to address situations where barricaded suspects shoot at officers from an enclosed space like an RV, apartment, or house. Such a situation will likely present itself again, and the SFPD should have a policy or procedure in place that instructs officers how they should use deadly force in these situations. This policy should discuss lines of sight, what kind of steps officers need to take to "clear" an enclosed space, and how many officers should be responsible for providing return fire. Fortunately, no one was injured in this incident. But there very well could have been. There could have been a child in the RV, or a bullet could have struck one of the people laying on the ground outside the RV. In sum, simply having DGO 8.02 point to

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/18 DATE OF COMPLETION: 11/18/20 PAGE# 4 of 4

DGO 5.01's rules on the use of force does not adequately take into account the difficult situation of facing gunfire from a barricaded suspect inside an unknown enclosed space.

The DPA looks forward to working with the SFPD to draft a policy or procedure that ensures officer safety while, at the same time, minimizes the potential risk of innocent people becoming victims of a SFPD use of force.

The evidence proves that the alleged conduct occurred but was justified by Department policy or procedures; however, the SFPD or DPA recommends that the policy or procedure be changed or modified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/19 DATE OF COMPLETION: 11/22/20 PAGE# 1 of 5

SUMMARY OF ALLEGATIONS #1-3: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that the named police officers manhandled and arrested two juveniles without cause.

The named officers stated that they had received a report from a victim who said the juveniles had shot her several times with a BB gun. The victim showed the named officers photographs of the juveniles she took with her cell phone. Based on the photographs, Named Officer #1 was able to identify the juveniles, who were nearby, and they were detained. During his search of the juveniles, Named Officer # 1 located a bag of BBs and an empty merchandise box with a picture of a BB gun on it in the juveniles' possession, providing probable cause for arrest.

Department documents reveal that the victim approached one of the named officers, reported that a group of minors had shot her with a BB gun, and showed him photographs of the alleged offenders. The named officer then saw the two juveniles who matched the photos on the victim's phone and detained them. Officers obtained a statement from the victim and took photographs. A search of the minors' backpacks yielded a bag of BB pellets and an empty box for a BB gun. Consequently, the officers arrested the suspects.

The named officers' body worn camera footage showed one named officer speaking to the victim, who explained that two juveniles shot her with a BB gun. The victim showed the named officer photos of the offenders that she took with her phone. That named officer then observed the juveniles cross the street and detained them. The named officer searched the juveniles' backpacks and found BBs and an empty BB gun box. The other named officers spoke to the alleged victim and obtained a statement from her. The named officers then transported the juveniles in their police vehicle.

With the victim's statement, her photographs, and the inculcating items found on the suspects, the officers had probable course to arrest the minors.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/19 DATE OF COMPLETION: 11/22/20 PAGE# 2 of 5

SUMMARY OF ALLEGATIONS #4-6: The officers interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that the officers interfered with onlookers' rights by pushing them back and behaving in a hostile manner towards them.

Department documents indicate that an aggressive crowd gathered around the officers while they were making the arrests. The documents further allege that some of the onlookers were interfering with the police investigation.

The named officers' body-worn camera (BWC) footage showed that several onlookers stopping to watch as one of the named officers searched and questioned the juveniles. The BWC showed three of the onlookers trying to speak to the juveniles directly, asking for their parents' or guardians' contact details, and attempting to give them give legal advice. The named officer told the onlookers that they could not interfere with the investigation by talking to the juveniles. The BWC does not show any onlooker being physically pushed by any officers.

The named officers stated that they did not interfere with the rights of onlookers and allowed the onlookers to watch, listen and film the police interactions with the juveniles. The named officers stated that some onlookers had tried to interfere with the investigation and were told to stop. The named officers denied pushing any onlookers.

Pursuant to DGO 5.07, onlookers to an incident may observe the proceedings so long as they do not interfere. The DGO states that onlookers may ask for suspects' names if the suspects want to give them, but no other interaction is permissible. The onlookers in this case requested more information than just the minors' names and were trying to provide legal advice to the juveniles.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/19 DATE OF COMPLETION: 11/22/20 PAGE# 3 of 5

SUMMARY OF ALLEGATIONS #7-9: The officer failed to comply with Department General Order 7.01.

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

FINDINGS OF FACT: After the officers arrested the juveniles, they transported them to a district station, where they eventually contacted the juveniles' parents. This course of action was potentially in violation of Department General Order (DGO) 7.01.

DGO 7.01 covers the detention, arrest and custody of juveniles. Section III states that officers should avoid bringing juveniles into any facility that contains an adult lockup. Instead, officers should make reasonable efforts to investigate, facilitate release, or transfer minors from the field or a juvenile facility; only after such efforts are exhausted may an officer bring a minor to a facility with an adult lockup. Finally, the DGO states that once a minor has been taken into custody and no more than one hour following, the minor should be allowed to make at least two phone calls: one to a parent, guardian, or other responsible adult, and the other to an attorney.

Documents obtained by DPA revealed officers responded to a report of an assault of an individual by juvenile suspects using a BB gun. Officers identified the juveniles through a photo provided by the victim and subsequently detained and searched the juveniles, locating a bag of BBs and a box for a BB gun. A hostile and disruptive crowd began to assemble, leading the officers to transport the juveniles away from the scene. Officers transported the juveniles to an SFPD district station. The juveniles were uncooperative in providing their parents' details and the officers believed that the juveniles were providing inaccurate contact information. After several hours, the officer finally obtained parental contact information and moved the juveniles to a juvenile facility.

Body Worn Camera (BWC) footage showed that the juveniles were questioned when first detained by the named officer. One juvenile provided a name and number for his mother, but the other juvenile refused to provide parental details. The BWC showed the officer initially dealing with the two juveniles had to manage a growing number of onlookers, some of whom were questioning the named officer and trying to speak to the juvenile. The BWC showed that when additional officers arrived, the number of onlookers had grown. Supervising officers on the scene made the decision to remove the juveniles for their safety and that of the officers. The juveniles were transported in the same vehicle to a district station, whereupon they were separated and placed in different rooms next to police officers. The BWC also showed the juveniles later being transported to a juvenile detention center.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/19

DATE OF COMPLETION: 11/22/20

PAGE# 4 of 5

The named officers stated that, due to the crowd of increasingly hostile onlookers, they consulted supervisors and decided to move the juveniles in order for a full investigation to take place. The officers stated that they contacted juvenile detention centers and were informed that they could not bring the juveniles before identifying and notifying the minors' parents or guardians. The officers stated they then followed protocol by taking the juveniles to the closest district station. The officers stated that the juveniles were not placed near adult arrestees. As proof, the named officers pointed out that the door leading to the station's holding area had a broken lock and the station did not have the capacity to hold adult arrestees. DPA was unable to confirm this information through independent investigation because of the delay in evidence production.

According to the named officers, the juveniles were placed in the officers' writing room and a room used by officers as an extra office space, with continuous officer supervision. The officers stated that they attempted to contact the parent for one juvenile with no success. The officer eventually successfully contacted one juvenile's parent. At this point they recontacted the juvenile detention facility, which agreed to take the juveniles. The officers believed they acted in accordance with DGO 7.01.

The juvenile detention facility confirmed that a probation officer decides on a case-by-case basis whether to accept juvenile arrestees from SFPD. Reasons for rejecting arrestees include a lack of parent/guardian details and a lack of cooperation from the juveniles. They stated that it is common for minors to be transported to district stations instead of the juvenile detention facility due to these factors.

Because this case involved juveniles, the DPA was unable to obtain all of the evidence regarding the juveniles' arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/19

DATE OF COMPLETION: 11/22/20

PAGE# 5 of 5

SUMMARY OF ALLEGATION #10: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated that the named officer was asked for his name and badge number but was reluctant to provide it and instead questioned the reason for the request.

The named officer's Body Worn Camera (BWC) footage showed the officer interacting with onlookers at the scene. The footage showed one onlooker asking for the officer's name and badge number. The named officer produced a business card with his details on it. Other onlookers then also requested the officer's details. The named officer explained that he only had one card. The BWC shows the named officer providing his name and badge number without hesitation upon request.

The named officer reiterated that he provided his name and number when asked for it.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/19 **DATE OF COMPLETION:** 11/25/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated as she walked down the street, she passed a scene where the named officers were ordering subjects to exit their vehicle. She stated the officers pointed their weapons at her.

The named officers stated they were involved in a felony car stop and were ordering a subject to exit the vehicle. They stated they had their weapons out but they never pointed their weapons at anyone, including the subject.

Body-worn camera footage showed that the officers did not point their weapons at the complainant.

The evidence proved that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 **DATE OF COMPLETION:** 11/19/20 **PAGE#** 1 of 7

SUMMARY OF ALLEGATION #1: The officer failed to properly care for, process, or book property.

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

FINDINGS OF FACT: The complainant stated that his family called the police, falsely alleging that he was high on PCP. The responding officers detained him pursuant to Welfare and Institutions Code (“WIC”) § 5150 for psychiatric evaluation and seized his personal belongings. The complainant stated that when the hospital returned the seized items, his work knife was missing.

The named officer stated that he brought the property envelope, the knife, and the rest of complainant’s personal property to the hospital and left the items with the charge nurse. He stated that, although the Department General Order governing psychological evaluations of adults requires officers to confiscate firearms and other deadly weapons from those detained for such evaluations, he did not confiscate the complainant’s knife because the complainant did not brandish or threaten anyone with it and described it as a “work tool.” As a result, the named officer did not think he was required to book the knife as property for safekeeping in accordance with the DGO.

A sergeant at the scene confirmed that it was proper to send the knife to the hospital with the complainant along with his other belongings. He stated that the complainant’s knife did not fall under the classification of a deadly weapon outlined for required seizure in 8102 W&I and 16590 PC.

The evidence shows that the named officer did not dispose of, lose, or otherwise commit misconduct regarding the handling of the complainant’s property when he left the knife, described by the complainant as a work tool, at the hospital with the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 **DATE OF COMPLETION:** 11/19/20 **PAGE# 2 of 7**

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

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force when aiding other officers in restraining and handcuffing him. He alleged the force used caused torn ligaments in his right arm/shoulder.

The named officer stated that she did not use force, but rather, assisted the other officers in placing him in handcuffs for transport.

Body-worn camera footage reflects that the named officer did not use excessive force while placing the subject in handcuffs.

The complainant stated he sought medical treatment for the above injuries, but he failed to provide any medical documentation to DPA to support this claim, despite multiple requests from DPA.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 11/19/20 PAGE# 3 of 7

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

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

FINDINGS OF FACT: Department records show that the officers responded to a well-being check requested by the complainant's brother. He informed dispatch that the complainant had a history of drug use and was standing in the middle of the street, high on PCP, refusing to move.

The named officers were first on scene and knew the information relayed to dispatch by complainant's brother. When they arrived on scene, they saw complainant standing in the middle of the street, but they were able to convince him to move to the sidewalk. Named officer #1 explained their presence to the complainant and asked him questions to determine if he was alert and oriented to person, place, time, and event. The complainant initially answered the officer's the questions appropriately but became increasing irritated as the questioning continued. The complainant began to inquire repeatedly why the officers were present. After a while, the complainant began sarcastically repeating the officer's questions back to him. Named officer #1 stated that the complainant appeared agitated, and described his speech as delayed, clipped, aggressive, and laden with profanity. Named officer #1 stated his goal was to get medical care for the complainant, keep him calm, and avoid a physical altercation since he had no reason to believe criminal activity was afoot.

Paramedics arrived and evaluated complainant. The complainant exhibits the same behavior during his interaction with the paramedics. For example, when the paramedics asked complainant evaluative questions such as, "How many quarters are in a dollar twenty-five," the complainant responded "How many QUARTERS?! You're [expletive] kidding me, right?" The paramedics concluded that complainant was alert and oriented enough to decline medical treatment and refused to transport him without the officers' authorization of a WIC § 5150 hold.

Named officer#1 spoke with the complainant's family again. The complainant's sister reiterated her displeasure about complainant's continued presence in front of her home, but she and her brother acknowledged that they did not see complainant ingest PCP. The brother then informed the officer that prior to their arrival, the complainant "thought he was a car," and the sister described the complainant as being "a danger to society."

Named officer #1 consulted with the sergeant on scene about authorizing a WIC § 5150 psychiatric hold. Body-worn camera footage reflects that during this conversation, named officer #1 informed the sergeant

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 11/19/20 PAGE# 4 of 7

that medics declined to transport complainant without police intervention, and the sergeant was shocked. The decision was eventually made by the officers on scene to authorize a WIC § 5150 hold.

Body-worn camera (BWC) footage shows that the officers concluded that complainant was under the influence of PCP without conducting any standardized field sobriety tests, without consulting a certified Drug Recognition Expert (DRE) officer, and without any proof that complainant had ingested drugs that day. The BWC depicts officers that seemed perplexed about how best to handle the situation. The officers told DPA they did not think they could request the assistance of a DRE because DRE officers only responded to cases involving DUI investigations. The officers also struggled to explain why they determined that complainant was a danger to himself, only citing that he it was nighttime, he was wearing dark clothing and was in a lane of traffic on a residential street at the time of their arrival.

Department General Order 6.14, Psychological Evaluation of Adults states in relevant part:

- A. CRITERIA FOR INVOLUNTARY DETENTIONS. Officers 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:
1. A danger to himself/herself, or
 2. A danger to others, or
 3. Gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter, or clothing.

Welfare & Institutions Code 5150 states, in relevant part, that a police officer may, upon probable cause, take a person into custody for a psychiatric evaluation when the person, *as a result of a mental health disorder*, is a danger to others, himself/herself, or gravely disabled.

During the investigation, DPA determined there was no policy to inform officers how to properly and thoroughly evaluate an individual that may be under the influence of drugs and/or alcohol if the individual is not driving. Officers have no guidance concerning how to determine whether a detainee's level of intoxication is equivalent to a mental health disorder, which requires WIC 5150 detention because it is at the point where the individual has become gravely disabled or a danger to themselves or others. While the officers were aware that certain drugs, particularly hallucinogens such as PCP, can cause symptoms which mimic acute psychosis, they did not have the tools to properly investigate their suspicions about complainant's intoxication, and they did not have guidance on how to determine whether the complainant's level of intoxication had reached a point where it was equivalent to a mental health disorder, acute enough to warrant involuntary hospitalization.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 11/19/20 PAGE# 5 of 7

It is commendable that SFPD is finding alternatives to incarcerating intoxicated individuals. DPA agrees that having intoxicated individuals receive medical treatment rather than incarceration is a favorable outcome. The DPA also acknowledges that identifying and differentiating between symptoms attributable mental illness or drug intoxication or both can be a daunting task, especially when the analysis must also

include a determination about whether the individual is, thus, gravely disabled, or a danger to themselves or others. However, SFPD can create policy and training to offer officers more guidance on how to evaluate these circumstances and give them the option of requesting a DRE officer respond to the scene to aid in evaluation. A DRE officer is better equipped to conduct a more thorough, objective, and accurate analysis of a person suspected of being under the influence of psychosis-inducing drugs, and whether the intoxication is likely to lead to self-harm, harm of others or grave disability. SFPD can also provide officers with guidance and more clarity about how to recognize and identify symptoms that show that an individual is likely to be gravely disabled or a danger to themselves or others when under the influence of drugs rather than as a result of a mental illness and how to deal with them short of incarceration.

The DRE curriculum notes that the use of DRE officers is an effective means of identifying drug-impaired individuals. Drug recognition evaluations in police work have gained acceptance and approval primarily due to their thoroughness and effectiveness. Currently, DRE-trained SFPD officers only respond to DUI and traffic related cases. Having a DRE officer available to respond to other incidents, such as this one, will assist officers in making more sound, evidence-based decision concerning WIC § 5150 detentions. This in turn, will also free up crowded psychiatric wards of inappropriate and unwarranted psychiatric evaluations.

The allegations here of failure to properly investigate are the result of Policy/Training Failures. DPA recommends that the training, policy, and or procedures be changed and modified in accordance with above.

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

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

FINDINGS OF FACT: The named officer, as the primary investigating officer, did not request the presence of a DRE certified officer to the scene.

As mentioned in detail above, current SFPD policy does not require patrol officers to request DRE certified officers to respond to nontraffic related incident. The evidence proves that the alleged conduct occurred and was in compliance with Department policy or procedure; however, for the same reasons stated above, DPA recommends that the training, policy, and or procedures be changed and modified to include the above.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 11/19/20 PAGE# 6 of 7

SUMMARY OF DPA ADDED ALLEGATION #4: The officer detained a person without reasonable suspicion.

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

FINDINGS OF FACT: As mentioned above, the officers placed the complainant on an involuntary psychiatric hold pursuant to DGO 6.14 and WIC § 5150. The named officer served as the admitting officer and completed the mental health form.

The named officer stated he had probable cause for taking the complainant into psychiatric detention based on his discussions with other officers on scene, his discussions with complainant's family, direction from his sergeant, and his observations of complainant. The named officer pointed out that the complainant's family told officers complainant was dangerous and attempting to fight any person who tried to assist him. The named officer also elaborated that the complainant was wearing black clothing and standing in the middle of the street at night, posing an additional danger to himself and others.

The named officer also believed the complainant was under the influence of PCP. He said he based this determination on the family's statements mentioned previously, and his observations that complainant was agitation, aggressive, slow to react, and asked the same questions repeatedly, and his training and experience that these can be symptoms of PCP ingestion. He also pointed out that PCP intoxication can mimic acute psychosis, impair one's ability to care for oneself, and can possibly cause a person to be a danger to others. Acute psychosis can serve as a basis for detention pursuant to WIC § 5150 and DGO 6.14.

For the reasons stated above, DPA recommends that the department adopt better policies and train officers to use evidence-based analytical tools to determine whether a person is intoxicated, whether the intoxication is due to drugs likely to cause symptoms that mirror mental illness symptoms that can result in grave disability and dangerousness to self or others, and provide officers with options to deal with such situations. As stated above, DPA recommends, among other things, expanding the use of DRE-certified officers.

The allegation of detention without justification is the result of Policy/Training Failures. DPA recommends that the training, policy, and or procedures be changed and modified in accordance with above.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/19 DATE OF COMPLETION: 11/19/20 PAGE# 7 of 7

SUMMARY OF DPA ADDED ALLEGATION #5: The officer failed to properly supervise.

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

FINDINGS OF FACT: DPA added an allegation against the named officer, who was the sergeant at the scene, for failing to properly supervise his subordinates. Department records reflect that the named officer authorized complainant's detention pursuant to WIC § 5150. During our investigation, DPA noted that the named officer was perplexed by the paramedic's conclusions, and he did not think he had the right to request an evaluation from a DRE officer to determine whether complainant was under the influence and so intoxicated that he was unable to care for himself or was a danger to himself or others.

For the reasons stated above in prior sections, the allegation of failure to properly supervise is the result of Policy/Training Failures. DPA recommends that the training, policy, and or procedures be changed and modified in accordance with above.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19 **DATE OF COMPLETION:** 11/20/20 **PAGE#** 1 of 7

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

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

FINDINGS OF FACT: The complainant stated that she and other occupants of her residence were detained by officers during the execution of a search warrant.

The first named officer was the lead investigator for a homicide case associated with the warrants in this matter. He stated he wrote the search warrant and coordinated searching and interviews, and that the SFPD Tactical Unit conducted the entry to the premises. He stated the search warrant was issued by a Superior Court judge, which was evidence that there was probable cause to search the residence. He was not present during the entry and did not detain the occupants. He stated that the Tactical Unit was executing a warrant on a murder suspect who had been known to carry firearms.

The second named officer assisted in the search warrant service. He stated he was aware it was related to a homicide investigation and that there was a high risk for officer safety. It was his understanding that the subject of the search warrant had a history of possessing firearms, a felony warrant for murder, and a history of violence and threats against the police. He stated that he did not detain the individuals and did not recall that they were detained when he entered the residence after the entry was made.

Department records showed that the first named officer requested the assistance of the Tactical Unit SWAT Team in the service of a high-risk search warrant and arrest warrant. A night serviceable, “no-knock” entry for warrant service was granted by a Superior Court judge. The search warrant was for the complainant’s residence and stemmed from a homicide investigation involving a primary suspect with an extensive criminal history. Records showed that the Tactical Unit SWAT Team was briefed, staged, and then made entry into the residence. Upon breaching the door, three individuals complied with commands and were detained outside.

Body-worn camera footage shows officers forcefully breaching the front door of the residence with a kinetic breaching tool and ordering the occupants of the residence to exit, which they did with their hands behind their heads.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19 **DATE OF COMPLETION:** 11/20/20 **PAGE#** 2 of 7

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

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

FINDINGS OF FACT: The complainant stated that she and the other occupants of her residence were handcuffed without justification.

Department records showed that the Tactical Unit SWAT Team assisted in the service of a high-risk search warrant and arrest warrant. A night serviceable, “no-knock” entry for warrant service was granted by a Superior Court judge. The search warrant was for the complainant’s residence and stemmed from a homicide investigation involving a primary suspect with an extensive criminal history. Records showed that the Tactical Unit SWAT Team was briefed, staged, and then made entry into the residence. Upon breaching the door, three individuals complied with commands and were detained outside. Records showed that the complainant was placed in “flex cuffs” by the first named officer and that a second individual was placed in “flex cuffs” by the second named officer while they were being detained.

Body-worn camera footage showed officers breaching the front door of the residence with a kinetic breaching tool and ordering the occupants of the residence to exit, which they did with their hands behind their heads. Once the occupants exited the first named officer placed plastic “flex cuffs” on the complainant. Footage showed that a male adult was also handcuffed in a controlled manner.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19

DATE OF COMPLETION: 11/20/20

PAGE# 3 of 7

SUMMARY OF ALLEGATIONS #5-6: The officers conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that during the entire time that the officers were at her residence executing a search warrant, they did not show her a copy of the warrant nor did they obtain a search warrant when they placed a global positioning system on her vehicle.

The first named officer was the lead investigator for a homicide case associated with the warrants in this matter. He stated that he wrote the search warrant and coordinated searching and interviews. He stated that the search warrant was issued by a Superior Court judge, which was evidence that there was probable cause to search the residence. He stated that he showed a copy of the warrant to the occupants. In addition, he stated that he also reviewed a video and audio recorded interview that he conducted with the complainant and she was informed of the warrant and acknowledged that he showed her a copy of the warrant at her residence. With respect to the GPS tracker, the first named officer stated that a sealed search warrant was issued by a Superior Court judge authorizing the installation on a car registered to the complainant. He stated it was so placed in an attempt to locate the homicide suspect or evidence in this case. He later responded to the complainant's house and informed her of the tracker. She pulled her vehicle out of the garage and allowed him to remove the tracker from her vehicle.

The second named officer stated that he believed that the first named officer showed the warrant to the complainant. He noted that that is the responsibility of the lead investigator if the warrant was not sealed completely. With respect to the GPS tracker, the second named officer stated that such a device was placed pursuant to a search warrant, but that he was not involved.

Body-worn camera footage showed the first named officer spoke with the complainant inside her residence during the execution of the warrant, showed her a document entitled "Search Warrant" and the complainant nodded her head affirmatively.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19

DATE OF COMPLETION: 11/20/20

PAGE# 4 of 7

SUMMARY OF ALLEGATIONS #7-8: The officers failed to provide required information.

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

FINDINGS OF FACT: The complainant stated that her residence was damaged during the execution of the search warrant and that the officers did not inform her how to seek reimbursement for repairing the damage.

The first named officer stated that he was aware that there was damage to the residence and that he made sure a police report and memorandum was written and that photographs were taken. He also stated that he informed the complainant to follow up with legal and that he could be contacted for any assistance that she needed.

The second named officer stated that he was aware that there was damage to the front door. He was not responsible for preparing the incident report, memo or taking the photographs regarding the damage, but he did recall offering to facilitate the process of filing the claim to attempt to have the damage fixed.

SFPD records showed that during the execution of a search warrant at the complainant's residence, officers deployed a kinetic breaching tool to forcefully open the front door and, in the process, caused damage to the front entrance. Records further showed that the damage was documented, and that photographic documentation was submitted to the Department Legal division per protocol.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19 **DATE OF COMPLETION:** 11/20/20 **PAGE#** 5 of 7

SUMMARY OF ALLEGATIONS #9-10: The officers detained individuals at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that during the execution of a search warrant an officer displayed a firearm unnecessarily.

The first named officer stated that he was not present during the entry, he did not detain the occupants, was not present when they were detained, and did not draw his firearm at any time while inside the residence.

The second named officer stated that he was not part of the search warrant entry team, he did not detain the individuals, and he did not point his firearm at any individual any time while in the residence.

Department records showed that the Tactical Unit SWAT Team assisted in the service of a high-risk search warrant and arrest warrant. A night serviceable, “no-knock” entry for warrant service was granted by a Superior Court judge. The search warrant was for the complainant’s residence and stemmed from a homicide investigation involving a primary suspect with an extensive criminal history. Records showed that the Tactical Unit SWAT Team was briefed, staged, and then made entry into the residence. Upon breaching the door, three individuals complied with commands and were detained outside.

Body-worn camera footage showed that neither of the named officers were members of the entry team and would not have been in a position to draw their weapons at the time the complainants were initially detained.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

The evidence proves that the conduct alleged did not occur or that the accused officers were not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19 **DATE OF COMPLETION:** 11/20/20 **PAGE#** 6 of 7
SUMMARY OF ALLEGATIONS #11-12: The officers applied handcuffs without justification.

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

FINDINGS OF FACT: The complainant stated that during the execution of a search warrant the officers handcuffed her and other occupants of the residents without justification.

The first named officer stated that he was not present during the entry, he did not detain the occupants, and was not present when they were detained.

The second named officer stated that he was not part of the search warrant entry team, he did not detain the individuals, and he did not handcuff the residents.

Department records showed that the Tactical Unit SWAT Team assisted in the service of a high-risk search warrant and arrest warrant. A night serviceable, “no-knock” entry for warrant service was granted by a Superior Court judge. The search warrant was for the complainant’s residence and stemmed from a homicide investigation involving a primary suspect with an extensive criminal history. Records showed that the Tactical Unit SWAT Team was briefed, staged, and then made entry into the residence. Upon breaching the door, three individuals complied with commands and were detained outside. Records showed that the complainant and another male adult were placed in “flex cuffs” by members of the Tactical Unit.

Body Worn Camera showed that neither of the named officers were members of the entry or reception team and were not the officers who handcuffed the complainant or the other occupant.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

The evidence proves that the conduct alleged did not occur or that the accused officers were not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/27/19 **DATE OF COMPLETION:** 11/20/20 **PAGE#** 7 of 7

SUMMARY OF ALLEGATION #13: The officer detained an individual at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that during the execution of a search warrant an officer displayed a firearm unnecessarily.

Department records showed that the Tactical Unit SWAT Team assisted in the service of a high-risk search warrant and arrest warrant. A night serviceable, “no-knock” entry for warrant service was granted by a Superior Court judge. The search warrant was for the complainant’s residence and stemmed from a homicide investigation involving a primary suspect with an extensive criminal history. Records showed that the Tactical Unit SWAT Team was briefed, staged, and then made entry into the residence. Upon breaching the door, three individuals complied with commands and were detained outside.

Body-worn camera footage showed that the named officer appeared to be the lead officer of the entry team. As the complainant exited the residence, the named officer did not point his weapon at the complainant, but rather kept the weapon pointed to the side off to the side of the complainant and lowered the muzzle of his weapon towards the ground in a low ready position as the complainant descended the stairway.

Requests were made for the additional occupants in the residence who were witnesses to the execution of the warrant to come forward; however, the witnesses failed to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/20 DATE OF COMPLETION: 11/19/20 PAGE# 1 of 5

SUMMARY OF ALLEGATIONS #1-3: The officers failed to comply with Department General Order 5.01.

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

FINDINGS OF FACT: The complainant, an Uber driver, was waiting for a passenger to meet him when a participant in a nearby physical fight landed on the hood of his car, denting it. The complainant exited his car and grabbed the offender for a citizen's arrest, only to be attacked by other individuals. When police arrived, they used force to restrain the complainant and take him to the ground. Officers eventually cited the complainant for resisting arrest. The complainant stated that the officers had no justification in doing this as he was the victim of a crime.

The named officers stated that when they arrived, the complainant was highly agitated and uncooperative. The named officers asked complainant to calm down several times, but he remained agitated. The named officers stated that the complainant lunged at bystanders watching and talking to officers, and the officers had to restrain him. When the complainant resisted, they took him to the ground and handcuffed him.

Department records reveal that police were called to a report of a fight. The officers arrived at the scene, began to interview witnesses, and the complainant yelled and lunged at other people during the investigation, leading the officers to believe that the complainant was under the influence of narcotics. The documents also state that when the complainant continued to be aggressive despite officers' warnings, officers restrained him, took him to the floor and placed him in handcuffs. Department records show that the complainant sustained a slight abrasion to his cheek and officers called an ambulance to assess him. The complainant was transport to the hospital by medics because of his elevated heart rate. The documents show that the use of force was reported in compliance with department policy.

Body-worn camera (BWC) footage from the named officers showed officers arriving on scene and talking to the complainant, who appeared agitated and gesticulated wildly with his hands and upper body as he spoke. The officers instructed the complainant multiple times to calm down. He pointed at someone nearby and started walking towards them, shouting. The named officers pushed him back and told him to calm down and listen. The complainant again attempted to aggressively approach the onlooker, with the same result. When the complainant tried this a third time, the officers tried to restrain the complainant, only to have him pull away. The officers commanded the complainant to stop resisting and get on the ground, but he did not comply. The officers used a leg sweep to take the complainant to the ground and handcuff him. The officers continued to try to calm the complainant before the ambulance arrived.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/20 **DATE OF COMPLETION:** 11/19/20 **PAGE# 2 of 5**

SUMMARY OF ALLEGATION #4-6: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that when the police arrived, they did not investigate his claims of assault or the damage to his car.

Two of the named officers stated that they investigated all allegations from the involved parties and included them in the incident report. The third named officer stated that he was not the investigating officer for the call.

Department documents show that the investigating officers spoke to witnesses at the scene and obtained statements from them. The records also show that officers took photographs of the complainant's car to document the damage. The officers' investigation also revealed that the two males who were originally fighting had fled the scene prior to the arrival of police.

Body Worn Camera (BWC) footage showed officers speaking to the complainant and witnesses on scene about the incident. The BWC shows witnesses providing statements to the officers on scene.

The evidence proves that the alleged conduct did not occur because it shows officers conducting an investigation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/20 DATE OF COMPLETION: 11/19/20 PAGE# 3 of 5

SUMMARY OF ALLEGATION #7: The officer applied handcuffs without justification.

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

FINDINGS OF FACT: During the incident described above, the named officer restrained the complainant, took him to the ground, and placed him in handcuffs. The complainant stated that the officer was unjustified in doing so because he was the victim of a crime.

The named officer stated that the complainant was highly agitated when the officer tried to interview him. The complainant yelled and kept trying to lunge towards another subject, ignoring police commands. After officers were unable to control the complainant with verbal commands, the named officer grasped his arms to seat him on the ground. The complainant tensed up and continued to resist. Once the complainant was on the ground, the named officer handcuffed him.

Department documents indicate that police responded to a report of a fight. Once at the scene, officers attempted to speak to the complainant and other witnesses. The records indicate that the complainant kept yelling and attempting to lunge at other people. The officers believed the complainant was under the influence of narcotics. When the complainant continued to be aggressive after numerous verbal commands to stop, officers restrained him, took him to the ground, and placed him in handcuffs.

Body-worn camera (BWC) footage showed the named officer talking to the complainant. The complainant appeared to be agitated, pointing, and gesticulating while he breathlessly explained the situation to the officer. The named officer told the complainant to calm down multiple times. The complainant pointed at another person and started advancing on him while shouting. The officers pushed him back and instructed him to calm down and listen. After the complainant repeated this behavior, the officers began to restrain the complainant. The BWC showed the complainant pulling away from the officers, who shouted commands at the complainant to stop resisting and to get on the ground. The complainant ignored these commands and continued to struggle against the officers. Officers then took the complainant to the ground and handcuffed him.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/20 DATE OF COMPLETION: 11/19/20 PAGE# 4 of 5

SUMMARY OF ALLEGATION #8: The officer conducted an improper search or seizure.

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

FINDINGS OF FACT: The complainant stated that during the above-described incident, a police officer searched his vehicle without permission.

Body-worn camera (BWC) footage showed an officer briefly entering the complainant's car. BWC from another officer's camera, which was dislodged and knocked under a car during the struggle with the complainant but was still recording, yielded audio of a conversation between the complainant and the officer. The complainant was already detained, and the officer asked for the complainant's identification. The complainant responded that his ID was in the center console of the car. The officer stated he would enter the car to retrieve the identification.

Multiple attempts were made to identify the officer that entered the vehicle. Other officers at the scene were questioned but were unable to identify the officer.

Notably, the Department did not timely produce all of the BWC requested in this case. After over nine months, only four out of a possible eighteen BWC files had been received.

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

The officer could not be reasonably identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/20 DATE OF COMPLETION: 11/19/20 PAGE# 5 of 5

SUMMARY OF ALLEGATION #9: The officer failed to comply with Department General Order 5.01.

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

FINDINGS OF FACT: The complainant stated that during the incident described above, the named officer used excessive force in detaining him.

Department records reflect that the named officer resigned in February 2020.

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

SUMMARY OF ALLEGATION #10: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that when the police arrived, they did not investigate his claims of assault or the damage to his car.

Department records reflect that the named officer resigned in February 2020.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** 11/19/20 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer was dishonest.

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

FINDINGS OF FACT: The complainant alleged that the named officer lied about obtaining information from a confidential informant.

The named officer stated that the confidential informant provided an identification of a suspect. The officer cited Evidence Code §§ 1040 and 1041 and refused to answer additional questions as doing so could put the informant's safety at risk. The DPA is therefore unable to complete its investigation into this matter.

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

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

FINDINGS OF FACT: The complainant alleged that the officer failed to conduct a proper investigation.

The named officer stated that a confidential informant provided an identification of a suspect. The named officer relayed this identification to the lead investigator. The named officer had no duty to investigate further and reasonably concluded that the lead investigator would take any further necessary steps.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/20 **DATE OF COMPLETION:** 11/19/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant alleged that the named officer must have failed to conduct a proper investigation because the named officer arrested a person for a crime that occurred while the person had been incarcerated in another jurisdiction.

The named officer stated that he received information from a fellow officer that a confidential informant had identified the suspect. The named officer reviewed the identified person's mugshot and concluded that the identification was likely accurate. The named officer then brought the evidence to a deputy district attorney, who instructed him to prepare an arrest warrant for the suspect. The officer queried the suspect's information using the California Law Enforcement Telecommunications System (CLETS) and nothing appeared stating that the suspect was incarcerated at the time of the crime. The named officer was not under any further duty to investigate further.

The evidence proves that the act alleged in the complaint occurred. However, such act was justified, lawful and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/4/2020 **DATE OF COMPLETION:** 11/02/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was the passenger, and the co-complainant was the driver in a vehicle pulled over for a traffic stop. The complainant stated that during the process of issuing a citation the officer made sarcastic and antagonistic comments.

The named officer stated that at no time were any of his statements sarcastic and he did not intend for them to be antagonistic. He stated he saw the complainants' vehicle continue through an intersection without stopping at the stop sign and accordingly traffic stopped the vehicle. Upon approaching the driver side window, the co-complainant began arguing that he had stopped, and the complainant stated that she had been rushing the co-complainant to get to the hospital for a medical appointment. The named officer stated he asked whether they needed an ambulance as it was undetermined at that time whether there was a medical emergency. Both complainants declined. The named officer stated he attempted to give the co-complainant a copy of the citation, but he did not accept the copy and continued to argue that he did not commit the traffic violation. The named officer responded by saying he thought they were in a rush. He stated that his intent in saying this was to bring the co-complainant's attention back to his apparent need to get the complainant to the hospital and to avoid further conversation with the complainants as they seemed determined to continue to argue. The co-complainant then called the named officer a profane name which he acknowledged that he heard, the co-complainant accepted the citation, and the named officer concluded the traffic stop.

Body-worn camera (BWC) showed the officer explaining to the complainants why they were stopped and the nature of the traffic violation that was committed. The co-complainant denied that he had run the stop sign and the complainant said she was sorry for making the complainant rush, but that they were in a hurry to get to a local medical facility for a procedure. The named officer asked whether she wanted him to call an ambulance in a seemingly neutral tone. The named officer indicated that he had to process the paperwork and would return as quickly as possible. When the named officer returned to the car the co-complainant initially refused to accept the citation. The named officer said that he thought they were in a rush at which point the complainant called him a profane name. The named officer asked the complainant to repeat what she said and then indicated what he heard.

The named officer's comments did not rise to the level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/4/2020 **DATE OF COMPLETION:** 11/02/20 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant was the passenger, and the co-complainant was the driver in a vehicle pulled over for a traffic stop. The complainants stated that the officer issued a citation for failure to stop at a stop sign without cause.

The named officer stated that he was on patrol when he noticed the complainants' vehicle quickly approach an intersection. The named officer was positioned approximately one and a half car lengths from the intersection when he observed the vehicle rapidly slow and proceed through the intersection at approximately nine miles per hour without stopping at the clearly posted stop sign and painted road surface in violation of the California Vehicle Code. The named officer stated that the issuance of the citation was in accordance with his normal practice based on his observations of the driver's operation of the vehicle at the intersection where the violation occurred.

Records showed that the named officer issued a citation to the co-complainant for failure to stop at a stop sign.

Body-worn camera (BWC) did not capture any traffic within the intersection. However, BWC did show that when the officer conducted the traffic stop and approached the vehicle, the complainant said she was sorry for making the complainant rush, but that they were in a hurry to get to a local medical facility for a procedure.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/20 **DATE OF COMPLETION:** 11/04/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said she reported an auto burglary and that an officer discouraged her from waiting to have her vehicle fingerprinted because, according to the named officer, the District Attorney was not going to prosecute the case.

The named officer said he did not discourage the complainant from pursuing her case. The named officer said he went to console the complainant because she was crying and told her that prosecution was unlikely in a vehicle burglary case. The officer denied being asked by anyone to fingerprint the vehicle.

A police service aide who took the complainant's initial report said that the named officer responded to the parking lot to assist the complainant. The aide said that the named officer returned later and informed him that the complainant declined fingerprinting.

The sergeant who approved the incident report stated that he did not observe the actions taken by the aide or the named officer and could not therefore say if an officer was dispatched to take fingerprints.

No other witnesses were identified.

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

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158
Attn: Lt. Angela Wilhelm

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/20 **DATE OF COMPLETION:** 11/25/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the named officer was dishonest during a preliminary hearing about whether a suspect refused to show his hands during an arrest.

The DPA reviewed the incident report, the preliminary hearing testimony, and all body worn camera footage of the arrest.

The DPA finds that the officer's testimony was not a misrepresentation of the truth. Officers approached the suspect in a dark room and ordered him to show his hands. The suspect appeared to be sleeping and did not immediately comply. At one point, the suspect moved his right hand as if to wave the officers away, then placed it on his face, presumably to shield his eyes from the unexpected light. The suspect's left hand was still under his body. The named officer again ordered the suspect to show his hand. The man does not comply for a second, either out of confusion or intentional non-compliance. The officer yells again, "show me your other hand," and the suspect complies.

The officer's preliminary hearing testimony was generally accurate. The officer testified that he ordered the suspect to show his hands, and the suspect did not do so. Though the suspect's refusal may have had an innocent explanation, the officer did not testify dishonestly. In addition, the officer's testimony overall did not improperly imply that the refusal lasted more than a few seconds. Notably, the named officer was available to the suspect's attorneys in the preliminary hearing, where they were provided the opportunity to scrutinize and cross examine the testimony if they wished to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/20 **DATE OF COMPLETION:** 11/19/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers used excessive force and did not use de-escalation techniques when responding to a person in a mental health crisis.

The named officers stated that they responded to report of a battery and identified a suspect. The named officers said the suspect was argumentative, agitated, irritated, and non-cooperative. The named officers were unaware if the suspect was under the influence of drugs or suffering from a mental illness.

The officers first attempted verbal persuasion to control the suspect. The officers convinced the suspect to sit on the sidewalk, but the suspect then got up and ran, either to attack the officers or flee. The named officers responded with basic control holds to force the suspect to the ground. The suspect then began struggling and flailing, striking one of the officers in the head and generally refusing to comply with the officers' orders to stop resisting. The named officers responded with several fist strikes to the suspect's head and knee strikes to the suspect's torso. After more than a minute of struggling, the officers were able to control the suspect, roll him onto his stomach and handcuff him. One of the named officers suffered abrasions to his hands, elbows, and knees. The suspect sustained a large laceration above his eye.

The named officers' BWCs both fell off early in the encounter. There is therefore no video of the use of force. However, a witness corroborated the officers' testimony and stated that the suspect physically resisted after being taken to the ground. From the witness's perspective, the officers' use of force was necessary to overcome the suspect's resistance.

The DPA was unable to find contact information for the suspect.

The officers' conduct was proper. The officers used verbal persuasion to try and control the situation. The officers then used control holds to take the suspect to the ground after the suspect tried to run. And the officers resorted to strikes to the suspect's head and torso after the suspect continued to resist while on the ground. There was insufficient time and opportunity to adequately address the suspect's mental health issues in advance of using force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/20 **DATE OF COMPLETION:** 11/19/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers intentionally obstructed a video recording.

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

FINDINGS OF FACT: The complainant stated that he believes the officers obscured their body worn cameras during the incident.

One of the named officers explained that he and his partner's BWCs fell off due to the struggle with the subject.

The BWC footage shows that the officers' BWCs fall off as soon as the struggle begins. There is no evidence to support that officers intentionally obstructed their recording.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/20 **DATE OF COMPLETION:** 11/23/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 11/16/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 08/27/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/20 **DATE OF COMPLETION:** 11/19/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, who owns a hot dog stand, stated that the named officer harassed his employee who was operating the stand (“operator”) by instructing the operator to close his hot dog stand before the time specified on his permit. The operator stated he felt harassed by the named officer because she asked him to produce a valid operation permit.

The named officer stated she did not recall asking the operator to close, but she recalled requesting that the operator show her his valid operation permit. When the operator was unable to provide a valid operation permit, she admonished him. The officer denied harassing the operator and pointed out that her contact with him was brief.

Department records indicate that the named officer responded to a location near the hot dog stand on an unrelated call for service. The records show that upon arrival at 2:20 am, the named officer observed a loud, boisterous crowd next to the hot dog stand. The named officer contacted the operator, who indicated that he was permitted to operate the hot dog stand until 2:00 am. The operator stated that he was operating past the permitted time because there was still a line of customers. The named officer requested the operator show her his permit, but he was unable to produce the permit. The named officer admonished the operator for operating past the permitted hour of operation.

Body worn camera footage showed a large, noisy crowd immediately next to a hot dog stand at 2:25 am. The footage showed the named officer asking the operator for his permit to operate the stand. The operator was unable to provide a valid permit and he asked the named officer what was wrong. The officer informed him that he was not allowed to operate past 2 a.m. The operator complained to the named officer that other businesses were allowed to operate without a permit. The named officer provided the operator a case number regarding the incident.

Department General Order 2.01 states in relevant part that officers must treat the public with courtesy and respect. The named officer had minimal contact with the operator and issued an admonishment instead of a citation. BWC footage showed that the named officer acted in a professional manner towards the operator and her behavior did not violate Department policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/20 **DATE OF COMPLETION:** 11/19/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the named officer made an inappropriate comment to his employee when he referred to the employees as “you people,” which complainant believes is offensive. The employee confirmed that the named officer referred to him as “you people,” which he felt was a derogatory manner of referring to Latinx people.

The named officer denied referring to the complainant’s employee as “you people.”

BWC footage did not capture the entire interaction with the complainant’s employee, but the footage available did not show the named officer refer to the employee as “you people.”

Department General Order 2.01 states in relevant part that officers must treat the public with courtesy and respect.

There is no independent evidence that supports or refutes the alleged behavior of the named officer.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/20 **DATE OF COMPLETION:** 11/23/20 **PAGE# 1 of 3**

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 she was the victim of a sexual assault. The complainant stated that she fell and was seriously injured after the sexual assault. When officers arrived at the scene of the incident, the complainant told them she had fallen, but did not tell them about the assault. Later, the complainant wished to document the assault in an incident report. She called Northern Station to create a supplemental report. She spoke with a male officer who claimed he was at the scene of the complainant's fall. The officer was defensive of the SFPD's investigation and did not assist the complainant in drafting a supplemental report. The complainant stated that the officer had an "Asian accent" and but was unable to provide further information.

The officer could not be identified in this incident.

Witness officer #1 stated she answered the phone when the complainant called. She provided the phone to another officer who spoke with the complainant. Witness officer #1 could not recall the name of the officer who spoke with the complainant.

Body worn camera footage of the scene from the complainant's fall was analyzed. It showed that none of the male officers at the scene had an accent.

The DPA sent an ID Poll to Northern Station. The officers were polled and none of them stated they spoke with the complainant on the phone.

Two male officers who had responded to the scene of the complainant's assault were working at Northern Station when the complainant stated she had called. Both officers denied speaking with the complainant.

The San Francisco Police Department General Order 2.01 § 25, On-Duty Written Reports, states, "While on duty, members shall make all required written reports of crimes or incidents requiring police attention." Here, the complainant was requesting a supplemental report from the officer she'd spoken on the phone with. Unfortunately, the DPA was unable to identify the officer she had spoken with.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/20 **DATE OF COMPLETION:** 11/23/20 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that she spoke on the phone with an officer who was very defensive and unprofessional. The complainant stated that the officer had an “Asian accent” but was unable to provide further information.

The officer could not be identified in this incident.

Witness officer #1 stated she answered the phone when the complainant called. She provided the phone to another officer who spoke with the complainant. Witness officer #1 could not recall the name of the officer who spoke with the complainant.

Body worn camera footage of the scene from the complainant’s fall was analyzed. It showed that none of the male officers at the scene had an accent.

The DPA sent an ID Poll to Northern Station. The officers were polled and none of them stated they spoke with the complainant on the phone.

Two male officers who had responded to the scene of the complainant’s assault were working at Northern Station when the complainant stated she had called. Both officers denied speaking with the complainant.

San Francisco Police Department General Order 2.01 § 14 states, in part, “When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.” The complainant stated the officer she had spoken on the phone with was unprofessional and argumentative. Despite its best efforts, the DPA was unable to determine who the complainant had spoken to on the phone.

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

SUMMARY OF ALLEGATION #3: The officer failed to provide his or her name or star number.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/20 **DATE OF COMPLETION:** 11/23/20 **PAGE# 3 of 3**

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

FINDINGS OF FACT: The complainant stated she asked an officer she spoke with on the phone for his name and star number. She stated the officer refused to provide it. The complainant stated that the officer had an “Asian accent” but was unable to provide further information.

The officer could not be identified in this incident.

Witness officer #1 stated she answered the phone when the complainant called. She provided the phone to another officer who spoke with the complainant. Witness officer #1 could not recall the name of the officer who spoke with the complainant.

Body worn camera footage of the scene from the complainant’s fall was analyzed. It showed that none of the male officers at the scene had an accent.

The DPA sent an ID Poll to Northern Station. The officers were polled and none of them stated they spoke with the complainant on the phone.

Two male officers who had responded to the scene of the complainant’s assault were working at Northern Station when the complainant stated she had called. Both officers denied speaking with the complainant.

San Francisco Police Department General Order 2.01 § 14 states, in part, “When requested, members shall promptly and politely provide their name, star number and assignment.” The complainant stated the officer she had spoken on the phone refused to provide his name and star number when she requested it. Despite its best efforts, the DPA was unable to determine who the complainant had spoken to on the phone.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/20 **DATE OF COMPLETION:** 11/10/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer detained him without justification while he was on his way to work. The complainant was unable to provide an exact date and time of the interaction. He did not respond to requests for further information.

The named officer stated that he had only one contact with the complainant and it was two months prior to the alleged incident. The named officer did not recall having any additional contacts with the complainant and added that he was not working during the time of the alleged incident.

The DPA conducted an exhaustive records check but was unable to locate any record of the incident in question. Personnel records showed that the named officer worked only one day of the week when the alleged interaction occurred.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer unlawfully detained him on his way to work. During the detention, the complainant stated that the named officer searched him and his bag for no reason. The complainant was unable to provide an exact date and time of the interaction. He did not respond to requests for further information.

The named officer stated that he had only one contact with the complainant and it was two months prior to the alleged incident. The named officer did not recall having any additional contacts with the complainant and added that he was not working during the time of the alleged incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/20 **DATE OF COMPLETION:** 11/10/20 **PAGE# 2 of 2**

The DPA conducted an exhaustive records check but was unable to locate any record of the incident in question. Personnel records showed that the named officer worked only one day of the week when the alleged interaction occurred.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that an officer harassed him by detaining him. The complainant was unable to provide an exact date and time of the interaction. He did not respond to requests for further information.

The named officer stated that he had only one contact with the complainant and it was two months prior to the alleged incident. The named officer did not recall having any additional contacts with the complainant and added that he was not working during the time of the alleged incident.

The DPA conducted an exhaustive records check but was unable to locate any record of the incident in question. Personnel records showed that the named officer worked only one day of the week when the alleged interaction occurred.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/20 **DATE OF COMPLETION:** 11/12/20 **PAGE# 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that an individual he was romantically involved with filed a restraining order against him under false pretenses. The complainant stated that his lover was reaching out to him consistently after the restraining order had been filed. The complainant attempted to reach out to the named officer, but the named officer eventually stopped returning his calls.

The named officer stated that he conducted an investigation regarding the violation of a restraining order. The named officer interviewed the complainant and spoke with him in depth about the incident. The complainant informed him that he was the victim in the incident and that the restraining order was not valid. The named officer encouraged the complainant to go to a police station and file a police report. The named officer emphasized that the complainant's lover was the one who filed the restraining order against the complainant. He stated that the complainant was the only one with a court order against him. The named officer stated that he obtained all the information that he needed when he initially spoke with the complainant about the incident and did not feel the need to speak with him any further.

The DPA obtained a certified copy of the restraining order. The complainant is listed as the restrained person. The DPA also obtained a copy of the named officer's chronological of the investigation. The named officer's chronological showed that the complainant had been contacting the victim directly and indirectly multiple times after the filing of the restraining order. The named officer's chronological also showed that he interviewed the complainant. The chronological showed the named officer advising the complainant to go to a police station to file an incident report and raise his concerns to the judge. The DPA also obtained copies of the emails sent by the complainant to the victim's husband. The emails were sent two days after the restraining order was filed.

No witnesses came forward.

A court order showed that the complainant was the one who was restrained, and the named officer responded to the complainant's calls appropriately. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/20 **DATE OF COMPLETION:** 11/12/20 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the named officer refused to answer calls from the complainant about an investigation, which was the result of homophobic bias.

The named officer stated that he conducted an in-depth interview with the complainant in which he obtained all the information he needed about the case. He felt that no further discussion was needed regarding the incident. The named officer denied engaging in biased policing.

The DPA obtained the named officer's chronological of the investigation. The chronological of the investigation showed that the named officer interviewed the complaint about the incident. The complainant told the named officer about the issues he had with the restraining order and his lover. The chronological showed the named officer advising the complainant to file an incident report regarding the harassment.

No witnesses came forward.

The complainant was unable to provide any evidence of biased policing due to his sexual orientation, and the DPA did not observe any such evidence during its investigation. The evidence proves that the allegation did not occur.

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

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

FINDINGS OF FACT: The complainant stated that the named officer laughed at a video of him and his lover having sex and at his mugshot.

The named officer denied the allegation. No other witnesses came forward. The evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/20 **DATE OF COMPLETION:** 11/04/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant said that a public service aide was rude and not interested in helping him and his wife report an auto burglary. The complainant asked to speak to a supervisor, and the named officer responded. The complainant said the named officer was rude, aggressive, and yelled at him and his wife.

The named officer said that the complainant was upset and confrontational when asked to provide identifying information for a theft report. He recalled talking to the complainant and advising him that the information was necessary, and that the PSA was willing to take his report. He denied being rude or aggressive.

The aide stated that the named officer was not rude or aggressive. She said that the named officer was polite, allowing the complainant and his wife to speak. She said the officer raised his voice at one point to be heard because the complainant and his wife were talking over him and yelling.

No other witnesses were identified.

The station's video surveillance camera had been erased by the time the complaint was filed.

The named officer activated his body worn camera but not until the conversation with the complainants was largely complete and the footage therefore provided no audio record of the conversation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/20 **DATE OF COMPLETION:** 11/25/20 **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 the named member improperly detained him for a psychiatric evaluation at a hospital.

The named member stated in an incident report that she responded to a report of the complainant harassing patrons of a bank. The named member located the complainant, interacted with him, and determined that he was gravely disabled and needed evaluation by a medical professional for his own safety and wellbeing.

The named member's body worn camera corroborated her account and provided sufficient justification for the detention.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/20 DATE OF COMPLETION: 11/21/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers did not practice social distancing and were not wearing gloves or masks when they responded to her residence regarding a well-being check.

The named officers admitted that they were not wearing masks when they responded to the complainant's residence. They stated that the incident took place at the beginning of the pandemic and at that time there was not enough PPE in stock at the district station or stores.

Body-worn camera footage showed that the officers were approximately 3-4 feet away from the complainant and the contact with the complainant was brief.

Department Notice 20-066 Updated Guidance for Mandatory Use of Respirators and Masks for Police Department Employees was issued two days before the incident. It stated that a mask or respirator must always be worn in the workplace and in the community as officers engage with each other or while providing service to the community. Both officers acknowledged the department notice after the date of this incident. However, officers are given 30 days after the document issued date to electronically review and sign for all documents in their Self-Service Page.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/20 **DATE OF COMPLETION:** 11/13/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that there were two young males who were drinking beer in a car across the street from her residence for close to two hours. The complainant called the police and the named officers responded. The complainant stated she watched the two officers speak with the individuals for less than a minute and then drive off. She stated that they made no attempt to exit their vehicle and investigate.

The named officers stated that they received a call for service regarding suspicious individuals in a vehicle. When they arrived on scene, they spoke to two males who were in their vehicle. The males informed them that they lived across the street and there had been a COVID-19 scare at their residence which was why they were in their vehicle. The named officers stated that they did not see any beer bottles in or around their vehicle. They stated that they did not exit their vehicle due to safety concerns as the incident happened at the height of the COVID-19 pandemic.

The DPA obtained a copy of the CAD associated with the incident. The CAD showed that the complainant called 911 regarding two males that were drinking in their parked car. The CAD showed that the named officers responded to the scene. The call was cleared and closed twenty-two minutes later.

Due to lack of witnesses, the evidence fails to prove or disprove that the alleged conduct occurred.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/20 **DATE OF COMPLETION:** 11/02/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant said officers in a particular patrol vehicle were harassing a homeless female with a dog. The complainant said she believed the officers unfairly targeted the person on a daily basis.

The complainant, who provided only a partial name and an email address, did not respond to DPA attempts to gather further information.

The named officers acknowledged they were in the vehicle the complainant identified and recalled responding to the area. The officers stated that they responded to a trespassing call. The officers stated they could not recall contacting a homeless female with a dog.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/20 **DATE OF COMPLETION:** 11/20/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that during his arrest, the named officers used excessive force on him which resulted in possible damage to his head and ear.

DPA received and reviewed documents related to the complainant's arrest; however, the documents were inconclusive without obtaining a statement from the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/20 DATE OF COMPLETION: 11/21/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer told him to move his tent with no regard for the Covid-19 issues.

Department Bulletin 20-100 stated that the Center for Disease Control (CDC) guideline recommended to not disrupt tent encampments due to the potential spread of the COVID-19 virus during the pandemic. However, officers were permitted to conduct enforcement as appropriate to abate certain violations. When conducting enforcement of any violations, officers were to first attempt to obtain voluntary compliance. After the request for compliance was made, the officer could issue an admonishment, followed by citation, or arrest when appropriate.

The named officer stated that she did not contact the complainant and she did not tell him to move. She stated that she did not recall if there was a complaint of someone blocking the area. She stated that she did not recall if there were criteria for when individuals would be told to move their tents during COVID-19.

Department records indicated the named officer was assigned to patrol the area where the complainant had his tent, but the named officer was dispatched to another location for a call for service.

The complainant provided DPA with the name of the officer and the named officer was the only officer with that name.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/19 **DATE OF COMPLETION:** 11/24/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officers drove city vehicles in a grossly reckless manner.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of Mission Station, the complaint was mediated and resolved in a non-disciplinary manner on 08/27/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/20 **DATE OF COMPLETION:** 11/12/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: DPA received two complaints regarding an officer's participation in a discussion on social media. The first complainant stated that a friend made a social media post to which he and the named officer responded. An online conversation continued over the course of the day and at various points the named officer made comments that the complainant found disturbing and inappropriate. The complainant stated that through searching online he came to find out that the named officer was a San Francisco Police Officer. The complainant provided screenshots of the offending comments.

DPA reviewed screenshots of the online discussion. As a preliminary manner, the social media conversation occurred during a day when the named officer was off work. The named officer did generally identify himself as an officer in San Francisco but did not post any photographs of himself in uniform or display any Department identification. He expressed his personal opinions regarding policing, officer involved shootings and other incidents involving police officers and members of the public. He expressed disagreement with the first complainant but did not purport to speak on behalf of the Department and was not acting in the performance of his duties during the online discussion.

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

SUMMARY OF ALLEGATION #2: The officer was inattentive to duty.

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

FINDINGS OF FACT: DPA received two complaints regarding an officer's participation in a discussion on social media. The complainants both stated that they believed the named officer was on duty during the lengthy exchange and that it was improper for him to type and correspond while working.

DPA reviewed screenshots of the online discussion and clarified with the complainant what day the online discussion took place.

Department records showed that the named officer was not on duty on the day of the online exchange.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/06/20 **DATE OF COMPLETION:** 11/25/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant withdrew the complaint

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #5: The officer failed to promptly provide name and star number.

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

FINDINGS OF FACT: The complainant withdrew the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/20 **DATE OF COMPLETION:** 11/12/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in a written complaint that unknown officers failed to arrest a sexual offender. The complainant provided the names of the officers that were involved.

The complainant would not submit to a DPA interview.

A Department records check showed that the names provided by the complainant were not SFPD officers. The complainant failed to respond to requests for communication to try and ascertain information to progress an investigation.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/20 DATE OF COMPLETION: 11/20/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/20 **DATE OF COMPLETION:** 11/12/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that a retired officer engaged in illegal activities. However, the complainant could not be reached after filing the complaint and did not provide the incidents' time and location or specific details of the criminal activities.

The identity of the alleged retired officer could not be established.

No witnesses were identified.

The complainant could not provide additional requested information regarding the officer and the incident.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/20 DATE OF COMPLETION: 11/12/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he called 911 after a subject violated a restraining order and entered a nearby unit in his residential building. An officer responded to his call and met with the complainant. The complainant pointed out the unit where the subject was located, and the officer knocked on the other unit's door and looked inside the unit once the door was opened. The officer returned to speak with the complainant and told him that the subject was not inside the other unit. The complainant stated that the officer failed to go inside the unit and did not properly look for the subject.

The named officer stated that he did not remember this incident because it took place more than three years prior. He reviewed department records and stated that according to them this call concerned a restraining order violation and that he responded to the call by himself. He stated that department records indicated that he met with the complainant and went to the other unit to search for the subject, but he was not there. The named officer also stated that department records documented that he met with building management who informed him that they did not see the subject on the building's security cameras. The named officer stated that he did not recall whether he went inside the unit or whether the resident gave him permission to enter and search the unit. He stated that if the complainant alleged that he did not go inside the unit he can only assume he was unable to enter and search because the resident did not give him permission to do so. He stated that based on department records he would have needed a warrant to enter the unit.

Department records showed that the complainant reported that a neighbor advised him that an individual with a restraining order was inside a nearby unit. Department records showed that the named officer responded to this call, met with the complainant and checked the other residence and the subject was not there. Department records also detailed that the named officer spoke with building management who had security cameras and indicated that they never saw the subject enter the building.

There is no body-worn camera footage available for this incident.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/20 **DATE OF COMPLETION:** 11/12/20 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant stated that he made an additional call to 911 regarding the subject violating a restraining order. The complainant stated that after making this second report he spoke with the officer on the phone who threatened him by stating that if he ever called the police again, he would come to the complainant's residence and arrest him.

The named officer stated that he did not remember this incident and noted that the incident was over three years prior. He stated that he did not recall speaking with the complainant on the phone and if he did so, he did not recall what was said. However, he stated that he knew he would not tell the complainant that he would be arrested if he ever called the police again. He denied the complainant's allegation.

Department records revealed that the complainant made an additional call regarding a restraining order violation approximately one hour after the initial call. The complainant did not know what part of the building the subject was in. Department records revealed that the named officer called the complainant and advised him to call the police back if he saw the subject.

The evidence proves that the underlying events occurred; however, a preponderance of the evidence conduct does not rise to the level of misconduct.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/20 **DATE OF COMPLETION:** 11/18/20 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: **FINDING:** **I0-1/DEM** **DEPT. ACTION:**

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/20 **DATE OF COMPLETION:** 11/19/20 **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 San Francisco Police Department refused to enforce the law regarding abandoned cars parked on the street.

Police records indicated that officers responded to the complainant's call regarding a suspicious vehicle. The officers determined that the suspicious vehicle was legally parked and subsequently informed the complainant. Additionally, parking enforcement for 72-hour overnight parking limit and towing was suspended due to COVID-19.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 **DATE OF COMPLETION:** 11/19/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that dispatch operators were rude to her. This complaint raises matters outside the DPA's jurisdiction. This complaint was partially referred to:

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

SUMMARY OF ALLEGATION #2: The complaint raises matters not rationally within DPA jurisdiction.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/12/20 **DATE OF COMPLETION:** 11/24/20 **PAGE# 1 of 1**

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

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

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

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: 11/04/20 **DATE OF COMPLETION:** 11/13/20 **PAGE** #1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/20 **DATE OF COMPLETION:** 11/16/20 **PAGE# 1 of 1**

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

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

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

Florence Police Department
425 N. Pinal Street
Florence, AZ 85132

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/07/20 **DATE OF COMPLETION:** 11/19/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/20 **DATE OF COMPLETION:** 11/16/20 **PAGE# 1 of 1**

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

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

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

Los Angeles County Sheriff's Department
211 W. Temple Street
Los Angeles, CA 90012