

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/03/17 **DATE OF COMPLETION:** 12/18/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant stated that he was video-recording with his cellphone his friend's arrest when an officer confiscated his cellphone and hit him with a baton. The complainant stated he was also punched and kicked. In addition, the complainant stated he was pushed into a van, hitting his head on the roof.

The named officer stated that the complainant and his friends were asked to leave a bar and they refused. The named officer stated that when he asked the complainant to leave, the complainant pushed him at least twice, prompting the named officer to take the complainant to the ground. The named officer stated the complainant was subsequently arrested for being drunk in public and resisting arrest. The named officer stated that when the complainant walked himself into the police van, the complainant hit his head. The named officer stated that the complainant told him that he did not need medical attention for hitting his head.

The DPA questioned several officers who observed the named officer attempting to arrest the complainant; however, they did not observe the initial interaction. The witness officers did not witness the alleged use of force.

The named officer's body worn camera recording provided inconclusive evidence regarding the officer's use of force because the recording was partially blocked.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish the complainant's arrest.

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

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SUMMARY OF ALLEGATIONS #2: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that he was arrested for being drunk in public and resisting arrest. The complainant denied these charges.

The named officer stated that the complainant was intoxicated and resisted.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove that the complainant was unable to care for himself. In addition, there was insufficient evidence to either prove or disprove that the complainant resisted.

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

SUMMARY OF ALLEGATION #3: The officer interfered with onlooker's rights.

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

FINDINGS OF FACT: The complainant stated that an officer confiscated his cell phone while he was trying to video-record the arrest of his friend.

The named officer stated that he confiscated the complainant's phone after he was arrested for public intoxication and resisting arrest. He stated that when the complainant was arrested, he was no longer considered an "onlooker."

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer failed to identify himself.

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

FINDINGS OF FACT: The complainant stated a male rang the doorbell, asked if she was the complainant, and asked her to come outside due to a problem in her garage. The complainant came outside and said plainclothes officers arrested her. She stated that if the officer would have identified himself as law enforcement on the speaker, she would not have come outside. The complainant acknowledged that she recognized the plainclothes officers to be police when she came outside.

The named officer stated he had his star visible and did identify himself when the complainant came outside and when she was informed she was under arrest.

SFPD General Order 5.08, Non-Uniformed Officers, states, “Before making an arrest, detaining a suspect, conducting a search, serving or executing a warrant, or issuing a citation, non-uniformed officers shall display their police star or other official identification.”

The evidence established that the named officer identified himself as a police officer before he arrested or detained the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated she was arrested for threatening to kill her niece. The complainant denied the allegation.

The named officer stated he had probable cause to make the arrest based on statements by the victim and complainant's ex-boyfriend. The named officer stated that the complainant also admitted that she barged into the apartment to speak with the niece, although she denied the threats. The named officer acknowledged that he was unable to contact the victim directly.

The complainant's ex-boyfriend told the DPA that the complainant did not threaten to kill her niece.

No other witnesses came forward.

The related incident report documents that the victim and ex-boyfriend reported the complainant's threats to a Police Service Aid (PSA) at a district police station.

SF Superior Court records document that the victim filed a restraining order against complainant the day before the arrest.

The named officer relied only on the statements documented in the incident report, and did not follow up with the reporting parties. One of the reporting parties was reached by the DPA and contradicted his earlier statement.

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

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SUMMARY OF ALLEGATION #3: The officer did not provide the reason for the arrest.

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

FINDINGS OF FACT: The complainant stated she was not told the reason for the arrest until she got to the station.

The named officer stated he did provide the reason for the arrest at the time of the arrest.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer did not investigate the alleged victim's allegation before arresting her.

The named officer stated that he relied on the statements provided by the victim and ex-boyfriend to a PSA and was not able to reach the victim by phone later. The named officer stated that the case was dismissed by the district attorney for "Lack of Corroboration."

The complainant's ex-boyfriend told the DPA that the complainant did not threaten to kill her niece.

No other witnesses came forward.

The related incident report includes a home and work address for the victim. The report states that the named officer believed there was not sufficient probable cause to make an arrest based on merely the report provided by the victim and ex-boyfriend.

The named officer's Chronological of Investigation states that there was a miscommunication, and that he never said that there was insufficient probable cause to make an arrest.

Although the victim and ex-boyfriend initially gave a statement to a non-sworn PSA about the alleged threats by complainant, and although the named officer made attempts to contact the victim for further questioning, there were no attempts made to visit the victim in person or develop additional evidence before arresting the complainant.

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

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SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that uniformed officers who transported her from the district station to the jail made inappropriate comments, laughed when she tried to explain what had happened, and told her to shut-up. The complainant said that one of these officers pushed her after they exited the transporting vehicle.

The identity of the alleged officer could not be established.

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

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

FINDINGS OF FACT: The complainant stated she was arrested on homicide charges at her place of employment. She stated the named officer failed to investigate the incident and arrested her based on false accusations made by her sister. The complainant stated that charges were dropped, and she was released. She stated she was then served with a Temporary Restraining Order by her sister, based on the same false accusations. The complainant was upset that the named officer arrested her based on her sister's allegations, without investigating further.

The named officer stated that the decision to arrest the complainant was made by the patrol sergeant and other officers. She stated she was investigating the matter, but that the case was dismissed before she was able to interview the complainant. The named officer stated that the decision to drop the case was made in consultation with the District Attorney's Office.

The patrol sergeant stated that he "probably" had a conversation with the named officer about the arrest, but that he was nonetheless sure that there was sufficient probable cause to make an arrest.

The Incident Report indicated that the alleged victim went to the district station and reported that the complainant, her sister, had threatened to kill her and lunged at her with a kitchen knife the day before. The report documented that the victim hid in her room and noticed she was bleeding. She assumed she had been stabbed. The report documented that the victim was later able to go to the hospital with her brother's assistance. She was told by a doctor that the blood was vaginal, but that her bleeding was due to the stress of the incident. The report noted that, "the victim was crying and visibly shaken about this incident. The victim told [the officer] that she wanted shelter since she is afraid of going back to the house." The report included a two-page, hand-written statement, in Spanish, from the victim. The Supplemental Report documented that the patrol sergeant ordered the arrest of the complainant.

The named officer's Chronological of Investigation documented only that she spoke with the officer who took the initial report before the complainant was arrested. It documents that the named officer attempted to interview the complainant the day after she was arrested, but was told that she was in a safety cell and could not be interviewed. The chronological documents that the named officer interviewed the alleged victim on that day, and then completed a rebooking packet for the District Attorney's Office.

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SUMMARY OF ALLEGATION #1 continued:

SFPD documents show that the charges against the complainant were dropped because of a lack of evidence.

The complainant's concern is that the named officer should have done more before arresting her. However, it is more likely than not that she did not order the arrest of the complainant at that time. The named officer was actively investigating the case, but was not able to complete her investigation before the case was dismissed.

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

SUMMARY OF ALLEGATIONS #2-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that she was arrested on homicide charges at her place of employment. She stated that the named officers failed to investigate the incident and arrested her based on false accusations made by her sister.

One of the named officers, a sergeant, stated that the decision to arrest the complainant was made by the patrol sergeant and other officers. She also stated that she consulted with the District Attorney's Office regarding the decision to dismiss the case. The other named officers stated they were directed by a different sergeant to arrest the complainant for threatening to kill her sister.

The supplemental Incident Report documents that the named officers were directed to arrest the complainant by a different sergeant.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers did not provide the reason for the arrest.

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

FINDINGS OF FACT: The complainant stated that the named officers arrested her at her workplace and would not tell her the reason for her arrest.

The named officers stated that they informed the complainant of the reason for her arrest at the time she was arrested. The named officers stated that the complainant spoke to them in Spanish and English, so a Spanish-speaking officer was called to the district station later to explain an Emergency Protective Order to her.

The Supplemental Incident Report documents that the complainant was provided a Spanish-speaking officer at the district station following her arrest.

Although it is more likely than not that the named officers told the complainant why she was being arrested, it is possible she did not understand due to the language barrier.

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

SUMMARY OF ALLEGATIONS #7-8: The officers did not read the complainant's rights.

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

FINDINGS OF FACT: The complainant stated that the named officers did not read her Miranda Rights when they arrested her.

The named officers acknowledged they did not read the complainant her Miranda Rights, but stated that they did not question her either.

The named officers were not required to read the complainant her Miranda Rights because they did not question her.

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

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SUMMARY OF ALLEGATIONS #9-10: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the named officers did not prevent a bystander from filming her while she was being arrested. She stated that the video was later posted to social media.

SFPD General Order 5.07, Rights of Onlookers, states, "It is the policy of this Department that persons not involved in an incident be allowed to remain in the immediate vicinity to witness stops, detentions and arrests of suspects occurring in public areas ..." It also states, "Bystanders have the right to record police officer enforcement activities by camera, video recorder, or other means ..."

The named officers would have been in violation of department orders if they had prevented the bystander from filming the arrest of the complainant.

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

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SUMMARY OF DPA-ADDED ALLEGATION #1: The officer failed to supervise.

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

FINDINGS OF FACT: The complainant, who is of Limited English Proficiency, was upset that she was arrested based solely on an accusation made by her sister. The named officer – a sergeant – dispatched officers to arrest the complainant. The arresting officers requested a Spanish-speaking officer once they arrived at the station. The DPA investigated whether the named officer was justified in arresting the complainant, as well as whether he should have sent a qualified bilingual officer to arrest the complainant or whether there were any other steps he should have taken to minimize language barriers during the arrest.

The named officer stated that the statement from the complainant’s sister was sufficient probable cause to arrest the complainant. He also stated that it did not occur to him that the complainant might be of Limited English Proficiency, though he was aware that her sister spoke Spanish due to the original Incident Report.

An investigating sergeant stated that the probable cause for the arrest was determined by the named officer and other officers. She also stated that the case was dismissed in consultation with the District Attorney’s Office. The officers who were ordered to arrest the complainant by the named officer stated that they were given the name of the complainant, where she worked, and why they were arresting her. They realized, after the arrest, that she needed an interpreter.

The Incident Report, written before the complainant’s arrest, noted that her sister – the alleged victim – primarily spoke Spanish. The report included a two-page, hand-written statement, in Spanish, from the victim. The report noted that, “the victim was crying and visibly shaken about this incident. The victim told [the officer] that she wanted shelter since she is afraid of going back to the house.” The supplemental report states that the named officer directed two other officers to go to the complainant’s workplace and arrest her. It documents that the arresting officers transported the complainant to the district station, where they requested a Spanish speaking officer. The Spanish speaking officer’s statement explained that he contacted the complainant in the back of a patrol vehicle at the district station parking lot, where he explained the Emergency Protective Order that was being served.

SFPD documents show that the charges against the complainant were dropped because of a lack of evidence.

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SUMMARY OF DPA-ADDED ALLEGATION #1 continued: The officer failed to supervise.

Officers may arrest a person if they can articulate specific facts they learned at the time that, taken together with reasonable inferences, would lead a person of ordinary care and prudence to entertain an honest and strong opinion that the arrestee is guilty of a crime.

SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, states, "When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services."

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

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

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

FINDINGS OF FACT: The complainant stated that when he spoke with the named officer regarding an ongoing noise complaint, she said, "This is the 3rd time hearing from you," causing the complainant to feel bullied.

The named officer denied bullying the complainant. She stated that she had already spoken with the complainant several times regarding his ongoing noise complaints and concerns with interpreter services.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant sought police assistance with an ongoing noise complaint. The complainant stated that the named officer said that police were not responsible for finding the cause of loud noises.

The named officer stated that, based on the complainant's multiple requests for help, she took the initiative to arrange a meeting at a police station with the complainant, an interpreter, and an officer to discuss the complainant's ongoing noise complaints. She also directed the officer to prepare an incident report.

A second named officer who attended the meeting stated that he and the complainant agreed on a process wherein the complainant would text the officer to report a noise disturbance.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that an assigned officer from the Tenderloin Station arrived to help assist with an ongoing noise complaint, showed up to his residence with two other officers and the building manager unannounced. He stated there was no interpreter present and he could not understand their conversation. When he later texted the officer to request information about the meaning of the visit and their conversation, the officer was unresponsive.

The named officer stated that based on a previous arrangement with the complainant, he and two other officers went to investigate a noise complaint at the complainant's building with the building manager granting them access to the roof. The named officer did not recall any conversation being held in the presence of the complainant. The named officer stated that based on a prior agreement with the complainant to communicate by pen and paper or text, they did not utilize an ASL interpreter.

The DPA questioned two witness officers who went to the complainant's residence on several occasions with the named officer. The witness officers stated the named officer had the contact with the complainant and they did not recall if the complainant requested interpreter services.

Department of Emergency Management records reflect multiple calls for service made by the complainant and the named officer was noted to have responded more than once to the complainant's residence along with other officers.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer ignored his text messages.

The named officer stated that he has responded to multiple calls to the complainant's residence for noise complaints. He stated that on more than one occasion he was joined by other officers, and they all would investigate the ongoing noise complaints. However, they were not able to locate where the noise was coming from.

No other witnesses were identified.

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

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

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

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

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

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

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

FINDINGS OF FACT: The complainant stated that she was walking on the street and noticed the named officer questioning a young, Latino, male. The complainant stated that the named officer was wagging his finger at the young male and pointing at his chest in an aggressive manner. The complainant stated she approached the named officer and told him his body language is considered threatening by many cultures. The complainant stated that the named officer told the complainant to, “get away from him.” The complainant stated that she told the named officer that he should be more professional, and he responded with, “okay, sweet heart.”

The named officer stated that he was speaking with someone when he was approached by the complainant, who began yelling at his partner and himself. The named officer did not recall wagging and pointing his finger at a young Latino male. The named officer did not recall telling the complainant to get away from him or calling her “sweet heart.” The named officer stated he provided the complainant with his star number.

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

No other witnesses were identified or located.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote, "We were pulled over...."

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

Department records show that the complainant was pulled over because he was driving a vehicle that was used in a homicide.

Department General Order 5.03, Investigative Detentions, section I.B. states:

A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.

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

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that he was searched and that his cell phone was seized.

The complainant did not respond to DPA's request for an interview. Department records show that the complainant and his passengers were detained because they were in a vehicle used in a homicide. Records indicate that the named officer instructed the officers on the scene to seize all of the occupants' cellular phones. The named officer has retired from the Department.

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

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

FINDINGS OF FACT: The complainant, whose vehicle was stolen and who was told the investigation had been assigned to the named officer, left numerous messages for the named officer over a period of ten days that were not returned.

The named officer said he was not initially assigned the case and that when he was assigned the case he was off duty and returned the complainant's calls in a timely manner when he returned to work.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated she opened the door and one of the officers had a shotgun pointed “at the door”. The complainant described the gun as being 3-1/2 to 4 feet long, brown/black in color with orange on the stock and on the bottom of the barrel. The complainant stated the officer told her he did not have his weapon pointed at her.

The named officers stated they each displayed a department issued Extended Range Impact Weapon (ERIW). They did so because the run details stated there was a person with a hammer and the ERIW is a less lethal weapon. Both officers stated they did not intentionally point the ERIW at the complainant and that it was in the low ready position which is not a reportable use of force.

Three witness officers affirmed that officers had the ERIW at the incident and two of the witness officers indicated the ERIW was not pointed at the complainant.

Department Bulletin 15-255 (12/11/15) states: Drawing or exhibiting a firearm without intentionally pointing it at the person, such as the low ready position is not considered a reportable use of force...In addition, the bulletin also states: As a reminder, an (ERIW) Extended Range Impact Weapon is not considered a firearm.

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

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

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

FINDINGS OF FACT: The complainant stated that she identified herself to officers as a transgender female. The complainant stated one officer started talking to her and said, “Sir, can you tell us what the problem was?” The complainant told the officer, “I’m not a man; I’m a woman”. The complainant told the officer she just told him she was a transgender female. The officer responded, “I’m sorry, sir”. Three of the officers constantly called her “sir.” The complainant was unable to identify the officers.

Officers who responded to the call denied the complainant’s allegation.

The identity of the alleged officers could not be established.

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

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

FINDINGS OF FACT: The complainant stated his son was visiting him at his house as part of a scheduled court ordered visit. The complainant said the named officers knocked on his door and informed him that they were performing a wellness check on his child. The complainant stated the child's mother had called and said that it had been twenty-four hours and she had not heard from the child. The complainant stated the named officers told him that he was in violation of a court order and needed to contact the child's mother. The complainant told the named officers that there wasn't a court order and that the child was fine and closed the door on the officers. The complainant stated that named officers stayed at his residence and continued to bang on his door demanding that he come down and talk to them. The complainant went to the window on the second floor of his home and spoke to the named officers. The complainant said the named officers told him that he needed to come to the front door and talk to them. The complainant stated he told the named officers that he wasn't going to open the door until they got a warrant. The complainant stated the named officers continued to bang on his door and circled his house on foot. The complainant stated that the named officers eventually got into their cars and left.

The named officers stated they responded to the complainant's residence after receiving a request from a reporting party to conduct a wellbeing check on a child. The named officers stated the complainant refused to open the door and speak with them. The named officers stated that the complainant appeared to be agitated and angry. The named officers stated that they eventually spoke with the complainant when he addressed them through his upstairs window. The named officers stated that the complainant showed them his child from a window. The named officers determined that the child was in good health and left.

A witness stated that he spoke with a named officer who asked him if he saw anything abnormal happening. The witness told the named officer he did not. The witness stated he saw the named officers standing near the complainant's home but could not hear what was being said.

The complainant provided a video taken from his smartphone of the incident. The complainant can be seen talking to the named officers from the second-floor window of his home. The complainant is holding his son. The complainant appears to be agitated and engages in a verbal exchange with the officers where he asks them to leave. The officers can be seen calmly asking the complainant to come down and talk with them, and expressing concern that he had his child near a second story window. The officers can be seen on the sidewalk in front of the complainant's house.

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SUMMARY OF ALLEGATIONS #1-4: (continued)

Records from the Department of Emergency Management show that the mother of complainant's child called, concerned that she hadn't heard from the complainant or their son since complainant picked him up from Arizona the previous day. The records show that the mother reported that the child was 6-years-old. The records also document that the mother reported there was a history of verbal abuse and that the child tends to be scared when the complainant is around.

The named officers responded to a call regarding a young child who had travelled to San Francisco from Arizona with a potentially abusive parent, and whose whereabouts were unknown. Whether or not this information was accurate, it was the information that the named officers had, and they were obligated to ensure that the child was safe, as long as their actions were reasonable. They were not required to leave when the complainant told them to come back with a warrant. A preponderance of the evidence established that the named officers were reasonable, and left when they were able to see that the child was safe.

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

SUMMARY OF ALLEGATION #2: The officer entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated that when he attempted to shut the door of his home, the named officer stuck his foot in the door preventing him from closing it.

The named officer denied the allegation.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/17 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that he had been in a traffic collision and the responding officer that spoke to him did so in a rude and accusatory manner.

The named member acknowledged speaking to the complainant, but denied being rude or accusatory.

Other officers who were on the collision scene either did not recall the incident or said they did not hear the conversation between the named officer and the complainant.

The other party in the collision with the complainant stated that he did not overhear any of the officers' comments to the complainant.

Dispatch records document a report of a fight or dispute and a non-injury collision, and an officer's entry that one of the parties was upset.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/17 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he told the named officer that he wanted to charge the other party to the collision with assault for having grabbed and ripped his jacket. The complainant said the officer told him he would not make an arrest because the matter was civil in nature and he did not witness it.

The named officer said both parties to the incident told him they were not injured. The officer did not recall either party allege physical contact or that the complainant's jacket had been ripped. The officer stated that at no time did the complainant tell him that he wanted to make an arrest and never requested a citizen's arrest. The officer stated that no collision report was required because the incident involved a non-injury accident and no video surveillance footage was sought from the area for the same reason.

Other officers on scene either did not recall the incident or said they had no contact with the complainant.

The communications dispatch record documents a non-injury traffic collision and dispute over possession of insurance card and keys.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/17 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer made a comment that led him to believe the officer had a bias against him.

The other party in the collision said he did not overhear the conversation between the complainant and the officer.

The officer said he did not recall making the alleged comment and denied engaging in biased policing.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/17 **DATE OF COMPLETION:** 12/28/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that the named officer engaged in biased policing.

The named officer denied engaging in biased policing.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/17 **DATE OF COMPLETION:** 12/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant filed an online complaint stating that she witnessed police “taze” a female shoplifter in the lobby of a large department store within a mall. The complainant believes the use of force by the officer was unnecessary.

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

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

The department store security stated they have no record of the incident and that their security personnel do not have tasers.

The movie theater security in the same mall was also contacted by the DPA and stated their security guards do not carry tasers.

The SFPD members do not carry tasers.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he went to a station to get a police report pertaining to a robbery he had witnessed. The complainant wrote, "They kept asking me questions in front of about ten people."

The DPA made several attempts to contact the complainant for additional information relating to this incident. However, the complainant did not respond to phone messages or a letter sent by U.S. Mail.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was emailing friends while sitting inside his car, which he had legally parked. He stated officers approached his vehicle and told him his trunk was open. The complainant stated he thanked the officers, exited his vehicle, closed the trunk and re-entered his vehicle. He stated the officers told him there had been a lot of vehicle break-ins in the area. The officers asked the complainant for identification. The complainant stated he questioned the officers about their request since he had not broken any laws. He told the officers they had no right to demand identification from him. The complainant indicated this went on for several minutes until another officer arrived, and the officers forcibly removed him from his vehicle.

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

Department records show that the named officers were patrolling the area around midnight when they noticed the complainant's vehicle parked with its trunk open. The officers approached the vehicle to investigate possible auto burglary.

Department General Order 5.03, Investigative Detentions, section I.A.B. allows an officer to detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer threatened to break the windows.

The named officer did not remember whether he told the complainant he would break the car window, if the complainant did not open the door.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4-6: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was forcibly removed from his vehicle, stepping on his toe and breaking his nail.

The named officers stated that records check show that the vehicle was not registered to the complainant. The named officers stated that complainant refused to exit his vehicle, prompting to pull the complainant out of his vehicle.

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

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to accomplish their police task.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer had no right to arrest him.

Department records show that the complainant was on probation at the time of the incident with a search condition. During the search of his vehicle, the officers found a glass pipe and some pills in a plastic bag. The officers then contacted the complainant's probation officer, who requested a probation hold on the complainant.

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

SUMMARY OF ALLEGATION #8: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the named officer failed to allow the complainant access to his medications and cash.

Department records show that the complainant's items were booked as required.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/17 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant did not respond to DPA's request for an interview.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/17 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 9.06, Vehicle Tows.

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

FINDINGS OF FACT: The complainant stated he was stopped for not wearing a seatbelt. He stated that instead of being issued a citation, he was arrested on a warrant and that his vehicle was towed. In addition, the complainant stated he was not provided instructions on how to retrieve his vehicle.

Department records show that the complainant was initially stopped for not having front license plate on his vehicle and for not wearing his seatbelt. During the traffic stop, the named officer learned that the complainant had a warrant for his arrest, prompting the named officer to place him under arrest.

The named officer stated that the complainant's vehicle was towed because the vehicle was not legally parked and in a lane of traffic. Pursuant to DGO 9.06, Vehicle Tows, the named officer stated that the complainant was given a Notice of Tow Hearing (SFPD 387).

While the tow was proper, there was insufficient evidence to either prove or disprove that the complainant was given a Notice of Tow Hearing.

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

SUMMARY OF ALLEGATIONS #2: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: Department General Order 9.06, Vehicle Tows, section II.A.1.d. allows officers to tow a vehicle driven by a person arrested and taken into custody when the vehicle is a traffic hazard, and cannot be released immediately to a person at the scene who is authorized by the arrestee.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/17 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 2 of 2

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/17 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/17 **DATE OF COMPLETION:** 12/27/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he suspected another resident, who lived in the same apartment building as the complainant, of stealing a parcel that had just been delivered. The complainant stated the resident confronted him near the elevators. The complainant did not have any witnesses and stated the only evidence he believed was video footage from a surveillance system the apartment building maintained that covered the lobby area where the parcels were delivered. The complainant wanted officers to kick the other resident out of the building, but the officers refused. The complainant stated the officers failed to retrieve video footage, which would have shown the other resident taking the parcel and the resident aggressively talking to the complainant in the lobby.

The manager stated delivery couriers deliver several packages to the lobby daily, and usually inform the recipient via text message that the package has been delivered. The lobby cameras have no way of distinguishing whether the building resident picked up the right package and the video surveillance system does not pick up sound. The manager stated that the complainant had not told him about this incident or had requested to see the video footage.

The officers stated they responded to the incident and interviewed both parties. One of the named officers stated the other party had packages inside her door and allowed her to check the names on the packages, of which all belonged to the neighbor. The other named officer stated there were no cameras that were available for them to review on the date of this incident. The other named officer informed the complainant that they could not find any evidence to support the complainant's allegation that the other resident stole the complainant's parcel.

The evidence established that the named officers did not have the authority to kick the other resident out of the building. The officers investigated the complainant's allegation and found no evidence to support the complainant's claim.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 1 of 1

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

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

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/17 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was cited for speeding. The complainant did not respond to DPA's request for an interview.

The named officer's body worn camera shows that when the named officer asked the complainant if he knew why he was being pulled over, the complainant said, "Because I was going too fast."

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

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was cited for speeding. The complainant did not respond to DPA's request for an interview.

The named officer's body worn camera shows that when the named officer asked the complainant if he knew why he was being pulled over, the complainant said, "Because I was going too fast."

The evidence established that the named officer had cause to stop and cite the complainant. There is no evidence that the named officer engaged in biased policing as alleged. The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/17 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was cited for speeding. The complainant did not respond to DPA's request for an interview. The identity of the alleged officer could not be established without the complainant's cooperation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/17 **DATE OF COMPLETION:** 12/15/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers made fun of her, mocked her and ridiculed her.

The officers denied that they mocked, made fun of or ridiculed the complainant during the incident.

The body worn camera recording established that the alleged conduct did not occur.

A witness stated the officers were completely professional.

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

SUMMARY OF ALLEGATIONS #3: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated the report was inaccurate. The complainant stated that the named officer's partner asked if she was schizophrenic and if she was crazy. However, the named officer reported that his partner asked the complainant if she had been diagnosed with any sort of mental illness.

The named officer denied that his partner asked the complainant if she was crazy. He did acknowledge that his partner asked the complainant if she suffered from any mental illness, such as schizophrenia. The officer stated that schizophrenia is covered under mental illness. He said the statement in his report is accurate and sufficiently covers the subject in question for the purposes of the report.

The witness officer denied that the report is inaccurate. He stated the body worn camera shows him asking the complainant if she had any type of mental illness, such as "Schizophrenia, anything like that"? He relayed that he asked the complainant that question because there was no merit to any crime, which is consistent with an individual who might suffer from a mental health illness, such as Schizophrenia.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/17 **DATE OF COMPLETION:** 12/15/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3 continued:

A civilian witness stated the complainant has mental problems and her mental capacity is declining. The witness stated the complainant has called the police 15-20 times for ridiculous incidents and previously forced two tenants to move because of her behavior. The witness stated he appeared in court for a restraining order hearing, showed the judge a video of the incident to prove his story and the case was dismissed. He did not think the officer used the word schizophrenic towards the complainant.

Body worn camera recording shows that the named officer's partner did not ask the complainant if she was "crazy" though he did ask the complainant if she suffered from a mental illness, such as schizophrenia.

Schizophrenia is defined as a chronic and severe mental disorder that affects how a person thinks, feels, and behaves.

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

SUMMARY OF ALLEGATION #4: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated the named officer would not accept the private person's arrest. The complainant stated the officer took the private person's arrest only after she insisted.

The named officer denied that he refused to take the citizen's arrest. He accepted the citizen's arrest and had the complainant sign the citizen's arrest form. He then prepared an incident report as required.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/17 **DATE OF COMPLETION:** 12/06/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 25, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/17 **DATE OF COMPLETION:** 12/06/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 23, 2017.

SUMMARY OF ALLEGATION #2: The officer's conduct was retaliatory.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 23, 2017.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/17 **DATE OF COMPLETION:** 12/19/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer confronted her on the street and behaved inappropriately toward her.

The named officer and his partner denied the complainant's allegation.

No independent witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/16 **DATE OF COMPLETION:** 12/14/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that officers contacted her while she was on vacation about a trespasser in her building claiming he was her guest. She stated she informed the officers she did not know the suspect. The complainant stated that the next day she was contacted again because the same suspect was found in her apartment. She stated the suspect was arrested and charged with aggravated trespassing and burglary. She said she found out later that he was released from jail and pled to lesser charges. The complainant stated she returned to her home several days later and discovered a number of items missing. She also said she found items belonging to the suspect. The complainant was upset because she felt that the named officer could have done more, and she said that she and her neighbors were afraid.

The named officer stated he investigated the trespassing and determined that the suspect committed burglary. He stated the complainant was out of town, but that he called her and her husband to speak to them. The named officer stated he waited for the complainant's daughter to respond to the apartment to assist with the investigation. He stated he took pictures of the evidence and arrested the suspect. The named officer stated that the suspect identified his property, and his property went with him to the station.

The building's maintenance worker reported and witnessed both crimes. He did not respond to DPA's request for an interview. No other witnesses were identified.

SFPD records show that the suspect was initially detained for trespassing in the complainant's building. The records show that the next day when the maintenance worker went to change the locks on the complainant's door, he found the suspect inside her apartment. The related incident report documented that the named officer responded, questioned the suspect, questioned witnesses, and conducted a cold show with a witness from a previous incident. The report also showed that the complainant's daughter was called and assisted the named officer in separating the suspect's personal property from the complainant's property. The report also documented that the arresting officer notified a sergeant, from the district Station Investigative Team, of the incident.

The evidence showed that the investigation on scene was thorough, and that the officer's actions were proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/16 **DATE OF COMPLETION:** 12/14/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that SFPD officers arrested a burglar at her house while she and her husband were on vacation. She said the named sergeant told her that the suspect would be going to jail for a long time, but she found out later that he was released from jail and pled to lesser charges. The complainant stated she returned to her home several days later and discovered a number of items missing. She also said she found items belonging to the suspect. The complainant stated she called SFPD, and the named officer responded. The complainant stated that the named officer did not remove the suspect's items from her home. The complainant was upset because she felt that the named officers could have done more, and she said that she and her neighbors were afraid.

The named sergeant stated he was the investigating sergeant and was notified after the responding officers completed their initial investigation. The named sergeant stated he contacted the complainant and her husband, contacted witnesses, and attempted to interrogate the suspect. The named sergeant said he prepared a booking packet and forwarded it to the District Attorney's Office. He stated the District Attorney decided to reduce the suspect's charges from a felony to a misdemeanor the next day. He also stated that he did not recall telling the complainant that the suspect would be in jail for a long time. The named sergeant stated that he did not recall the named officer informing him of the suspect's property at the complainant's apartment. He stated that if he knew the suspect left property at the complainant's apartment he would have picked it up or instructed an officer to pick it up.

The named officer stated that he responded to the complainant's apartment to take a report regarding stolen property, but ultimately did not because a report had already been written for the incident. He stated the complainant requested that he remove the suspect's property from her apartment, but he told her that he would have the named sergeant follow up with her regarding the property. He stated that he informed the named sergeant that the complainant wanted the suspect's property removed from her apartment.

An arresting officer stated that the suspect identified his property, and his property went with him to the station.

The building's maintenance worker reported and witnessed the crime. He did not respond to DPA's request for an interview.

No other witnesses were identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/16 **DATE OF COMPLETION:** 12/14/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #2-3 continued:

The related incident report documented that the complainant's daughter was called and assisted the arresting officer in separating the suspect's personal property from the complainant's property. The report also documented that the arresting officer notified the named sergeant of the incident after the suspect was booked at the district station. The named sergeant's chronological shows that he conducted computer queries, spoke with witnesses, and spoke to the complainant's husband. It also shows that he attempted to speak to the suspect, but the suspect refused.

Records from the Department of Emergency Management show that the other named officer responded to the complainant's home 13 days after the suspect pled to lesser charges and was released.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/17 **DATE OF COMPLETION:** 12/04/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misused a computer or database.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the named officer, who was not on duty at the time of the incident, used SFPD equipment to run his license plate number to obtain his criminal and employment history. In addition, the complainant stated that the named officer checked to see if he owed child support using the same equipment.

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

The complainant failed to provide additional requested information.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/16 **DATE OF COMPLETION:** 12/27/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to make a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated that she was beaten by a woman on the street. The complainant called police and asked them to arrest the woman. The complainant stated that police looked around for the woman and did not find her.

The named officer stated that he responded to the call and interviewed the complainant. The complainant described the woman who had battered her. The named officer and another officer made an effort to find the suspect but were unsuccessful. The named officer then filled out an incident report and told the complainant they would continue the investigation.

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

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

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

FINDINGS OF FACT: The complainant stated that she was beaten by a woman on the street. The complainant called police and when they arrived she asked them to review surveillance footage from a liquor store near where the attack happened. An officer went inside the liquor store briefly but did not review the video footage.

The named officer stated that he went into the liquor store and asked if he could review the footage and was told that it was not available at the time. The named officer then wrote an incident report noting that there was video footage at the store and listed the address for the store.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 1 of 3

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

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

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

Department records established that the complainant was identified by the victim in a stabbing incident. The evidence established that the named officer had probable cause to make the arrest.

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

SUMMARY OF ALLEGATION #2: The officer failed to state the reason for the detention and/or arrest.

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

FINDINGS OF FACT: The complainant stated the officer did not tell her she was being detained or arrested.

The body worn camera recording shows that the named officer told the complainant the reason for the detention and arrest.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer would not allow her to put any clothes and shoes on.

The body worn camera recording shows the complainant's mother summoned the complainant to the door and told her that officers wanted to speak with her. When the complainant came to the door she was wrapped in a towel. The complainant told the officers she could only talk to them for a minute because she was getting ready for work. The officers informed her she was being detained and when they asked her to turn around to place handcuffs on her, she immediately turned and pulled away from the officers, telling them "no", and that they could not arrest her.

The complainant's mother physically interfered with the investigation and there was a brief scuffle involving the officers, the complainant and her mother. The complainant asked for some clothes and the officers permitted the complainant's mother to get clothes for her. A crowd was forming in the street while the complainant's mother was verbally abusive and hostile, yelling loudly and using profanity towards the officers. The officers quickly moved the complainant and placed her in the back of the patrol car, so she would be hidden from public view. The officers then waited patiently for the complainant's mother and sister to bring clothing and shoes for the complainant. The complainant was transported to the police station where a female officer came to the vehicle and assisted the complainant, so she could put her clothing on inside the vehicle before being brought inside the station.

The body worn camera recording shows the named officer acted in a professional manner, maintained the dignity of the complainant and expedited the transportation of the complainant to avoid an emotional confrontation with family and neighbors.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4 - 5: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated the officers had rifle-like machine guns. The complainant stated the officers had their hands on their rifles and some were armed with bigger guns. The complainant could not say if the guns were pointed at her or not.

Department Bulletin 15-255 (12/11/15) states that drawing or exhibiting a firearm without intentionally pointing it at the person, such as the low ready position is not considered a reportable use of force. In addition, the bulletin also states that an Extended Range Impact Weapon (ERIW) is not considered a firearm.

The body worn camera recording shows that one of the named officers displayed a department issued Extended Range Impact Weapon (ERIW), and that the second named officer displayed a department issued rifle. The officers did not point the firearms at the complainant and the weapons were in the low ready position. When the crowd began to form and the situation began to escalate, officers requested backup. One of the backup officers responded with a rifle and stood on the sidewalk between the crowd and the involved parties.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer abused her police authority by contacting a detective, with an outside law enforcement agency, to obtain confidential information related to the death of a family member.

The named officer denied using her police authority to gather confidential details into the death of her relative. She was off-duty and out of uniform. The officer said she called the law enforcement agency, identified herself as a police officer over the phone to the detective only as a professional courtesy, not as an SFPD representative in any way. The officer stated she was trained that it is a professional courtesy to identify yourself whenever speaking to an outside law enforcement officer or agency.

The out of county detective acknowledged the named officer called shortly after he had made contact with the decedent's mother [complainant]. He explained to the officer that she needed to contact the mother and that it was the mother's prerogative to reveal the particulars of the deceased. The detective stated he could not release any information to anyone other than to the decedent's mother. The detective stated the named officer identified herself as a peace officer and her demeanor was completely professional.

Based on the statements from the involved parties, the officer's conduct did not rise to the level of misconduct and there was no evidence of misuse of police authority.

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

SUMMARY OF ALLEGATIONS #2: The officer misused computer/CLETS.

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

FINDINGS OF FACT: The complainant stated the officer misused the Departments' computer to obtain confidential information regarding a family member.

A Department search for access regarding this matter was completed and returned with negative results. The evidence proved that the act alleged in the complaint did not occur or that the named officer was not involved in the act alleged.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/17 **DATE OF COMPLETION:** 12/18/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: In her written complaint, the complainant stated she was placed in tight handcuffs.

The complainant did not respond to DPA's request for an interview. In addition, the DPA was unable to obtain a copy of the complainant's medical records without a signed medical release from the complainant.

The named officer acknowledged handcuffing the complainant, checking the handcuffs for the proper degree of tightness before double-locking the handcuffs.

There was insufficient evidence to either prove or disprove that the named officer placed the complainant in tight handcuffs.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant in this case stated that he called police several times to report an illegal homeless encampment blocking the sidewalk across the street from his residence but that police did not abate the violation.

Following adoption of the City's ordinance in 2010 that made it illegal to block a sidewalk between the hours of 7 a.m. and 11 p.m, SFPD established a procedure for enforcing the so-called "Sit/Lie ordinance," that required officers to first document warnings on paper forms before issuing citations for violations.

Department records indicated that four of the complainant's calls were dispatched but that three of the four calls were held by dispatchers until after 11 p.m., when the violation was not active. On the fourth call, records showed that officers responded but only issued an advisement to the violator.

The DPA investigation established that the Department's policy regarding enforcement of the Sit/Lie ordinance has evolved, with enforcement by citation being the final option after exhausting efforts to connect homeless residents with services and assistance. Department practice indicates that officers are authorized to issue citations for violations of the Sit/Lie ordinance, but only as a last resort.

The Department of Police Accountability recommends that the Police Department to provide the public information about the manner in which the Department is responding to tent encampments and to implement the necessary systems within the Department to ensure that tent encampment complaints are responded to, including that the callers are notified about what steps the Department has taken to address the caller's request for services concerning tent encampments.

The evidence proved the acts by the members were justified by Departmental policy, procedure, or regulation; however, the DPA recommends a change in the particular policy, procedure, or regulation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/18/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that when he called a police station to complain that officers had not cleared an illegal homeless encampment from in front of his home, the named officer lectured him about homelessness, acted disinterested in the reported police inaction, and treated him with contempt during a telephone conversation.

The named officer denied he behaved improperly or treated the complainant with contempt.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, who lives in an SRO hotel, called the police to report an unlawful entry into her residence. She stated that she left her room for a few minutes, and upon her return she saw that rocks that she had set up on her windowsill to detect intruders had been knocked over. The complainant stated that when police arrived, the named officer refused to take a report.

The named officer acknowledged that he declined to take a report because no factual evidence existed to indicate that an unlawful entry had occurred. The officer stated the complainant did not believe that anything was missing, and she also mentioned that she was in a dispute with the building management. Further, the named officer believed that the complainant was under the influence of marijuana due to her glassy eyes, the presence of suspected marijuana and drug paraphernalia, and the odor of burnt marijuana in the room. The named officer stated he thus believed that the complainant would not be able to provide an accurate account of the incident. The complainant also exhibited signs of paranoia, speculating that the building management was plotting against her. Additionally, the complainant theorized to the named officer that an intruder could sneak out of the window of the adjacent room, onto the fire escape, and into her room, where he could then “put stuff” in her food and wine. During his investigation, the named officer visually inspected the fire escape from the complainant’s third floor window and saw that the ladder leading to the ground was intact. He also witnessed the wind blow the curtains in the complainant’s room and knock one of the rocks on her windowsill to the floor. He believed that a similar occurrence could have caused the disturbance that the complainant claimed to have seen.

Body worn camera footage showed the named officer investigating the complainant’s room and the fire escape, and asking the complainant asking detailed questions about what she believed occurred. In response, the complainant grows increasingly defensive and hostile.

Department General Order 1.03 requires officers to write reports on crimes they observe or are reported to them. The evidence in this case proved that the officer properly investigated a report of a crime and received no credible evidence indicating that such a crime had occurred. As such, the named officer was not required to prepare an incident report.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/17 **DATE OF COMPLETION:** 12/13/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer acted and commented inappropriately.

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

FINDINGS OF FACT: The complainant stated that she called the police to report an unlawful entry into her residence, because rocks she had placed on her windowsill had been knocked over. She stated that the named officer said, "You're high. I'm not taking a report about this."

The named officer said he believed the complainant was under the influence of marijuana, and that he told her as much. He stated that he asked the complainant questions regarding the incident and attempted to determine whether a crime had been committed, but the complainant failed to provide any factual evidence that an unlawful entry had occurred. He also stated that he saw suspected marijuana, narcotics paraphernalia, and suspected burnt marijuana in the complainant's room. The named officer stated that he could also smell the odor of burnt marijuana. The officer also noted that the comp had glassy eyes and her pupils were dilated. Additionally, the named officer stated that the complainant said she was paranoid and that the building managers were plotting against her. She stated to police that anyone who entered her room could put "stuff" in her wine and food. The complainant also told the officer that at her previous residence, someone put "acid" (LSD) in her yogurt.

Body-worn camera footage documents that the above exchanges between the complainant and the officer took place. It also shows that the officer told the complainant, "I believe you're under the influence, and I'm not going to take a report from you today," in a matter-of-fact and respectful tone.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action.

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

FINDINGS OF FACT: The complainant stated he has had multiple encounters with an individual (suspect) who appears to be homeless, and who assaults him and others, yells, and throws things. He has called 9-1-1 and informed officers and command staff at the district station. He stated that SFPD has not taken appropriate action to arrest the suspect or remove him from the streets. Among other incidents, the complainant mentioned one in which the suspect assaulted him and boarded a Muni train. He stated he called for assistance, but officers did not arrive, and did not seem to understand that the suspect was traveling and would not still be at the location of the original call. The complainant stated the suspect poked him during a different incident. He stated he reported this incident to a sergeant at the district station. The complainant described still another incident in which he saw the suspect on a Muni platform yelling. He stated he flagged down some passing officers, who stopped and handcuffed the suspect. The complainant stated that one of the officers indicated the suspect would likely be released. The complainant also stated that there is a different homeless individual who camps out in a bus shelter, and SFPD has not taken action to remove him.

The DPA questioned a number of officers and most were aware of the suspect. Many of the officers reported multiple previous encounters with the suspect, some of which involved an arrest or detention. Responding officers who made it on scene to one incident described by the complainant stated that they questioned bystanders and communicated with dispatch in an attempt to find the suspect, the complainant, or evidence of a crime. These officers also stated they were unaware that the suspect had boarded a train. Some of the officers explained that there was no probable cause to make an arrest regarding the incidents described by the complainant. Officers who were told about the poking incident stated that they could not make an arrest because the reported misdemeanor was “cold” or “stale.” Officers that made contact with the suspect during one of the incidents stated that the suspect did not meet the criteria for an involuntary psychological evaluation on that date. Those officers stated that, based on their experience, it was more likely that the suspect was exhibiting signs of narcotic use. Another officer stated that he provided information to the complainant to assist him in seeking a restraining order against the suspect. That officer also stated he had spoken to the homeless individual at the bus shelter, who did not want any services and was not violating the law.

An incident report described the poking incident reported by the complainant. The reporting officer wrote that she requested video from the location of this incident. The related supplemental report described a different incident when the reporting officer and his partner were flagged down, and an ambulance was

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #1 continued:

called to assess the suspect. The supplemental report noted that the complainant directly addressed the suspect in the officers' presence, saying, "If you ever touch me again, I'll shove a knife up your fuckin' ass!"

Call records from the Department of Emergency Management indicate that during a different incident the complainant was identified as a possible aggressor by dispatch, because he stated he was going to stab a homeless person, and could be heard using the "N-word." The call included an officer calling dispatch to ask if the reporting party had been called back, with a response that the call had gone to voicemail. The call also indicated that the officer reported that he and his partner spoke to multiple people in the area who had not seen anything.

Available Body Worn Camera (BWC) footage confirmed information provided in incident reports and provided by officers. BWC footage showed the suspect yelling on a Muni platform but quickly calming down as officers approached.

SFPD General Order 5.04, Arrests by Private Person, describes the procedure for officers responding to a request for an arrest by a private person. It states that officers shall, "Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate ... If probable cause does not exist, the individual is free to leave." General Order 6.14, Psychological Evaluation of Adults, states, "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 a danger to himself/herself, or a danger to others, or gravely disabled, meaning the individual is unable to care for himself/herself and has no reliable source of food, shelter or clothing."

The complainant did describe criminal acts committed by the suspect, but there would not have been sufficient cause for an arrest or a 5150 detention based on the officers' personal knowledge. SFPD officers nonetheless assisted the complainant by documenting what he reported and providing him with information to use in requesting a restraining order. The officers responding to the complainant's 9-1-1 calls also did what was required based on the information they had at the time. Although the complainant was not aware of all of the steps taken by officers, his primary complaint was that SFPD should arrest the suspect or take him off the streets with the information that they had. The investigation found that SFPD officers did not have sufficient cause to take these steps, and that officers responding to the complainant's calls for service or reports of crime acted appropriately. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 3 of 3

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/17 **DATE OF COMPLETION:** 12/27/17 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used physical control without justification.

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

FINDINGS OF FACT: The complainant stated in a handwritten statement that the named officer put her in a physical hold that restricted her breathing. The complainant did not provide the date of the alleged incident and did not respond to DPA's request for an interview.

The named officer stated that he did not know the complainant, does not remember the incident, and denied there was such an incident.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/17 **DATE OF COMPLETION:** 12/05/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the responding officers drove by and did not stop to investigate his 9-1-1 call regarding a person in a car using drugs and drinking.

The named officer stated that he was in charge of the response. The named officer and two other officers who responded to the call stated that they stopped and questioned the occupants of the suspect vehicle.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer filed an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that after watching the police car drive by without stopping he called 9-1-1 and the 9-1-1 operator told him that the officers reported going to the location, exiting their vehicle, investigating and having found no illegal activity, and left. The complainant stated that the officers provided misinformation to the 9-1-1 dispatcher because the officers did not stop or exit their vehicle.

The named officer stated that he was in charge of the response. The named officer and two other officers who responded to the call stated that they accurately reported their actions; that they stopped, one officer exited their car and questioned the occupants of the suspect vehicle.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that homeless persons had burglarized her storage unit and stole her belongings. The complainant stated she called for assistance, but no one responded to investigate the incident. The complainant stated she went to a district station and reported the matter, but no one at the station was willing to go to the storage facility to investigate.

No witnesses were identified.

The district station captain polled his officers and was unable to identify who, if anyone, took the complainant's report.

There was no evidence of the complainant's calls for assistance regarding the burglary.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/17 **DATE OF COMPLETION:** 12/19/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving home when the named officer stopped him because his headlight was out. The complainant said he usually carries a light with him because he has problems with his car headlight. He told the named officer that he was going to fix it on the spot. The complainant said he did not think she should write the ticket because he did not know it was out and he had a replacement bulb in the car. The complainant stated that the officer issued him the ticket anyway, but explained that it was a “fix-it” ticket, and would not go on his driving record. The complainant still wanted the named officer to wait while he fixed the light and then to sign off on the ticket, but he said that the named officer told him he would have to go to the station to get it signed.

Based on the complainant’s own statement, the named officer’s action was proper.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer wrote him a citation for driving through a red light. He stated that he met the named officer in court, where he intended to contest the citation. The complainant stated that the named officer told him that if he chose not to contest the citation, he would change it from a moving violation to a non-moving violation, it would not affect his insurance, it would not add a point to his driving record, and would not be on his driving record at all. The complainant said that he agreed, but later discovered that the citation was on his driver's record, and would remain there for three years. The complainant stated that he would have contested the citation if he knew it would be on his record.

The named officer stated he did not recall his conversation with the complainant, but acknowledged he was in court and said he generally offers to amend citations to a no-point violation as a way to help the defendant. The named officer stated that, according to court records, the complainant pled guilty to a violation of CA Veh. Code § 22526(a) – blocking the box. The named officer stated he stated he explains that this violation does not carry a point, therefore, it would not affect a defendant's insurance.

The citation, or Notice to Appear, shows the named officer cited the complainant for a violation of CA Veh. Code § 21453(a) "Red Light."

Records from San Francisco Superior Court show that a hearing was held in which the complainant pled "No Contest" to the "blocking the box" charge.

CA Veh. Code § 1808 requires the California Department of Motor Vehicles (DMV) to make records of convictions available for a minimum of three years.

The complainant was convicted of a vehicle code violation. The court would have been required to forward this information to the DMV and it would have been part of his driving record, even if it was less likely to affect his insurance rate because it did not carry any points. Based on the evidence, it is more likely than not that the complainant either misunderstood the named officer, or the named officer did not adequately explain the consequences of pleading to a different charge. Nonetheless, there is no evidence that the named officer misrepresented the truth.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/17 **DATE OF COMPLETION:** 12/12/17 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer approached him at court and told him that the judge would be more likely to believe him, a police officer, rather than the complainant. The complainant stated that the named officer told him that if he chose not to contest the citation, he would change it from a moving violation to a non-moving violation, it would not affect his insurance, it would not add a point to his driving record, and would not be on his driving record at all.

The named officer stated that he did not recall his conversation with the complainant, but that he would have explained that he could plead to a different violation that does not carry points and would, thus, not affect his insurance.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/17 **DATE OF COMPLETION:** 12/28/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that an unknown officer threatened to shoot him.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/17 **DATE OF COMPLETION:** 12/28/17 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested for no reason.

Department records show that the complainant was arrested for three (3) outstanding warrants.

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/16 **DATE OF COMPLETION:** 12/08/17 **PAGE#** Page 1 of 7

SUMMARY OF ALLEGATION #1: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant alleged that officers improperly entered his home when they contacted him about the location of his daughter who the police said was on a missing person's list.

When police contacted the complainant about his daughter who had been reported missing, the complainant stated that his daughter was living with him. The complainant was told that an officer would need to see his daughter to verify that she was no longer missing. Records indicate that the complainant contacted the police when the daughter returned home later that day. Officers responded to the residence and the complainant subsequently permitted the named officer to enter his residence.

The Fourth Amendment generally prohibits a warrantless entry into a person's home. However, the prohibition does not apply to situations involving consent. The complainant contacted the police when his daughter returned home so that she would be removed her from the missing persons list. When officers arrived, the complainant gave the officers permission to enter his home.

The evidence proved that the act occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant alleged that officers improperly detained his daughter when they informed him that they needed to see his daughter to take her off the missing person's list but instead then arrested her. The complainant disputed the warrant and could not reach anyone to verify his assertion that the warrant had been withdrawn. The officers arrested the complainant's daughter on an active no bail warrant.

The evidence established that the named officer and his subordinate responded to the complainant's residence to verify that the complainant's daughter, who had been reported missing, was no longer missing. A records check indicated that the daughter had an active no bail warrant that the officers confirmed. The arrest was based on this warrant. California Penal Code §836 states that "[a] peace officer may arrest a person in obedience to a warrant..."

The evidence proved that the act occurred; however, such act was justified, lawful and proper.

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SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that his daughter was not permitted to properly dress before being taken into custody and that it was improper for the officer to escort his daughter to her bedroom to obtain additional clothing.

The evidence indicated that for officer safety, the supervising officer required the named officer to accompany the daughter to her room to obtain additional clothing. While the named officer stood in the threshold of the doorway, the daughter was permitted to obtain an additional item of clothing that she carried with her. The evidence further indicated that at the time of the arrest, the daughter was properly clothed and was also permitted to put on a jacket.

The preponderance of the evidence proved that the acts alleged did not occur.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the named officer spoke to his daughter in a mean manner and would not contact a social service agency concerning the warrant.

The evidence established that the named officer spoke with the complainant while his partner called to verify the status of the warrant. When the active status of the warrant was confirmed, the named officer explained this to the complainant. The complainant insisted that there was no longer a warrant. The named officer allowed the complainant to make phone calls. However, the complainant was not able to reach anyone. The named officer's reliance on and comments concerning the active no bail warrant were appropriate.

The preponderance of the evidence proved that the acts alleged in the complaint did not occur or that the named member was not involved in the acts alleged.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that after police took his daughter into custody, she returned home and reported that officers had slammed her against a wall, injured her lip and fractured her thumb.

The named officer stated that his subordinate handcuffed the juvenile in the threshold of the complainant's front door and escorted her to the car. The officers walked her to their patrol car, opened the door for her, and placed her in the vehicle. He did not observe any hands-on contact involving his subordinate that would have caused injury and heard no complaint of pain from the juvenile. During the transport, the juvenile was able to slip one of her hands out of the handcuffs. She showed the officers that she had slipped one of her hands out of the handcuffs when they arrived at a transfer location. The subordinate re-handcuffed the juvenile. At the transfer location, the named officer and his subordinate met two officers who assumed custody of the juvenile and transported her to a social service facility.

The subordinate officer stated he placed handcuffs on the juvenile and put her in the back seat of the patrol car without incident. There was no struggle, and he did not need to force her in the car. The subordinate officer re-handcuffed the juvenile after she had slipped one hand out of the handcuffs during the transport. She did not complain that the handcuffs were too tight at any time. When they arrived at the location to transfer the juvenile to the custody of two other officers, the subordinate officer did not see the juvenile resist during the switch. The subordinate officer reported that he did not see anyone, including himself, do anything that may have caused injury to the juvenile.

A witness officer stated that when he and his subordinate picked the juvenile up from the initial officers, he did not observe any injuries on the juvenile. She did not complain of pain at any time.

After the juvenile's release from police custody, the complainant brought his daughter to the hospital where she received treatment for her injured thumb. The complainant's daughter reported that the injury to her thumb occurred when she was initially put into the patrol car.

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

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SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant alleged that after police took his daughter into custody, she returned home and reported that officers had slammed her against a wall, injured her lip and fractured her thumb.

The named officer stated that he and his subordinate were assigned to take custody of a juvenile from another unit and transport her to a social services facility. When the first unit placed the juvenile in the named officer's patrol vehicle, the juvenile screamed and kicked the doors of the vehicle. When they brought the juvenile to the facility, the juvenile also kicked the facility door that was glass several times. The named officer's subordinate moved the juvenile away from the door and turned her toward the side of the wall to keep her from damaging the door or hurting herself or the officers. The subordinate officer held her wrist in a rear wrist lock. He stated she did not complain of any injuries or pain, and he did not observe any injuries. The named officer denied slamming the juvenile against a wall or on concrete. He did not see his subordinate slam the juvenile against a wall or on concrete.

The subordinate officer stated that he and his supervisor took custody of the juvenile from another unit. The subordinate officer and another officer from the first unit escorted the juvenile from the initial car to the second patrol car. The subordinate officer did not observe any injuries on her and she did not complain of pain. After they placed her in the second patrol car, the juvenile screamed and yelled and tried to kick the window. When they arrived at the facility, the juvenile began kicking the front door. Concerned that the juvenile was either going to hurt herself or the door, the subordinate officer guided the juvenile to the wall. The juvenile stopped kicking and did not complain of pain. The subordinate officer and his supervisor brought the juvenile to the correct entrance. The subordinate officer did not observe any injuries.

After the juvenile's release from police custody, the complainant brought his daughter to the hospital where she received treatment for her injured thumb. The complainant's daughter reported that when she and the police officers arrived at the facility, officers slammed her against a wall and on concrete.

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

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SUMMARY OF ALLEGATION #8: The officer failed to comply with DGO 7.01, Juvenile Policies and Procedures.

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

FINDINGS OF FACT: The complainant alleged that after police took his daughter into custody, she returned home and reported that officers had slammed her against a wall, injured her lip and fractured her thumb.

The named officer stated that he and his subordinate were assigned to take custody of a juvenile from another unit. Before placing the juvenile in their patrol vehicle for transport, the named officer's subordinate conducted a search of the juvenile. The subordinate officer used the edge of his hand to search the chest area of the juvenile.

The subordinate officer stated that he conducted a transportation search of the juvenile before putting her in the back of the patrol car. He used the edge of his hand to search the juvenile's chest area. He also searched along the pocket area of the juvenile's coat and along her legs.

Neither the named officer nor the subordinate officer indicated that they feared for their safety when the subordinate officer searched the juvenile.

Department General Order 7.01 states, in pertinent part: When taking a juvenile into temporary detention under Section 601 W & I (runaway, beyond parental control) or 602 W & I (violation of criminal law), members shall follow these procedures:

1. **SEARCHES:** Search the juvenile for weapons, evidence or contraband, refer to Section H.

H. SEARCHING JUVENILES: Members shall search juvenile arrestees immediately for weapons, contraband and items of evidence. Juvenile searches shall be conducted only by a member of the same gender as the juvenile.

1. **EXIGENT CIRCUMSTANCES:** If a member has knowledge or reasonably believes that a juvenile of the opposite sex has a dangerous weapon concealed upon him or her, the juvenile may be restrained (handcuffed) until a search can be made by a member of the same gender as the juvenile. If there is a life-threatening situation a member may search a juvenile of the opposite gender.

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SUMMARY OF ALLEGATION #8 continued:

The named officer obtained a supervisor's approval to transport the female juvenile. The named officer indicated that if an officer of the same gender of the juvenile is unavailable, then officers have been trained on the proper ways to search a person of the opposite gender and that it is acceptable to do a quick search of the juvenile.

The evidence proved that the action complained of was the result of inadequate or inappropriate training or an absence of training when viewed in light of Department policy and procedure.

SUMMARY OF ALLEGATION #9: The officer failed to supervise.

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

FINDINGS OF FACT: The complainant alleged that after police took his daughter into custody, she returned home and reported that officers had slammed her against a wall, injured her lip and fractured her thumb.

The evidence established that the named officer authorized the transport of the female juvenile by the male officers. The named officer stated that the two female officers he was supervising at the time of the incident were not available. The named officer was not on scene and stated that he was unaware of any search of the female juvenile by the male officers.

A witness officer stated that the named officer directed him to take a juvenile into custody and transport her. The witness officer conducted a visual search of the juvenile and checked her jacket pockets prior to transport.

A witness officer stated that he and his supervisor were instructed to pick up a juvenile from another unit and transport her to a facility. He stated that he conducted a transportation search of the juvenile before he put her in the back of the patrol car.

A witness officer stated that he was not aware of any female officers working that day. He stated he was following direct orders from the named officer to transport the female juvenile. He confirmed that his subordinate conducted a transportation search of the juvenile.

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

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SUMMARY OF ALLEGATION #10: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that an officer called him earlier in the day and told him that his daughter was on the missing persons list. The complainant informed the officer that his daughter was living with him. The officer informed the complainant that an officer would need to see the daughter to verify that she was no longer missing. The complainant alleged that the officer who subsequently took his daughter into custody had misrepresented the truth to the complainant by telling him that the police just needed to see his daughter when they planned to arrest her.

Records indicate that the complainant contacted the police when his daughter returned home later that day. Evidence also indicates that before arriving on the scene, responding officers ran a warrant check and located an outstanding no bail warrant that they confirmed was valid.

The preponderance of the evidence proved that the acts alleged in the complaint did not occur or that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #11: This complaint raises matters outside DPA's jurisdiction.

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

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

San Francisco Unified Family Court
400 McAllister Street – Dept. 405
San Francisco, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY
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DATE OF COMPLAINT: 12/26/17 **DATE OF COMPLETION:** 12/29/17 **PAGE#** 1 of 1

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

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

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

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

Health Service System
1145 Market Street, Suite 300
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/27/17 **DATE OF COMPLETION:** 12/29/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer engaged in inappropriate behavior.

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

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

SUMMARY OF ALLEGATIONS #3: The officer wrote an inaccurate incident report.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/27/17 **DATE OF COMPLETION:** 12/29/17 **PAGE#** 2 of 2

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

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

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

**San Francisco Police Department
Internal Affairs Division
Attn: Lt. Raymond A. Cox #287
1245 3rd Street
San Francisco, CA 94158**

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/16 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated five officers came to his home with a search warrant and an arrest warrant. The complainant stated he was arrested and his home was searched.

Department records showed that the complainant's residence was searched pursuant to a search warrant. In addition, records showed that the complainant had a warrant for his arrest.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that during his arrest, the named officer was smiling, laughing and gloating at him to show that he had power over the complainant. The complainant stated the officer damaged his reputation by informing his manager, supervisor and a co-worker about his arrest.

The named officer denied that he was smiling, laughing or gloating at the complainant during his arrest. The officer said he felt sorry for the complainant. The officer explained that as the fleet manager, he had the responsibility of making sure SFPD vehicles are properly outfitted and maintained. Once the complainant was arrested on felony charges, the named officer stated he was fearful that the complainant could damage or sabotage police vehicles, which the complainant had access to. The named officer thought it prudent to notify the complainant's supervisor so that he could take appropriate action.

No other witnesses came forward.

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

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DATE OF COMPLAINT: 11/22/16 **DATE OF COMPLETION:** 12/07/17 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer misused police equipment.

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

FINDINGS OF FACT: The complainant alleged that during the summer of 2016, the officer showed him photos of patrol cars on a Department cell phone. The complainant stated he observed a photo of a woman performing an oral sex act on the officer.

The officer denied having or ever having a photo on his Department cell phone of a woman performing an oral sex act on him. He also denied showing the complainant any such photo as described above.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/16 **DATE OF COMPLETION:** 12/27/17 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The named officer arrested the complainant during a protest march. The complainant stated the named officer tackled her to the ground and grabbed her legs in a sexual manner. The complainant stated the named officer roughly pulled her hair and said that he was enjoying himself as he escorted her to a police station. She stated the named officer's demeanor changed at the police station, where he became flirtatious with her. She stated the named officer's behavior and comments made her uncomfortable.

The named officer denied behaving inappropriately. He denied tackling the complainant or touching her legs. He stated the complainant was already on the ground when he approached her. He stated he pulled the complainant's arms out from beneath her torso in order to handcuff her. He denied touching the complainant in a sexual manner. He did not recall saying that he was enjoying himself. The named officer stated that, after her arrest, the complainant engaged him in conversation about policing and asked if she could interview him for a school project. He stated that he was professional throughout their entire interaction and denied flirting with the complainant.

The DPA questioned six witness officers. One witness officer observed the complainant spitting, yelling, and struggling with two officers during the protest. Another witness officer stated that he assisted the named officer in handcuffing the complainant because she was yelling and her arms were pinned underneath her body. He did not recall seeing the named officer touch the complainant's legs. He stated the named officer did not make any comments to the complainant aside from telling her to stop resisting. The same witness officer stated that the complainant later smiled at the named officer and shook his hand as she left the police station. The other four witness officers did not recall seeing the complainant during the incident.

Department records indicated that several officers were dispatched to control a crowd of approximately 100 protesters who were marching in the streets. The protest was characterized as an anti-police protest in an incident report and by local news media. There were several violent encounters between officers and protesters during the incident.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer wrongfully arrested her for merely observing a protest. The complainant stated that she tripped and fell face first onto the ground during the protest. She stated that, instead of helping her up, officers piled on top of her and handcuffed her. The complainant stated that the named officer issued her a citation and then released her from a district station.

The named officer stated that he arrested the complainant because he observed her struggling with two other officers amid a hostile crowd of protesters. The named officer stated that the complainant tried to escape, spat at officers and laid on top of her arms to avoid being handcuffed. The named officer stated that he held onto the complainant's backpack to prevent her escape. The named officer stated that he issued the complainant a citation and then released her.

A witness officer stated that the complainant was yelling and laying on top of her hands to avoid being handcuffed.

Another witness officer saw the complainant struggling with two officers, spitting, and yelling.

Four other officers did not recall seeing the complainant during the incident.

Records indicated that the complainant was arrested amid a large anti-police protest, then cited and released from a district station.

No other witnesses came forward.

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

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DATE OF COMPLAINT: 12/21/16 **DATE OF COMPLETION:** 12/27/17 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer tackled and slammed her onto the ground, punched her, and grabbed her legs during an arrest. The complainant stated that the named officer pulled hard on her hair as they walked to a police station. She stated she suffered bruising and hair loss because of the incident and that she sought medical treatment for her injuries. The complainant stated she did not resist the named officer's orders and that he should not have touched her.

The named officer stated the complainant resisted arrest and that he used the minimum amount of force necessary to arrest her. He denied slamming the complainant to the ground, tackling her, or punching her. He stated the complainant was already on the ground when he arrested her. He stated he grabbed onto the complainant's backpack because she tried to stand up and leave. He stated the complainant then tucked her hands beneath her torso to avoid being handcuffed. Another officer assisted him in pulling the complainant's arms out from underneath her to handcuff her. He stated he used a control hold at the base of her scalp to reorient her face because she was trying to spit on officers.

The first witness officer stated that he and the named officer pulled the complainant's arms from underneath her body because she refused to provide them willingly. A second witness officer saw the complainant struggling and spitting at officers after she was handcuffed. Because the complainant was struggling, he followed the named officer and the first witness officer until it appeared that they had the complainant under control. Four other officers did not recall seeing the complainant.

Department of Emergency Management records showed that several officers were sent to control a large crowd of anti-police protesters.

A photograph of the complainant taken by officers after her arrest shows no obvious signs of injury.

The complainant did not provide additional requested evidence documenting her injuries or treatment. No other witnesses came forward.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish the complainant's arrest.

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