

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/19 DATE OF COMPLETION: 12/09/20 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer prepared an incomplete citation.

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

FINDINGS OF FACT: The complainant said that an officer issued a citation without a date and time for the suspect's appearance but that the court copy included a date and time. The complainant said that the omission on the defendant's copy could have resulted in the issuance of a bench warrant.

The named officer stated he was unaware of any omission in the citation. The named officer explained that citations have several duplicate pages, which are carbon copies of the top court copy. The named officer said he believed he had filled out the citation thoroughly and that any omission was a mistake. The named officer stated he did not intend to harm the subject with an incomplete citation.

The subject who received the citation did not come forward.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer improperly searched a suspect's home without a warrant or consent.

The named officer said that he detained the suspect and ran a computer check that revealed the suspect was on probation with a warrantless search condition. The named officer conducted a probation search on the suspect's person that resulted in locating burglary tools. The named officer stated that he then contacted the subject's probation officer, who authorized the search search the suspect's room under his warrantless search condition.

The DPA confirmed that the suspect's probation included a warrantless search condition.

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

SUMMARY OF ALLEGATION #3: The officer displayed harassing behavior.

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

FINDINGS OF FACT: The complainant stated a case worker from Community Justice Center told her that the named officer was harassing a suspect.

The named officer denied harassing a suspect. The named officer stated he had patrolled the area for several years and acknowledged having seen the subject on numerous occasions, including during consensual encounters and previous arrests for burglary related crimes.

The Community Justice Center case manager said she was not able to respond to questions regarding the alleged harassment due to client confidentiality.

The suspect did not respond to the DPA's efforts to obtain his testimony.

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

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

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

FINDINGS OF FACT: The complainant stated that he was involved in a physical altercation with a tenant which rendered them both unconscious. He was subsequently arrested and booked for battery and sexual assault. However, he was not interviewed prior to being referred for charges.

Department records reflected that the named officer served as the reporting officer for this incident. He, along with numerous other officers, responded to a report of battery with a victim bleeding from the head. The first officers on scene discovered the complainant and his tenant each lying on the ground in a non-responsive state. Both the complainant and his tenant were treated by medical personnel and then transported to the emergency department of a local hospital.

Records further showed that officers interviewed witnesses on scene and took photographs. The named officer responded to the hospital emergency department where he was informed by another officer that the tenant was stable but had not regained consciousness. In addition, the named officer was updated by other officers that the tenant's wife had provided a statement in which she described the altercation and alleged that the complainant had groped her. She signed a citizen's arrest form against the complainant. Based on the tenant's injuries and the statements made by the tenant's wife, the named officer booked the complainant. A sergeant who had been on scene approved the booking.

Body-worn camera footage from officers on scene showed both the complainant and his tenant lying on the ground unconscious. Further, the footage showed the named officer observing and documenting the search of the residence, the interviewing of witnesses by other officers, and his own examination of potential evidence.

Body-worn camera footage from officers at the hospital showed an officer documenting a brief description of the event being provided by the complainant to attending medical personnel.

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

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

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

FINDINGS OF FACT: The complainant stated he was involved in a physical altercation with a tenant which rendered them both unconscious. He was subsequently arrested and booked for battery and sexual assault. However, he was not provided with a Mandarin interpreter prior to being referred for charges.

Department records reflected that the named officer served as the reporting officer for this incident. He, along with numerous other officers, responded to a report of battery with a victim bleeding from the head. The first officers on scene discovered the complainant and his tenant each lying on the ground in a non-responsive state. Both the complainant and his tenant were treated by medical personnel and then transported to the emergency department of a local hospital.

Records further showed that the officers interviewed witnesses on scene through a Mandarin interpreter. The named officer responded to the hospital emergency department where he was informed by another officer that the tenant was stable but had not regained consciousness. In addition, the named officer was updated by other officers that the tenant's wife had provided a statement in which she described the altercation and alleged that the complainant had groped her. She signed a citizen's arrest form against the complainant. Based on the tenant's injuries and the statements made by the tenant's wife, the named officer booked the complainant. A sergeant who had been on scene approved the booking.

Body-worn camera footage from officers on scene showed both the complainant and his tenant lying on the ground unconscious. Further, the footage showed the named officer observing and documenting the search of the residence, the interviewing of witnesses by other officers, and his own examination of potential evidence.

Body-worn camera footage from officers at the hospital showed an officer documenting a brief description of the event being provided by the complainant to attending medical personnel.

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

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

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

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FINDINGS OF FACT: The complainant stated that he was involved in a physical altercation with a tenant which rendered them both unconscious. He was subsequently arrested and booked for battery and sexual assault. However, he was not interviewed prior to being referred for charges.

The named officer stated that he did not recall what investigation he conducted in this case. The officer further stated that when DPA requested that he produce the case file he was unable to locate the file after two thorough searches.

SFPD records show that the named officer was designated the investigator of record in this matter.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer improperly detained her for a psychiatric evaluation at a hospital.

The named officer stated he responded to a call of a woman calling for a suicide hotline. The named officer requested medics respond to the location because the complainant appeared to be in an altered mental state. The medics who responded determined that the complainant should be transported to a hospital when she told them she was having a psychotic episode.

The named officer's body worn camera footage shows that paramedics persuaded the complainant to go to the hospital for further medical evaluation.

The evidence proves that the named officer was not involved in the alleged conduct.

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DATE OF COMPLAINT: 01/31/20 **DATE OF COMPLETION:** 12/03/20 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that she witnessed an officer unnecessarily point his weapon directly at an individual seated on the ground.

The named officer stated he was informed by Dispatch of an individual with a knife who had tried to attack the caller. He observed an individual matching the description walking down the sidewalk. The named officer was concerned that he was about to lose sight of the individual, so he engaged him before back-up units arrived. The named officer stated he told the individual to stop and sit down, and to place his hands behind his back. The individual did not comply with placing his hands behind his back and started reaching toward the right side of his body. The named officer was concerned, so he took his firearm out of its holster. He stated that he held the firearm at the low ready position, which he described as roughly a 45-degree angle with the barrel of the firearm angled down toward the ground.

Department records showed the named officer responded to a call reporting a male with a knife. Further information dispatched included a description of the individual as well as a report that the individual had been stealing from a store and pulled a knife on a store employee when confronted. Records showed that the named officer observed an individual who matched the description, ordered him to stop and sit down, and that the individual complied. Records reflected that the named officer reported that he drew his firearm from the holster because he believed that the individual may have been armed with a knife and could have been a robbery suspect. The individual did not initially comply with placing his hands behind his back and later appeared to have been reaching for something. The named officer reported that he raised his firearm to the low ready position, told the individual not to reach for anything and to put his hands behind his back. The individual complied and was handcuffed without further incident.

Body-worn camera footage (“BWC”) showed the named officer approaching an individual and commanding him to stop and sit down. The individual complied with these directives. The named officer ordered the individual to keep his hands behind his back. At one point the individual appeared to reach for something on the right side of his body. The named officer then raised his arms to approximate 30-degree angle and pointed the weapon toward the ground off to the right side of the individual’s body. The weapon was never pointed directly at the individual.

DGO 5.01(VI)(G)(1)(b) states in part regarding Handling, Drawing and Pointing Firearms: “An officer may draw, exhibit or point a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety.” The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer failed to properly secure the scene prior to drawing and pointing his weapon at an individual while there were other uninvolved people in the vicinity.

The named officer stated he was informed by dispatch of an individual with a knife who had tried to attack the caller. He observed an individual matching the description walking down the sidewalk. The named officer was concerned that he was about to lose sight of the individual, so he engaged him before back-up units arrived. He stated that based on his experience it is difficult to follow a suspect on foot from a vehicle. If he had lost sight of the individual, the individual was potentially dangerous and a threat to the public given the information the named officer had about possession of a knife and potentially having committed a robbery. The named officer stated that he told the individual to stop and sit down, and to place his hands behind his back. The individual did not comply with placing his hands behind his back and started reaching toward the right side of his body. The named officer was concerned, so he took his firearm out of its holster. He stated that he held the firearm at the low ready position, which he described as roughly a 45-degree angle with the barrel of the firearm angled down toward the ground. Additionally, the named officer stated that he was aware of individuals in the area, took care not to point his weapon at them, or to allow any uninvolved individuals to pass in front of his weapon.

Department records showed that the named officer responded to a call reporting a male with a knife. Further information dispatched included a description of the individual as well as a report that the individual had been stealing from a store and pulled a knife on a store employee when confronted. Records showed that the named officer observed an individual who matched the description, called in the suspect's location and description, and stated that he would wait for another unit before engaging. However, records reflect that the named officer reported that he did not want to lose line of sight with the suspect or have him escape, so although another unit had not arrived, he engaged the individual himself. Records reflected that the named officer reported that he drew his firearm from the holster because he believed that the individual may have been armed with a knife and could have been a robbery suspect. The individual did not initially comply with placing his hands behind his back and later appeared to have been reaching for something. The named officer reported that he raised his firearm to the low ready position, told the individual not to reach for anything and to put his hands behind his back. The individual complied and was handcuffed without further incident.

Body-worn camera footage showed that the named officer did not point his weapon at any bystanders and in fact, stopped an individual from walking in front of the muzzle of his weapon.

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

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DATE OF COMPLAINT: 02/12/20 **DATE OF COMPLETION:** 12/07/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he applied to the SFPD to become a police officer and that an officer made a joke about his national origin during the application process.

The named officer acknowledged he made the joke. The officer explained that he intended for the joke to lighten the mood because the complainant seemed worried about passing the department's background investigation. The officer stated he made the comment in a joking manner with no malicious intent and without any reference to the complainant's national origin.

The named officer's explanation and was persuasive and genuine. In addition, the joke itself did not rise to the level of misconduct.

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

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DATE OF COMPLAINT: 02/17/2020 **DATE OF COMPLETION:** 12/30/20 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that officers did not adequately respond to his report of multiple auto burglaries, including responding to the incorrect location.

The named officers stated they could not recall specific details about this incident. The named officers remembered that they were aware of the complainant's location when he first called dispatch and that the complainant's location kept changing because he was pursuing the suspect. The named officers stated they were only able to meet with the complainant after he had lost sight of the suspect.

The CAD audio shows that the complainant pursued the suspect and kept changing his location.

San Francisco Police Department General Order (DGO) 5.05, Emergency Response and Pursuit Driving, details how an officer shall drive during a non-emergency response. It states, "The officer shall respond directly to the assignment and observe all traffic laws and regulations."

The named officers could not recall the details surrounding their response to the scene other than that they were aware of the complainant's location and the location was constantly changing. Since the officers cannot remember the steps they took to find the complainant, the DPA cannot determine if those steps were reasonable or unreasonable.

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

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DATE OF COMPLAINT: 02/17/2020 **DATE OF COMPLETION:** 12/30/20 **PAGE# 2 of 4**

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that officers did not sufficiently investigate his call of multiple auto burglarlies.

The named officers could not recall details from this incident. They stated that they recalled searching the area where the complainant saw the suspect and the burglarized vehicles. The named officers stated they were unable to locate the suspect or any other additional evidence of criminal activity.

An incident report documented the incident. The report states that the named officers unsuccessfully searched the area for the suspect, other damaged vehicles, and cameras.

San Francisco Police DGO 2.01 § 1, Attention to Duty, states, in part, “The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law.”

The named officers stated and documented in their incident report that they searched the areas and were unsuccessful in discovering any additional evidence or the suspect. The officers therefore fulfilled their obligations under DGO 2.01.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated he told the named officers where he last saw a car burglary suspect and they drove in the opposite direction of the area he had indicated.

The named officers stated they searched the areas the complainant described but were unable to locate the suspect.

The incident report also stated that the officers searched the area for the suspect but were unsuccessful.

San Francisco Police DGO 2.01 § 1, Attention to Duty, states, in part, “The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law.”

The complainant stated he informed the officers of where the suspect had gone. The named officers stated and documented in their incident report that they searched the areas and were unsuccessful in discovering the suspect or any other additional evidence. The officers therefore fulfilled their obligations under DGO 2.01.

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

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

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

FINDINGS OF FACT: The Body Camera Unit notified the DPA they could not locate the first named officer's body camera footage for this incident.

The officer stated his body worn camera was on and recording during this incident. Additionally, he believes his body worn camera was operable. The incident report also documents that his body worn camera was activated during the incident.

The DPA was unable to determine if the officer failed to activate his body worn camera or whether his body worn camera was not working properly.

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

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DATE OF COMPLAINT: 02/26/20 **DATE OF COMPLETION:** 12/03/20 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said he witnessed officers using excessive force by striking a suspect multiple times and placing a knee on the suspect's head. The suspect, identified as the co-complainant below, also complained and said officers used excessive force when they struck him in the head.

Multiple officers, including the two named officers, responded to a fight outside a local bar. After dealing with the initial fight, the first named officer said that he noticed the co-complainant in a verbal altercation with some individuals. The officer told the co-complainant to step back multiple times. After the co-complainant refused to step back, the named officer placed his hands on the co-complainant's chest and pushed him back. The co-complainant responded by stepping forward and striking the officer in the face. The officer then took the suspect to the ground. The co-complainant began to resist, and the named officer struck the co-complainant twice in the head. The named officer reassessed, but the co-complainant continued to resist. The named officer then struck the suspect in the head again multiple times. The named officer was then able to control the co-complainant and handcuff him.

The second named officer said that he saw the co-complainant strike a fellow officer in the face. The second named officer helped take the co-complainant to the ground and struck the suspect in the head multiple times. The second named officer denied placing a knee on the co-complainant's head.

The DPA reviewed the body worn camera footage of the incident. The body worn camera footage corroborates the officers' account. The footage shows the co-complainant striking the officer in the face. The footage also shows the co-complainant resisting, the officers striking the suspect in the head, briefly reassessing, then delivering additional strikes until the co-complainant stops resisting. The footage shows the second named officer putting his knee on the co-complainant's shoulder, not his head or neck.

The DPA obtained the co-complainant's medical records from the night of the incident. The medical records show a laceration to the co-complainant's upper lip and a hematoma to his right temple,

Department General Order 5.01, Use of Force, states that officers may use reasonable force to effect a lawful arrest, detention, or search, in defense of others or in self-defense, or to gain compliance with a lawful order.

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The named officers' use of force was proper because the co-complainant had assaulted officers and was physically resisting handcuffing. The officers properly reassessed and continued using force after the co-complainant continued to resist.

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

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

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

FINDINGS OF FACT: The co-complainant stated that he requested the name and star number of the named officer, but the officer he did not provide it.

The named officer stated that he didn't realize the co-complainant was talking to him.

The named officer's body worn camera footage corroborates the officer's account. The footage shows multiple medics treating the co-complainant and the co-complainant asking for names and star numbers. It is unclear who the co-complainant is speaking to when he makes this comment.

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

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SUMMARY OF ALLEGATIONS #4-7: The officers failed to properly process property.

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

FINDINGS OF FACT: The co-complainant stated that his property was missing after his arrest.

The third named officer stated that she placed the co-complainant's cell phone in his backpack and gave his ID to the medics that responded on scene. The fourth named officer stated that he took the co-complainant's miscellaneous property, placed it in a plastic bag, and placed it in the back of their patrol vehicle. The fifth and sixth named officers stated that they took the co-complainant's property from the hospital to the jail where it was inventoried. All the named officers denied taking complainant's property.

The body worn camera footage corroborates the officers' account. The footage shows the officers providing the ID to medics and placing the backpack and other miscellaneous items into a plastic bag and in the patrol car. The SFPD Inventory Report shows that a plastic bag, shirt, pants, and shoes were booked at County Jail #5 for the co-complainant. The contents of the plastic bag are not listed in the report.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer continued to question his client after he invoked his right to counsel. The complainant stated that Department General Orders require an officer to stop an interrogation when a suspect invokes the legal protections under *Miranda v. Arizona*.

The named officer stated that she was the investigating officer in this case and read the subject his *Miranda* rights while using the Language Line. She stated that the subject stated to her that he understood his rights and that she made sure that the subject understood that she would not question him if he wanted a lawyer present during questioning. The named officer stated that a request for an attorney to be appointed at some time does not hinder the questioning process if the subject is willing to provide a statement without one present. Addressing the suspect's statement in this case regarding appointment of a free attorney, the named officer stated that the suspect clarified that he wanted to answer questions.

Department records reflected that officers responded to a report of domestic violence and subsequently interviewed the victim at the hospital, who stated that she had been assaulted by a family member. The named officer and her partner then proceeded to obtain an emergency protective order on behalf of the victim, then searched for the subject first at his home, then his place of employment where he was arrested. The subject was subsequently transported to the police station where the named officer *Mirandized* him with her department issued *Miranda* card. When asked if he understood, the subject replied "understood." Department records showed that thereafter the subject provided information about the incident and the named officer served the protective order and booked him.

Body-worn camera (BWC) footage showed the named officer using an interpreter on speaker phone to speak with the subject. The subject stated that he understood that he had the right to remain silent and that anything he said could be used against him. After the named officer stated that the subject had the right to the presence of an attorney before and during any questioning, the subject replied, "can I ask for an attorney now?" The named officer stated, "yes you can" and the subject responded "understood." The named officer continued by advising that if the subject could not afford an attorney one would be appointed free of charge before any questioning to which the subject replied "understood." The named officer asked whether at this time the subject wanted to provide a statement. The subject responded, "please appoint me a free attorney." The named officer asked, "Does he want to give a statement, yes or no?" to which the subject responded "yes." The named officer asked, "Do you want to talk to us with or

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without an attorney?" to which the subject responded, "if I want to get an attorney first do I need to wait for a long time?" The named officer stated, "That means our questioning will be over right now." The subject responded, "then I can answer the questions." After that exchange the named officer began her questioning.

A suspect who has invoked his *Miranda* rights may certainly re-initiate questioning if he chooses to do so. (*Edwards v. Arizona* (1981) 451 U.S. 477, 484–485; *People v. Gamache* (2010) 48 Cal.4th 347, 384–385; *People v. Tully* (2012) 54 Cal.4th 952, 985; *People v. Gonzalez* (2012) 210 Cal.App.4th 875, 882; see also *United States v. Valdez* (8th Cir. 1998) 146 F.3d 547, 551.)

Once the subject has "invoked", his decision to re-initiate the conversation with police must be clearly and unequivocally indicated. (*Edwards, supra.*) The named officer advised the subject of his rights via interpreter. After the named officer told the subject that if he wanted an attorney, the questioning would be over, the subject replied, through an interpreter, "then I can answer the questions." The subject invoked his *Miranda* rights and then agreed to answer the named officer's questions because he did not want to wait for a lawyer, thereby re-initiating the questioning, at his discretion.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to cease an interrogation after the complainant's client invoked his right to counsel.

Department records reflected that officers responded to a report of domestic violence and subsequently interviewed the victim at the hospital, who stated that she had been assaulted by a family member. The named officer and her partner then proceeded to obtain an emergency protective order on behalf of the victim, then searched for the subject first at his home, then his place of employment where he was arrested. The subject was subsequently transported to the police station where the named officer *Mirandized* him with her department issued *Miranda* card. When asked if he understood, the subject

replied "understood." Department records showed that thereafter the subject provided information about the incident and the named officer served the protective order and booked him.

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Body-worn camera (BWC) footage showed the named officer using an interpreter on speaker phone to speak with the subject. The subject stated that he understood that he had the right to remain silent and that anything he said could be used against him. After the named officer stated that the subject had the right to the presence of an attorney before and during any questioning, the subject replied, “can I ask for an attorney now?” The named officer stated, “yes you can” and the subject responded “understood.” The named officer continued by advising that if the subject could not afford an attorney one would be appointed free of charge before any questioning to which the subject replied “understood.” The named officer asked whether at this time the subject wanted to provide a statement. The subject responded, “please appoint me a free attorney.” The named officer asked, “Does he want to give a statement, yes or no?” to which the subject responded “yes.” The named officer asked, “Do you want to talk to us with or without an attorney?” to which the subject responded, “if I want to get an attorney first do I need to wait for a long time?” The named officer stated, “That means our questioning will be over right now.” The subject responded, “then I can answer the questions.” After that exchange the named officer began her questioning.

A suspect who has invoked his *Miranda* rights may certainly re-initiate questioning if he chooses to do so. (*Edwards v. Arizona* (1981) 451 U.S. 477, 484–485; *People v. Gamache* (2010) 48 Cal.4th 347, 384–385; *People v. Tully* (2012) 54 Cal.4th 952, 985; *People v. Gonzalez* (2012) 210 Cal.App.4th 875, 882; see also *United States v. Valdez* (8th Cir. 1998) 146 F.3d 547, 551.)

Once the subject has “invoked”, his decision to re-initiate the conversation with police must be clearly and unequivocally indicated. (*Edwards, supra.*) The named officer advised the subject of his rights via interpreter. After the named officer told the subject that if he wanted an attorney, the questioning would be over, the subject replied, through an interpreter, “then I can answer the questions.” The subject invoked his *Miranda* rights and then agreed to answer the named officer’s questions because he did not want to wait for a lawyer, thereby re-initiating the questioning, at his discretion.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/20 DATE OF COMPLETION: 12/03/20 PAGE# 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that officers pulled over a vehicle that was stopped at a traffic light and partially blocking the crosswalk. Officers instructed the driver and passenger to exit and then conducted a search of the vehicle. The complainant stated that the search was improper as a judge had later determined that the officers lacked probable cause to conduct a vehicle search.

The first named officer stated that he conducted a traffic stop of the vehicle after noticing it stopped at a traffic light in the middle of a crosswalk. When he approached the passenger side, the front passenger window rolled down and he smelled an overbearing and continuous odor of fresh marijuana. He stated that he noticed the passenger was in the process of rolling up what he believed to be marijuana in a rolling paper. The first named officer stated that the odor of marijuana made him think there was more than a recreational amount of marijuana in the vehicle. He further stated that the second named officer conducted a probable cause search of the vehicle which resulted in him finding multiple pounds of fresh marijuana.

The second named officer stated that he and the first named officer conducted a traffic stop of a vehicle that was partially blocking a crosswalk at a traffic light. As he approached the driver's side of the vehicle, the driver's window was down, and he smelled a strong odor of marijuana. He stated that he observed what appeared to be loose debris of marijuana on the clothing of the driver and passenger and that one of the occupants had been rolling a joint. The second named officer stated that he conducted a probable cause search of the vehicle based on the very strong smell of fresh marijuana coming from the vehicle and noted the observations of marijuana in the vehicle. He denied this was an improper search and stated that after searching the vehicle he found multiple pounds of marijuana packaged in conventional plastic bags without anything to mask the smell.

Department records showed that both of the named officers documented that they smelled a very strong odor of fresh marijuana coming from the vehicle during this traffic stop. Department records also showed that during the initial stop the first named officer observed a green leafy substance which he recognized as marijuana on the lap of the driver and that the passenger in the vehicle was manipulating a folded piece of paper containing a substance that he also recognized as marijuana. Department records showed that the second named officer observed a green leafy substance that he recognized as marijuana on the driver and front passenger seats. Suspected marijuana was found in the vehicle and later weighed at the station.

Department records showed photos of the marijuana that was found in the vehicle, the bulk of which was packaged in conventional plastic bags.

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DATE OF COMPLAINT: 03/04/20 DATE OF COMPLETION: 12/03/20 PAGE# 2 of 5

Body-worn camera (“BWC”) footage showed that named officers instructed the driver and passenger to exit the vehicle and the first named officer told the passenger in the vehicle to drop what appeared to be a small rolled piece of paper in the footwell area of the vehicle. Footage also showed that the second named officer told the occupants of the vehicle that the passenger was rolling up in the vehicle and that marijuana needs to be sealed in a container. BWC showed that the second named officer conducted a search of the vehicle while on scene and searched the vehicle further while at a police station. Footage showed the second named officer removed items from the vehicle including the suspected marijuana which was packaged in plastic bags and a plastic container.

Court records showed that a judge determined during a hearing that the named officers did not have probable cause to conduct a search of the vehicle as they did not make any reference to the strong odor of marijuana during the incident.

No witnesses were identified.

Under California law an odor of “recently burned marijuana” can support a reasonable inference that the driver was illegally operating a vehicle under the influence, or at the very least driving in possession of an open container of marijuana, enough to justify probable cause to search the car.

Driving a motor vehicle while under the influence of any drug, and possession of unsealed cannabis products while operating a motor vehicle is unlawful. (*People v. McGee* (2020) 53 Cal. App. 5th 796, 803.) An odor of “recently burned marijuana” can support a reasonable inference that the driver was illegally operating a vehicle under the influence, or at the very least driving in possession of an open container of marijuana. (*Id.*) “Where such probable cause exists, a law enforcement officer may search the vehicle ‘irrespective of whether [the offense] is an infraction and not an arrestable offense.’” (*Id.* at 805.)

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/20 DATE OF COMPLETION: 12/03/20 PAGE# 3 of 5

SUMMARY OF ALLEGATIONS #3-4: The officers knowingly engaged in biased policing or discrimination

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

FINDINGS OF FACT: The complainant stated that the occupants' race was a factor in the traffic stop, prolonged detention, and search of the vehicle. This stop was for a mundane traffic violation and the officers could have asked the driver to move the vehicle out of the crosswalk. The complainant stated that police officers do not normally conduct a stop, detention and search for this type of traffic violation, although he stated he did not have any factual evidence that the officers were exhibiting racial bias.

The first named officer stated he conducted the stop because the vehicle was partially blocking a crosswalk which constituted a traffic violation. He chose to make a stop rather than issue a warning as the traffic violation took place in a busy intersection. He stated he only saw the passenger in the vehicle prior to conducting the stop. The first named officer stated they had the driver and passenger exit the vehicle during this incident because he smelled a very strong odor of marijuana coming from the vehicle and thought they would conduct a probable cause search for more evidence of marijuana. In addition, because the driver did not have a driver's license there was a possibility that they would be required to tow the vehicle per policy. He denied that the driver and passenger's race was a factor in the traffic stop, detention and search that took place during this incident.

The second named officer stated the basis for the traffic stop was the fact that the vehicle was partially blocking a crosswalk which constituted a traffic violation. When he first noticed the vehicle the windows were down, and he observed the occupants inside the vehicle. He conducted a probable cause search of the vehicle based on the very strong smell of fresh marijuana coming from the vehicle and noted that he observed marijuana debris on the occupants' clothing and that one of the occupants had a joint. The second named officer denied that the driver and passenger's race was a factor in the traffic stop, detention and search that took place during this incident.

Department records reflected that the front portion of the vehicle was blocking part of a marked crosswalk at a solid red light. Records also reflected that the named officers reported that they smelled a strong odor of marijuana from inside the vehicle and the occupants of the vehicle were removed in order to conduct a probable cause search for evidence of more marijuana.

Body-worn camera ("BWC") footage showed that the vehicle was partially blocking a crosswalk at a red traffic light in an area with high pedestrian traffic. Footage also showed that the first named officer told

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the driver during the initial traffic stop that he was pulling him over because they were stopped inside a crosswalk. Body-worn camera footage for this incident does not show any evidence of biased policing.

No witnesses were identified.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #5-6: The officers misrepresented the truth

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

FINDINGS OF FACT: The complainant stated that the officers made dishonest statements during a court hearing when they testified that they smelled a strong odor of fresh marijuana coming from the vehicle. The complainant stated that a judge heard the testimony of both officers, reviewed their body-worn camera footage, and noted that the officers did not make any reference to the odor of marijuana during the incident nor did they reference the odor to computer aided dispatch. The complainant stated the judge determined that the officers' testimony regarding the strong smell of marijuana was not credible.

The first named officer denied this allegation. He stated that during the incident he discretely mentioned marijuana to his partner in another language and although he did not specifically mention the smell, that is what he was referencing. He did not mention anything to his partner specifically about the strong odor because it was very obvious, and he believed his partner also smelled it. He did not mention the strong odor to any other officers during the incident because they were not actively involved in the investigation. He did not make any reference to the strong odor to the passenger or driver of the vehicle because he was not required to, and because he did not want to provide information that could potentially escalate the incident and provoke the driver and/or passenger to flee the scene of the incident or start a fight. The first named officer stated that it was not necessary to narrate in detail to computer aided dispatch all the details of the call including the smell of marijuana as it would be impractical to do so. He stated that the proper place to narrate the incident was in the narrative of the incident report.

The second named officer also denied this allegation. He stated that he did not mention the strong smell of marijuana coming from the vehicle to his partner because it was not necessary as it was obvious. He stated that multiple pounds of marijuana were found in the vehicle which was why the smell was very

obvious. He did not mention the odor to the driver or passenger of the vehicle during the incident because he did not want to create an exigent situation where they could try to flee or potentially react in a way that

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could cause an unsafe situation. He did not tell dispatch that he smelled marijuana during this incident because radio time is precious, and he does not broadcast all the details of each call.

Department records showed that both of the named officers documented that they smelled a very strong odor of fresh marijuana coming from the vehicle during the traffic stop.

Body-worn camera footage for this incident did not reveal the named officers reference the odor of fresh marijuana.

Court records showed that the named officers testified that they smelled the odor of fresh marijuana coming from the vehicle during this incident. Court records revealed that the judge determined during a hearing that the named officers' testimony regarding the strong smell of marijuana was not credible.

Although the named officers did not make reference to the odor of marijuana during the incident, they were not required to narrate this information while on scene and later documented it in a report. The named officers explained that providing this information to the occupants could cause a safety issue.

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

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DATE OF COMPLAINT: 03/05/20 **DATE OF COMPLETION:** 12/31/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his car was stolen and then recovered, but that the officer who reported the incident failed to follow the necessary process in order to have his recovered vehicle removed from the stolen vehicle database.

The named officer stated that he responded to a call for service regarding a reported stolen vehicle, followed the normal process in dealing with recovered vehicles, and documented his steps in a police report. He specified that in situations where the reportee/victim responds to the scene of the recovered vehicle, the process is to announce to dispatch that the vehicle be removed from the hot-sheet to advise officers that the vehicle has been recovered, to provide a destination if the reportee/victim is driving the vehicle home, to complete a "field release" form at the scene and provide it to the reportee/victim, to write a supplemental report to remove the vehicle from the Stolen Vehicle System, and to fax (and confirm receipt of) the report. The named officer stated that he followed this procedure as documented in his report and shown in his body-worn camera. The named officer further stated that if there had been an issue with the vehicle or plates still showing as stolen the owner would not have been able to re-register the vehicle. He noted that the complaint was filed more than 5 months after the registration on this vehicle was due.

Department records showed that the complainant reported a vehicle stolen and the named officer reported it recovered that same day by way of a supplemental report. The complainant responded to the scene and the named officer released the vehicle to him. Records showed that the named officer faxed the report to the Automatic Statewide Auto Theft Inquiry (Auto Statis) Unit later that day and included the name and star number of the Auto Statis contact.

Body-worn camera footage showed that the named officer issued a field release form to the complainant, explained the process for clearing a vehicle reported stolen from the system, and broadcast that the complainant would be driving to a specific destination.

No witnesses were identified.

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

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DATE OF COMPLAINT: 03/09/20 **DATE OF COMPLETION:** 12/03/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers falsely arrested him for carjacking and kidnapping.

The named officers received a crime alert notification that contained two photographs of a suspect. The crime alert stated that, the day before, the photographed suspect had stolen merchandise from a store, threatened to kill someone if they did not act as a getaway driver, and attempted to steal a car. The officers recognized the suspect in the photographs as the complainant. The officers had also been informed of another incident in which the complainant made criminal threats.

The officers located the complainant sitting on the sidewalk. The officers arrested the complainant based on the information in the crime alert and the incident involving criminal threats. The crime alert provided the officers sufficient probable cause to arrest the complainant.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the named officers failed to properly investigate the crimes he was accused of committing. He stated the named officers did not find his fingerprints on the vehicle and there were security cameras at the crime scene that would have captured a picture of the unknown suspect.

The DPA's review of SFPD records shows that the named officers conducted a thorough investigation. The named officers obtained witness and victim statements, processed the victim's vehicle for fingerprints, obtained video surveillance, took photos of the crime scene, and obtained photos captured by one of the victims. Several officers not involved in the investigation recognized and identified the complainant's photo in the crime alert notification. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/20 DATE OF COMPLETION: 12/03/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer was unprofessional, demeaning, and inappropriate while talking to hospital staff.

The named officer denied making rude or inappropriate statements to the complainant or other hospital staff. He further stated that he had very limited verbal interaction with the hospital staff and any comments that were made were relevant to the incident.

Body-worn camera (BWC) showed the named officer and his partner speaking to hospital staff in a roundtable conversation about the incident. The named officer was direct in his comments about the incident but was not aggressive or rude. However, in response to a statement made by the complainant, the named officer made an unnecessary comment, but the comment did not rise to the level of misconduct.

One witness stated that the named officer's comment was unnecessary. A second witness stated that the incident was discussed with the district police station leadership.

Department General Order 2.01 mandates that officers shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. While the named officer should have refrained from responding to the complainant's statement, given the totality of circumstances, his comment did not rise to the level of misconduct.

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

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DATE OF COMPLAINT: 03/24/20 **DATE OF COMPLETION:** 12/31/20 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she witnessed an officer kick an individual in the leg while the individual was handcuffed and laying on his side on the ground with his legs pulled up toward his chest. She stated she was unable to describe the officer in great detail as her vision was partially obscured due to tears in her eyes.

The named officer stated that when he arrived on scene the individual was actively pulling away from another officer. He stated he took control of the individual's other arm and wrist and placed him into handcuffs. The named officer stated he and his partner told the individual to sit down on the ground multiple times, but that the individual refused. He stated he conducted a leg sweep and guided the individual to the ground in a controlled manner. Later, the individual planted both of his feet flat on the ground and was bracing his back against the named officer's partner in what the named officer observed to be an attempt to stand up. The named officer denied that he kicked the individual and instead stated that he swept the individual's left foot with his right foot to prevent him from standing. He stated he dragged his foot across the pavement and made contact with the bottom of the individual's shoe. He stated he did not make contact with the individual's feet, shin, knee or thigh and used the minimum amount of force necessary to prevent the suspect from standing up.

A witness officer who was also on the scene near the named officer and individual stated that he did not have a vivid independent recollection of the incident and did not recall any officer using force on the individual. After reviewing body-worn camera footage from the scene he acknowledged that he could see what appeared to be a kicking motion toward the individual. However, he stated he didn't remember that happening and stated it was possible that the named officer was trying to sweep the individual's legs to prevent him from standing up.

Department records reflected that the named officer responded in a backup capacity to a call for service regarding a person screaming for help. Records showed that upon arrival the officer assisted in subduing and handcuffing the subject and seating him onto the ground.

Body-worn camera footage showed the named officer standing next to the individual as he was handcuffed and seated on the ground. The footage showed the individual quickly extending his left leg in front of his body and bending his right leg. The named officer then appeared to make a sweeping motion with his right leg then contact with something and could be heard saying, "Stop moving around." None of the officers' body-worn cameras depicted a full angle of the named officer making contact with the subject.

No witnesses came forward with relevant information.

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

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DATE OF COMPLAINT: 04/01/20 DATE OF COMPLETION: 12/04/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while driving her vehicle nearby the named officer, he yelled her name out of his vehicle window as if they knew each other personally. She stated that she did not know the named officer's motive behind yelling her name, but she no longer felt safe. She believed she was being targeted and demanded that the harassment stop.

The named officer stated he did not recall the incident alleged in the complaint. He had one previous contact with the complainant that involved an arrest, but he denied harassing the complainant. He further stated that if he saw an individual while on patrol that he had prior contact with, he would have addressed them by their name, not yell at him/her.

The complainant filed an online complaint. DPA made numerous attempts to contact the complainant to obtain additional information regarding her complaint; however, the complainant has yet to respond to our request.

DPA was only able to find one police contact that involved the complainant and it was the contact identified by the named officer.

DPA was unable to move forward with the investigation without obtaining additional information from the complainant.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he reported his vehicle stolen to the San Francisco Police Department. About a week later, he received a call from an unknown officer informing him his vehicle had been located and recovered. The complainant went to the location described by the officer, found his vehicle, and drove away. A month later, the complainant was stopped at gunpoint by another police department while driving his vehicle as the vehicle was still listed as stolen. The complainant complained that officers had failed to remove his car from the stolen vehicle list.

Department documents showed the complainant did report his vehicle as stolen. The records then showed the vehicle was recorded as recovered over a month later when another police department contacts SFPD. On the day the complainant recovered his vehicle, the named officers were dispatched to help recover the vehicle, but the officers were unable to locate the vehicle. The record shows that the officers were dispatched a number of hours after the vehicle had been located.

The named officers stated they attended the vehicle's location but could not locate the vehicle. The officers stated as they could not locate the vehicle, they did not remove the stolen vehicle marker. The named officers were not the officer who spoke to the complainant on the phone.

The evidence showed the complainant recovered his vehicle before the named officers arrived on the scene leading the officers to believe the vehicle was still outstanding as stolen.

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

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DATE OF COMPLAINT: 05/02/20 **DATE OF COMPLETION:** 12/23/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/20 DATE OF COMPLETION: 12/04/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that he stepped into the street to avoid being mugged when the named officer accelerated toward him and changed lanes in a swoop motion. The complainant had to run back on the sidewalk to avoid being hit. He was unable to get the license or police car number.

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

The officer could not reasonably be identified.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/20 **DATE OF COMPLETION:** 12/22/20 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complaint said that an officer used unnecessary force when pushing him.

The named officer stated he was working security at a retail store when a cashier and manager requested that he remove the complainant for aggressive behavior. The named officer's body worn camera video footage shows that the named officer ordered the complainant to leave the store. The complainant refused by crossing his arms in front of his chest and verbally challenging the officer. The named officer pushed the complainant back several times to move him towards the exit. At one point, the complainant stumbled back against some shopping cards, but he kept his balance. The complainant never fell to the ground, and the officer did not use any other force.

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

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

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

FINDINGS OF FACT: The complainant stated the officer was biased against him due to his race. The complainant stated that he believes the named officer picked on him and pushed him due to the officer's racist belief.

The named officer denied biased policing, stating that the complainant's race and appearance had nothing to do with why he contacted and removed the complainant from the store. He stated that, as he was working as a security guard on private property, he was acting at the direction of the store's cashier and manager, who had requested that he remove the complainant from the store.

The body worn camera footage of the interaction did you support any evidence of racial animus or bias.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she received a phone call from a family member who informed her that police were at her residence. The complainant stated she proceeded to her residence and upon arrival found police officers present. She stated she spoke with an officer who informed her that they were conducting a search of her residence and asked her questions about one of her relatives. The complainant stated that she asked the officer to see a search warrant and for information regarding what was taking place and he bypassed her requests.

The named officer stated he responded with other officers to execute a search warrant at the complainant's address. He spoke with the complainant during this incident and explained the basis of their presence. He stated he believed he provided the complainant his contact information as well as the name of the lead investigator related to the murder they were investigating. He explained to the complainant that they had a sealed search warrant related to her relative and advised her to contact the lead investigator for further information. He did not recall the complainant asking to see the search warrant but explained that he was not legally required or able to show the complainant a copy of the search warrant as it was sealed until further order of the court.

Department records reflected that a sealed search warrant was signed by a judge which authorized the search of the residence.

Body-worn camera footage showed that the named officer spoke with the complainant, asked her questions about her relative and informed her that her relative was in jail. Footage further showed that the named officer told the complainant he would leave the case number and his phone number and that someone would be calling her. Footage also showed that the named officer told the complainant that he left his contact information with one of her housemates.

Department training materials provide that "[o]nce entry is made into the location, the officer(s) **should** show the original search warrant to the occupant(s), then give the occupant(s) a copy. (emphasis added). However, California law does not require officers to display or provide a copy of a warrant. See *People v. Calabrese* (2002) 101 Cal.App.4th 79, 85 ["the officers were not required to display the warrant or give Calabrese a copy of it."]; *Nunes v. Superior Court* (1980) 100 Cal.App.3d 915, 936 ["But we search in vain for California law requiring either reading or leaving copies of the warrants with the householder."] The evidence proves that the underlying events occurred; however, the conduct was justified, lawful and proper

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/20 **DATE OF COMPLETION:** 12/15/20 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that officers searched her residence and left it in a state of disarray. She stated that she was disgusted by the mess created as a result of the search.

The named officer stated that he was the senior officer on scene during the search warrant service. He stated that officers on scene conducted a very thorough search of the residence as dictated by their training, the nature of the serious crime being investigated, and the directions and guidelines as contained in the search warrant. He stated that since a thorough search was conducted, items within the residence were moved and not replaced in their original locations. The named officer further stated that the residence was in a state of disarray prior to the search with as various items strewn throughout the residence. He stated that there is no requirement that officers clean up after a search warrant service is conducted and that he was aware of no damage to the residence. At no point during this incident did the named officer feel he needed to counsel, correct or admonish any of the officers during their part in search of the residence.

A witness officer stated that the named officer was the officer in charge during the service of this search warrant. He stated that the residence was searched thoroughly during this incident and items were moved out of their original locations. He stated that there was no known physical damage to the premise and that the search was proper and professional.

Department records showed that a search warrant was served at the complainant's residence.

Body-worn camera footage showed officers conduct a thorough search of the residence. Footage showed officers moving, repositioning and going through items and not always placing them back in their original locations. Footage showed that the named officer informed the complainant that the residence was a mess as a result of the search, apologized, and explained that they had to conduct a meticulous search.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/20 DATE OF COMPLETION: 12/15/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #3: The officer engaged in unwarranted action.

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

FINDINGS OF FACT: The complainant stated that a police dog was used during a search of her residence and she is allergic to dogs. She stated that she told the named officer that she is allergic to dogs and he told her that he had to enter the residence and proceeded inside with the police dog.

The named officer stated that he and his Explosive Detection Canine participated in the service of a search warrant. He stated that the content of the search warrant included a firearm suspected of having been used during an incident that was being investigated. He stated that his Explosive Detection Canine was requested to respond and assist with the service of this search warrant due to his ability to detect odors related to firearms and firearm ammunition. The first named officer stated that he did not recall having any contact with the complainant while on scene during this incident.

Department records showed that the named officer and his Explosive Detection Canine assisted with the service of a search warrant.

Body-worn camera footage for this incident showed that the named officer entered a residence with his Explosive Detection Canine and participated in the service of a search warrant.

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she observed an officer in front of a store wearing his face covering (mask) improperly while interacting with a member of the public. She requested that he reposition his mask, and although he initially complied, as he continued speaking, his mask slipped back down improperly. The complainant again asked the officer to reposition his mask and he responded by telling her that his mask did not fit and that he did not have to wear it. She stated that she informed him that he did have to wear a mask and that she was concerned he was not wearing it properly.

The named officer stated he was wearing a new department-issued mask during this incident and due to his facial features, he had difficulty with it staying on his face. While speaking with a member of the public during this incident his mask slipped down, he apologized, and requested that they speak while socially distanced. The named officer stated the complainant approached and requested that he reposition his mask. He complied by pulling his mask up, as he did continually that whole day. He stated he informed the complainant he was having trouble keeping the mask on his face, which is why he was outside and over six feet away from other people. The named officer stated that while speaking with the complainant his mask repeatedly slipped down and he pulled it up immediately. He stated the complainant shouted profanity at him, asked him to pull his mask down because she wanted a photo of him with his mask below his nose, and advised that she was taking multiple photos and recording a video of him. The named officer stated he was wearing a mask, was outside, and was over six feet away from others during this incident. He stated the only issue was that the face covering would slip off his nose when he spoke.

Department records showed that the named officer was on duty for an overtime assignment on the date of this incident.

A witness stated she was waiting for the complainant in a vehicle during this incident. The witness stated that as they left the location they drove by the named officer and she observed that his mask was not covering his nose.

No other witnesses came forward.

The complainant provided DPA with photos of the named officer which showed him with a mask on but not covering his nose.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/20 DATE OF COMPLETION: 12/15/20 PAGE# 2 of 2

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

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

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

FINDINGS OF FACT: The complainant stated that as she was leaving the area the named officer heckled her and exhibited inappropriate behavior by telling her that she should watch out for others in the area without face coverings.

The named officer denied heckling the complainant or exhibiting any inappropriate behavior. He stated that he told the complainant to watch out for vehicles as she exited the area, and that the complainant may have confused what he said.

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

No witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/20 DATE OF COMPLETION: 12/23/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he received a parking citation from the named officer. The complainant wanted to speak with the named officer and left several messages at his place of assignment. The complainant never received a response from the named officer.

The named officer stated that he issued a parking citation to the complainant's vehicle, parked in a restricted area. The named officer had no contact with the complainant at the time of issuing the parking citation. The named officer stated that he did not receive any messages requesting contact with the complainant. The named officer stated that the correct process to dispute a parking ticket was in court.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/20 DATE OF COMPLETION: 12/23/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 DATE OF COMPLETION: 12/15/20 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 stated that an unknown officer used unnecessary force on her in 2012.

Department records showed there are no incidents involving the complainant in 2012. Records show that there is no incident matching the complainant's complaint in any other year.

Inquiries were conducted at the location of the incident. No witnesses were identified.

The identity of the alleged officers could not be established.

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

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

FINDINGS OF FACT: The complainant stated that an unknown officer placed her on a mental health hold for no reason in 2012.

Department records showed there are no incidents involving the complainant in 2012. Records show that there is no incident matching the complainant's complaint in any other year.

Inquiries were conducted at the location of the incident. No witnesses were identified.

The identity of the alleged officers could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 **DATE OF COMPLETION:** 12/15/20 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant is an off-duty healthcare worker who recorded a protest behind a circle of officers during the San Francisco COVID-19 curfew. He stated that two named officers approached him, prevented him from recording by shouting for him to leave the area in 5 seconds, and chased after him.

Named officer #1 stated that he observed the complainant within the outer police perimeter of a mass arrest after protesters had been given a dispersal order. The officer denied chasing after the complainant and said he walked over and gave the complainant clear directions to leave the block. He said at no point was the complainant asked to stop recording. The officer said he was using an appropriate volume of language to gain compliance with a hoarse voice.

Named officer #2 stated that he first observed the complainant when the complainant stood immediately behind officers conducting encirclement and near unattended police vehicles. He denied chasing the complainant but said he ordered him away from officers. The officer explained that police officers had created an area of safety to their rear. He gave the complainant a lawful order to move back to a safe distance.

Department records show that a protest occurred in the area, and the officers detained and subsequently arrested protestors.

Body-worn camera footage showed that the complainant stood close to the encircled protestors behind a line of officers, recording the protest with his phone. Named officer #1 and #2 then approached him and ordered him to leave the area, while the complainant kept moving backward. The footage shows that the officers walked towards the end of the block briskly but did not chase down the complainant. At no point did the officers tell the complainant not to record.

No witnesses were identified.

The evidence gathered showed that the complainant stood in an operational area of an ongoing arrest. The named officers did not tell him to stop recording or chase after him but ordered him to leave the block while walking him in the direction they wanted him to ensure officers' safety.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 DATE OF COMPLETION: 12/15/20 PAGE# 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers displayed threatening, intimidating, or harassing behavior.

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

FINDINGS OF FACT: The complainant said even though he is an essential healthcare worker who was allowed to be on the street, the named officers threatened to arrest him.

Named officer #1 stated that a dispersal order had been given for that city block to affect the Mayor's curfew. Everyone out at that time was subject to detention or arrest, and the complainant was in violation of the city curfew. He explained that he allowed the complainant to leave the area and to avoid police contact. The officer said he did not see the complainant show a medical badge.

Named officer #2 stated that he was not aware that the complainant was a healthcare worker and never identified himself as one. The officer further explained that medical did not have an exemption for the citywide curfew order. He said he never threatened to arrest the complainant but ordered him away from the block.

Department records indicate that the police were making arrests at the time of the incident.

Body-worn camera footage and the complainant's video showed that when the named officers approached the complainant, the complainant was recording the protest with his phone and was not engaged in medical or emergency duties. The footage also captured that one of the named officers warned the complainant that he would be arrested if he came back in breach of the curfew

No witnesses were identified.

San Francisco Citywide Curfew Order states that during the curfew, residents must stay home from 8 pm to 5 am except for, "...first responders...doing emergency operations." Violation of this curfew is a misdemeanor under California Government Code Section 8665 and San Francisco Administrative Code Section 7.17. Violators may be subject to immediate arrest.

The evidence collected proves that the complainant was out on the street, recording a protest during the San Francisco mandated curfew. The complainant was not an on-duty first responder conducting emergency operations and therefore was not exempt and could be arrested for violating the curfew. The video footage showed the officers did not arrest the complainant but correctly informed him he could be arrested if he did not leave. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/20 DATE OF COMPLETION: 12/15/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that named officer #1 was not wearing a mask when approaching him amid a pandemic.

Named officer #1 stated that he was the arrest squad leader and the only way he could give clear orders to his squad during an active crime scene was to remove his mask.

Department records indicate that the named officer was a sergeant of the arrest team.

The video provided by the complainant confirmed that the named officer was not wearing a mask while approaching the complainant.

No witnesses were identified.

SFPD Department Notice 20-071 states that "Face covering is not required for anyone who can show that... wearing a face covering would create a risk to the person related to their work as determined by local, state, or federal regulators or workplace safety guidelines."

The evidence gathered proves that although the named officer was not wearing a mask at the time of the incident, he removed his mask to provide clear orders to his squad.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/1/2020 DATE OF COMPLETION: 12/31/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that an officer unlawfully detained him.

The named officer stated that he saw the complainant standing in the street outside a busy nightclub. The officer told the complainant to move onto the sidewalk and the complainant responded with a contemptuous remark. The named officer then approached the complainant and ordered him to provide his identification. After the complainant provided a false name, the officer searched the complainant, found identification, and found that the complainant had an outstanding warrant.

There is insufficient evidence to determine if the named officer had sufficient suspicion to initially detain the complainant and demand identification.. The named officer's sole basis for the initial detention was standing in the roadway, and there is insufficient evidence to understand how far into the roadway the complainant was standing and whether the complainant's presence in that location constituted a hazard under Vehicle Code § 21954.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/1/2020 **DATE OF COMPLETION:** 12/31/20 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that his arrest was unlawful because the initial detention was unlawful.

The named officer stated that he saw the complainant standing in the street outside a busy nightclub. The officer told the complainant to move onto the sidewalk and the complainant responded with a contemptuous remark. The named officer then approached the complainant and ordered him to provide his identification. After the complainant provided a false name, the officer searched the complainant, found identification, and found that the complainant had an outstanding warrant.

The officer was obligated to arrest the complainant once he learned of the outstanding warrant.

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

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

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

FINDINGS OF FACT: The complainant stated that named officer handcuffed him after he saw a tattoo on the complainant's wrist.

The named officer said that he briefly noted the complainant's tattoo because it looked similar to a tattoo that indicated past incarceration. The named officer stated that the suspect was ultimately handcuffed for purposes of transporting him back to the station for identification. Officers are permitted to handcuff and search suspects before transport.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/1/2020 DATE OF COMPLETION: 12/31/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #4: The officer knowingly engaged in biased policing or discrimination.

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

FINDINGS OF FACT: The complainant stated the named officer stopped him because of his race.

The named officer stated that he saw the complainant standing in the street outside a busy nightclub. The officer told the complainant to move onto the sidewalk and the complainant responded with a contemptuous remark. The named officer then approached the complainant and ordered the complainant to provide his identification. After the complainant provided a false name, the officer searched the complainant, found identification, and found that the complainant had an outstanding warrant.

There is no evidence that the named officer took action based on the complainant's race.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/20 DATE OF COMPLETION: 12/23/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/20 DATE OF COMPLETION: 12/31/20 PAGE# 1 of 3

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

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

FINDINGS OF FACT: The complainant said officers detained him without justification.

Dispatch receive a report of a potentially harmful gas coming from the complainant's room. Members of the fire department responded and removed the complainant from the room. The named officers then briefly detained the suspect outside to investigate the odor.

Body worn camera footage shows that the named officer detained the complainant only after he became distraught, uncooperative, and engaged in a verbal altercation with his landlord. The officer detained the complainant only as long as necessary to complete the investigation and investigate the complainant's well-being.

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

SUMMARY OF ALLEGATIONS #2-4: The officers used unnecessary or unauthorized force.

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

FINDINGS OF FACT: The complainant stated the officers deliberately twisted his arms and hands.

The named officers stated the complainant resisted being handcuffed by moving his hands away from his back. One of the named officers stated that he used a twist-lock grip to control the complainant's hands.

Body worn camera footage corroborates the officers' account of the complainant's resistance and the use of control holds to overcome his resistance. The footage did not show any unauthorized or unnecessary force.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/20 DATE OF COMPLETION: 12/31/20 PAGE# 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer entered and search his room improperly.

The named officer stated he entered the room to confirm the origin of a chemical odor and ensure there was no danger to the complainant or other occupants of the building.

The officer's body worn camera video shows him entering the room and looking around, at times holding and smelling objects that appeared to be cans of spray paint.

The possible presence of potentially hazardous chemicals leaking into the residence provided sufficient exigent circumstances to enter the residence. The body worn camera shows that the officer's search was limited to investigating the source of the possible harmful chemicals.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/20 DATE OF COMPLETION: 12/31/20 PAGE# 3 of 3

SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged that the officer failed to enforce a restraining order he had against the landlord and co-occupant of his residence.

The named officer stated she became aware of the restraining order but did nothing to enforce it at the scene because the landlord had been in momentary proximity to the complainant due to both parties evacuating their building to the sidewalk, and due to her perceived lack of intent by the landlord to violate the order. The officer stated at that time she was primarily concerned about the scene's safety and the public.

The officer's body-camera video shows the complainant telling the officer about the restraining order against his landlord. At one point, the landlord approached the complainant and briefly talked to him before being ordered by officers to step back.

The evidence showed that the landlord's momentary contact with the complainant on a public sidewalk took place during and was largely the result of an evacuation and public safety investigation. The officers responded reasonably by ordering the restrained party to back up.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that when police arrested her brother, the named officers seized money from her brother and failed to transfer the money to the Federal Court when the brother was transferred out of police custody to the courts.

Department records indicate that the named officers documented the brother's money in both the incident report and the property receipt form. The documents also show that the money was later correctly retrieved and released to another person authorized by the complainant's brother.

No witnesses were identified.

The evidence collected proved that the named officers followed proper procedures to document the money seized from the arrestee and released it to an authorized person.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/20 **DATE OF COMPLETION:** 12/23/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer refused to take appropriate action.

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

FINDINGS OF FACT: The complainant stated that she made a police report that was never assigned an investigator. The complainant opined that her case should have been investigated further.

Department records showed that the incident report was related to landlord-tenant noise complaints only. No crime was committed.

Department Notice 20-107 Case Assignments for Investigation states, in part, "It is the policy of the Department to diligently investigate crimes in order to arrest and prosecute those responsible... Therefore... the Station Investigation Team (SIT) Lieutenants shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an Investigator."

As the complainant's incident report did not amount to a crime, it did not meet the required criteria for further investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-082.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/20 **DATE OF COMPLETION:** 12/23/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department General orders 2.01.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/20 DATE OF COMPLETION: 12/28/20 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-4: The officers engaged in unwanted action.

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

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

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/20 DATE OF COMPLETION: 12/31/20 PAGE# 1 of 1

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

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

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

The complainant would not submit to a DPA interview.

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

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/20 **DATE OF COMPLETION:** 12/23/20/20 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/20 **DATE OF COMPLETION:** 12/30/20 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer harassed her son by arresting him without reason. The complainant did not respond to requests for additional information.

Department records show several arrests for the complainant's son for violating stay-away orders. One of the arrests involved the named officer.

The named officer's body-worn camera video shows the arrest occurred in an area prohibited by the stay-away order. The video also shows the complainant's son acknowledging to the officer that he was not supposed to be in the area.

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

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged that the officer lied in court or caused a witness to lie, resulting in the jailing of her son. The complainant failed to respond to numerous requests for additional evidence necessary to investigate her allegation.

Department and court records show numerous arrests and court appearances for the complainant's son. One of these incidents involved the named officer's arrest. The officer did not recall testifying in the case.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/20 DATE OF COMPLETION: 12/03/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated in a written complaint that an unknown police officer had used his red lights and sirens to pass a vehicle. Once the officer passed the vehicle, he abruptly turned off the emergency equipment. The complainant opined this was inappropriate behavior and provided a car identification number with the complaint.

The complainant failed to participate in the investigation and provide additional details.

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

Department records showed that the vehicle with the number described by the complainant was not assigned to any officer on the incident's date and time.

No witnesses were identified.

The identity of the alleged officer could not be established.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant states he was driving when a police officer pulled up alongside his vehicle and told him he should be on the other side of the city. The complainant took this to mean that he did not belong in the area. The complainant provided the vehicle number of the police vehicle. The complainant did not provide any further evidence.

A witness stated that he heard an officer shout to the complainant and himself that they should be on the other side of the city. The witness opined that this comment was about his and the complainant's race. The witness was unable to see the officer.

San Francisco Police Department records showed no record of this incident.

The named officer was assigned to the police vehicle in question on the day of the alleged incident. The officer did not remember the incident or interacting with anyone in the way that was alleged. The officer provided a record of the incidents he was attending during the alleged interaction. The records indicate that the officer may have been in the incident's area at the time alleged.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/20 **DATE OF COMPLETION:** 12/23/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to comply with Department Notice 20-066.

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and an SFPD representative, the complaint was mediated and resolved in a non-disciplinary manner on 12/03/2020.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/20 **DATE OF COMPLETION:** 12/03/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/20 **DATE OF COMPLETION:** 12/03/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was arrested and waited in handcuffs behind the back for three and a half hours.

The complainant did not provide identifying details regarding the incident or the alleged officer. DPA was unable to reach the complainant for further information.

The identity of the alleged officer could not be established.

No witnesses were identified.

The officer could not reasonably be identified.

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

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

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

California Department of Corrections and Parole &
Community Services Division
Parole Office
1727 Mission Street, 1st Floor
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/20 DATE OF COMPLETION: 12/09/20 PAGE# 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him for mental health evaluation without reason. The complainant failed to respond to requests for additional requested evidence.

The complaint did not provide sufficient information to investigate a particular incident.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer detained him for mental health evaluation without reason. The complainant failed to respond to requests for additional requested evidence.

The complaint did not provide sufficient information to investigate a particular incident.

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him for mental health evaluation without reason. The complainant failed to respond to requests for additional requested evidence.

The complaint did not provide sufficient information to investigate a particular incident.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/20 **DATE OF COMPLETION:** 12/07/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/20 DATE OF COMPLETION: 12/18/20 PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/20 **DATE OF COMPLETION:** 12/03/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to a scene.

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

FINDINGS OF FACT: The complainant stated that he reported loud music and individuals drinking near his residence and there was no police officer response.

Department records failed to identify the alleged incident.

No witnesses were identified.

DPA attempted to reach the complainant for further information and the complainant was not responsive.

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

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

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

CATEGORY OF CONDUCT: FINDING: IO1-DEM DEPT. ACTION:

FINDINGS OF FACT:

The complainant stated that a 911 operator was rude. This complaint raises matters outside DPA's jurisdiction. This complaint was forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/20 DATE OF COMPLETION: 12/01/20 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to a scene.

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

FINDINGS OF FACT: The complainant stated that the officer failed to promptly respond to an emergency that occurred at his neighbor's house.

The complainant requested a withdrawal of the complaint.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/20 **DATE OF COMPLETION:** 12/15/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/20 **DATE OF COMPLETION:** 12/03/20 **PAGE#** 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/20 **DATE OF COMPLETION:** 12/31/20 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers behaved or spoke in a manner unbecoming an officer.

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

FINDINGS OF FACT: The complainant stated she witnessed an interaction between two officers and a woman the officers had detained. The complainant said the detainee made a comment that led her to believe the officers had touched the woman inappropriately.

The DPA was unable to locate the detainee to interview her.

The named officers' body worn camera captured the entire contact with the detainee. There is no indication of any inappropriate touching between the officers and the detainee.

A preponderance of the evidence proves that the conduct alleged did not occur or that the accused officer was not involved.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/20 DATE OF COMPLETION: 12/01/20

PAGE# 1 of 1

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/20 DATE OF COMPLETION: 12/15/20 PAGE# 1 of 1

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

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

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

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

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

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

SUMMARY OF ALLEGATION #3: The officer conducted an improper search or seizure.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/20 **DATE OF COMPLETION:** 12/21/20 **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/20 **DATE OF COMPLETION:** 12/03/20 **PAGE# 1 of 1**

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

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

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

City of Firebaugh Police Department
Police Chief
1575 11th Street
Firebaugh, CA 93622

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/20 **DATE OF COMPLETION:** 12/14/20 **PAGE# 1 of 1**

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

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

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

United States Customs and Border Protection
Port of Entry: SFO International Airport
555 Battery Street
San Francisco, CA 94111
(415) 782-9200/ (877) 227-5511

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/20 **DATE OF COMPLETION:** 12/31/20 **PAGE# 1 of 1**

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

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

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

Vallejo Police Department
111 Amador Street
Vallejo, CA 94590

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/20 **DATE OF COMPLETION:** 12/28/20 **PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/20 DATE OF COMPLETION: 12/30/20 PAGE# 1 of 1

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

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

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

Los Banos Police Department
Chief of Police
Internal Affairs Unit
945 5th Street
Los Banos, CA 93635

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/20 DATE OF COMPLETION: 12/29/20 PAGE# 1 of 1

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/20 DATE OF COMPLETION: 12/28/20 PAGE# 1 of 1

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

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

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

SFMTA Department of Parking & Traffic
231 Lee Avenue
San Francisco, CA 94103

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/20 DATE OF COMPLETION: 12/31/20 PAGE# 1 of 1

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

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

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