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7 **SAN FRANCISCO POLICE COMMISSION**

8 **SAN FRANCISCO POLICE DEPARTMENT,**

**Case No. IAD 2019-0172**

9 **Employer,**

**COMMISSION CHARGES**

10 **v.**

11 **OFFICER JOEL BABBS #330,**

**SPECIFICATION NO. 1:**

SEXUAL HARASSMENT AND BATTERY  
(DEPARTMENT GENERAL ORDER 11.07 & 2.01,  
RULE 9);

12 **Employee.**

**SPECIFICATION NO. 2:**

SPREADING FALSE RUMOR IN WORKPLACE  
(DEPARTMENT BULLETIN 18-163);

**SPECIFICATION NO. 3:**

FALSE STATEMENTS DURING ADMINISTRATIVE  
INTERVIEW (DEPARTMENT GENERAL ORDER 2.01,  
RULE 21);

**SPECIFICATION NO. 4:**

RETALIATION (DEPARTMENT GENERAL ORDER  
11.07).

23 **GENERAL ALLEGATIONS**

24 **I. Sexual Batteries**

25 Police Services Aide [REDACTED] is assigned the Department Operations Center, where she  
26 worked alongside Officer Joel Babbs during May 2019.

27 On May 1, 2019, PSA [REDACTED] PSA [REDACTED] and Officer Babbs went to Philz Coffee  
28 across the street from DOC. While PSA [REDACTED] stood in line, she felt someone touch her buttocks.

1 When she turned around, PSA [REDACTED] saw Officer Babbs standing behind her. At the time, PSA [REDACTED]  
2 was unsure whether the touching was intentional. Upon returning to work, Officer Babbs told PSA  
3 [REDACTED] to not tell anyone about “what he did.”

4 PSA [REDACTED] was “dumbfounded” about what had occurred but decided not to tell a supervisor at  
5 the time. PSA [REDACTED] did not believe PSA [REDACTED] had observed the touching or Officer Babbs’s  
6 subsequent remark.

7 Later that day, PSA [REDACTED] searched through the refrigerator inside the DOC office when  
8 Officer Babbs approached behind her and “tapped” her on the buttocks. PSA [REDACTED] turned around and  
9 Officer Babbs immediately began telling PSA [REDACTED] about something work-related. PSA [REDACTED] was  
10 unaware of any witnesses to this second incident.

11 Still later that day, PSA [REDACTED] stood by the filing cabinets in the office when she noticed  
12 Officer Babbs walk into the DOC. Officer Babbs walked behind PSA [REDACTED] and again swiped his hand  
13 across her buttocks. PSA [REDACTED] stopped and gave Officer Babbs a “look.” Officer Babbs responded by  
14 saying: “What?” and walked away. PSA [REDACTED] stated there were no known witnesses to this third  
15 incident.

16 On May 2, 2019, Officer Babbs called PSA [REDACTED] over to assist him with something on his  
17 computer. PSA [REDACTED] assisted Officer Babbs. When she walked away, Officer Babbs again swiped his  
18 hand across PSA [REDACTED] buttocks. Later that day, PSA [REDACTED] told PSA [REDACTED] about the four  
19 incidents.

20 On May 3, 2019, Officer Babbs again requested PSA [REDACTED] assistance with a computer issue.  
21 PSA [REDACTED] assisted Officer Babbs but intentionally maintained physical distance from him in order to  
22 avoid being touched. At some point, Officer Babbs leaned over and grabbed PSA [REDACTED] between her  
23 legs beneath her right buttocks.

24 In response to this grab, PSA [REDACTED] told Officer Babbs: “You need to stop touching me!”  
25 Officer Babbs stated: “Maybe you need to be touched once in a while.”

26 On May 30, 2019, Officer Babbs told PSA [REDACTED] several times throughout the day: “I can’t  
27 believe you accused me of something I didn’t do.” PSA [REDACTED] told Officer Babbs that all she wanted  
28

1 was for him to stop touching her. PSA [REDACTED] assumed Officer Babbs's comment referenced their  
2 conversation on May 3.

3 Later that day, Officer Babbs walked by PSA [REDACTED] while she was on the phone and swiped his  
4 hand across her waist. PSA [REDACTED] told Officer Babbs, "I told you: stop."

5 PSA [REDACTED] stated that Officer Babbs approached her at some point and asked why PSA [REDACTED]  
6 had stopped talking to him. PSA [REDACTED] stated: "She's not talking to you because you were touching  
7 her ass." PSA [REDACTED] stated that Officer Babbs initially denied touching PSA [REDACTED] but then admitted  
8 he had twice touched her buttocks. Per PSA [REDACTED] Officer Babbs stated that he had touched PSA  
9 [REDACTED] buttocks while she was seated in a chair.

10 On August 23, 2019, PSA [REDACTED] told PSA [REDACTED] that Officer Babbs had begun spreading a  
11 rumor around the workplace that PSA [REDACTED] was in a sexual relationship with [REDACTED]  
12 [REDACTED] PSA [REDACTED] heard the rumor from another employee, PSA [REDACTED] According to PSA [REDACTED]  
13 Officer Babbs told her that PSA [REDACTED] was sleeping with Sergeant [REDACTED] when she worked  
14 overtime. Officer Babbs told PSA [REDACTED] that PSA [REDACTED] and Sergeant [REDACTED] "liked to frequent the  
15 Holiday Inn on Market Street."

16 PSA [REDACTED] further stated that Officer Babbs personally told her that PSA [REDACTED] was sleeping  
17 with Sergeant [REDACTED]

18 On August 23, 2019, PSA [REDACTED] telephoned Sergeant Dorian McConico and informed her of  
19 the aforementioned batteries. Sergeant McConico drafted a memorandum to notify Captain  
20 Christopher Pedrini. On August 31, 2019, the Department transferred Officer Babbs out of DOC.

21 Prior to making the report and hearing of the rumor, PSA [REDACTED] had intended to change her  
22 days off to avoid working with Officer Babbs.

## 23 **II. Retaliation**

24 On September 9, 2019, Officer Babbs called Assistant Chief Michael Redmond and accused  
25 Sergeant [REDACTED] and PSA [REDACTED] of having an extra marital affair while on-duty.

26 On September 26, 2019, Sergeant Robert Padrones received a text message from Officer  
27 Babbs. The text message read: "Robert, please let Captain Petrini [sic] know that Sgt. [REDACTED] [sic]  
28

1 [REDACTED] just called me today about 10 minutes ago . . . He was trying to dissuade me from telling all I  
2 know about [REDACTED] and him having sex, while on duty using the department's blue Taurus."

3 Sergeant Padrones was unaware of any inappropriate relationship between Sergeant [REDACTED]  
4 and PSA [REDACTED] Sergeant Padrones informed Captain Pedrini of the text message on the day of receipt.

5  
6 **A. Investigation of Officer Babbs's Complaint**

7 The Internal Affairs Division conducted investigations regarding the allegations against Officer  
8 Babbs as well as the allegations Officer Babbs made against Sergeant [REDACTED] and PSA [REDACTED]

9 On December 5, 2019, the Internal Affairs Division interviewed Officer Babbs as a witness to  
10 his complaint against Sergeant [REDACTED] and PSA [REDACTED] Officer Babbs confirmed that he had sent a  
11 text message to Sergeant Padrones and claimed that Sergeant [REDACTED] had attempted to dissuade him  
12 from reporting what "he knew" about PSA [REDACTED] and Sergeant [REDACTED]

13 Officer Babbs explained that he learned of the affairs from an anonymous journalist who  
14 videotaped or shot pictures of Sergeant [REDACTED] and PSA [REDACTED] in a Police Department blue Taurus.  
15 Officer Babbs claimed he confronted Sergeant [REDACTED] about his relationship with PSA [REDACTED] and a  
16 week later PSA [REDACTED] made the complaint against him.

17 Officer Babbs also claimed he had witnessed PSA [REDACTED] and Sergeant [REDACTED] engaged in  
18 oral sex at work sometime during February 2019. Officer Babbs claimed he saw PSA [REDACTED]  
19 performing fellatio on Sergeant [REDACTED] in the hallway as Officer Babbs was heading toward the  
20 restroom. Officer Babbs stated there were no other witnesses to the incident and that he did not  
21 confront Sergeant [REDACTED] or PSA [REDACTED]

22 On January 30, 2020, the Internal Affairs Division interviewed PSA [REDACTED] who denied having  
23 any kind of sexual or romantic relationship with Sergeant [REDACTED] PSA [REDACTED] denied ever being in a  
24 Department Taurus. PSA [REDACTED] denied engaging in any oral sex with Sergeant [REDACTED] at any time.

25 The Internal Affairs Division also interviewed Sergeant [REDACTED] on January 30, 2020.  
26 Sergeant [REDACTED] noted that he uses the Department Taurus, however he has never been in the  
27 vehicle with PSA [REDACTED] Sergeant [REDACTED] described his relationship with PSA [REDACTED] as strictly  
28 professional and denied any dating, romantic, or sexual relationship with her. Sergeant [REDACTED]

1 denied ever describing PSA [REDACTED] as “his girl” to anyone. Sergeant [REDACTED] also denied attempting to  
2 dissuade Officer Babbs from reporting any misconduct.

3  
4 **B. Investigation of Sexual Battery Complaint**

5 On March 11, 2020, the Internal Affairs Division interviewed Officer Babbs as a subject officer  
6 in the sexual battery complaint. Officer Babbs acknowledged knowing PSA [REDACTED] and working with  
7 her since 2017. Officer Babbs described his relationship with PSA [REDACTED] as professional.

8 Officer Babbs confirmed he went to Philz Coffee with PSA [REDACTED] and PSA [REDACTED] on May 1,  
9 2019. Officer Babbs stated that nothing out of the ordinary occurred. Officer Babbs denied he touched  
10 PSA [REDACTED] while at Philz. Officer Babbs also denied telling PSA [REDACTED] not to tell anyone “what he  
11 did.”

12 Officer Babbs confirmed that DOC has a refrigerator that employees use to store food and  
13 drinks. Officer Babbs confirmed that PSA [REDACTED] used the refrigerator but did not recall her doing so on  
14 May 1, 2019. Officer Babbs denied approaching PSA [REDACTED] from behind and touching her.

15 Officer Babbs confirmed that the workspace he shares with PSA [REDACTED] has a set of filing  
16 cabinets. Officer Babbs further confirmed that PSA [REDACTED] uses the cabinets for work. Officer Babbs  
17 denied standing with PSA [REDACTED] near the filing cabinets on May 1. Officer Babbs stated that there was  
18 no reason for him to stand with her there. Officer Babbs denied touching PSA [REDACTED] near the filing  
19 cabinets.

20 Officer Babbs confirmed he worked on May 2, 2019. Officer Babbs could not recall asking  
21 PSA [REDACTED] for help on his computer. Officer Babbs denied asking PSA [REDACTED] for help on his computer  
22 and touching her buttocks.

23 Officer Babbs confirmed he worked on 3, 2019. Officer Babbs vaguely remembered that day  
24 and stated that nothing out of the ordinary occurred. Officer Babbs recalled asking PSA [REDACTED] to come  
25 to his computer to help him learn a new system. Officer Babbs denied touching PSA [REDACTED] when she  
26 was at his work station.

1 Officer Babbs denied speaking with PSA [REDACTED] about the aforementioned batteries on May 1,  
2 2, and 3. Officer Babbs denied saying “I can’t believe you’re accusing me of touching your butt.”  
3 Officer Babbs denied touching PSA [REDACTED] waist on May 30.

4 Officer Babbs denied speaking with PSA [REDACTED] on May 31 regarding PSA [REDACTED] Officer  
5 Babbs denied asking her why PSA [REDACTED] was no longer speaking to him. Officer Babbs further denied  
6 saying that he had apologized to PSA [REDACTED] Finally, Officer Babbs denied admitting to physically  
7 touching PSA [REDACTED]

8 Officer Babbs stated that he had heard rumors about PSA [REDACTED] and Sergeant [REDACTED]  
9 through Sergeant [REDACTED] who allegedly told Officer Babbs about the purported relationship  
10 sometime in 2017. Officer Babbs stated that Sergeant [REDACTED] told him that PSA [REDACTED] was “his girl”  
11 and that they were involved. Officer Babbs stated that Sergeant [REDACTED] did not specifically say PSA  
12 [REDACTED] and he were sleeping together. Officer Babbs denied ever hearing that Sergeant [REDACTED] and  
13 PSA [REDACTED] were sleeping together.

14 Officer Babbs stated he had never repeated the information about PSA [REDACTED] and Sergeant  
15 [REDACTED] to anyone. Officer Babbs denied telling PSA [REDACTED] that PSA [REDACTED] and Sergeant [REDACTED]  
16 were sleeping together. Officer Babbs denied telling PSA [REDACTED] that PSA [REDACTED] and Sergeant  
17 [REDACTED] liked to frequent the Holiday Inn on Market Street.

18  
19 **FIRST SPECIFICATION**  
20 **(Sexual Battery and Harassment)**

21 *Department General Order 2.01, Rule 9 prohibits any general misconduct. Department*  
22 *General Order 11.07 prohibits sexual harassment in the workplace.*

23 Officer Babbs touched PSA [REDACTED] on her buttocks on five occasions. He also swiped his hand  
24 across her waist on one occasion. The conduct was unwelcomed and without consent: PSA [REDACTED]  
25 admonished Officer Babbs not to touch her, however his behavior continued. Officer Babbs’s conduct  
26 was sufficiently pervasive and severe that PSA [REDACTED] had contemplated changing her schedule to avoid  
27 being around Officer Babbs.  
28

1 Officer Babbs's conduct constitutes sexual harassment under *Department General Order 11.07*,  
2 due to it being an unwanted, severe, and pervasive sexual touching that adversely impacted PSA  
3 [REDACTED] working environment.

4 Officer Babbs's conduct also constitutes a violation of *Department General Order 2.01, Rule 9*  
5 as it constituted a series of unlawful sexual batteries.

6  
7 **SECOND SPECIFICATION**  
8 **(Spreading False Rumors in Workplace)**

9 *Department Bulletin 18-163* prohibits "intimidating conduct, gossiping, or other behavior  
10 considered 'bullying.'"

11 Officer Babbs created a rumor that PSA [REDACTED] and Sergeant [REDACTED] were in a romantic and  
12 sexual relationship. Officer Babbs told PSA [REDACTED] that PSA [REDACTED] and Sergeant [REDACTED] frequented  
13 the Holiday Inn on Market Street together, in a reference that PSA [REDACTED] understood to mean they  
14 were sleeping together. Additionally, Officer Babbs told PSA [REDACTED] that PSA [REDACTED] and Sergeant  
15 [REDACTED] were in a sexual relationship. Officer Babbs reported to Assistant Chief Redmond and  
16 Sergeant Padrones that PSA [REDACTED] and Sergeant [REDACTED] were sleeping together on-duty in a  
17 Department vehicle. PSA [REDACTED] and Sergeant [REDACTED] denied any romantic or sexual relationship  
18 with each other.

19 Officer Babbs spread a prurient and untrue rumor regarding PSA [REDACTED] and Sergeant [REDACTED]  
20 Had Officer Babbs truly believed misconduct had occurred, he should have drafted a memorandum for  
21 his supervisor. Instead, he chose to spread rumors to PSA [REDACTED] peers, which ultimately caused PSA  
22 [REDACTED] additional distress in the workplace.

23 **THIRD SPECIFICATION**  
24 **(False Statements During Administrative Investigation)**

25 *Department General Order 2.01, Rule 21* requires members to answer all questions truthfully  
26 during administrative investigations.

1 In his first interview, Officer Babbs claimed that he had learned that Sergeant [REDACTED] and  
2 PSA [REDACTED] were in a sexual relationship through an unknown citizen journalist. Officer Babbs also  
3 claimed he had confronted Sergeant [REDACTED] about the purported affair with PSA [REDACTED] prior to  
4 Officer Babbs's transfer out of DOC. Officer Babbs also claimed that he had observed Sergeant  
5 [REDACTED] and PSA [REDACTED] engaging in oral sex while on duty.

6  
7 In his second interview, Officer Babbs claimed he heard from Sergeant [REDACTED] himself that  
8 Sergeant [REDACTED] and PSA [REDACTED] were in a relationship. Officer Babbs denied telling anyone about  
9 the rumor. Furthermore, Officer Babbs claimed no knowledge that the rumor was about a sexual  
10 relationship. Investigators specifically asked Officer Babbs whether he had told PSA [REDACTED] about the  
11 rumor. Officer Babbs denied telling PSA [REDACTED] about the rumor.

12 Officer Babbs's claim that he never told anyone about the rumor is controverted by other  
13 witnesses. PSA [REDACTED] and PSA [REDACTED] both reported that Officer Babbs told them about the rumor.  
14 Additionally, both PSAs stated that Officer Babbs said the relationship was of a sexual nature. Officer  
15 Babbs also claimed he had no knowledge of the rumor being sexual in nature. However, in a previous  
16 statement he claimed he had learned from a journalist that Sergeant [REDACTED] and PSA [REDACTED] were  
17 having sex in a Department vehicle. Additionally, he claimed to have personally observed Sergeant  
18 [REDACTED] and PSA [REDACTED] engaged in sexual activity.

19 Officer Babbs offered an untruthful account of his sharing the rumor about PSA [REDACTED] and  
20 Sergeant [REDACTED] which constitutes a violation of *Department General Order 2.01, Rule 21*.

21 **FOURTH SPECIFICATION**  
22 **(Retaliation)**

23 *Department General Order 11.07* prohibits retaliation against any member who has filed a  
24 complaint of workplace harassment.

25 PSA [REDACTED] reported Officer Babbs's sexual harassment to her supervisor. Following the report,  
26 the Department transferred Officer Babbs to another assignment. After arriving in the new assignment,  
27 Officer Babbs told Assistant Chief Michael Redmond and Sergeant Padrones that PSA [REDACTED] was  
28 having sex on duty with Sergeant [REDACTED]



1 The timing and mendacity of Officer Babbs's complaint demonstrate that it was made in an  
2 attempt to retaliate against PSA [REDACTED] in light of her report against him. This retaliation constitutes a  
3 violation of *Department General Order 11.07*.

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5 **PENALTY**

6 The Chief of Police recommends that the Police Commission terminate Officer Babbs's  
7 employment.

8 **VERIFICATION**

9 I, WILLIAM SCOTT, declare under penalty of perjury that I am the complainant referring the  
10 aforementioned charges, that I have read said charges, that the matters alleged therein are stated on my  
11 information and belief, and that I believe them to be true.

12 Executed at San Francisco, California this 20<sup>th</sup> day of August 2020.

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16 **WILLIAM SCOTT**  
17 Chief of Police  
18 San Francisco Police Department  
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3 **SAN FRANCISCO POLICE COMMISSION**

4 **SAN FRANCISCO POLICE  
DEPARTMENT,**

5 **Charging Party,**

6 **v.**

7 **OFFICER JOEL BABBS #330,**

8 **Accused.**

***PROOF OF SERVICE OF SPECIFICATIONS***

**File Number IAD 2019-0172**

9  
10 I, \_\_\_\_\_, declare as follows:

11 I personally served the attached charges in the above entitled matter on OFFICER JOEL  
12 BABBS, Star Number 330, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by showing the original to  
13 and delivering a copy to said Officer at \_\_\_\_\_.

14 I declare under penalty of perjury that the foregoing is true and correct and this declaration is  
15 executed on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at San Francisco, California.

16  
17 \_\_\_\_\_  
18 (Print Name of Officer Serving Charges)

17 \_\_\_\_\_  
18 (Signature of Officer Serving Charges)  
19 A Police Officer of the City and  
County of San Francisco, Star # \_\_\_\_\_

20 Filed in the Office of the Police Commission, City and County of San Francisco, this \_\_\_\_\_ day  
21 of \_\_\_\_\_, 2020.

22 \_\_\_\_\_  
23 Secretary to the Police Commission

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