

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/15/15    **DATE OF COMPLETION:** 11/18/22    **PAGE# 1 of 14**

**SUMMARY OF ALLEGATIONS #1-6:** The officers knowingly engaged in biased policing or discrimination.

**CATEGORY OF CONDUCT:**      **CUO**      **FINDING:**      **IC/S**      **DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named members in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATIONS #7-12:** The officers made racially derogatory comments.

**CATEGORY OF CONDUCT:**      **CUO**      **FINDING:**      **IC/S**      **DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named members in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

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**SUMMARY OF ALLEGATIONS #13-18:** The officers made sexually derogatory comments.

**CATEGORY OF CONDUCT:        CUO        FINDING:        IC/S        DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named members in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

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**SUMMARY OF ALLEGATIONS #19-24:** The officers behaved or spoke inappropriately.

**CATEGORY OF CONDUCT:      CUO      FINDING:      IC/S      DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named members in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

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**SUMMARY OF ALLEGATION #25:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that a former member of the San Francisco Police Department sent the named officer a racist text message that included the N-word. The named officer responded positively to that text message and failed to report the behavior as misconduct to any superior. The named officer's positive response and failure to act on that text message violated Department General Orders 5.17 (Policy Prohibiting Biased Policing), 2.01, Rules 1 & 9 (General Rules of Conduct), and 1.06 (Duties of Superior Officers).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATION #26:** The officer knowingly engaged in biased policing or discrimination.

**CATEGORY OF CONDUCT:        CUO        FINDING:        IC/S        DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that in August 2012, a former member of the San Francisco Police Department exchanged a series of racist and inappropriate text messages with the named member in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATION #27:** The officer behaved or spoke inappropriately.

**CATEGORY OF CONDUCT:      CUO      FINDING:      IC/S      DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that in August 2012, a former member of the San Francisco Police Department exchanged a series of racist and inappropriate text messages with the named member in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATION #28:** The officer knowingly engaged in biased policing or discrimination.

**CATEGORY OF CONDUCT:        CUO        FINDING:        IC/S        DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named member in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.



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**SUMMARY OF ALLEGATIONS #29:** The officer made racially derogatory comments.

**CATEGORY OF CONDUCT:      CUO      FINDING:      IC/S      DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named member in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATIONS #30:** The officer made sexually derogatory comments.

**CATEGORY OF CONDUCT:      CUO      FINDING:      IC/S      DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named member in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATIONS #31:** The officer made racially derogatory comments.

**CATEGORY OF CONDUCT:      CUO      FINDING:      IC/S      DEPT. ACTION:**

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The DPA's investigation found that between October 2011 through November 2012, a former member of the San Francisco Police Department exchanged a series of racist, sexist, and inappropriate text messages with the named member in violation of Department General Order 2.01, Rules 1 & 9 (General Rules of Conduct), 5.17 (Prohibition Against Biased Policing), and 11.07 (Prohibiting Discrimination, Harassment and Retaliation).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer failed to comply with DGO 1.03 (Duties of Patrol Officers) and DGO 2.01 (General Rules of Conduct).

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

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

DPA's investigation found that on October 29, 2011, while on duty and in uniform, the named officer left his assigned post and drove a department-issued motorcycle to another City to attend a party at a then-Sergeant's home in violation of Department General Orders 1.03 (Duties of Patrol Officers), 2.01, Rules 1 and 9, (General Rules of Conduct), and 10.10 (Motor Fleet).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF DPA-ADDED ALLEGATION #2:** The officer failed to comply with DGO 10.10 (Motor Fleet).

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

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

DPA's investigation found that on October 29, 2011, while on duty and in uniform, the named officer left his assigned post and drove a department-issued motorcycle to another City to attend a party at a then-Sergeant's home in violation of Department General Orders 1.03 (Duties of Patrol Officers), 2.01, Rules 1 and 9, (General Rules of Conduct), and 10.10 (Motor Fleet). The named officer neglected his duty by using a department-issued motorcycle for a non-work purpose in violation of Department General Order 10.10 (Motor Fleet).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**SUMMARY OF ALLEGATION #32:** The officer made racially derogatory comments.

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

**FINDINGS OF FACT:** The San Francisco Police Commission and the Department of Police Accountability (DPA) received an anonymous complaint requesting that DPA investigate media accounts of racist text messages sent from a former San Francisco Police Department member to other San Francisco Police Department officers. The complaint requested an investigation of involved officers as well as supervising officers and the partners of the involved officers who knew or should have known of the conduct and taken action.

The officer was unavailable to be interviewed by Internal Affairs or DPA.

The officer is no longer with the Department and therefore is no longer subject to Department discipline.

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

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

**FINDINGS OF FACT:** The complainant stated that the officers did not properly investigate the damage to his property and did not consider the hate crime element.

The named officers denied the allegation, stating that they obtained statements from the complainant, the two suspects (the complainant's roommate and the complainant's roommate's friend #1), and a witness (the complainant's roommate's friend #2). The officers explained the steps they took to investigate the hate crime. They stated that they were aware the complainant was called a racial epithet but based on the totality of circumstances the elements of a hate crime were not met. Specifically, they noted that there had been an ongoing roommate dispute that ultimately erupted that evening and the complainant's roommate, and his friends, were heavily intoxicated. The officers also explained the steps they took to investigate the vandalism and criminal threats. They stated that they accepted a Private Person's Arrest for the complainant's roommate's friend #1 but received conflicting instructions from their supervisors regarding arresting the complainant's roommate. Thus, the officers released the complainant's roommate and issued him a Certificate of Release, on order from a supervisor. Named officer #1 also took photos of the damaged property, booked cellphone video of the incident, and prepared a detailed incident report.

Department of Emergency Management records showed that the complainant called 9-1-1 to report a verbal dispute between the complainant and the complainant's roommate's friend. The named officers responded to the scene and separated the involved parties.

The body-worn camera footage and incident report confirmed the named officers thoroughly investigated the incident, requested guidance from their supervisors, and prepared a detailed incident report which documented the hate crime allegation, as well as all statements and evidence.

Other Department records documented that the matter was referred to the Station Investigation Team (SIT) for a follow up investigation. The SIT team subsequently applied for an arrest warrant and referred the case to the District Attorney's Office, who declined to issue an arrest or pursue the matter.

Department General Order 1.03 outlines duties and responsibilities of officers assigned to patrol duties. "Officers shall discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence; make written reports on crimes observed or brought to their attention that have not been previously reported; and obtain information on witnesses."

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SFPD Hate Crime Guide defines a Hate Crime as any criminal act or attempted criminal act directed against a person(s), public agency, or private institution based on the victim's actual or perceived race, nationality, religion, sexual orientation, disability, or gender.

Department General Order 5.04 states that if probable cause exists, such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, officers are to accept the arrest, and then advise the individual that they are free to leave. "In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

Based upon the evidence received, the officers conducted a complete and thorough investigation in accordance with Department General Order 1.03 and 5.04. Though racial epithets were used, the criminal act was not based upon race. Therefore, 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 take required action.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to review the complainant's cellphone video evidence, did not answer questions related to the hate crime element of the incident, and did not provide information on how to escalate his complaint.

Named officer #1 identifies as biracial and based on the statements provided by all the involved parties, she did not believe that the incident rose to the level of a hate crime incident, because the property was not damaged based on the complainant's race. This is a correct statement of the law. The incident took place because of an ongoing roommate issue. She explained that she had not seen the video footage until named officer #2 recorded it on his Department-Issued cell phone, which occurred after a supervisor ordered the officers not to arrest the suspect. She also stated that she requested a supervisor to come on-scene when the complainant requested one.

Named officer #2 said he reviewed the video evidence when it was reasonable to do so. He stated that although the complainant showed him the cellphone footage earlier in the investigation, he had not seen the entire video and thought the footage he had seen was the entirety of the video. He further explained that he did not believe the incident constituted a hate crime, but that the case would be further investigated by the SIT. He recalled the complainant making a request to "escalate this," which he took to mean that



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the complainant wanted to speak with a supervisor. Thus, named officer #2 explained to the complainant that a supervisor would call him later, as the supervisor was not available to come to the scene.

The body-worn camera footage and incident report showed that the named officers reviewed the complainant's cell phone footage on-scene and booked it as evidence. The named officers investigated the hate crime allegation and determined that the incident arose from an argument between the complainant and the complainant's roommate's friend #1. In addition, the body-worn camera footage showed that when the complainant requested to speak with a supervisor, named officer #2 briefly stepped outside to request that a supervisor respond to the scene. However, the request was declined and the named officer #2 was told that a supervisor would call the complainant later. The officers conveyed that information to the complainant.

The evidence contradicted the complainant's statement.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATIONS #5-6:** The officers behaved or spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officers lacked empathy and spoke in a condescending tone, treating the complainant like a criminal. In addition, the complainant said that named officer #1 misled the complainant when she said that the complainant's roommate's friend #2 corroborated his version of events, which was not reflected in the incident report.

Named officer #1 denied the allegation, stating she was professional towards the complainant. Named officer #1 confirmed that named officer #2 authored the incident report.

Named officer #2 denied the allegation. He stated that he was professional toward the complainant and did not mislead the complainant. He stated that the statements obtained by all the involved parties were not written verbatim but were summarized in the incident report. The statements are also captured on body-worn camera footage.

The body-worn camera footage showed the named officers answering the complainant's questions, and it did not appear that the officer's statements or actions were discourteous. In addition, the footage confirmed that the witness's statement was summarized in the incident report and not written verbatim.

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Department General Order 2.01 states that any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

The body-worn camera footage showed the named officers behaved professionally toward the complainant.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATIONS #7-8:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated that officers failed to arrest his roommate for vandalism after they told him that he would be arrested.

The named officers conducted their investigation and sought instruction from their supervisors, sergeant #1 and sergeant #2. The officers were first told that they had probable cause to arrest the complainant's roommate for vandalism and were instructed to arrest him. Thus, named officer #2 informed the complainant that his roommate would be arrested and subsequently went to detain the complainant's roommate. However, due to the complainant's roommate's condition, named officer #2 requested an ambulance to evaluate the complainant's roommate. It was then determined that the complainant's roommate required medical attention and needed to be transported to the hospital and medically cleared before going to jail. By that time, named officer #1 received a phone call from sergeant #3. Named officer #1 explained the situation to sergeant #3, who instructed her to release the complainant's roommate and issue him a Certificate of Release because there was no probable cause for the vandalism. Named officer #2 informed sergeant #3 of the conflicting arrest order; however, sergeant #3 vetoed the previous order.

Sergeant #1 and sergeant #2 stated that based on the information provided by the named officers, there was probable cause to arrest the complainant's roommate for vandalism. Sergeant #2 stated that he instructed the named officers to make the arrest.

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Sergeant #3 stated that he called named officer #1, who updated him on the situation. He stated that based on the information he was provided, he did not believe there was probable cause to arrest the complainant's roommate for felony vandalism. He confirmed that named officer #1 told him that the other sergeants instructed them to arrest the complainant's roommate for vandalism; however, he disagreed. He therefore instructed the named officers to release the complainant's roommate.

Department records confirmed that sergeant #1 and sergeant #2 told the named officers to arrest the complainant's roommate and then sergeant #3 told them to release him. Records also showed that there was probable cause to arrest the complainant's roommate for vandalism and an arrest warrant was later sought for the complainant's roommate.

Department General Order 2.01(11) states that if a member is given a lawful order that conflicts with a previous order or written directive, the member shall advise the superior of the conflict and proceed according to the superior's direction.

The evidence proves that the alleged conduct occurred and was the result of inadequate supervision.

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

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

**FINDINGS OF FACT:** During the investigation of a failure to make an arrest complaint, the DPA discovered that the named officers received an order to release the complainant's roommate for lack of probable cause to arrest.

The named officer stated that there was a lack of probable cause to arrest for vandalism (Penal Code section 594(b)) based on the inconsistent statements from the involved parties and the lack of independent evidence. The named officer recalled being briefed on the incident and contacting the patrol officers to discuss it further. The named officer recalled telling the patrol officer that probable cause to arrest was thin based on the conflicting statements from the parties, lack of evidence, and he believed that alcohol had been a factor. The named officer stated he was aware that his orders to release the person in custody conflicted with the previous orders to arrest, but instructed the patrol officers to release the complainant's roommate with the understanding that the incident would be investigated further by the Station Investigation Team (SIT). The named officer stated he was not aware of the complainant's video evidence. However, he stated his decision to release the complainant's roommate for lack of probable

cause for vandalism was not affected after reviewing the body-worn camera footage nor the complainant's video evidence.

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Department records showed that the case was assigned to SIT and SIT applied for an arrest warrant for the complainant's roommate.

Department General Order 1.04 states that supervisors shall, "train and lead subordinates in the performance of their duties and set an example of efficiency and department." In this case, action of the named officer deciding to release the detained person from custody, in conflict with the previous orders provided to the patrol officers after the investigation had been concluded and the probable cause to arrest had been determined, was not consistent with the Department policy.

The officers on scene did a painstaking investigation, they consulted with two superior officers who asked appropriate questions, had multiple calls with the officers as they gathered more evidence, researched the Penal Code, and ordered the officers to arrest the complainant's roommate. All involved parties had been briefed on what was going to happen next. Sergeant #1 was clear that although Sergeant #3 would have to review and sign off on the incident report, he had already approved the charges, meaning that Sergeant #3 would not have to sign off on the booking. Yet Sergeant #3 intervened to overrule the two previous sergeants, who knew more about the facts and had researched the law.

For subordinate officers, clarity and continuity is of paramount importance when making decisions in the field. Due to the lack of clarity here, the subordinate officers were left with conflicting orders, confusion, and frustration. When it is clear that a previous superior officer made a glaring mistake or significant new evidence is uncovered after that person's shift is over, a change in position may be reasonable and even required. But it is not reasonable or necessary to completely change the trajectory of an investigation solely because of a difference of opinion, given the detrimental effect it has on the subordinate officers who have been dealing with that situation firsthand for hours. Here, it left the complainant highly upset, causing unnecessary frustration and confusion for both the people on scene and the officers.

Based on the totality of the evidence obtained, there was probable cause to arrest for a violation of Penal Code section 594(b).

A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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

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

**FINDINGS OF FACT:** The complainant reported he was the victim of a stabbing by an unknown suspect and that his wallet and cellphone were stolen. He stated that officers should have done more to investigate this incident.

Named Officer #1 (the reporting officer) stated that he conducted the best investigation he could under the circumstances based on the mixed and limited information he received. He stated that the complainant provided inconsistent information regarding where the incident occurred and what happened to him. The complainant's wallet could not be fingerprinted due to its fabric makeup and the surveillance video footage only showed the complainant driving his truck.

Named Officer #2 stated that an investigation was conducted, and all policies and procedures were followed. Fingerprints of the complainant's wallet were not taken because the wallet's fabric material was incapable of holding latent fingerprints and the video surveillance showed a vehicle leaving the area where the complainant lived.

Named Officer #3 stated that officers on scene investigated the incident.

Department records showed that the named officers responded to a call for service for a stabbing. The complainant had walked into a fire station seeking medical care. The suspect was noted to be gone upon the officers' arrival. The Incident Report documented that the complainant told officers that he lived in a trailer, but he was unable to provide a specific location. The complainant said the suspect came up from behind while he was standing outside his trailer on the sidewalk and attacked him from behind. The complainant stated that he lost consciousness and when he woke up, he noticed that his cell phone and wallet were missing and believed the suspect took the items after he was hit. During the investigation, the officers located the complainant's trailer and the crime scene. The complainant's wallet was found inside the trailer on the floor. Photographs were taken of the scene and the video surveillance footage was booked into evidence. The complainant was taken to the hospital. The complainant told Named Officer #3 that he did not have any recollection of the event and could not remember where he was attacked. The Incident Report noted that the complainant was interviewed multiple times and the facts of the story changed each time. The body-worn camera footage showed the named officers conducted a full investigation, including interviewing the complainant, locating the complainant's trailer, going inside, searching for evidence, finding blood, and reviewing video surveillance footage.

The evidence proves that the conduct alleged did not occur.

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**SUMMARY OF ALLEGATION #4:** The officer prepared an incomplete or inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant stated the officer wrote an inaccurate incident report. He stated that he told the officer he hit his head, but that was not mentioned in the report. The complainant stated that the report made it sound like he was lying, that he tried to hurt himself and cause his own injuries. The complainant stated he was in shock and unable to respond to the officers' questions at the time.

The named officer stated he wrote an accurate report and that he completed as thorough an investigation as possible given the evidence and information available to him at the time. The complainant provided mixed information as to where the incident occurred and what happened to him. With respect to the complainant's head, the named officer noted possible traumatic brain injury (TBI) which is a form of head injury, in his report. The named officer noted he smelled alcohol, that the complainant responded to his questions when he interviewed him, and that the complainant did not appear to be in shock.

The Incident Report documented that as the named officer was interviewing the complainant, he could smell the odor of an alcoholic beverage. The named officer observed a laceration on the complainant's arm and reported that based on the complainant's statements and the laceration to his arm, it was unclear whether he was stabbed with a bladed object or whether the laceration was self-inflicted. The report reflected that the named officer spoke to his partner who accompanied the complainant to the hospital. The partner told the named officer the complainant did not have any recollection of the event and could not remember where he was attacked. The complainant stated he was hit in the back of the head, lost consciousness, and when he woke up, he had a cut on his arm and his head hurt. Hospital medical staff stated there were no injuries to the back of the complainant's head. Due to the fact the complainant had no injuries to his head, the named officer was unable to determine whether he was struck in the back of his head. The report noted that the complainant was interviewed multiple times and his story changed each time.

Department records showed the complainant went to police headquarters four days after the incident to obtain a copy of the incident report and report that currency was stolen from his cabinet during the initial incident. The complainant also stated his cellphone that was reported stolen in the initial report had been recovered using a tracking application.

The body-worn camera footage (BWC) showed the complainant stated he could not remember what happened and that he could not provide a description of the suspect. The complainant told the officer he went outside to smoke a cigarette and when he turned around, he was hit on the back of the head. The

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named officer photographed a laceration injury to the complainant's arm. The named officer and his partner questioned the complainant at different times and the complainant responded to their questions. One of the medics on scene asked the complainant whether he had consumed any alcohol or drugs. The complainant responded no, then said he drank two to three beers. The BWC showed the complainant provided inconsistent statements and captured officers communicating that the complainant may have suffered a possible TBI. The BWC showed that the blood on the left side of complainant's head was determined by the treating medic to be from the arm wound rather than a head wound. The complainant stated he thought his wallet was stolen, but then said he found it on the floor of the trailer and that money was missing.

The report was an accurate representation of what was shown on the BWC.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATION #5:** The officer failed to comply with Department General Order 5.20 Language Access Services for Limited English Proficient (LEP) Persons.

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

**FINDINGS OF FACT:** The complainant stated he is Spanish speaking but did not have access to a Spanish speaker until he got to the hospital.

The named officer (the reporting officer) stated that while on scene the complainant spoke English at a conversational level. He gathered as much information as he could, given the exigency of the circumstances, while the complainant was being assessed by medics. The named officer stated that he then confirmed the information and clarified through use of the language services.

The body-worn camera footage (BWC) showed the complainant communicated and responded to questions by the named officer and a medic in English. The named officer asked the complainant, "Do you want me to get a Spanish speaker for you?" to which the complainant replied, "Yea." The medic then asked whether the interview could be conducted at the hospital as the complainant needed testing. The named officer used his radio to request a certified Spanish-speaking officer. In the meantime, one of the Fire Department medics on scene was Spanish-speaking and assisted the named officer in clarifying information with the complainant in Spanish prior to the complainant being transported to the hospital. During the transport to the hospital, a different officer rode in the back of the ambulance with the complainant. While enroute to the hospital the officer contacted Language Line Services and utilized a

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Certified Spanish speaking interpreter to interview the complainant. Upon arrival at the hospital, the Spanish-speaking medic communicated with the complainant again.

Department General Order 5.20 states in part that “[w]hen performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services.” The DGO sets forth specific procedures to be followed but allows that “exigent circumstances may require some deviation. In such situations, SFPD members shall use the most reliable, temporary interpreter available.”

The evidence proves that the conduct alleged did not occur.



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**SUMMARY OF ALLEGATION #1:** The officer engaged in retaliatory behavior.

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

**FINDINGS OF FACT:** The complainant alleged that the father of her children was suspected of shooting someone while driving a vehicle. She alleged the named officer showed her footage of the shooting and asked if she could identify the shooter. The complainant could not. The named officer had been friendly before this moment, but after the complainant failed to identify the alleged suspect, the named officer became quiet and agitated. The named officer then seized her vehicle. She asked the officer and the assigned district attorney assigned to the case to release her vehicle, but both refused to do so. Additionally, the named officer suggested she speak with the suspect about the vehicle, which she felt was unprofessional. When the vehicle was finally released, the complainant was given a bill for thousands of dollars. The complainant felt the named officer held her vehicle to retaliate against her for failing to identify the suspect when he showed her a video of the shooting.

The named officer stated he impounded the complainant's vehicle because it had been used in the commission of a felony and he had placed an investigative hold on the vehicle. When the named officer and the district attorney's office decided the vehicle could be returned to the complainant, she was told in person at a court hearing. The named officer explained to the complainant that he could not remove the fees from the vehicle and that the complainant should request a tow hearing. The named officer suggested the complainant speak with the suspect because they knew each other and because the named officer could not release information due to confidentiality reasons.

The Department of Police Accountability (DPA) made multiple attempts to interview the District Attorney involved with the complainant's case to see if she had instructed the named officer to continue the hold on the complainant's vehicle. The District Attorney did not respond to any of the DPA's contacts.

The named officer's body-worn camera footage was analyzed as part of this investigation. It captured his interaction with the complainant where he showed her video footage of the shooting. The named officer was not rude or agitated. He was calm and professional throughout the interaction.

The named officer's chronological of investigation was analyzed as part of this investigation. It showed the named officer was able to collect video footage of the shooting. The video footage showed the license plate of the vehicle the suspect had been driving. The named officer learned who the suspect driving the vehicle was because he had been identified by other officers who had interacted with the suspect in the past as well as officers who saw the suspect when conducting surveillance on the vehicle.

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Department records show that the vehicle was seized pursuant to a warrant issued by a superior court judge.

The complainant alleged the named officer impounded her vehicle to retaliate against her for failing to identify the suspect of a shooting. The named officer and prosecutors both held the vehicle as evidence of a violent felony, which is within policy and the law.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATION #2:** The officer failed to activate a body-worn camera as required.

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

**FINDINGS OF FACT:** The complainant alleged she did not see the named officer wearing a body-worn camera (BWC) during their interaction.

The named officer stated he was wearing a BWC and had it activated while he questioned the complainant at the scene.

The named officer's BWC footage was collected. He activated his BWC as he interviewed the complainant.

San Francisco Department General Order (DGO) 10.11, Body Worn Camera, states, in part, "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances... Consensual encounters where the member suspects that the citizen may have knowledge of criminal activity as a suspect, witness, or victim." Here, the named officer's BWC was activated as he collected the complainant's statement.

The evidence proves that the conduct alleged did not occur.

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

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

**FINDINGS OF FACT:** The complainant alleged the named officer became quiet and agitated when she was unable to identify the father of her children as the shooting suspect.

The named officer explained he suggested the complainant speak with the suspect because she claimed she had nothing to do with the incident and that her vehicle should not be impounded regarding the incident.

The named officer's BWC footage was analyzed as part of this investigation. It captured his interaction with the complainant where he showed her video footage of the shooting. It depicted the named officer as calm, friendly, and professional.

DGO 2.01 § 14, Public Courtesy, states, in part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The named officer's BWC footage showed he treated the complainant with courtesy and never used uncivil language.

The evidence proves that the conduct alleged did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer "liked" a racist tweet while in charge of an official Department Twitter account.

The named officer stated that one of her roles was to support the district station's social media account. She created the station's newsletter and utilized Twitter to post the newsletter onto the district station's account to share it publicly. The named officer recalled indiscriminately "liking" several tweets (i.e., posts) of other accounts recommended by Twitter. She stated that she did not seek out other user accounts. She explained she was mortified when she realized her indiscriminate "liking" of posts included one from a user who posted racist material on Twitter. She immediately "unliked" the tweet and was counseled by her superior. Admittingly, the named officer signed the Department Notice on Management of Department Social Media Accounts 20-140 (DN 20-140) but indicated that she did not receive specific training on managing the district station's social media accounts or about Twitter. She stated that she did not have a deep understanding of social media platforms when she agreed to assist.

Department General Order 2.01 is the policy that outlines the general rules of conduct of officers and non-sworn employees of the Department, and Department Notice 20-140 outlines the policy regarding the management of the Department's social media sites. While these policies are in place, they lack specificity and the Department does not provide clear training and guidance on how it should be applied to officers managing Department or district station social media accounts.

The investigation showed that the named officer unequivocally accepted responsibility for "liking" the post from a user that exhibited racist and offensive material. The named officer was unfamiliar with social media platforms but was tasked to assist her district station's social media accounts. She acknowledged her naivety in managing social media accounts but offered to assist despite that. The Department did not formally train the named officer to manage the social media accounts. The named officer was negligent in not being more careful about what she "liked," but she did not act with knowledge or intent based on the utter lack of training on using Twitter and social media accounts. It is unrealistic and short-sighted to think that patrol officers, whose social media knowledge and experience vary vastly, will understand the nuances of all social media platforms.

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

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**SUMMARY OF ALLEGATION #2:** The officer failed to comply with Department Notice 20-140, the Management of Department Social Media Accounts.

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

**FINDINGS OF FACT:** The complainant reported that an officer "liked" a racist tweet from an official department Twitter account.

The Chief of Police remarked during a Police Commission meeting that a district station's Twitter page had liked a racist tweet. The Chief said the site was disrespectful and disgraceful and that he found it personally offensive and disgusting. The Chief indicated that "any SFPD social media associated with that site or any site similar to that was in direct violation of our SFPD Social Media Policies." He advised officers handling the Department's social media accounts to avoid accessing those social media sites on department devices.

The named officer recalled indiscriminately "liking" several tweets (i.e., posts) of other user accounts recommended by Twitter to the district station account and did not seek out other user accounts. She explained she was mortified when she was made aware that her indiscriminate "liking" of posts included one from a user who posted racist material on Twitter. She immediately "unliked" the tweet and was counseled by her superior. She acknowledged signing the DN 20-140, the Management of Department Social Media Accounts.

DPA reviewed DN 20-140, the Management of Department Social Media accounts. In addition, DPA sent a request to the Department for any and all Department Notices, Policies, Unit Orders, or any written directives governing the on-duty social media use. As a result, the Department provided DPA with copies of eight policies (DB 18-040, DB 18-071, DGO 3.16, DGO 8.09, Media Relations Unit Order 16.03, Media Relations Unit Order 21.01, SFPD Twitter Guide, and DM 22, SFPD Media Resource Manual). However, none of the department policies specifically addressed the parameters to guide members who manage the Department's social media account may take regarding responding to or liking posts on their social media site.

The evidence showed that the Chief of Police believed the incident violated the SFPD's Social Media Policy. However, evaluation of said policy proved it is unclear and imprecise and did not address the official Department social media accounts "liking" posts from other agencies or individuals. The Department's Social Media policy, known as Department Notice 20-140, failed to clearly outline parameters and procedures around the management of the Department's official social media account, given the ever-changing environment and landscape of social media. It is fair to assume that someone untrained and unfamiliar with social media platforms with a social media policy that lacks clear directives

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to make mistakes. It is unrealistic and short-sighted to think that patrol officers, whose social media knowledge and experience vary vastly, will understand the nuances of all social media platforms.

DPA recommends that the Media Relations unit handle all official social media accounts for the Department. In the alternative, officers running such platforms should receive special training about promoting the Department and pitfalls to avoid. Additionally, the Department needs a more comprehensive policy that covers all forms and aspects of social media engagement.

The evidence proves that the alleged conduct occurred, but the Department had no policy or procedures prohibiting the conduct. The DPA recommends that the policy or procedure be changed or modified.

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

**CATEGORY OF CONDUCT: UF**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officers used excessive force when arresting him. The complainant stated the named officers grabbed his arms aggressively even though he was not resisting.

The named officers both denied using excessive force on the complainant. The named officers stated that there was no use of force used on the complainant beyond placing him in handcuffs. The named officers believed they treated the complainant with respect.

SFPD documents do not show the use of any force against the complainant.

Body-worn camera footage shows the named officers arresting the complainant. The complainant is asked to place his hands behind his back and is placed in hand cuffs. The officers do not push, pull, or use any force for this action as the complainant is compliant. One officer holds the complainant by the elbow as he is escorted to an awaiting vehicle. The complainant makes no complaint of pain or discomfort at the officer's actions.

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

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that he was targeted and arrested by the named officers due to his race.

The named officers deny that the complainant's race had any impact on how they treated him and was not why the complainant was arrested. The officers stated that they believed they dealt with the complainant with respect.

SFPD documents show that the named officers responded to the complainant's location and arrested him after being called on several occasions by a member of the complainant's family who wanted to report the complainant for harassing people and breaching a court order. The documents show that the family member signed a citizen arrest form and requested the arrest of the complainant.

Body-worn camera footage shows that officers responding to the location several times and speaking to the complainant's family member who requested the arrest of the complainant for breaching a court order. The footage showed the interaction between the officers and the complainant which was professional and courteous. The named officers explain to the complainant the reason for the arrest after arresting him.

The named officers did not target the complainant due to his race. The named officers did not arrest the complainant due to his race. The named officers were responding to a call for service from the complainant's family member, and arrested complainant based on evidence, giving them probable cause to believe a crime had been committed by complainant.

The evidence proves that the conduct alleged did not occur.



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**SUMMARY OF ALLEGATIOND #5-6:** The officers behaved or spoke inappropriately.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that he was arrested and taken to a police station by the named officers. While at the station the named officers took the complainant's shoes and laughed at the complainant.

The named officers denied laughing at the complainant and stated that this did not happen.

SFPD documents showed that the complainant was booked into to a SFPD station.

Body-worn camera footage showed the named officer booking the complainant in at the station. The named officers process the complainant's property and search the complainant. The named officers explain that they need to remove the complainant's shoes as they have laces in them before placing him in a holding cell. At no point are any officers seen or heard laughing at the complainant. The officers are professional in their conduct and explain the reason for their actions to the complainant.

The footage showed that the alleged conduct did not happen.

The evidence proves that the conduct alleged did not occur.

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**SUMMARY OF ALLEGATION #7: Policy/Procedure**

**CATEGORY OF CONDUCT: Policy**

**FINDING: PF**

**FINDINGS OF FACT:** The complainant stated that he was held for nearly 24 hours in an SFPD holding cell.

SFPD records showed that the complainant was held for nearly 21 hours in an SFPD holding cell.

SFPD booking and detention manual states that a prisoner is not to be held in a holding cell for longer than 4 hours or 12 hours at an SFPD station. The manual does not state what officers are supposed to do with the prisoner if they go beyond these times.

An SFPD subject-matter expert interviewed by DPA stated that the SFPD policy was out of date and did not provide important information to officers for dealing with prisoners especially when they are held for extended periods due to unforeseen circumstances. The expert stated that SFPD did not have emergency or contingency policies related to booking and detention facilities. Due to unforeseen circumstances, at the time, the San Francisco Sheriff's Office was not accepting inmates in a timely fashion into the City's jail facilities.

Additionally, the California Board of State and Community Corrections ("CBSCC") documents show that SFPD custody holding facilities are inspected every 2 years. During the last two inspections conducted by CBSCC, the holding facilities and SFPD have been deemed as failing to comply with California State laws related to detention facilities. Recommendations were made to SFPD, but no action was taken. The detention manual should be reviewed and updated every two years. SFPD manual has not been updated since 2008.

It is the opinion of the Department of Police Accountability that SFPD must review and update their booking and detention policies and bring them into compliance with California State law. The policies should provide clear guidelines for officers, for the safety of both the officers and the prisoners in SFPD custody. Additionally, policies should provide officers with guidance for how to process detained individuals during unforeseen circumstances, such as a pandemic.

The evidence proves that SFPD policy and procedure are out of date, out of compliance with State mandated regulations, and it is recommended that they be updated and modified to address the issues discussed above and documented in CBSCC's reports.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer convinced a witness to change her testimony regarding a homicide incident.

The named officer stated that she assisted a lead investigator in investigating a homicide case. The named officer stated that she conducted a recorded interview with the witness. The named officer denied that she convinced the witness to change her testimony. Her only contact with the witness was the recorded interview she conducted. The named officer denied having any involvement with the preliminary hearing in this case in which the witness testified.

The Department of Police Accountability (DPA) obtained the named officer's chronological of the investigation, audio recording of the witness interview, and the name officer's handwritten notes from the interview. All three items were consistent with one another and did not show any potential misconduct.

The DPA also obtained a copy of the witness's court testimony transcript. The witness's testimony was consistent with what the named officer wrote in her chronological of the investigation. The witness also testified under oath that she did not speak with the named officer again after the initial interview.

The evidence showed that the named officer only had one contact with the witness. The contact was documented and showed no evidence that the officer attempted to get the witness to change her testimony.

The evidence proves that the conduct alleged did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer falsely testified in court that complainant was a gang member.

The named officer retired and DPA was unable to interview him.

The DPA conduct a limited scope query search on the complainant's criminal history. The query showed that the complainant had been charged in the past pertaining to multiple other violent felonies, but it was inconclusive regarding the complainant's gang status.

A witness officer who worked on the complainant's homicide case stated that she did not know if the complainant was a member of a gang at the time of the incident.

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

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**SUMMARY OF ALLEGATIONS #1:** The officer detained a minor without reasonable suspicion.

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

**FINDINGS OF FACT:** The complainant stated the named officer detained and handcuffed a minor outside of his middle school based on unsupported evidence from a witness that the minor matched the description of a suspect. The complainant stated that the minor had just left school and was getting into a car when the named officer appeared to have grabbed his arm, put him in handcuffs, and pulled him away from the car.

The named officer stated he responded to a call of an auto burglary in a parking garage involving five suspects, one suspect vehicle, and was provided two suspect descriptions. The named officer stated he had reasonable suspicion to detain the minor based on the fact that the minor was exiting a building that had the same facade as the parking garage which caused him to believe he was exiting the garage itself, the minor was wearing clothing that matched the suspect description, and he believed that a security guard was following the minor out of the building.

DGO 5.03.02 (D) Investigative Detentions, Reasonable Suspicion to Detain, states that reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.

Body-worn camera (BWC) footage showed that the named officer yelled for the minor to stop and announced himself as police before he could see the security guard. As the minor was about to enter a vehicle, the named officer ordered the minor to come to him and subsequently grabbed the minor's arm. The minor and the security guard informed the named officer that the minor had just exited the middle school. The minor was not handcuffed and that the named officer immediately let go of the minor and apologized.

The named officer was not familiar with the location, the parking garage, or the school. The named officer was aware of a suspect description that matched the minor when looking at him from half a block away. His height and clothing matched the description from the side view. Upon detaining the minor, the named officer realized how young he was, and therefore his age did not match the given description.

The Department of Emergency Management (DEM) records confirmed that the named officer responded to an auto burglary at a parking garage involving five suspects and a suspect vehicle. The reporting party provided suspect descriptions and updated information. Dispatch alerted the named officer that the

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reporting party was holding the suspect vehicle; however, the information was unclear about how many of the five suspects were in the vehicle.

Department records indicated that one witness confirmed that the parking garage was connected to the school building.

DPA notes that the named officer, upon realizing his error, did release the minor but failed to appreciate the gravity of the situation and did not respond to the adults' concerns the way DPA would hope an officer detaining a very young person who was not involved in any criminal activity would under the circumstances. DPA acknowledges that this experience was traumatic for the minor and his community. Officers must act on the information that they have at the time of the detention.

Based on Dispatch records, CAD audio, BWC, and officer statements, the DPA could not prove or disprove by a preponderance of the evidence whether the detention was based on reasonable suspicion. The named member articulated his reasons for the detention. Some of the reasons were valid facts that supported a detention, some were likely perceived after the decision to detain was already made, and some relied upon speculation. The named officer's perception and memory differ somewhat from the point of view of BWC footage. DPA cannot prove by a preponderance of the evidence that the detention was not supported by reasonable suspicion given the state of the evidence.

The evidence fails to prove or disprove that the alleged conduct violated Department policy or procedure by a preponderance of the evidence.

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

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

**FINDINGS OF FACT:** The complainant stated that he believed the named officer targeted the minor because he was Black and did not appear to belong at his private middle school.

The named officer denied engaging in biased policing, stating that he briefly detained the minor based on the information dispatch provided him.

Department General Order 5.17, Bias-Free Policing Policy, states that except as part of a specific individual description, members may not use, to any degree, race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability or socio-economic

**DEPARTMENT OF POLICE ACCOUNTABILITY  
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status as a basis for establishing either reasonable suspicion or probable cause; for deciding whether to initiate a consensual encounter; when requesting a consensual search; or for determining if there is a lawful basis to search.

Department records showed that two of the suspects involved in the auto burglary were Black males seen in the parking garage, near where the detention occurred, and Dispatch conveyed that information to officers.

The biased policing DGO specifically exempts relying on perceived race when it is part of a suspect description. As such, there was no violation.

The evidence proves that the conduct alleged did not occur.

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**DATE OF COMPLAINT:** 03/24/22    **DATE OF COMPLETION:** 11/04/22    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant said she was assaulted and reported the incident. The named officer later contacted the complainant regarding the incident, and she emailed him information regarding the suspects as well as related video footage. She stated that she later sent the named officer emails and left him a message at a district station attempting to get an update on the case and to see whether the suspects had been contacted, but the named officer failed to contact her.

The named officer stated that he was assigned to a station investigative team and spoke with the complainant regarding this incident. He received emails from the complainant as well as phone messages. He did not reply to the complainant's emails but called her back and spoke to her on several occasions by phone and updated her on the status of the case. He informed the complainant that the case would remain open/inactive pending the development of any new investigative leads.

The named officer provided an email he initially sent to the complainant advising her that he would respond if he received any relevant information to assist the investigation. He also attached an email response from the complainant attaching additional information. No evidence suggests that the named officer documented the alleged phone calls he made to the complainant, and the complainant stated that she did not receive call backs. Therefore, DPA cannot determine by a preponderance of the evidence whether the named officer responded to the complainant.

Department records showed that this case was not assigned out for follow up investigation. However, the SIT case assignment rules do not require that all cases be assigned for follow up investigation.

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



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**COMPLAINT DATE: 03/29/22                      COMPLETION DATE: 11/04/22                      PAGE# 1 of 3**

**SUMMARY OF ALLEGATION #1:** The officer failed to provide his or her name or star number.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated she drove up alongside two San Francisco Police Department (SFPD) officers in a patrol car to report that she had seen a man having a medical emergency. She stated the officers told her they were responding to an emergency. The complainant asked for the officer's badge number. He provided her a name and badge number. Later, the complainant went to a district station where she was told that badge number did not match an officer and the named officer would not be working until later.

Named Officer #1 recalled the complainant driving up next to him and Named Officer #2. Named Officer #1 alleged they were responding to the area from another part of the city to search for a shooting suspect when they met with the complainant. He recalled he had difficulty hearing what the complainant had said other than she had asked for his name and star number. Named Officer #1 provided her his name and an accurate star number. He believed it would not make sense for him to provide his true name but to lie about his badge number.

Named Officer #2 was driving the vehicle when the complainant drove up alongside them. He recalled hearing Named Officer #1 provide the complainant his name and badge number.

According to dispatch records, the complainant called 911 and stated the SFPD officers had ignored her when she attempted to flag them down to assist with a medical emergency. She told the dispatcher Named Officer #1's name but provided the incorrect badge number.

Department General Order (DGO) 2.01 § 14, Public Courtesy, states, in part, "When requested, members shall promptly and politely provide their name, star number and assignment."

Here, the complainant alleged Named Officer #1 provided her a false name and badge number. She reiterated this information immediately after the interaction which is documented in the CAD from when she called dispatch. Named Officer #1 and Named Officer #2 described having difficulty understanding the complainant when she drove up next to them. However, both confirmed that, when the complainant asked for Named Officer #1's name and badge number, Named Officer #1 provided her an accurate name and badge number. Named Officer #1's name matches the name provided to the complainant; therefore, he did not provide an inaccurate name. Without additional evidence to the contrary, it is reasonable to believe that Named Officer #1 also provided an accurate badge number.

The evidence proves that the conduct alleged did not occur.

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**OFFICER EMMANUEL FERNANDEZ #2113**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant alleged Named Officer #1 provided her a false name and badge number.

Named Officer #1 stated he provided the complainant an accurate name and badge number. The name provided to the complainant matched Named Officer #1's and he argued it would not make sense to provide the complainant with an accurate name but a false badge number.

Named Officer #2 was seated next to Named Officer #1 when Named Officer #1 spoke with the complainant. He confirmed Named Officer #1 provided the complainant with his accurate name and badge number.

DGO 2.01 § 14, Public Courtesy, states, in part, "When requested, members shall promptly and politely provide their name, star number and assignment."

Here, the complainant alleged Named Officer #1 provided her a false name and badge number. Both officers confirmed that, when the complainant asked for Named Officer #1's name and badge number, Named Officer #1 provided her an accurate name and badge number. Named Officer #1's name matches the name provided to the complainant; therefore, he did not provide an inaccurate name. Without additional evidence, it is reasonable to believe that Named Officer #1 also provided an accurate badge number.

The evidence proves that the conduct alleged did not occur.

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**COMPLAINT DATE: 03/29/22**

**COMPLETION DATE: 11/04/22**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant alleged the named officers ignored her when she attempted to flag them down and then provided her a false name and badge number because she is a transgender individual.

Named Officer #1 and Named Officer #2 both alleged they had difficulty understanding the complainant when she pulled alongside them. However, they understood her when she asked for a name and star number which Named Officer #1 provided. They both stated that neither of them knew the complainant was transgender and none of their actions were influenced by the fact that the complainant was transgender.

DGO 5.17, Bias-Free Policing Policy, states, in part, “A fundamental right guaranteed by the Constitution of the United States is equal protection under the law. Along with this right is the fundamental right to be free from unreasonable searches and seizures by government agents as guaranteed by the Fourth Amendment. Department members are charged with protecting these rights for all people, regardless of race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, mental or physical disability, or socio-economic status. Police action that is biased is illegal and violates these rights.”

Here, the complainant alleged the officers ignored her and provided her false information. While the available evidence supports that Named Officer #1 did not provide the complainant false information, it cannot confirm or deny if the officers ignored the complainant due to her gender identity.

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

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**DATE OF COMPLAINT: 04/01/22    DATE OF COMPLETION: 11/23/22    PAGE# 1 of 2**

**SUMMARY OF ALLEGATION #1-2:** The officers displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officers intimidated and harassed her as they tried to force her to allow the contractors entry into the unit and to sign an invalid notice.

Department of Emergency Management records showed that the named officers responded to two calls involving the complainant. One was regarding a suspicious person, and the other was about a fight with no weapon. The records further indicated that the reporting party, a contractor, was at the residence to complete work on the premises; however, the complainant refused to allow him access.

Body-worn camera (BWC) footage showed that named officer #2 spoke to the contractor and the homeowner. The homeowner informed named officer #2 that the tenants were illegally occupying the property and requested that officers remove them. Named officer #2 explained to the homeowner that if the incident was a tenant dispute, it would be a civil matter that the Sheriff's Department would handle. Named Officer #1 went to the front door of the home as a courtesy to the contractor and very politely asked if the contractor could work downstairs. The complainant yelled and said no. After hearing that response, named officer #1 turned around and left. The BWC showed that the officers did not display any rude or threatening behavior toward the complainant nor her roommate. However, the complainant was very irate and angry throughout the interaction.

Department General Order 2.01(9) states that any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

The evidence showed that the complainant made inconsistent statements and the named officers acted professionally.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/01/22    **DATE OF COMPLETION:** 11/23/22    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3-4:** The officers issued an invalid order.

**CATEGORY OF CONDUCT:** UA

**FINDING:** U

**FINDINGS OF FACT:** The complainant stated that the named officers tried to force her to allow contractors entry into her unit and to sign an invalid notice.

Body-worn camera (BWC) footage showed the named officers attempted to mediate the incident, and when their attempts failed, they contacted their supervisor. The named officers did not attempt to have the complainant sign a notice. The named officers advised the contractor that if they felt safe, they could work, but the San Francisco Police Department could not stand around nor do anything further regarding the civil matter. Named officer #1 told the complainant that they did not have right to tell the contractors that they could not work. Named officer #1 never told the complainant that she had to allow the contractor access. After advising both parties, the named officers left the scene.

The evidence showed that the named officers informed both parties of their rights, but they did not get involved in the civil matter nor take any law enforcement action against either party.

The evidence proves that the conduct alleged did not occur.

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**COMPLAINT DATE: 04/01/22    COMPLETION DATE: 11/29/22    PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that she was the victim of an illegal eviction, and the named officers refused to arrest the hotel staff that locked her out of her room.

The incident report and body-worn camera footage showed that the named officers responded to the residence regarding a tenant-landlord dispute. The officers obtained statements from the complainant and multiple staff members. Named officer #1 determined that no crime was committed and did not arrest the staff members. An officer offered the complainant shelter and offered to escort the complainant into the residence to retrieve her property, but she refused and walked away.

DPA obtained a copy of the program and housing contract signed by the complainant. The contract was for a program facility and stipulated that if any participant was given three strikes in any month by the staff, it could be the basis for discharge from the program and the house. Additionally, the complainant handwrote and signed a statement on the contract that the complainant was not a tenant.

Department General Order 5.04, Arrests by Private Persons, instructs officers that if probable cause does not exist, accept the arrest and then advise the individual that they are free to leave. If there is no arrest or citation, the member shall advise and explain the situation to both parties and document the incident in a report.

The evidence showed that the named officers investigated the incident, determined no crime occurred, and documented the incident in a report, as required. The officers' actions complied with Department policy.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
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**COMPLAINT DATE: 043/05/22      COMPLETION DATE: 11/04/22      PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: Referral**

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

**SFPD Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco  
CA 94158**

**SUMMARY OF ALLEGATION #2: The officer prepared an incomplete or inaccurate incident report.**

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that the named officer wrote an inaccurate report and put wrong details down about him and the other parties involved.

The named officer denied writing an inaccurate report and refuted the complainant's allegations.

SFPD documents showed that some of the information the complainant believed was incorrect was due to the complainant misreading the layout of the form. The information was correct and in line with the information provided to the named officer by the complainant.

The body-worn camera footage showed the named officer speaking to the complainant. The BWC showed that details given by the complainant were correctly recorded on the SFPD documents.

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

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**COMPLAINT DATE: 043/05/22      COMPLETION DATE: 11/04/22      PAGE# 2 of 1**



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/12/22    **DATE OF COMPLETION:** 11/04/22    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant called 9-1-1 to report that he had a restraining order against his neighbor, who purposefully flooded his kitchen. He stated that the named officer had a rude demeanor and questioned the validity of the restraining order against his neighbor.

The Department of Emergency Management records indicated that the complainant reported the upstairs neighbor purposefully flooded the complainant's house. The complainant reported that he had a restraining order on file that specifically addressed the neighbor flooding his apartment. Department records reflected that the named officer spoke to the complainant and the complainant became irate when asked certain questions. The named officer left the scene and returned to the district police station to conduct a more comprehensive computer check. The check revealed that there was a valid restraining order. The named officer returned to the scene and arrested the complainant's neighbor for violating the restraining order.

The body-worn camera footage showed the complainant became frustrated with the named officer's questions regarding the suspect's intent and the restraining order, asked him for his name, and then asked the officer to leave. The named officer also showed some frustration, which was understandable as he attempted to explain that he needed to verify that there was a valid restraining order before he could arrest the neighbor, which was not initially provided. However, the named officer was professional and complied when the complainant asked him to leave.

DPA acknowledges that the complainant may have perceived the named officer's behavior or comments as rude or dismissive. However, it did not appear that the comments were intended to be received that way. The named officer was required to investigate and establish probable cause before arresting the complainant's neighbor. After being asked to leave, the named officer continued investigating the restraining order violation and ultimately determined that there was probable cause to arrest the complainant's neighbor.

The evidence proves that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/26/22    DATE OF COMPLETION: 11/28/22    PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant and his companions attended a watch party that was held outside a basketball stadium. The bleacher seats were fully occupied, so they sat on the stairs. The complainant stated he knew they were not supposed to sit on the stairs but decided to remain there. At one point, the named officer ordered him and other individuals to get up and move. However, the complainant observed that the named officer only ordered individuals to leave who were people of color. The complainant believed that the officer's conduct was racially discriminatory.

The named officer could not recall the complainant or the contact. The named officer stated that signs were posted prohibiting people from sitting on the stairs. However, she could not recall advising anybody not to sit on the stairs.

DPA was unable to obtain any surveillance videos of the incident. No CAD or incident report was generated for the incident. The named officer was not required to activate her BWC due to the nature of the interaction. However, the DPA was able to obtain body-worn camera footage from the named officer during the event. The named officer's body-camera videos from the watch party showed her talking to a white male in a basketball jersey. However, there was no evidence that the person was the complainant. The complainant refused to come forward to confirm if he was the person on the videos.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/26/22    DATE OF COMPLETION: 11/28/22    PAGE# 2 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: IE**

**FINDINGS OF FACT:** The complainant stated he talked to the named officer, who accused him of harassing people. The complainant stated the named officer told him that he would be escorted out if he complained any further. The complainant denied harassing other people and said no one was bothered by his behavior.

The named officer could neither recall the complainant nor the contact. However, she stated that a white male in a blue basketball jersey harassed her and other people in the crowd. She thought the person was under the influence of alcohol or drugs. The named officer stated that the person was screaming directly at people's faces, scaring them with his aggressive behavior. At one point, she told the person that he would be escorted off the property if he would not stop harassing people. She could not say if the person in question was the complainant.

The DPA obtained body-worn camera footage from the named officer from the event. The named officer's body-camera videos from the watch party showed her talking to a white male in a basketball jersey. However, there was no evidence that the person was the complainant. The complainant refused to come forward to confirm if he was the person on the videos.

A witness officer stated he could not remember the named officer having a contact with an individual that was as described by the complainant.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/06/22    **DATE OF COMPLETION:** 11/23/22    **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** ND

**FINDING:** U

**FINDINGS OF FACT:** The complainant stated that the named officer failed to question the person named as a suspect in the complainant's vehicle theft report (hereinafter referred to as "Person A").

Department records indicated that the named officer detained and questioned Person A, who told the named officer that she had purchased the vehicle from the complainant. The named officer questioned a witness, who stated that she and the complainant had sold the vehicle to Person A. The named officer attempted to contact the complainant for an additional statement with negative results. The named officer released Person A based on the corroborating witness statement.

DMV records showed a Pending Master File indicating that Person A was the new Registered Owner of the vehicle.

The evidence proves that the alleged conduct did not occur.

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

**CATEGORY OF CONDUCT:**

**FINDING:** IO-1/Auto Return

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

Auto Return  
450 7<sup>th</sup> Street  
San Francisco, CA 94103

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COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 05/09/22                      COMPLETION DATE: 11/07/22                      PAGE# 1 of 4**

**SUMMARY OF ALLEGATIONS #1-3:** The officers used unnecessary or excessive force.

**CATEGORY OF CONDUCT: UF**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that she was removed from a flight for being intoxicated. Officers that responded to the scene pushed her to the ground, pushed her face into the ground, and pulled painfully on her handcuffs. The complainant also stated that the named officers hogtied her during the incident.

Surveillance camera footage from the airport captured the incident in its entirety. The footage showed the complainant swaying while standing still and walking away from the officers. The complainant twisted her arms while in handcuffs and moved in a manner that would cause minor injuries to her wrists. The footage did not show the complainant being pushed to the ground by the officers or having her face pushed into the ground. The footage showed the complainant, at one point, dropping to her knees on her own volition and slowly falling face forward on to the ground. The footage did not show the complainant's handcuffs being pulled on in an excessive manner. The footage did not show the complainant being hogtied at any point during this incident. The footage did show the complainant being placed in four-point restraints by emergency medical personnel that showed up on scene.

The DPA also reviewed the incident report and written statements made by the officers on scene. The incident reports and written statements were consistent with the surveillance camera footage.

The complainant provided a photograph of an injury she allegedly sustained from the unnecessary force used by officers during the incident. The photograph shows a quarter-sized bruise on the complainant's left forearm near her elbow.

DPA interviewed several witnesses to the incident. Witness #1 and Witness #2 stated that they did not see the complainant get shoved to the ground by the named officers. Witness #1 and Witness #2 denied seeing officers use any excessive or unnecessary force on the complainant.

Witness #3 did not see the complainant get shoved to the ground or have her face pushed into the ground by officers on scene.

The evidence contradicted complainant's use of force allegations. The incident involved the use of reportable force by officers as described by Department General Order 5.01. However, the uses of force were proper given the actions of the complainant.

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

**SUMMARY OF ALLEGATIONS #4-5:** The officers applied handcuffs without justification.

**CATEGORY OF CONDUCT: UA**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that she was placed in handcuffs without justification and handcuffed to a medical gurney unnecessarily.

Named Officer #1 and Named Officer #2 stated in their written statements that the complainant was placed in handcuffs by them after attempting to leave the scene multiple times.

Surveillance camera footage from the incident is consistent with the written statements provided by the named officers. The surveillance camera footage also showed the complainant being placed in four-point restraints and not being handcuffed to the gurney.

A witness stated that the complainant tried to leave the scene multiple times and that she was not handcuffed to the gurney.

The evidence showed that the complainant was placed in handcuffs after attempting to leave the scene multiple times.

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

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**SUMMARY OF ALLEGATION #6:** The officer engaged in an unwarranted action.

**CATEGORY OF CONDUCT: UA**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the named officer sent her to a hospital to be medically evaluated when she did not need medical attention. She was later charged for the medical care.

An incident report stated that the named officer was the one who requested medics respond on scene after the complainant showed signs of intoxication and insisted on reboarding her flight. The incident report showed that the named officer wanted the complainant cleared by medical professionals before the airline would allow her to travel. The incident report also showed that a witness asked the complainant if she wanted to go somewhere safe like a hospital and the complainant agreed.

Emergency medical personnel on scene stated that the complainant refused to answer basic questions. Because she was unable to answer basic questions, the EMT's determined she couldn't make medical decisions for herself and therefore had to be taken to a local hospital per local county protocol.

The evidence showed that the decision to take the complainant to the hospital was made by EMT's on scene.

The evidence proves that the conduct alleged did not occur.

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**COMPLAINT DATE: 05/09/22      COMPLETION DATE: 11/07/22      PAGE# 4 of 4**

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

**CATEGORY OF CONDUCT: IO-1**

**FINDING: Referral**

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

American Medical Response – San Mateo County  
1510 Rollins Road  
Burlingame, CA 94010



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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/12/22      **DATE OF COMPLETION:** 11/05/22      **PAGE#** 1 of 2

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to prepare an incident report.

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

**FINDINGS OF FACT:** The complainant was walking to a parking garage when she noticed a man following her. She heard the man yell, "Watch your shoes! Watch your shoes." She started walking faster and heard the man say, "Watch your phone! Watch your phone!" Concerned for her safety, she hurriedly crossed Mission Street and ran into traffic to evade the person. The complainant stated that her professor, across the street, saw her and told her to approach him. They walked into the main lobby of a local university, where she called 911 for assistance. The complainant said the person was approximately five feet away from her and likely intended to harm her. She stated that the named officers refused to take her report.

The named officers both denied the complainant's allegation that they refused to take her report. DPA confirmed that the officers prepared a report by obtaining a copy of the incident report that was prepared by Named Officer #1. The incident report adequately documented the named officers' investigation of the incident. The DPA also obtained copies of the named officers' body-worn camera footage and surveillance video of the incident. The body-worn camera footage and surveillance video were consistent with their incident report.

The evidence proves that the conduct alleged did not occur.

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

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

**FINDINGS OF FACT:** The complainant stated the officers refused to believe that an assault occurred.

Named Officer #1 did not believe there was probable cause to believe the alleged suspect was criminally liable because the statements of the parties and the surveillance footage of the incident did not depict criminal activity. Named Officer #2 concurred with his partner's contention.

The DPA obtained a copy of the incident report related to the incident. The incident report showed that the named officers obtained surveillance camera footage from a building across the street from where the incident occurred. The surveillance camera footage captured the incident and showed the suspect

following the complainant from approximately ten feet away. When the complainant crossed the street, the person made punching motions in the air and kept following the complainant at a distance until the complainant and her professor entered the building of a local university. The DPA also obtained a copy of

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the surveillance camera footage of the incident. The surveillance camera footage is consistent with the description that Named Officer #1 wrote in the incident report. The suspect was not seen with a weapon.

Section 240 of the California Penal Code states that, "An assault is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another." By a preponderance of the evidence, the officer was correct that the person was too far away to have committed an assault.

Based on the information provided, the officers lacked probable cause to believe the person intended to assault complainant but documented the incident in case the matter escalated into criminal activity. Therefore, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #5:** The officer behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** The complainant said she called a district police station the next day and spoke with a sergeant about the incident. The complainant said the sergeant told her the whole thing no longer mattered because the officers did not apprehend the suspect and wrote an incident report. The complainant said when she told the sergeant that her professor was a former judge, the sergeant sarcastically asked her if her professor was wearing a robe. The complainant also said the sergeant refused to believe her when she told him one of the officers was racist.

The DPA sent an Officer Identification Poll sent to the police station in question. They were unable identify the sergeant. DPA had no other means by which to identify the sergeant the complainant spoke to.

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

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**COMPLAINT DATE: 06/02/22      COMPLETION DATE: 11/05/22      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant alleged the officer brandished a shotgun in the presence of children while apprehending a car burglary suspect at a neighborhood park. The complainant stated the officer pointed their firearm at the suspect threateningly and withdrew it only when onlookers admonished them.

The named officer stated he recalled children were present at the park when the suspect was apprehended. However, the named officer stated he did not point a firearm at the suspect in a threatening manner. The named officer stated they held an Extended Range Impact Weapon (ERIW) at both the high-ready and low-ready positions at different points in the interaction. The named officer then disengaged and stored the ERIW in a Department vehicle once the suspect was detained and the scene was rendered safe. The named officer said that they deployed an ERIW during the incident in case it was needed to subdue an aggressive subject who posed an imminent threat to officers or other people in the area. In this situation, a burglary suspect in a neighborhood park near a playground full of children. They stated that they reasonably inferred that the car burglary suspect might have a weapon. The named officer based their decision to deploy the ERIW on the training they received while being certified in using it at the police range. They also decided to use the ERIW based on the ongoing advanced officer training and their knowledge of its use, as outlined in Department General Order 5.01.

The DPA obtained the named officer's body-worn camera footage from the incident. The body-worn camera footage showed that the named officer had the ERIW at the ready, but they did not point it at the car burglary suspect. The footage showed the named officer disengaging, unloading, and returning the ERIW to his vehicle once the suspect was detained.

Department General Order 5.01.07, section E states, "The ERIW may be used on a subject who is armed with a weapon, other than a firearm, that could cause serious injury or death. This includes, but is not limited to, edged weapons and improvised weapons such as baseball bats, bricks, bottles, or other objects. The ERIW may also be used in accordance with Department training to subdue an aggressive, unarmed subject who poses an imminent threat of serious injury to another person or the officer."

While the evidence showed that given the nature of the call for service, the named officer was within policy to have the ERIW out, the body-worn camera footage showed that the named officer did not point it during the incident.

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**COMPLAINT DATE: 06/02/22    COMPLETION DATE: 11/05/22    PAGE# 2 of 1**

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE:** 05/05/22    **COMPLETION DATE:** 11/07/22    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** Policy or procedure complaint.

**CATEGORY OF CONDUCT:** PP

**FINDING:** U

**FINDINGS OF FACT:** The complainant stated that the San Francisco Police Department (SFPD) has a policy and pattern of harassing bicyclists over motorists by issuing citations to bicyclists for running through red lights and stop signs. The complainant further stated that traffic laws are enforced against motorists haphazardly.

Under the California Vehicle Code, bicyclists are required to obey the same rules of the road as drivers of vehicles.

In 2014 the City and County of San Francisco adopted the Vision Zero policy, a collaborative, citywide effort with a stated goal of prioritizing traffic safety and ensuring that mistakes on the roadways do not result in serious injury or death. As part of this effort, SFPD has worked on identifying high-injury corridors and focused on enforcement and education efforts. SFPD publishes monthly statistics detailing Department-wide traffic violations issued, including bike offenses, pedestrian offenses, and vehicle offenses. There is no indication of a pattern and practice of bicyclist harassment.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/08/22 **DATE OF COMPLETION:** 11/28/22 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she has filed multiple reports with the Department over the past several years, but no follow-up has been made. She said some of her cases are still pending and the Department has no interest in solving them.

A computer query revealed seven incidents that the complainant reported to the Department since 2017. Department records show officers responded to and investigated each report that the complainant made. Some of the incidents were solved outright at the scene. The others were forwarded to station investigation units but were not assigned for follow-up investigation.

Department Bulletin 20-107, Assignment for Investigation, states in part:

It is the policy of the Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective and efficient manner. Therefore, the Investigations Bureau Lieutenants and 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.

The Bulletin notes that when assigning cases, numerous factors should be considered, including staffing levels, severity of the crime, the solvability of the crime, the presence or lack of physical evidence, etc. Cases that are unassigned are administrative filed as Open/Inactive and may be activated when new information is presented.

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:** 06/15/22      **DATE OF COMPLETION:** 11/01/22      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT:** CUO

**FINDING:** U

**FINDINGS OF FACT:** The complainant said that the named officer has been harassing and following her spouse over the past few months.

The named officer denied harassing or following the complainant's spouse. The named officer recognized the complainant's spouse as someone he had arrested years ago. The named officer stated that he had been involved in two attempts to stop the complainant's spouse in the past year and that, on both occasions, the complainant's spouse failed to yield to officers while driving the same vehicle.

Department records confirmed that the named officer was involved in two attempts to detain the complainant's spouse this year and one detention of the complainant's spouse approximately two years ago. The named officer did not initiate any of the three incidents.

The evidence proves that the alleged conduct did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE:** 06/15/22      **DATE OF COMPLETION:** 11/05/22      **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** CUO

**FINDING:** U

**FINDINGS OF FACT:** The complainant said that the named officer was disrespectful to him over the phone and asked him inappropriate questions.

A recording of the phone call indicated that the named officer was professional and courteous during the conversation. The named officer asked the complainant clarifying questions related to the complainant's report, but none of the questions were inappropriate or disrespectful.

The evidence proves that the alleged misconduct did not occur.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/02/22 **DATE OF COMPLETION:** 11/05/22 **PAGE# 1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated a sergeant called him on the phone. The complainant stated he feels like the police called to avoid going to the complainant's home.

The named officer stated it was dispatch who contacted the complainant. He made the request to inform the complainant the police were going to meet with the complainant at the complainant's house.

The dispatch report (CAD) showed a Priority B 417 Ringing Doorbell call. It showed the complainant was the caller and provided a phone number. The CAD showed the complainant missed a call but still requested an interview. The CAD showed the complainant called a couple more times after that, complained about the on-going issue, and requested a police response. The CAD showed the named officer and his partner responded to the scene.

The evidence did not support the complainant's claim the police tried to avoid going to the complainant's home. The evidence also showed the complainant information on who called him was incorrect.

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers failed to promptly respond to a scene.

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

**FINDINGS OF FACT:** The complainant stated the named officers took five hours to respond.

The named officers stated, at the time of the complainant's call, they also had to respond to several calls that included a report of a person with a gun, a physical altercation, and a traffic collision. The named officers stated the response times to Priority B calls are dependent on the priority of the call for service, staffing availability, assignment, details, and reports.

The CAD showed the named officer and his partner responded to the scene two hours and fifteen minutes after the initial call.

The evidence showed the named officers took a couple of hours to respond to the complainant because of higher priority calls. The evidence also showed the named officers responded once they were able to.

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**DATE OF COMPLAINT:** 07/02/22    **DATE OF COMPLETION:** 11/05/22    **PAGE# 2 of 3**

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

**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to provide required information.

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

**FINDINGS OF FACT:** The complainant stated the named officers did not provide him a report number.

The named officers stated the complainant did not request a report number. The named officers stated the call for service was a neighbor dispute and both parties were advised on the actions to take. The named officers stated the type of call did not require the named officers to write a report because no crime was committed.

The BWC showed the named officer and his partner spoke to the complainant. The BWC showed the complainant named his neighbor as the source of his complaint. The BWC showed both officers spoke to the neighbor and then advised the complainant to file for a restraining order if the problem continued.

DGO 2.01, Rule 25 states:

**“ON-DUTY WRITTEN REPORTS.** While on duty, members shall make all required written reports of crimes or incidents requiring police attention.”

The evidence showed the complainant did not ask for a report to be written and that there was no evidence that a crime had been committed.

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:** 07/02/22 **DATE OF COMPLETION:** 11/05/22 **PAGE# 3 of 3**

**SUMMARY OF ALLEGATION #6:** The officer behaved or spoke in a manner unbecoming an officer.

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

**FINDINGS OF FACT:** The complainant raised matters that were imaginary or not rationally within DPA jurisdiction.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 06/08/22    COMPLETION DATE: 11/05/22    PAGE# 1 of 5**

**SUMMARY OF ALLEGATION #1:** The officer was inattentive to duty.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated he requested police assistance because a vehicle was parked illegally on the sidewalk. The complainant said the named officer failed to tow the vehicle, and the driver was allowed to drive away.

The named officer stated the vehicle was occupied when she arrived and obstructed the sidewalk but did not block any primary entrances to any buildings. The officer verbally admonished the driver before the driver left the area. The named officer stated the violation was an infraction, but, as a model of the 21<sup>st</sup> Century Policing, she believed it was best to remind the driver of the law instead. The named officer also stated the complainant did not mention any crime that required an investigation, only that the vehicle was parked in the driveway blocking the sidewalk from passersby. The named officer stated the vehicle was moved, which the named officer stated the complainant requested.

The dispatch report (CAD) showed that a vehicle was parked on the sidewalk blocking the complainant's access to the building. The complainant and the driver of the vehicle had ongoing issues. Officers spoke with both parties, and the driver agreed to move the vehicle.

Department General Order 9.06, A states. "AUTHORITY OF OFFICERS TO TOW. It is the policy of the San Francisco Police Department that officers tow vehicles only when authorized pursuant to Division 11, Chapter 10, Article 1 of the California Vehicle Code (Section 22650, et seq.) and various sections of the San Francisco Traffic Code."

The named officer acknowledged it was an option to cite the driver for the infraction. However, she opted to use her discretion to let the driver go because, ultimately, no crime occurred, and the complainant got the result he requested. The named officer's decision was supported by DGO 9.06.

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

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COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 06/08/22    COMPLETION DATE: 11/05/22    PAGE# 2 of 5**

**SUMMARY OF ALLEGATION #2-3:** The officers were inattentive to duty.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated the officers should have towed the illegally parked vehicle.

Named officer #1 stated the vehicle was occupied when they arrived. He stated the vehicle was parked in a driveway and blocked access to parts of the sidewalk. However, the named officer stated he was not the primary officer and did not make the decision whether to tow the vehicle or not. Named officer #2 stated he was part of the three-person unit but was assigned to the police station. He stated he was not present during the interaction with the complainant.

The primary officer stated that it was her decision not to tow the vehicle or cite the driver.

The CAD showed the unit that responded to the scene was a three-person unit.

The evidence showed that named officers were not the primary officer and, therefore, did not make any decision related to the vehicle.

The evidence proves that the accused officers were not involved.

**SUMMARY OF ALLEGATION #4:** The officer was inattentive to duty.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated a vehicle was parked illegally and had tinted windows. The complainant stated the driver should have been cited.

The named officer stated that as a peace officer in California, she has the discretion whether to take lawful action against persons who commit an infraction or not. She stated she believed reminding the driver of how to park legally was the best option for the situation.

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**COMPLAINT DATE: 06/08/22    COMPLETION DATE: 11/05/22    PAGE# 3 of 5**

Department General Order (DGO) 9.01, I. A.3 states in part, “Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator -influence their enforcement action.”

DGO 9.01 supported the named officer’s use of discretion in her decision not to issue a citation.

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

**SUMMARY OF ALLEGATION #5-6:** The officers were inattentive to duty.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated a vehicle was parked illegally and had tinted windows. The complainant stated the driver should have been cited.

Named officer #1 stated his partner was the primary officer during the call. Named officer #2 stated he was assigned to the police station and was not at the location of the incident.

Neither named officers were the primary officer deciding to issue a citation.

The evidence proves that the accused officers were not involved.

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**COMPLAINT DATE: 06/08/22    COMPLETION DATE: 11/05/22    PAGE# 4 of 5**

**SUMMARY OF ALLEGATION #7:** The officer behaved or spoke in a manner unbecoming an officer.

**CATEGORY OF CONDUCT: CUO**

**FINDING: NS**

**FINDINGS OF FACT:** The complainant stated the named officer attempted to hide her name and badge number on a Department form. The officer did so by folding the form to obscure her name and star number.

The named officer stated she did not try to hide her name or badge number when she issued the complainant a follow-up form. The officer said because of the size of the form; she folded it in such a way as to fit her uniform pocket. She stated the form would still have a crease in the middle when it is unfolded.

The complainant was not able to provide a copy of the follow-up form. No other evidence is available to corroborate or refute the complainant or officer's statements.

The evidence fails to prove or disprove that the alleged conduct occurred. Even if it could be proven that the officer folded the form to obscure her name and star number, this would unlikely rise to the level of disciplinary misconduct.

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**COMPLAINT DATE: 06/08/22    COMPLETION DATE: 11/05/22    PAGE# 5 of 5**

**SUMMARY OF ADDED ALLEGATION #1-3:** The officer failed to activate a body-worn camera as required.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** No Body-Worn Body Camera (BWC) footage was found for the named officers.

The named officers stated they activated their BWC on the day of the incident, and the BWC was operating correctly. The named officers stated the video was tagged as non-evidentiary and was deleted in April 2022.

Department records showed the BWC video from the named officer was recorded and uploaded on the day of the incident. It also showed the deletion was scheduled for April 2022. The screenshot showed the category as non-Evidentiary.

DGO 10.11.02, J states in part, “1. Consistent with state law, the Department shall retain all BWC recordings for a minimum of sixty (60) days, after which recordings may be erased, destroyed, or recycled.”

The evidence showed the BWC footage was deleted as scheduled.

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



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**DATE OF COMPLAINT:** 06/17/22      **DATE OF COMPLETION:** 11/30/22      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officers failed to meet with her shortly after she reported an assault in progress.

The named officers stated they were dispatched to a call for service regarding an assault. They searched the area for the suspect with negative results. After searching for the suspect, they responded to the complainant's last known location. However, they did not find the complainant, and no one flagged them down. The named officers stated they called the complainant with the phone number provided to dispatch and left a voicemail when no one answered.

Department records indicate that the named officers were dispatched to a call for an assault, as reported by the complainant. The record indicates that the named officers could not locate the suspect as described by the complainant. The named officers also could not locate the complainant at her reported location. The named officers subsequently called the complainant and left a voicemail when she did not answer.

Department of Emergency Management audio records document that the complainant called 9-1-1 to report an assault-in-progress. The dispatcher provided officers with a description of the suspect and her last known whereabouts. The named officers searched the vicinity where the suspect was last seen with negative results. The dispatcher provided the named officer with where they could meet the complainant. The named officers drove by the address provided but could not locate the complainant. Dispatch called the complainant, and she stated she declined further police action.

The evidence shows that the named officers searched for the suspect and the complainant. When they could not locate the complainant at her reported location, the named officers called and left her a voicemail. Based on the evidence, the named officers acted within policy and did not engage in misconduct.

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:** 06/28/22 **DATE OF COMPLETION:** 11/28/22 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant went to a district police station and reported a sexual assault that had occurred many years prior in a different country. According to complainant, the named officer took her statement and told her he would prepare a courtesy report and send it to Interpol. However, the complainant subsequently learned the report was not sent to Interpol and she was told it was because the report was improperly titled.

The named officer stated that he interviewed the complainant, and she was provided with referral cards and follow up forms as required by policy. He stated that he did not notify the local law enforcement agency and acknowledged that he did not forward the report to Interpol. He stated he could not recall the complainant making such a request.

The incident report showed the named officer prepared a Courtesy Report which noted that the incident occurred outside of San Francisco. The report also documented that copies were assigned to Crime Information Services. A supplemental incident report showed that the complainant contacted the special victims' unit by phone approximately one month later and requested that her police report be forwarded to Interpol. The supplemental report reflected that the civilian employee who answered the phone emailed the report to Interpol.

Department Bulletin 21-137, Outside Agency Courtesy Reports, which amends DGO 5.11, provides in part that outside agency reports shall have the primary title of Courtesy Report and that Courtesy Reports are auto assigned to Crime Information Services. The Bulletin further notes that any reportee or outside agency may request a copy of the incident report through current Department protocol and that Crime Information Services shall forward a copy of the report to the appropriate jurisdiction.

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:** 07/18/22 **DATE OF COMPLETION:** 11/28/22 **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated she contacted police because of a break in at the apartment next to her house. She stated the apartment was empty and three men started living there as squatters. An officer arrived and talked to the men who said they were cleaning the carpets. The complainant stated the officer failed to verify their story.

The complainant's husband stated that he waited outside of the house for the named officer to arrive and told the named officer about numerous break-ins at the apartment complex. He stated he told the named officer to check identification, but the named officer stated he could not ask for identification from the men because it was against the law.

The named officer stated he was dispatched to the incident location after an anonymous 911 call regarding possible squatters. The named officer stated the caller did not leave a contact number and therefore he could not ask clarifying questions. The named officer stated that when he arrived at the apartment, it did not appear that there was forced entry to the front door, no locking mechanisms were tampered with, and everything appeared to be in working order. He stated the apartment appeared empty, and men were cleaning the carpet. The named officer stated he asked the men if they worked for the apartment complex, and the men said yes. The named officer stated he believed the men were permitted to be in the apartment because the tools the men used were consistent with what the facilities staff use, that the men did not match the description of the three male suspects provided in CAD, and the men did not attempt to flee upon seeing the named officer. The named officer has responded to calls about squatters, has previously responded to incidents at the complex and is familiar with the type of tools the facilities staff use. The named officer also stated he had no independent witnesses stating they saw those specific men break into the apartment. The named officer spoke to the complainant who stated there was a dog with the men and he did not see nor hear a dog. The named officer stated he called the facilities office, but it was closed. The named officer stated he determined he had no reasonable suspicion to detain anyone.

The dispatch report (CAD) showed a Priority B Squatters call made by an anonymous person. The CAD described three Latin males had gained access to the apartment and possibly squatted at the vacant unit. The CAD stated the males had items with them, and confirmed that the named officer responded to the scene and determined the men were employees of the complex who were cleaning the carpet.

The named officer's body-worn camera (BWC) showed the husband of the complainant met with the named officer when he arrived. The BWC showed the husband provided the location of the apartment. The BWC showed the named officer went to the apartment and knocked on the door. It is heard in the

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**DATE OF COMPLAINT: 07/18/22 DATE OF COMPLETION: 11/28/22 PAGE# 2 of 5**

BWC that a vacuum was running when a male person opened the door. The BWC showed the named officer confirmed with a man that the men inside worked for the apartment complex. The BWC showed the named officer spoke to the complainant. The complainant stated she saw the men in the morning and the men had a dog. The BWC showed the named officer informed the complainant that there was no dog and the men inside the apartment were facilities employees who were cleaning the apartment. The BWC showed the complainant accepted the named officer's statement.

DPA interviewed a maintenance manager for the apartment complex who stated that he heard about this incident from complainant after it occurred, and that he believed that the men confronted by the officer likely did not work for the apartment complex because they were not in uniform and maintenance staff at the apartment complex do not work on the weekend.

DGO 1.03, A, 3 states in regard to patrol officers:

NEGLECT OF DUTY. Be considered in neglect of duty if they fail to discover serious crimes committed in their areas which could have been discovered through the exercise of reasonable diligence

The evidence showed the named officer took reasonable steps to investigate the incident. The evidence showed the named officer took a visual and auditory assessment of the apartment, spoke to all available parties, and used his previous knowledge, experience, and training to conclude that there was no evidence of a crime.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/18/22 **DATE OF COMPLETION:** 11/28/22 **PAGE# 3 of 5**

**SUMMARY OF ALLEGATION #2:** The officer engaged in unwarranted action.

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

**FINDINGS OF FACT:** The complainant stated the named officer improperly revealed her identity as the 911 caller to the suspect when the named officer knocked on her door and she responded.

The named officer stated when he arrived at the scene, an unknown male told him that squatters had moved in at an empty apartment next to his home. This man stated his wife had more information about the possible squatters. Because the report to dispatch was made anonymously, the named officer did not know that the complainant was the original 911 caller. The named officer stated he did not intentionally bring the men to the complainant's door stoop when he knocked on her front door. He stated he asked the men to step outside in a public area to get more information on who they were, for officer safety and to hopefully prompt someone to identify the men. The named officer also stated that he told the men to go back inside before the complainant opened her door.

The CAD showed the report was made by an anonymous person. The CAD did not show an address for the complainant.

The BWC showed the named officer went to the apartment and asked the man who opened the door to come out and to show himself. The BWC showed the man followed the named officer outside. The named officer then knocked on the complainant's door, which was next door to the apartment. The BWC showed the man stood on the sidewalk, far from the complainant's doorway. The BWC showed the complainant stayed inside her apartment with the door ajar when she spoke with the named officer.

DGO 2.01, 49 states:

“DIVULGING CONFIDENTIAL INFORMATION. Except as required by law, members shall not divulge any information that is made confidential by law or by Department policies and procedures.”

Evidence showed the CAD did not identify the caller and the information the husband provided was not verified until the named officer spoke to the complainant. The named officer could not have known with certainty before his investigation that it was the complainant who made the phone call. Moreover, there is no policy that requires officers to inquire about, and maintain the anonymity of, 911 callers.

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:** 07/18/22 **DATE OF COMPLETION:** 11/28/22 **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #3:** The officer behaved or spoke in a manner unbecoming an officer.

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

**FINDINGS OF FACT:** The complainant stated the named officer told her husband that the named officer was not going to ask the men for an identification.

The named officer stated he did not state to the husband that he was not going to check the men's identification. The named officer stated he told the husband he would not have management employees open the door to the apartment because he was unsure if the squatters were residents or not, and that having the door opened could lead to a Fourth Amendment violation.

The body-worn camera (BWC) showed the named officer was met by the husband of the complainant when the named officer arrived at scene. The BWC showed the man made suggestions to the named officer about how to resolve the issue. The named officer explained to the husband that the named officer could not just open the door but will knock instead and hope the squatters will respond and comply.

The Fourth Amendment to the US Constitution states:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Department Notice 21-012, Consent, in part, states:

“Members are reminded that individuals have an expectation of privacy in their residences.

**CONSENT:**

A resident or person with actual or apparent authority over the residence consents (permission), impliedly or expressly, to the officers entering. Consent must be given in a free and voluntary manner.

**PROPERTY MANAGERS:** A property manager, landlord, or other building representative may not request or give consent for law enforcement to enter a lawfully occupied apartment, hotel room, or other residence. Courts do not recognize a property manager's apparent authority to consent to enter a lawfully occupied residence.”

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The evidence supported the named officer's statement. The evidence showed the named officer followed procedures to investigate the complaint.

The evidence proves that the conduct alleged did not occur.

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**COMPLAINT DATE: 07/21/22      COMPLETION DATE: 11/5/22      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** Policy or procedure complaint

**CATEGORY OF CONDUCT: PP**

**FINDING: PC**

**FINDINGS OF FACT:** The anonymous complainant stated that local officers were not patrolling their local area. The complainant described a series of incidents where they claimed officers failed to respond and address incidents in the neighborhood correctly.

Department records showed that the complainant made several reports in which officers responded to dispatched calls. These incidents included well-being checks on neighbors, noise nuisance, and alleged trespass at a local business. Some calls made by the complainant showed that the service requests were canceled or were informational, and no officers were necessarily assigned to respond.

Department records showed that officers did respond to calls for service from the complainant when it was appropriate to do so. Therefore, officers were patrolling the area.

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

**SUMMARY OF ALLEGATION #2:** The complainant raised matters not rationally within DPA jurisdiction.

**CATEGORY OF CONDUCT: NA**

**FINDING: IO-1/DEM**

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

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/12/22    **DATE OF COMPLETION:** 11/05/22    **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 that officers promoted sexual promiscuity when interacting with member of the public and allowed a member of the public to inappropriately dance on a patrol vehicle. The complainant further stated one of the officers used inappropriate hand gestures and misused the overhead lights on a department vehicle when being filmed in a social media video with a member of the public. The complainant submitted video footage with the complaint.

Named Officer #1 stated he was on patrol with Named Officer #2 when members of the public flagged them down, said they were from out of town, and asked them for directions and recommendations on local bars. While they were talking with the group, one of the individuals got on the hood of the patrol vehicle and began dancing. He did not allow the individual to dance on the hood of the patrol vehicle and as soon as he learned she was there, he instructed her to get down and she complied. One of the individuals later asked him to make a video with her to show a positive interaction with the San Francisco Police Department. He waved his hands up and down during this video. He did not misuse the patrol lights on the department vehicle as he was in a high crime area and was trying to remain visible to deter crime. He stated that the complainant's allegation that he promoted sexual promiscuity and engaged in conduct unbecoming an officer was false. He described his interaction with the members of the public as positive community engagement.

Named Officer #2 also stated that while on patrol he and Named Officer #1 were flagged down by the members of the public and provided them with directions and recommendations. He stated that he did not promote sexual promiscuity and did not give permission to the individual to get on the patrol vehicle and dance during this incident. He stated that both he and Named Officer #1 instructed the individual to get off the vehicle and she complied.

Video footage showed the named officers speaking and interacting with a group of community members. One of the community members climbed up on and sat on the hood of a department vehicle while the named officers interacted with other members of the group. The footage also showed Named Officer #1 with a community member in a social media video where he waved his arms up and down and a department vehicle appeared in the background with an activated overhead light.

The evidence did not show the named officers engaging in conduct that rose to the level of misconduct.

The evidence proves that the conduct alleged did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 08/01/22    COMPLETION DATE: 11/05/22    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1-2:** The officers failed to promptly respond to a scene.

**CATEGORY OF CONDUCT: ND**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that the officers failed to respond to a noise complaint.

Department records showed that the officers did respond to the complainant's residence on the day of the incident. The named officers were dispatched and responded to the call for service within five minutes.

Body-worn camera footage showed that the named officer spoke with the person at the center of the noise complaint and advised the person to turn down the loud music.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/04/22      **DATE OF COMPLETION:** 11/05/22      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated he was riding a bicycle and an officer used profanity towards him.

The Department of Police Accountability tracked down the vehicle records for the patrol vehicle identified by the complainant. An officer who signed out the vehicle had not started their shift until after the complainant's incident had occurred. The officer could not be reasonably identified for this incident.

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

**SUMMARY OF ALLEGATION #2:** The officer drove a City vehicle in a grossly negligent or reckless manner.

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

**FINDINGS OF FACT:** The complainant stated an officer drove a police vehicle in front of his bicycle almost knocking him off his bicycle.

The Department of Police Accountability tracked down the vehicle records for the patrol vehicle identified by the complainant. An officer who signed out the vehicle had not started their shift until after the complainant's incident had occurred. The officer could not be reasonably identified for this incident.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 08/11/22**

**COMPLETION DATE: 11/30/22**

**PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated he viewed a YouTube video showing the named officer acting unprofessional and aggressively toward an individual filming the named officer.

The named officer stated that he was sitting in his patrol vehicle with his windows down at a fixed post, working on auto burglary abatement. An individual startled him by approaching the vehicle's passenger side and placing a cell phone on the window frame. The individual did not respond when the officer asked him if he needed police assistance. The named officer stated he became fearful because the individual's behavior was not making sense, and for his safety, he exited his patrol vehicle and walked toward the individual. The officer stated that initially, the individual would not answer his questions but became confrontational, unreasonable, loud, and grandstanding. The officer said the individual kept moving his cell phone back and forth toward him for unknown reasons. The officer deduced that the individual did not need police, medical, psychiatric, or homeless resources, so he disengaged from interaction with the individual. The officer opined that the individual's motive was to elicit a negative police interaction for social media.

The named officer stated he did not make inappropriate comments when he asked the complainant if he needed psychological assistance. He stated that question was one of many he asked to determine if the individual actually needed police assistance. The officer also stated that it was not inappropriate to describe the complainant as a "knucklehead" to police dispatch because he wanted to be clear to other officers why he asked other police units not to respond. In addition, the named officer stated he did not act in a threatening manner when he stood close to the complainant. He stated he moved closer to the individual so he could speak softly and hopefully calm him down. He stated that that level of verbal persuasion was unsuccessful, so he stood his ground. The named officer denies using profanity or threats. He stated he remained professional and disengaged with the individual when it was clear that he did not need police services.

Department records show that the named officer reported to dispatch that he was engaging with a subject who is known to harass officers. The named officer asked that other police units be kept away.

Body-worn camera (BWC) footage and the YouTube video showed the individual approaching the named officer while sitting in his parked patrol vehicle with the windows down. The individual placed his cell phone at the opening of the window. The named officer asked the individual what he was doing, and the individual replied, "Does it look like I want to answer your question?" The named officer asked the

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 08/11/22**

**COMPLETION DATE: 11/30/22**

**PAGE# 2 of 2**

individual to step away as he believed his safety was being threatened. The individual stated he did not care about officer safety and mocked him by asking if he still felt threatened or unsafe. The named officer exited his patrol vehicle and walked toward the individual, where they debated about the right to film in public and officer safety. The named officer moved close to the individual but did not threaten or touch him; he continued to speak calmly. The named officer eventually disengaged with the individual and returned to his patrol vehicle. For several minutes, the individual continued to film the named officer and made provoking comments to have the named officer continue to engage with him. The individual commented on his camera that he would wait to see if backup would arrive. At the end of the YouTube video, the individual commented to the camera that the named officer "Got the business. No backup's coming" and then terminated the recording.

Of note, the YouTube video was heavily edited, showing out-of-context and out-of-sequence clips of the incident with an editorialized commentary dubbed over the footage.

Department General Order 2.01 states in the relevant part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language."

The evidence shows that the individual made contact with the named officer to elicit a police interaction which would be posted on social media. However, the named officer acted professionally and de-escalated the situation by disengaging with the individual after determining that he did not need police assistance and requesting no backup units respond. The officer did use some ill-advised words when talking with dispatch on the radio. However, these words were not used while talking directly with the individual.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 08/16/22      COMPLETION DATE: 11/05/22      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION:** The complainant raises matters not rationally within DPA's jurisdiction.

**CATEGORY OF CONDUCT: NA**

**FINDING: IO-2**

**FINDINGS OF FACT:** The complainant raised matters not rationally within DPA jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/19/22    **DATE OF COMPLETION:** 11/05/22    **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING:** IO-1/DACC

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

Dept. of Animal Care and Control  
1419 Bryant Street  
San Francisco, CA 94103

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

**CATEGORY OF CONDUCT:** ND

**FINDING:** NF

**FINDINGS OF FACT:** The complainant stated that he went into a district station several times to report a hit and run, but the desk officers would not help him.

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

The identity of the alleged officer could not be established.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/19/22    **DATE OF COMPLETION:** 11/05/22    **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** UA

**FINDING:** PC

**FINDINGS OF FACT:** The complainant stated that he was involved in a domestic dispute with his spouse, and the named officers seized his firearm without cause.

Department records indicated that the named officers responded to a domestic violence call involving the complainant and the complainant's spouse. The named officers obtained an Emergency Protective Order (EPO) and served the complainant with the EPO on scene. The named officers seized the complainant's registered firearm for safekeeping, provided the complainant with a property receipt, and told the complainant he could retrieve his property once the EPO expired.

Department General Order 6.09 states that "[m]embers shall confiscate any firearm or other deadly weapon discovered at a domestic violence scene."

California Family Code Section 6389 states that "[a] person subject to a protective order . . . shall not own, possess, purchase, or receive a firearm or ammunition while that protective order is in effect." It also requires the immediate surrender of firearms or ammunition "upon request of a law enforcement officer, to the control of the officer, after being served with the protective order."

The evidence established that the named officers were required to seize the complainant's firearm pursuant to the terms of the EPO, Department Policy, and California Law.

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



**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 08/25/22    DATE OF COMPLETION: 11/23/22    PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that she was not provided with the insurance details of the other party involved in a collision with her.

Police documents showed that the details for both parties were entered into the police report for this incident.

Body-camera footage showed the named officer provided the complainant with the police report number. The named officer explained to the complainant that her insurance company would need the number and the insurance company could request a copy of the report with all the details on it. The named officer also explained to the complainant how she could obtain a copy of the police report on her own. The complainant did not ask the named officer for any other information.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/25/22    **DATE OF COMPLETION:** 11/23/22    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #2:** The officer failed to process a report in a timely manner.

**CATEGORY OF CONDUCT:** ND

**FINDING:** PC

**FINDINGS OF FACT:** The complainant stated that she was not able to obtain a copy of a police report because the named officer failed to complete the report on time. The complainant stated she called the named officer the day after the incident and could not obtain a copy of the report.

Police documents show the police report was completed and reviewed on the date the incident happened. The report was complete and included the details from both parties.

Body-camera footage showed the named officer talking to the complainant. The officer explained that it can take 7-10 days for the police report to be ready. The officer explained the process of obtaining a copy of a police report and that instructions on how to obtain a copy were on the back of the form the complainant received. At no point was the complainant told to contact the named officer to obtain a copy of the report.

The report was written in a timely manner and the complainant was provided details on how to obtain a copy of the report. The complainant was unable to get a copy of the incident report the next day because they generally take 7-10 days to become available.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 08/30/22      DATE OF COMPLETION: 11/05/22      PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant fell asleep inside his vehicle and woke up restrained in the hospital. The complainant did not recall what happened but remembered police officers taking him to the ground. He believed the officers assaulted him without reason.

Body-camera video footage of the incident showed officers attending to a vehicle when they noticed the complainant walking in the middle of a traffic lane. He appeared disoriented, unstable, and was losing his balance. One of the officers yelled to the complainant to get out of traffic. He then attempted to take him to the side of the street for his safety. The complainant resisted and fought with the officers. The officers took the complainant to the ground to secure him in handcuffs. The officers advised the complainant several times to relax and stop fighting, but the complainant was incoherent and continued to resist by moving his body and screaming profanities. The videos did not show unnecessary or excessive force from the officers. The officers patiently used the least amount of force possible to keep the complainant secure until medical personnel could arrive on scene.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 08/31/22      COMPLETION DATE: 11/28/22      PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant called 9-1-1 to settle a verbal dispute with her property manager regarding the timing of apartment repairs. However, when the officers arrived, they did not help the complainant or take a report.

Department of Emergency Management (DEM) records showed that the complainant called 9-1-1 eight times about the same issue. The complainant first called to complain about her building's manager. The dispatcher advised the complainant a disagreement with her building manager was not a police issue. During a subsequent 9-1-1 call, the dispatcher had difficulties understanding the complainant and could hear a maintenance worker in the background. The named officers were then dispatched to the complainant's apartment regarding a fight. The named officers met with the maintenance worker, who did not want police assistance. Several hours later, the complainant called 9-1-1 again to report that the named officers were evil and did not take her report. The complainant insisted that officers return to her apartment; however, she later canceled the call-for-service and requested the number for DPA so she could file a complaint.

Body-worn camera footage showed that the named officers arrived at the scene and spoke to the maintenance manager. He informed the officers that building management had posted a notice 24 hours before they entered the apartment to make repairs. When the maintenance worker entered the complainant's apartment to make the repairs, the complainant became irate and pushed him out. The named officers then spoke to the complainant who acknowledged that a letter was posted to her door and explained that she denied the worker entry because she believed the maintenance manager was evil. The footage showed the interior of the complainant's apartment, which had several wet towels and buckets near the kitchen area and main walkway. The named officers told the complainant that complaints about building management and repair notices are a civil issue. They suggested that handle the matter through the housing office.

Department General Order 1.03, Duties of Patrol Officers, outlines the duties and responsibilities of officers assigned patrol duties. It states in pertinent part that patrol officers shall respond to calls, discover serious crimes in their area through the exercise of reasonable diligence, and make written reports on crimes observed or brought to their attention that have not been previously reported. The San Francisco Police Department Field Training Manual instructs officers on handling civil disputes. Officers are instructed to remain impartial, preserve the peace, determine whether or not a crime was committed, and offer names of referral agencies.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 08/31/22      COMPLETION DATE: 11/28/22      PAGE# 2 of 2**

While DPA understands that the complainant would have liked for the named officers to resolve her tenancy-related issues, the matter was a civil issue, and the named officers rightly redirected the complainant to her housing office to file a complaint.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/05/22      COMPLETION DATE: 11/05/22      PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that she was sitting on a bench when a police vehicle pulled up and parked nearby. Shortly thereafter, the complainant relocated to a bus stop and a different police vehicle pulled up and parked nearby. The complainant stated that she did not have an interaction with any officers during either occurrence. The complainant stated that the officers in the police vehicles were racially profiling her and associated her with being a criminal.

Officer identification polls were sent to the district stations where the incident occurred. The poll came back with negative results.

A search of department records failed to identify the described incident.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/05/22      COMPLETION DATE: 11/05/22      PAGE# 2 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: U**

**FINDINGS OF FACT:** The complainant stated that she called a district station, spoke with the named officer who was a supervising officer, and stated that she felt racially profiled by officers patrolling in the area. The complainant stated that the named officer advised that the department was stepping up their presence due to crimes in the area. The complainant stated that the named officer did not see anything wrong with the racial profiling and was okay with the behavior.

The named officer stated that she spoke on the phone with the complainant who was yelling and rambling in a convoluted manner. The named officer stated that the complainant said that she did not like the existence of police vehicles in San Francisco and that she did not have any contact with any police officers. The named officer stated that she informed the complainant that there were multiple law enforcement agencies patrolling the area to keep residents and visitors safe during a holiday weekend. The named officer said she provided the complainant with information to assist in connecting them with proper resources, including how to file a complaint, and invited them to come to a district station to speak with a supervisor in person and the complainant refused all offers of assistance. The named officer said she was courteous and respectful during the conversation. The named officer denied the allegation and said she did not and would never endorse, condone, or approve of racial profiling or biased policing of any kind.

The evidence proves that the conduct alleged did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/04/22      COMPLETION DATE: 11/09/22      PAGE# 1 of 2**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that he was accosted by a group of individuals, items were thrown at him, and he was concerned one of the individuals followed him. He stated that he called 9-1-1, reported the incident and later spoke to a supervising officer on the phone about the incident while waiting for the responding officers. He stated that the officer seemed bothered, was not understanding and did not have acceptable communication skills. He also stated that the officer should have informed him he could go to a station to make a report instead of waiting for the responding officers.

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

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

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

**CATEGORY OF CONDUCT: ND**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that he reported an incident where he was accosted by a group of individuals, items were thrown at him, and he was concerned one of the individuals followed him. He stated he did not receive a phone call or any communication back advising him if his case had been assigned out for further investigation or not.

Department records showed that the complainant reported an incident, and an incident report was authored.

An officer identification poll was sent to the district station where the incident occurred to identify any officer responsible for advising the complainant if his case had been assigned out or not. The poll came back with negative results.



**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/04/22      COMPLETION DATE: 11/09/22      PAGE# 2 of 2**

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

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/DEM**

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE:** 09/15/22      **DATE OF COMPLETION:** 11/09/22      **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** ND

**FINDING:** U

**FINDINGS OF FACT:** The complainant said that the named officers asked him for current insurance information after he was involved in a non-injury vehicle collision, but they failed to ask the other party for current insurance information. The complainant stated that he did not hear the conversation between the named officers and the other party.

Body-worn camera (BWC) footage showed that the named officers did ask the other party for current insurance information. The named officers facilitated an exchange of information between the complainant and the other party.

The evidence proves that the alleged misconduct did not occur.

**SUMMARY OF ALLEGATIONS #3-4:** The officers knowingly engaged in biased policing.

**CATEGORY OF CONDUCT:** CUO

**FINDING:** U

**FINDINGS OF FACT:** The complainant said that the named officers judged him, treated him unfairly and discriminated against him because they asked him for current insurance information but did not ask the other party for current insurance information. The complainant said that the named officers did not say anything to him that was discriminatory.

Body-worn camera (BWC) footage showed that the named officers asked both the complainant and the other party for current insurance information. The named officers did not treat the complainant unfairly or take any action that would suggest impartiality or bias. The named officers facilitated an exchange of information in a professional and courteous manner.

The evidence proves that the alleged misconduct did not occur.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/23/22      COMPLETION DATE: 11/05/22      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer failed to make an arrest.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant reported the named officer failed to arrest the suspect for threatening the complainant and violating a restraining order. The complainant provided a copy of the restraining order to DPA, which showed that the suspect was only served with the notice of the restraining order after this incident occurred.

Department records documented that the officers, including the named officer, initiated action by investigating the incident and attempted to locate the suspect. However, the suspect was not on the scene and could not be found where the complainant advised the suspect was possibly located. Other records showed that officers discovered that the restraining order shown to them by the complainant was not valid as it was unserved..

Department General Order 6.09 (Domestic Violence) states if a complainant states that a restraining order has been issued, members shall verify its existence and proof of service.

Body-worn cameras showed the officers spoke with the complainant and conducted a search but could not locate the suspect.

The evidence showed that the officers did not make an arrest. However, the officers did try unsuccessfully to locate the suspect. They also discovered that the suspect was not served the restraining order.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/23/22    COMPLETION DATE: 11/30/22    PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that a Lieutenant told him he was a liar. The complainant declined further contact to provide more context to the allegations, such as the incident's time, date, location, or a name or description of the officer.

Efforts to identify the officer were unsuccessful.

No finding occurs when the complainant fails to provide additional requested evidence.

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/DEM**

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 09/27/22    COMPLETION DATE: 11/28/22    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer displayed threatening, intimidating, or harassing behavior.

**CATEGORY OF CONDUCT: CUO**

**FINDING: NF**

**FINDINGS OF FACT:** The complainant stated that officers were deliberately harassing her and her husband by knocking on their RV door and asking them to move the RV.

The complainant failed to provide further information when contacted about this allegation.

The local district station was polled, and no officer was identified as being involved in the alleged incident.

No police records of this incident were able to be located with the information provided.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/27/22    **DATE OF COMPLETION:** 11/01/22    **PAGE# 1 of 1**

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

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/06/22**

**COMPLETION DATE: 11/28/22**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/IAD**

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/12/22      COMPLETION DATE: 11/28/22      PAGE# 1 of 2**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to prepare an incident report.

**CATEGORY OF CONDUCT: ND**

**FINDING: PC**

**FINDINGS OF FACT:** The complainant stated that he was involved in a vehicle collision. However, when he requested an incident report, the named officers told him they do not take incident reports for minor accidents with no injuries.

The Department of Emergency Management records showed that there was a report of a vehicle accident involving a parked vehicle. The records indicated that the named officers responded to the scene to determine if there were any injuries. The named officers informed dispatch that the involved parties would exchange information.

The body-worn camera footage showed that the named officers responded to a vehicle collision. When officers arrived, both drivers remained at the scene and confirmed that they did not sustain injuries due to the accident. The officers assisted in exchanging information and explained to the complainant that a traffic collision report for a non-injury vehicle accident was unnecessary.

Department General Order 9.02, Vehicle Accidents, establishes policies regarding the investigation of injury and non-injury vehicle accidents. It stated that officers are not required to investigate or report non-injury (property damage) vehicle accidents unless they meet the following criteria:

1. Vehicle accidents resulting in death or injury.
2. All hit and ran vehicle accidents resulting in death, injury or property damage.
3. All runaway vehicle accidents resulting in death, injury or property damage.
4. All vehicle accidents involving a city-owned vehicle or damage to city-- owned property.
5. All school bus accidents.
6. All vehicle accidents involving an arrest.

The investigation showed that the incident did not involve any of the above listed criteria, which required an officer to investigate or report the non-injury vehicle accident. Therefore, the named officers' actions complied with Department policy.

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



**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/12/22      COMPLETION DATE: 11/28/22      PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The complaint raises matters outside of the DPA's jurisdiction.

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/IAD**

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

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE:** 10/13/22      **COMPLETION DATE:** 11/28/22      **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** ND

**FINDING:** PC

**FINDINGS OF FACT:** The complainant stated that officers refused to remove a man who was dealing drugs outside his apartment building.

Department of Emergency Management (DEM) records showed that the named officers were dispatched for a well-being check of the complainant. The call-for-service record noted that the complainant was rambling about someone melting his phone.

Body-worn camera footage showed that the officers spoke with both parties and took care while investigating the complainant's drug dealing accusation. The officers attempted to mitigate the situation by asking the other party to leave. The other party asserted that he was in a public place and refused to leave. He denied that he was selling drugs and said that he was merely visiting with a friend outside. Furthermore, the individual was not blocking any entrances or exits to the building. No evidence of drug dealing was uncovered.

Officers must balance their duty to serve the community with the potential for committing acts of bias by proxy. The complainant accused a person of loitering with the intent to sell drugs. The officers investigated and determined that there was no merit to the complainant's accusation. There was no legal justification to remove him from the sidewalk.

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE:** 10/13/22    **COMPLETION DATE:** 11/28/22    **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/IAD**

**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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/14/22    COMPLETION DATE: 11/28/22    PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** NA

**FINDING:** IO-1

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

SFPD Internal Affairs Division  
1245 3<sup>rd</sup> Street  
San Francisco  
CA 94158

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE:** 10/14/22      **COMPLETION DATE:** 11/28/22      **PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:** NA

**FINDING:** IO-1/Referral

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

San Francisco District Attorney's Office  
Hall of Justice  
850 Bryant Street, Rm 322  
Attn: Administration  
San Francisco, CA 94103

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/17/22**

**COMPLETION DATE: 11/01//22**

**PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT: ND**

**FINDING: NFW**

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/21/22    COMPLETION DATE: 11/05/22    PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1 to DEM**

**FINDINGS OF FACT:** This complaint raises matters outside the DPA's jurisdiction. This complaint was referred in full 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: 10/24/22      DATE OF COMPLETION: 11/09/22      PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: IO-1/SFPD**

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

San Francisco Police Department  
Investigative Services Division  
1245 3rd Street  
San Francisco, CA 94158  
United States



**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/26/22      COMPLETION DATE: 11/28/22      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The complaint raised matters that were imaginary or not rationally within DPA jurisdiction.

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

**FINDINGS OF FACT:** The complaint raised matters that were imaginary or not rationally within DPA jurisdiction.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/26/22    COMPLETION DATE: 11/28/22    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The complaint raised matters that were imaginary or not rationally within DPA jurisdiction.

**CATEGORY OF CONDUCT:**

**FINDING: IO-2**

**FINDINGS OF FACT:** The complaint raised matters that were imaginary or not rationally within DPA jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/22    **DATE OF COMPLETION:** 11/28/22    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant raised matters that were imaginary or not rationally within DPA jurisdiction.

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 10/31/22      COMPLETION DATE: 11/22/22      PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The complaint raised matters not rationally within DPA jurisdiction.

**CATEGORY OF CONDUCT:** NA

**FINDING:** IO-2

**FINDINGS OF FACT:** The complainant raised matters not rationally within DPA jurisdiction.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/20/22    DATE OF COMPLETION: 11/28/22    PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer failed to provide required information.

**CATEGORY OF CONDUCT: ND**

**FINDING: NF**

**FINDINGS OF FACT:** The DPA received a referral, equivocally asking for an inquiry into a matter covered by a news article. Along with the inquiry, DPA received a copy of a letter from the complainant's attorney to the San Francisco District Attorney's Office, which suggested that the complainant alleged that officers withheld relevant information during a criminal trial.

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

The complainant did not provide additional requested evidence that was necessary in order for the investigation to proceed. DPA was therefore unable to make any finding by a preponderance of the evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/04/22      **DATE OF COMPLETION:** 11/30/22      **PAGE# 1 of 1**

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

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

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

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

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**COMPLAINT DATE: 11/11/22 COMPLETION DATE: 11/14/22 PAGE# 1 of 1**

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

**CATEGORY OF CONDUCT:**

**FINDING: Referral/IAD**

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

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