

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/09/20 **DATE OF COMPLETION:** 04/07/21 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made an arrest without cause.

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

**FINDINGS OF FACT:** The complainant stated he and his girlfriend were standing at an ATM when the named officer suddenly approached him and accused him of hitting his girlfriend. The complainant denied hitting his girlfriend. He believed that his subsequent arrest for PC 647(f), Public Intoxication, was without cause.

The named officer stated he and his partner were driving in a marked patrol vehicle when a man flagged them down and frantically pointed to the complainant and his girlfriend standing at an ATM across the street. The man informed the officers that he had just seen the complainant slam his companion against the wall. The officers immediately drove towards the scene. The named officer stated that as they approached, he, too, observed the complainant push his girlfriend. The officers then contacted the complainant and his girlfriend and separated them. The named officer confronted the complainant about what he had seen.

The named officer explained he quickly recognized that the complainant's behavior and demeanor were consistent with being under the influence of alcohol. In particular, he noted the complainant's bloodshot and watery eyes, the potent smell of alcohol on his breath, his slurred speech, and his incoherent statements.

The named officer explained that under PC 647(f), the subject's conduct and behavior must demonstrate his inability to care for his or her own safety or the safety of others. The officer believed that the complainant met this standard when he refused to identify himself in any way, physically resisted the officers, and at one point kicked the officer and tried to escape custody. The nature of the call and his personal observation of the complainant shoving the woman were also factors.

The named officer explained that while he did take the complainant into custody pursuant to 647(f), this was not an arrest but rather, a temporary detention from which he would be released once sober. He stated that his motive in detaining and taking the complaint into custody was to protect everyone on scene, particularly the complainant and his girlfriend. The officer noted that such a detention would not appear on the complainant's criminal record.

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Body-worn camera footage supports the named officer's account. The footage confirms that an individual approached the officers' patrol vehicle and pointed across the street to the ATM where the complainant

and his girlfriend stood. The footage also shows the complainant swaying, disobeying the officer's lawful directions, and slurring his speech. Additionally, the complainant was uncooperative with the officers, and his girlfriend informed the officers that he was drunk.

647(f) states, in relevant part, "[Every] person who is found in a public place under the influence of intoxicating liquor . . . in a condition that they are unable to exercise care for their own safety or the safety of others is guilty of disorderly conduct, a misdemeanor."

Based on the totality of the circumstances, the officers had reasonable suspicion to detain and probable cause to take him into custody under 647(f).

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

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

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

**FINDINGS OF FACT:** The complainant stated he is the victim of ongoing computer hacking at the hands of his former roommates. The complainant went to several police stations and spoke with several officers regarding the incident. He stated the officers disregarded his concerns, suggested that the Department does not have the resources to investigate such complaints, and failed to investigate the incident.

The named officer confirmed meeting with the complainant at the district station and said he wrote a report documenting the complaint. The named officer stated that he gathered all the pertinent information provided by the complainant and filed the report accordingly. He also stated that once he completed the report, it was forwarded to the station's investigation teams for follow up. He did not follow up with the complainant because his duties were complete once he interviewed the complainant and filed the report. Finally, the named officer denied making any comments regarding a lack of Department resources, pointing to the fact that he did generate a report.

Department records reflect that the named officer generated an initial report regarding the incident. The report documented the complainant's concerns that his roommates had deleted files from his laptop and cell phone.

The named officer fulfilled his duties by interviewing the complainant and generating the report. The named officer did not have a duty to investigate further, or otherwise follow up with the complainant regarding the incident.

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

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

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

**FINDINGS OF FACT:** As discussed above, the complainant stated that officers failed to properly investigate his complaint.

Correspondence from the Department reflects that because the case involved alleged fraud and financial crimes, the case was sent to the Special Victims Unit (“SVU”) for an initial assessment. However, SVU did not assign the case for further investigation at that time.

A lieutenant for the division explained that reports that meet the Penal Code definition of felony fraud are forwarded to SVU/Financial Crimes for assessment. Once at SVU, pursuant to Department Bulletin 20-107, “Case Assignments for Investigation,” an assignment officer determines whether to assign the case to an investigator or to file the case as “open/inactive.” If the case is classified as the latter, the case may be activated and assigned at a later date at the discretion of the lieutenant. However, this particular lieutenant was not assigned to SVU when the unit received this case for review. Further, he did not know who the assignment officer was at that time, and Department policy did not require that officer to attach his name to his report.

The lieutenant speculated that the incident did not warrant an assignment because the items were listed as “damaged,” and not stolen or illegally appropriated as required by the Penal Code definition. Additionally, he noted that the complainant, despite insisting that he had the necessary documentation, did not provide supporting documentation showing that the roommates illegally appropriated his computer files for financial gain.

The assignment officer responsible for designating the case as “open/inactive” could not reasonably be established.

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

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

**FINDINGS OF FACT:** The complainant stated that after speaking with the lieutenant, the named officer was assigned to investigate his case; however, the officer did not take his concerns seriously, questioned his mental health status, and called the Mobile Crisis Unit to conduct a well-being check on him.

The named officer recalled thoroughly investigating the incident. He said he documented all his investigative steps, including the completion of a case file checklist, numerous interviews of the complainant over an 8-month period, receiving and examining evidence, reviewing relevant police reports and body-worn camera footage, and attempting to establish probable cause for a search or arrest warrant.

Department records confirm that the officer completed these investigative steps.

The named officer confirmed that he felt it was necessary to contact the Mobile Crisis Unit for a well-being check. He stated that while he is not a diagnostician, as a Crisis Intervention Team (“CIT”) and CIT Field Training Officer, he is trained to recognize mental health issues and address them in accordance with Department policy. Per Department policy, individuals who are in mental health distress but do not meet the criteria for a 5150 W&I detention should be referred to available mental health resources such as the Mobile Crisis Unit. The named officer clarified that although the complainant was not in immediate crisis, he believed he was exhibiting mental health symptoms and felt the complainant should be referred to the appropriate resources. His conclusion was based upon Department records reflecting the complainant’s history of mental health issues as well as the paranoia exhibited by the complainant throughout the course of the investigation, which raised the officer’s concerns regarding his mental health.

The officer emphasized that these concerns did not halt the investigation. The named officer stated that he continued his investigation, which included reviewing extensive extraction reports of digital evidence provided by the complainant.

Department records indicate that the case is still active and that the named officer and complainant are in communication regarding the investigation.

The evidence proves that the conduct alleged did not occur because the investigation is still in progress.

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

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

**FINDINGS OF FACT:** The complainant stated that he repeatedly visited a district station and several officers continued to minimize his concerns and make inappropriate comments about his case, but he could not identify the additional officers.

An identification poll sent to the district station to determine if any officers recalled such an interaction with the complainant was returned 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 #5:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that before his case was assigned for investigation, he spoke with another sergeant at the Special Victims Unit who was non-responsive and failed to follow up with him. The complainant provided a description of the officer but could not identify him by name.

An identification poll sent to the district station where the incident occurred was returned with negative results. The officer could not reasonably be identified.

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

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**SUMMARY OF ALLEGATION #6:** The officer compromised an official investigation.

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

**FINDINGS OF FACT:** The complainant stated that he observed one of the suspects in his case speaking with an individual at the station, whom he believed was an officer. He stated that an inappropriate arrangement between the two may have been responsible for the delays in his case's investigation. The complainant provided the name of the alleged officer.

No one with the name provided by the complainant is listed on the Department roster.

All involved officers denied obstructing the investigation or having any knowledge of such an arrangement.

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

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

**FINDINGS OF FACT:** The complainant stated that he stopped at the airport early in the morning on his way to work in search of something to eat. As he looked for an open food vendor, the named officer approached him. The officer requested proof of a ticket or boarding pass, which the complainant did not possess. The named officer then escorted the complainant to the elevators where the officer began staring intimidatingly and suggesting that he wanted to fight. The complainant and the named officer squared off but neither of them physically fought the other.

The named officer vaguely recalled briefly interacting with the complainant on the date of the incident. He stated that SFPD Airport Rules & Regulations Section K provides, “The Airport’s regular hours of operation are 6:00 a.m. – 10:00 p.m. During the hours of 10:00 p.m. – 6:00 a.m., only ticketed passengers, persons engaged in transporting ticketed passengers, and persons holding an SIDA badge may use Airport facilities.” To enforce this regulation, he routinely patrols the areas and approaches individuals for proof of tickets or identification. If an individual lacks such proof, he escorts them from the airport. Since those who linger at the airport after hours are often transient, the officer stated that he provides them with appropriate resources such as a bus or BART ticket. The officer stated that, to the best of his recollection, this incident involved this type of situation. While the officer recalled that the complainant appeared angry about being escorted out of the airport, he did not recall any escalation of tension as described by the complainant.

A subject matter expert in airport policy and procedure confirmed that the airport has seen an increased number of transient individuals seeking shelter on the premises during the relevant time window, and that it is established practice for officers to approach such individuals to verify whether their presence is permitted.

Per Department policy, officers stationed at the Airport are not equipped with body-worn cameras, and surveillance footage for the date, time, and location of the incident, did not reflect the incident.

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



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

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

**FINDINGS OF FACT:** The complainant stated that when he and the named officer were in the elevator, the officer shoved him into the car's doors and continued to provoke him. The complainant stated that when the doors opened, he walked away from the officer towards the bus terminal. The officer then chased him while another officer pulled up in a patrol vehicle and grabbed the complainant. The complainant stated that both officers then pushed him into a fence and pulled him to the ground. He stated that he agreed to leave the premises and the officers ceased using force.

The named officer stated that while he did not recall the specifics of the interaction, he was certain that no force was used against the complainant. He stated he was also unaware of any other officer using force against him.

Per Department policy, officers stationed at the Airport are not equipped with body-worn cameras, and surveillance footage for the date, time, and location of the incident, did not reflect the incident.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** As mentioned above, the complainant stated that a second officer pulled up, exited his vehicle, grabbed the complainant, and used force.

Department records and an identification poll sent to the district station identified only one officer as being involved in the incident. Additionally, the officer who was identified and confirmed his involvement did not recall any other officer using force against the complainant.

Per Department policy, officers stationed at the Airport are not equipped with body-worn cameras, and surveillance footage for the date, time, and location of the incident, did not reflect the incident.

The officer could not reasonably be identified.

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

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

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

**FINDINGS OF FACT:** During the course of this investigation, DPA discovered that no incident report was created and the alleged use of force not documented.

Department General Order 5.01, Use of Force, mandates the reporting of officers' use of force in certain circumstances.

The named officer explained that because he did not use force, but rather simply approached the complainant and escorted him off the premises, no report was required. He explained that had he used any type or force, he would have certainly documented it pursuant to Department policy.

Additionally, a subject matter expert in airport policy and procedure confirmed that officers do not typically generate reports for situations where they escort individuals without tickets or other proper documentation from the premises.

However, due to the lack of body-worn camera and surveillance footage, DPA cannot determine whether the alleged force occurred or whether the officer was required to generate a report.

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

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**DATE OF COMPLAINT: 05/18/2020      DATE OF COMPLETION: 04/29/2021      PAGE# 1 of 4**

**SUMMARY OF ALLEGATIONS #1-2:** The officers gave an invalid order.

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

**FINDINGS OF FACT:** The complainant stated he had established residency at a hotel. The hotel evicted the complainant, and he called the San Francisco Police Department. The complainant stated the named officers threatened to arrest him for trespassing if he did not leave the property.

The named officers stated they spoke with the hotel's management when they arrived at the scene. The named officers' body-worn camera footage showed them speaking with the complainant and the hotel's manager. The hotel's manager stated the complainant was defrauding the hotel. He told the named officers that the complainant had been disputing his payments to the hotel for months. Once the payments were disputed, the money would be returned to the complainant. The complainant denied disputing the charges. The officers asked the complainant numerous times to provide evidence he was not disputing the charges by showing online bank statement or calling his bank. The complainant claimed he was unable to assist the named officers in these simple requests. The manager explained he believed the complainant did not have residency at the hotel and, if the complainant did not leave the property, he would fill out a citizen's arrest for trespassing. The named officers stated they told the complainant he could leave the premises, or the hotel manager would draft a citizen arrest form for trespassing and defrauding an innkeeper. If the hotel manager requested a citizen's arrest, the named officers would arrest the complainant. After being presented with these options, the complainant left the premises.

California Penal Code 602 PC defines the crime of trespassing as entering or remaining on someone else's property without permission or a right to do so. San Francisco Police Department General Order 5.04, Arrests by Private Persons, states, in part, "Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall...Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate."

The named officers stated the complainant had not been able to provide any relevant evidence he had not been disputing charges to the hotel. The named officers stated, if the hotel manager requested the complainant's arrest, they would have the probable cause to act on his request. However, the manager only wanted the complainant to leave the premises. The named officers offered the complainant the opportunity to leave or instead be arrested. The complainant left the premises.

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 officer engaged in inappropriate behavior or made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officers spoke to him as if he was a criminal.

The named officers explained they changed their tone with the complainant to explain to him the criminal allegations the hotel manager had accused him of. The named officers' body-worn camera footage showed the named officers attempted to explain the criminal allegations to the complainant numerous times and the complainant became irate. The body-worn camera footage shows the named officers ask the complainant numerous times to present evidence he was not disputing the charges by showing online bank statement or calling his bank. The body-worn camera footage showed named officers raised their voices with the complainant as the complainant yelled at them. The named officers explained they attempted to speak with the complainant in a calm manner to explain the situation. However, the named officers stated, and their body-worn cameras corroborate, the complainant was not cooperating with the named officers' investigation. The named officers explained they decided to raise their voices with the complainant in the hope it would get the complainant's attention so he would assist the officers with their investigation. The body-worn camera footage showed the named officers' raising their voices when speaking with the complainant; however, the officers did not make any offensive comments to the complainant.

San Francisco Police Department General Order 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 complainant raised his voice when speaking with the named officers. The named officers, who were initially soft spoken when speaking with the complainant, matched the complainant's tone in the hope it would cause the complainant to assist them with their investigation. The named officers did not make any offensive comments toward the complainant.

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

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**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to properly supervise.

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

**FINDINGS OF FACT:** The complainant stated he met with a lieutenant who admitted to authorizing the named officers' actions at the scene.

The named lieutenant and the named sergeant were contacted by one of the named officers during the incident. The named lieutenant and sergeant stated the named officer described a landlord-tenant issue between the complainant and the hotel manager. The named lieutenant and sergeant explained San Francisco Police officers do not receive any training on civil issues and are advised to not get involved unless a crime has been committed. They stated the officers would not be able to assist the complainant with returning his property to the hotel room he had been staying in and the complainant would need to a judgment from the civil court to force the hotel manager to allow him to return to his room. Additionally, the manager had provided evidence to support that the complainant had been disputing the charges he had been paying to the hotel and had not established residency. Therefore, the named lieutenant and named sergeant authorized the officers to arrest the complainant if the hotel manager wanted to press charges. Since the hotel manager determined he did not want to press charges since the complainant had left the premises, the matter remained a civil matter.

California Penal Code 602 PC defines the crime of trespassing as entering or remaining on someone else's property without permission or a right to do so. San Francisco Police Department General Order 5.04, Arrests by Private Persons, states, in part, "Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall...Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate." The named lieutenant stated San Francisco Police Officers are trained in criminal matters. Since the manager had evidence to support the complainant did not have residency and the complainant was unable to provide any evidence to refute the manager's arguments, the officers reasonably believed the manager had standing to charge the complainant with trespassing and the officers could inform the complainant they could potentially arrest him if the manager signs a citizen's arrest form.

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

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

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

**FINDINGS OF FACT:** While investigating this incident, the Department of Police Accountability discovered an incident report was not drafted to document this incident.

The named officers explained this was not a criminal incident. While the named officers investigated the allegations that the complainant had defrauded an innkeeper and was trespassing, they determined that no law enforcement action was necessary because the complainant left the scene. The named officers used their discretion to keep the scene a civil matter instead of pursuing criminal liability against the complainant. The officers documented the incident with an extensive comment in the CAD for the incident.

The San Francisco Report Writing Manual states, in part, “The San Francisco Police Department is committed to the basic police mission of serving the public of San Francisco by enforcing the law. Part of this function requires that officers prepare incident reports to document completed, incomplete, or attempted offenses, and suspicious occurrences both of a criminal and non-criminal nature.”

Here the incident the named officers responded to was a civil dispute. While it was alleged by the hotel owner that the complainant was a criminal, the hotel owner did not want to press charges if the complainant would leave the property. The named officers presented the complainant with these options and the complainant chose to leave the property. By leaving the property, the incident remained civil in nature and did not require a criminal incident report.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer pulled him over and detained him. He stated that the officer was rude, called him "baby boy" and told his girlfriend and his young child to "sit [their] asses down" at the bus stop. The incident occurred approximately nine years ago.

The named officer did not have an independent recollection of the incident because so many years had passed. He was forced to rely on the citation and usual custom and practice for reference. The named officer denied the allegations, saying he is always polite and respectful during all his encounters with the public. The named officer noted that it is not in his character to be disrespectful to anyone, especially women and children. The officer further stated that he took an oath to protect, to serve his community, and to uphold the Constitution of the United States.

Department records confirm that the named officer issued a citation to the complainant on the day of the incident. However, additional, relevant evidence has been purged due to the age of the incident.

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

**SUMMARY OF ALLEGATION #2:** The officer detained a person without reasonable suspicion.

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

**FINDINGS OF FACT:** The complainant stated the named officer pulled him over without proper legal justification and made him exit his car along with his girlfriend and child.

The named officer did not have an independent recollection of the incident because so many years had passed. He was forced to rely on the citation and usual custom and practice for reference. The named officer stated that, based on the information on the citation, he effected a traffic stop of the complainant's vehicle and issued him a citation for the observed violations of tinted windows (CVC 26708.5(a)) and a modified muffler (CVC 27151). The named officer assumed he had legal justification for his actions at the time when this incident occurred.

Department records confirm that the named officer issued a citation to the complainant on the day of the incident. However, additional, relevant evidence has been purged due to the age of the incident. The evidence fails to prove or disprove that the alleged conduct occurred.



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

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

**FINDINGS OF FACT:** The complainant stated the named officer searched him and his car during the traffic stop.

The named officer did not have an independent recollection of the incident because so many years had passed. He was forced to rely on the citation and usual custom and practice for reference. The named officer stated that if he searched the complainant and the vehicle, he likely had appropriate legal justification to do so, but he has no independent recollection of this incident.

Department records confirm that the named officer issued a citation to the complainant on the day of the incident. However, additional, relevant evidence has been purged due to the age of the incident.

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

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 4/20/2021.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 4/20/2021.

**SUMMARY OF ALLEGATION #5:** The officer wrote an inaccurate or negligently prepared report.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 4/20/2021.

**SUMMARY OF ALLEGATION #6:** The officer behaved and spoke inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 4/20/2021.

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**SUMMARY OF ALLEGATION #1:** The officer prepared an incomplete or inaccurate incident report.

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

**FINDINGS OF FACT:** The complainant was found to be at fault in a traffic collision. He stated that the named officer generated an inaccurate report. The complainant alleged the named officer inaccurately wrote that the other party's vehicle had been moved prior to the officer's arrival at the scene. He pointed to photos he took that showed that the vehicle was in its original position when the officer arrived and the officer himself subsequently requested that it be moved. Additionally, the complainant stated that the allegation that the other party's vehicle was performing a two-point U-turn was inaccurate. Finally, he alleged that the diagram of the vehicle positions created by the named officer was inaccurate.

Department records confirm that the named officer authored the traffic collision report, which states that the other party's vehicle was already moved upon the officer's arrival and that the other driver had been performing a two-point U-turn.

The named officer explained that when he responded to the scene, he observed the complainant's motorcycle lying on its side and the other involved vehicle directly in front of it, impeding traffic. The named officer explained that he inadvertently omitted a word in the report by stating that vehicle #2 had been moved prior to arrival, when he had intended to write that it had not been moved. The officer stated that the vehicle had to be moved in order to restore the flow of traffic.

The named officer also stated that in determining which party was at fault, he considered the parties' statements and the observed damage to their vehicles. He explained that the damage on the other party's vehicle belied the complainant's statement that the car pulled out in front of him from a parked location. Rather, the officer believed that the damage supported the other party's statement that he had already safely made the majority of the U-turn maneuver and his vehicle was already perpendicular in the road when he suddenly felt the collision. The named officer stated that the complainant, had he been driving at a safe speed, should have had enough time to come to a stop prior to colliding with the other party.

Additionally, the named officer stated that that the diagram in question depicts an approximate "sketch" which shows vehicles' trajectories prior to the impact. He attested that the diagram was generated based on party statements provided on scene.

Body-worn camera footage establishes that the vehicles involved were in their original positions when the officer arrived. The named officer immediately spoke with the complainant and the passenger from the other vehicle. While this conversation occurred, the other driver moved the vehicle out of the middle of the road. The officer confirmed with the passenger that the driver was simply relocating his vehicle and

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not leaving the scene. Body-worn camera footage also reflects the named officer analyzing the damage to each vehicle and discussing the above-mentioned factors with his partner to ascertain fault.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer incorrectly issued him a citation for driving at an unsafe speed in violation of CVC 22350. Additionally, the complainant stated that the other driver should have been cited for conducting an illegal U-turn in violation of CVC 22103.

As noted above, the named officer stated that he used his training in evaluating traffic collisions and determined that probable cause existed to cite the complainant for driving at an unreasonable or imprudent speed in violation of CVC 22350. The officer further explained that he did not cite the other party in vehicle #2 for conducting an illegal U-turn because U-turns are permitted on that roadway.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer discriminated against him throughout the investigation because of his race, age, and the type of vehicle he used, a Monster motorcycle. He explained that the officer spoke only briefly with him about the incident, and it became apparent that the officer immediately determined he was at fault for discriminatory reasons, regardless of the facts. Additionally, the complainant stated the named officer made repeated comments about the make and model of his vehicle in a critical manner.

The named officer denied discriminating against in the complainant in any manner and emphasized that he cited the complainant solely based on the evidence at hand. Additionally, he stated that he allowed

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both parties ample time to explain what had occurred and that his investigation was properly conducted pursuant to Department policy.

Body-worn camera footage supports the officer's assertion that he provided both parties sufficient time to explain what had occurred. Additionally, Department records reflect that the officer did not make an immediate conclusion as to which party was at fault; in fact, the records indicate that he did not cite the complainant at the scene because further investigation was necessary to determine fault.

Body-worn camera footage also shows the officer asking the complainant if his motorcycle was a "Monster," for investigative purposes and not in a critical manner.

The evidence proves that the alleged conduct did not occur.

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**SUMMARY OF ALLEGATION #1:** The officer towed a vehicle without justification.

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

**FINDINGS OF FACT:** The complainant, who had recently moved to San Francisco from out of state, stated that he had registered his car at the DMV but had not yet received his California plates. On the night of the incident, he awakened to the sound of his car being towed from outside his home. The complainant stated that he yelled out the window for the officer to wait for him to bring down his registration documents, but the officer informed him it was too late. When the complainant reached the street, the named officer told him that he had exceeded the number of days within which he was required to register his vehicle.

The named officer stated that he ran a records check on a vehicle with out of state plates and saw that the registration had expired six months prior. The officer stated that he contacted the tow desk via dispatch, and the tow desk confirmed that the registration was expired, and the vehicle could properly be towed. The named officer further stated that had the complainant's vehicle been properly registered in California, the DMV would have required him to surrender his out-of-state plates.

California Vehicle Code section 4152.5 provides, "when California registration is required of a vehicle last registered in a foreign jurisdiction, an application for registration shall be made to the department within 20 days following the date registration became due."

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer was rude to him during the interaction and refused to exit his patrol vehicle to speak face to face with the complainant.

The named officer denied that he was rude to the complainant and stated he did not remember ever meeting him. The named officer did recall an unidentified person yelling from a second story window, but this person did not identify himself when the vehicle was being towed. The officer stated that he remained in his car due to the pandemic.

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

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

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

**FINDINGS OF FACT:** The complainant, who works for a government agency that partners with SFPD, stated that after a disagreement regarding the enforcement of the government agency's protocol with the named officer, the named officer harassed and attempted to intimidate the complainant. The complainant also stated that the named officer swung at him.

The named officer denied harassing, intimidating, or swinging at the complainant. However, he acknowledged that he could have reacted differently to what he perceived was the complainant's hostile behavior toward him. He stated that he attempted to mediate the situation with the complainant; however, the complainant refused to mediate. He further stated that he and his supervisor participated in mediation with the complainant's supervisors to further discuss and assess the incident.

The named officer's supervisor stated that he spoke to the named officer and the complainant regarding the incident. He also reviewed surveillance video and confirmed that the named officer followed the protocol agreement between the government agency and SFPD. The supervisor stated that he was not aware of any physical contact or harassment that occurred toward the complainant. He further stated that he was confident that if those actions happened, he would have been notified and an investigation would have occurred.

The complainant filed a report with his employer regarding the incident; however, the named officer was not interviewed for the report. The report found that the named officer complied with the agreed upon policy between the government agency and SFPD; however, the report did not result in an investigation regarding the named officer's alleged harassment and intimidation.

The incident was captured on surveillance video. The video did not have audio so DPA could not hear the conversation between the complainant and the named officer. However, the video contradicted the complainant's allegation that the named officer swung at him.

DPA attempted to obtain a statement from the complainant's co-worker who witnessed the incident; however, he was out of the country.

DPA received and reviewed relevant unit orders, documents and surveillance video that captured the incident. Based on inconsistent statements made by the complainant, video evidence that contradicted the complainant's allegation of assault, and the totality of circumstances, DPA determined that by a preponderance of the evidence, the conduct alleged did not occur.



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**SUMMARY OF ALLEGATION #1:** The officer improperly entered onto the complainant's property.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the station representative, the complaint was mediated and resolved in a non-disciplinary manner on 4/23/2021.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the station representative, the complaint was mediated and resolved in a non-disciplinary manner on 4/23/2021.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the station representative, the complaint was mediated and resolved in a non-disciplinary manner on 4/23/2021.

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

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

**FINDINGS OF FACT:** The complainant was involved in a vehicle collision and stated that the named officer failed to cite the other driver for not having insurance.

The named officer stated that his partner obtained insurance information from both parties.

The named officer's body-worn camera footage showed that the named officer's partner verified both parties' insurance, registration, and driver license information. The video shows both parties exchanged insurance and contact information and the parties took photos of the information with their cell phones. Neither party was cited for not having insurance.

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

**SUMMARY OF ALLEGATIONS #2-3:** The officers engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant said two officers treated him unfairly based on his race. The complainant said one officer "racially profiled" and "discriminated" against him because he is Black. The complainant provided no overt evidence of bias.

The named officers were questioned pursuant to DPA's Biased Policing Investigation Protocol. Both officers stated the complainant's race was not a factor in their treatment of the complainant. One officer stated the complainant repeatedly accused him of being racist and he stopped engaging with the complainant after attempting to explain the traffic collision investigation. The other officer stated that she did not allow the complainant's race or attitude to influence her enforcement decisions.

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Body worn camera footage showed no indication of bias on the part of either named officer. The video also showed that the named officers acted in a professional and courteous manner when addressing the complainant.

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

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

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

**FINDINGS OF FACT:** The complainant said the officer was hostile toward him and coached the other driver involved in the collision to say he had a neck injury and that he had put his turn signal on before switching lanes.

The named officer stated he acted calmly and professionally toward the complainant and denied coaching the other driver.

The body worn camera evidence showed that the officer acted in a calm and professional manner. The footage did not show any evidence of the officer behaving or speaking inappropriately or coaching the other driver.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was involved in a rear-end vehicle collision and the officer improperly cited him for speeding. The complainant stated he was not speeding, and the other driver was at fault because he changed lanes in front of the complainant and stopped suddenly.

The named officer stated she investigated a traffic collision after it had occurred. The officer stated she determined the complainant was the primary collision factor because he was driving at a speed that did not allow him sufficient time to identify or react to foreseeable hazards in the roadway. The officer stated there was probable cause to issue the citation for violation of California Vehicle Code section 22350 – Basic Speed Law.

Body worn camera video showed the complainant telling the officer the other driver passed him on the right, got in front of him, and stopped when he saw a female pedestrian in the crosswalk. The complainant stated that he was driving 30 miles per hour and that the other party was driving faster. The other driver told the officer he cut to the left lane to pass a bus and saw a female in the crosswalk, so he stopped. He stated he had been stopped a few seconds when he was rear-ended by the complainant's vehicle.

The Traffic Collision report prepared by the named officer states the complainant was the primary collision factor because he rear-ended another vehicle that had stopped abruptly for a pedestrian in a crosswalk. The pedestrian left the scene before the officers arrived and was not identified. The report documents the complainant stated his speed was about 30 miles per hour and that the posted speed limit was 25 miles per hour.

Officers are instructed by Department training to issue a citation to the party they determine to be primarily responsible for a collision. The evidence shows there was probable cause to issue the citation. During the incident, the complainant acknowledged traveling above the posted speed limit, and colliding with the vehicle in front of him, which had stopped for a pedestrian in a crosswalk.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the Department failed to resolve her complaints about homeless encampments near her house in a timely manner. She stated she spoke to the captain of her district station, but despite doing so it took more than six months to remove the encampments.

The named officer did not recall speaking with the complainant regarding her concerns. However, he stated that issues related to homeless encampments are referred to the Healthy Streets Operations Center (HSOC), and he generally instructs residents with such complaints to contact HSOC via the Department's non-emergency number. The named officer stated that officers who respond to the scene can make referrals for service, take enforcement action when warranted, and contact the Department of Public Works for resolution.

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

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**SUMMARY OF ALLEGATION #1:** The officer made a detention without cause.

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

**FINDINGS OF FACT:** The complainant stated he witnessed a person on social media detained without justification. The complainant observed a male pushing a motorcycle and was detained and questioned by the named officer. The complainant did not know the person's identification or the exact time or location of the event.

The named officer stated he observed a male pushing a motorcycle in an area known for vehicle thefts. The officer explained that it was common for motorcycle criminals to push motorcycles away from the owner's location and then steal them. The officer stated that he had recovered over fifty stolen vehicles, including several sport motorcycles in that specific neighborhood.

A witness officer stated that they noticed a male pushing a motorcycle with no safety equipment in an area known for vehicle thefts. The officer was the cover officer as the named officer conducted the investigation.

The social media footage showed the person was pushing a motorcycle without any safety equipment with him on the sidewalk. The male was briefly questioned and released.

No other video footage was available. No other witnesses could be identified.

Department General Order 5.03 Section B says in part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer must, however, have specific and articulable facts to support their action."

The investigation showed that the officer had clear and articulate facts with the named officer's past experiences in dealing with motorcycle thefts. The person was pushing a motorcycle in an area known for vehicle thefts is reasonable to stop and question the subject. The named officer had the right to detain and question the subject.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he witnessed a male on social media being detained. During the conversation between the named officer and the male, the named officer stated not to call the police, which the complainant opined was inappropriate.

The named officer stated that upon contacting the male pushing a motorcycle, the male became irritated and began to yell and use profanity at the officers. Several of the neighbors on the block shouted that the male owned the motorcycle. The officer feared the situation would escalate and decided to leave the scene without further investigation.

The named officer said to the male he was trying to help him determine if the motorcycle was not stolen. The male stated that he did not need his help and would call the insurance company and not the police. The officer admitted he stated, "if you need help, don't call us." The officer explained he was referring to the motorcycle issue and did not intend that the male should never call the police again.

The social media footage showed parts of the conversation between the male and named officer, including the comments in question. The footage showed that the man with the motorcycle shouted and used profanity towards officers.

The male with the motorcycle could not be located for an interview.

The named officer admitted to making to comment, "if you need help, don't call us," but denied the complainant's interpretation of the comment. The social media clip is not a complete record of the incident, and therefore the entire context of the conversation could not be evaluated. It should also be noted that even if the complainant's interpretation of the comment were correct, the comment would not rise to the level of a disciplinary matter.

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

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and representative of the department, the complaint was mediated and resolved in a non-disciplinary manner on 8/12/2020.



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

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

**FINDINGS OF FACT:** The complainant stated that she called a district station to generate a police report to document an ongoing neighbor dispute. She stated that the officer with whom she spoke was condescending and seemed unwilling to file a report. The complainant believed that the officer was reluctant because her phone number is the same as that of a former tenant who used to call the station and file frivolous complaints.

The named officer confirmed speaking with the complainant and generating a report on the date in question. The named officer denied speaking inappropriately to the complainant or behaving inappropriately during their interaction. The named officer also denied saying or doing anything to suggest that she did not wish to file a report. Additionally, the named officer stated that she did not recognize the complainant's phone number and was unaware of any former tenant who filed frivolous complaints.

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

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

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

**FINDINGS OF FACT:** The complainant stated that she later called the district station to inquire about obtaining a restraining order against her neighbor. The complainant stated that the officer with whom she spoke was rude and hung up on her.

The complainant could not recall the officer's identity or the date of occurrence.

The officer could not reasonably be identified.

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

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

**FINDINGS OF FACT:** The complainant stated that she again called the station again to file another report; however, the officer with whom she spoke told her that despite her concerns regarding Covid-19, she must come into the station to file the report.

The complainant could not recall with whom she spoke or the date of the incident.

The officer could not reasonably be identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officers were unprofessional and rude when dealing with an ongoing domestic incident. The complainant said the officers were shouting her name in the middle of the street.

The named officers denied behaving and speaking inappropriately. The officers stated they were trying to check on the complainant's well-being after receiving information about her.

Department documents showed the named officers were called to investigate a domestic incident. The document also showed that one party was annoyed with the officers' actions and accused them of harassment.

Body-worn camera footage showed the officers speaking to both parties involved. One party appeared annoyed at the officer's presence and their lack of understanding of the history of incidents at the address. The officers remained calm and professional, explaining why they were there while dealing with the situation. One of the parties is seen assaulting one of the named officers. The officer remains professional and tells him to stop. The named officers call out the complainant's name to gain her attention to ascertain if the information they received was correct.

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

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**SUMMARY OF ALLEGATION #3-4:** The officers violated a court order.

**CATEGORY OF CONDUCT:** C U O **FINDING:** U **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated the officers violated a court order by allowing a person subject to an order approach where the subject was not allowed.

Department documents were obtained and reviewed. The documents showed the order had not been served on the person when the named officer arrived. The officers served the order during the incident.

Body-worn camera footage showed the named officers arranging for the order to be served at the scene when it became apparent that it had not yet been served. The footage showed the officers then served the order.

As the order had not been served, the named officers, nor the subject of the order, could not be in violation of its conditions.

The evidence proves that the conduct alleged did not occur.

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

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

**FINDINGS OF FACT:** The complainant found a reproachful note on the windshield of her car, which was parked at a curb in front of her house. The complainant stated the named officer wrote the note, which criticized her driving and accused her of violating the Vehicle Code by colliding with his car and failing to leave her contact information. The complainant denied colliding with the named officer's car. The complainant stated she spoke to the officer, who behaved aggressively while showing her damage to his vehicle and insisting that she had struck his bumper. The complainant stated the officer did not provide any evidence that she had collided with his parked car. The complainant supplied the note she found on her car, which identified the officer.

The named officer stated that, as he was leaving for work one day, he saw the front bumper of the complainant's car pushed into the rear bumper of his car. He moved his vehicle forward and noticed scratches and marks on its rear bumper. The officer acknowledged writing and leaving the note, but said it was intended to be informational, so that the complainant would not encounter problems in the future. He denied that he was intending to be threatening or accusatory.

The officer stated he was off-duty and not in uniform when he contacted the complainant, but also acknowledged identifying himself to her as a San Francisco police officer. He denied being aggressive in his contact with her. The named officer stated that he believed the complainant struck his car, and referred to notes he had written immediately after finding his car damaged and photographs he took of the damage. He declined to provide any evidence he had gathered to the DPA.

No witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated that, when speaking to the named officer about an accusatory note he had left on her car, the officer yelled at her for hitting his car and for violating a Vehicle Code section. The complainant stated the officer's conversation with her became heated and aggressive and that she felt unsafe and bullied. She thought the officer was trying to extract money from her because she heard him say that, in such circumstances, he usually does not make insurance claims.

The officer denied raising his voice and behaving in an intimidating manner. The officer stated that, when he left the note and later spoke to the complainant, he was hoping only for an apology from the complainant, not any compensation for the damage to his vehicle. The officer said the contents of the note were intended to be informative, not threatening or intimidating.

No witnesses came forward.

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

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

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

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

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

**SUMMARY OF ALLEGATION #1:** The officer made an arrest without cause.

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

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

Department records, including the incident report, body-worn camera footage, and dispatch records, indicate that the named officer arrested the complainant after the complainant threatened and battered another man while wielding a hammer.

Body-worn camera footage and the incident report confirmed that officers interviewed witnesses to the battery and threatening behavior of the complainant, who witnesses said was swinging a hammer at bystanders at a bus stop.

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

**SUMMARY OF ALLEGATIONS #2-4:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant stated that officers used profanity toward him at the jail.

Body-worn camera footage captured the named officers' entire contact with the complainant. There was no profanity captured on the body-worn camera footage. Further, body-worn camera footage showed that the officers turned the complainant over to a San Francisco Sheriff's Office deputy, who transported the complainant from the scene of the arrest to a County Jail. The named officers acted professionally throughout their contact with the complainant.

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The complainant generally lacks credibility as objective evidence contradicts many aspects of the complainant's account of the incident.

A preponderance of the evidence proves that the conduct alleged did not occur.

**SUMMARY OF ALLEGATIONS #5-7:** The officers used unnecessary or excessive force.

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

**FINDINGS OF FACT:** The complainant stated officers choked him and slammed him down after they arrested him and used unnecessary force against him at a jail facility.

Body-worn camera footage captured the named officers' entire contact with the complainant and shows that they used minimal control holds when detaining and handcuffing the complainant, who was cooperative at the scene of his arrest. The footage shows that the named officers did not use unnecessary or excessive force and did not choke him or slam him down. Additionally, the named officers turned the complainant over to a San Francisco Sheriff's Office deputy at the scene of his arrest for transport to the County Jail.

The complainant generally lacks credibility as objective evidence contradicts many aspects of the complainant's account of the incident.

A preponderance of the evidence proves that the conduct alleged did not occur.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/14/20 DATE OF COMPLETION: 04/20/21 PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-3:** The officers failed to take required action.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/20 **DATE OF COMPLETION:** 04/07/21 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant was involved in a fight at a local store with several men who he believed were planning to pickpocket him. He stated he began to record their actions with his phone when one of the men tried to knock it out of his hand, hitting his face in the process. The complainant pushed his assailant and his phone fell to the ground in the ensuing scuffle. One of the men stepped on the phone to prevent the complainant from picking it back up. The complainant asked a store employee to call the police but left the store before police arrived, leaving his phone behind. The complainant alleged the responding officers failed to properly investigate the incident because they did not contact him to hear his version of events and improperly listed him in the incident report as the suspect, rather than the victim.

The named officer confirmed that he responded to the store regarding two subjects in a physical fight. He acknowledged investigating the incident and authoring the incident report, and he stated that he followed Department policy in doing so. The officer stated he identified and interviewed involved parties, identified and processed relevant evidence, and memorialized his actions in the incident report. The named officer said that he did not find any evidence suggesting that the complainant was the victim of a pickpocketing scheme. The officer viewed surveillance footage which showed the complainant shoving one of the men. The officer emphasized that the complainant's failure to remain at the scene to speak with police deprived him of potentially valuable information which could have influenced his investigation. The named officer stated he searched the area for the complainant but was unable to locate him.

The named officer also explained that an individual gets classified as either a suspect, witness, or reportee by their apparent involvement based on the totality of circumstances known to the reporting officer at the time. He emphasized that based on the information presented to him at that time, the complainant, who was not available to provide a statement, was categorized as the "suspect." Other than this classification, he did not arrest, seek a warrant, or otherwise request for any law enforcement action to be taken against the complainant.

Body-worn camera footage reflects that when the officer arrived, he met with one of the men, who was visibly injured from being shoved to the ground. The footage indicates that the officer identified and interviewed all relevant parties at the scene, attempted to locate the complainant, and reviewed relevant evidence, including surveillance footage.

Department records reflect that the case was assigned to an inspector for additional investigation and follow-up, and the inspector contacted the complainant. The named officer stated that such an assignment is common, particularly when an investigation involves an unknown suspect.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 09/16/20 DATE OF COMPLETION: 04/07/21 PAGE# 2 of 2**

The named officer fulfilled his investigative duties when he conducted a preliminary investigation of the scene and generated a report for follow-up by an investigator.

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

**SUMMARY OF ALLEGATION #2:** The officer failed to properly care for, process, or book property.

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

**FINDINGS OF FACT:** The complainant stated that due to the alleged investigative failures mentioned above, the named officer also wrongfully seized his phone and booked it into evidence. The complainant believed that if he had not been declared the “suspect,” his phone would not have been seized. He also speculated that the named officer may have seized his phone to gain access to his personal information.

The named officer stated that he lawfully seized the phone and handled it according to Department policy. He stated that Department General Order 6.02 places the responsibility for collection of physical evidence at non-major crime scenes on the officer present. The DGO defines physical evidence as, “Anything that has been used, left, removed, altered, or contaminated during the commission of the crime by the victim(s) or suspect(s).” The officer noted that the phone, which was abandoned during the commission of an apparent crime by an alleged suspect, was relevant material evidence which he had an affirmative duty to seize. The officer added that his intent when seizing the phone was not to gain access to the complainant’s personal information, but rather, to preserve evidence in a criminal investigation. The named officer did not make any attempts to return the phone to the complainant because it was properly seized and placed into evidence for investigation.

Department records reflect that the assigned inspector contacted the complainant, took his recorded statement, and unsuccessfully attempted to return his phone to him several times.

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:** 10/05/20 **DATE OF COMPLETION:** 04/20/21 **PAGE#** 1 of 1

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

**CATEGORY OF CONDUCT:** C U O **FINDING:** P C **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that her father attempted to park on the street after her neighborhood received city street cleaning services. The complainant's neighbor took the parking space before her father could park in it. The police were called to settle the parking dispute. The named officer favored the neighbor's side of the story and advised the complainant's father to park at another location. The complainant opined the named officer's actions were not appropriate.

The named officer stated that the complainant's father had blocked another vehicle from entering the street upon his arrival. The named officer advised the complainant's father to move his vehicle and advised all parties involved that city street parking cannot be reserved.

Body-worn camera footage showed that the named officer advised the complainant's father to move his vehicle since it had blocked the neighbor's driveway. The named officer advised all parties involved that street parking was a "first-come, first-serve situation." The named officer was neither discourteous nor disrespectful to any party involved.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/20    **DATE OF COMPLETION:** 04/05/21    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant and his girlfriend were passengers in a rideshare vehicle when an officer stopped the car and accused their driver of failing to stop at a red light. The passengers voiced their objections and told the officer their driver had not run any lights. The complainant stated that the officer did not cite or arrest the driver and left the scene without further incident. The complainant was not able to obtain identify the officer or his vehicle.

A search of Department records did not yield either the details of the traffic stop or the identity of the officer involved in the incident as described by the complainant.

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

The complainant and his girlfriend did not obtain the name, star number, or the police vehicle number. They were unable to provide any additional information to identify the officer involved.

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:** 10/17/20 **DATE OF COMPLETION:** 04/05/21 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated the officer stopped the rideshare car because the driver was African-American.

A search of Department records did not yield either the details of the traffic stop or the identity of the officer involved in the incident as described by the complainant.

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

The complainant and his girlfriend did not obtain the name, star number, or the police vehicle number. They were unable to provide any additional information to identify the officer involved.

The rideshare driver did not respond to requests for an interview. No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/16/20    **DATE OF COMPLETION:** 04/30/21    **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 stated the named officer was at the front door of a retail store monitoring shoppers who entered the store. She stated the named officer was not wearing a mask and was not 6 feet away from shoppers.

The named officer stated he always wore a mask except when drinking or eating, and when adjusting it. He also confirmed that he was familiar with Department Notice 20-094 and acknowledged that he was required to wear his mask. He also stated that there was no specific mask that he was required to wear, any face covering was fine as long it was not the mask that has the valve.

The retail store promised to provide DPA with video surveillance of the incident; however, they never sent DPA a copy of the video. Department Notice 20-094 requires officers to always wear a mask or respirator in the workplace and in the community. The evidence fails to prove or disprove that the alleged conduct occurred.

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

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

**FINDINGS OF FACT:** The complainant stated the named officer showed bias when he allowed a white shopper to enter the store, and not a Black shopper. The complainant stated that she did not hear the conversation between the Black shopper and the named officer.

The named officer did not recall stopping or refusing the entry of a Black shopper in the store, as described by the complainant. The named officer stated that he always performs his duties as a professional and with courtesy and respect.

Given the preponderance of the evidence standard, and that the complainant did not hear the conversation between the Black shopper and the named officer, the complainant did not know why the shopper did not enter the store. The complainant had no factual basis to conclude that the Black shopper did not enter the store because the named officer did not allow the shopper to enter, as opposed to many other reasons a person might not go into a store. The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/06/20      **DATE OF COMPLETION:** 04/08/21      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he parked his car in a legal parking space to get directions from his cell phone when officers driving by stopped and questioned him for no reason.

The named officer stated he was patrolling the area when he observed the complainant's vehicle missing a front license plate. The named officer stated that the complainant was in violation of CVC 5200(a), which mandates that vehicles issued two license plates shall have both of them attached. The named officer also observed that the complainant was parked in a red zone in violation of CVC 21458 (a)(1). The named officer explained that the complainant did not respond to his request for identification and was very uncooperative, difficult, and argumentative, which prolonged the traffic stop. For example, when he asked the complainant to spell his name, he responded that the named officer should know how to spell it.

Body- worn camera footage revealed that the complainant's vehicle was parked in the roadway in a no parking red zone area when the officer contacted him, and it confirmed the named officer's depiction of complainant and the progression of the traffic stop.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/06/20      **DATE OF COMPLETION:** 04/08/21      **PAGE# 2 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that as he was providing his information to the contact officer, the named officer rudely and without permission opened the front passenger door and removed the key from his car's ignition while the car was running.

The named officer stated that the complainant was confrontational and uncooperative during the initial contact with officers. The named officer stated that after the complainant initially refused to provide his name, officers instructed him to lower his windows all the way so they could communicate with him. The complainant responded by turning on his car and completely rolling up his car's tinted windows. The named officer stated he opened the complainant's car door for officer safety, in order to give himself a clear view of the interior of the passenger compartment area and observe the complainant's actions. He then seized the car keys from the ignition and placed them on top of the car to prevent the complainant from driving off during the traffic stop. The named officer stated he and other officers instructed the complainant to relax as they continued to explain to him that his car was parked in a red zone and that he lacked the required front vehicle plate on his car.

Body-worn camera footage showed that the complainant was upset, argumentative, and uncooperative. A witness officer told the complainant to leave his window lowered so that officers could communicate with him, but the complainant rolled up his windows and left his car running in violation of the officers' request. The footage also showed that the officer's demeanor was calm and professional. The named officer explained to the complainant the reason for the detention and the vehicle code violations that he observed. The officer could have cited the complainant for these violations, but he decided not to do so.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/06/20      **DATE OF COMPLETION:** 04/08/21      **PAGE# 3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer was biased against him due to his race and detained him on this basis.

The named officer denied engaging in biased policing and stated that he initiated the detention based solely upon the vehicle code violations that he observed. He stated that it was dark outside, the complainant's windows were tinted, and he did not see the complainant or his race until he approached the driver's window once the detention began. The named officer stated he and the other officers on scene never discussed the complainant's race. The named officer also noted that all officers at the scene were also minorities. Finally, the named officer recalled dealing with discrimination as a teenager in San Francisco and stated that he has worked hard to change that within the Department.

Body-worn camera footage of the interaction contradicts complainant's assertions. There was no evidence of racial animus or bias.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/10/20    **DATE OF COMPLETION:** 04/16/21    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that police officers inside a café blocked his entrance and were not wearing required masks.

The complainant did not respond to numerous requests for further information.

An identification poll sent to the police station in the district in which the complainant reported seeing the officers failed to identify those involved.

The complainant failed to provide additional requested evidence.

**SUMMARY OF ALLEGATION #2:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated officers crowded a café entrance and attempted to touch his dog without permission.

The complainant did not respond to numerous requests for further information.

An identification poll sent to the police station in the district in which the complainant reported seeing the officers failed to identify the officers.

The complainant failed to provide additional requested evidence.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/19/20    **DATE OF COMPLETION:** 04/08/21    **PAGE#** 1 of 2

**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 SFPD failed to investigate an incident that occurred sometime between February and September 2020 that involved a San Francisco Sheriff's high-ranking employee brandishing a firearm and abusing a child in public.

DPA's investigation revealed that the named officers responded to a call concerning allegations of domestic incident and a mental health crisis involving an employee with the San Francisco Sheriff's Department. The named officers spoke with the witness who reported the incident, as well as all of the involved parties.

Department records indicate that the named officers were flagged down by a witness who pointed out a domestic incident in an alleyway. The records also document that the named officers conducted an investigation by speaking with witnesses and the involved parties.

Body worn camera footage showed the named officers investigated the domestic dispute and conducted lengthy interviews of all the relevant parties.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/19/20    **DATE OF COMPLETION:** 04/08/21    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATION #3:** The officer failed to prepare an incident report.

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

**FINDINGS OF FACT:** The complainant stated the named officer did not prepare an incident report after responding to the incident described above.

Department records confirm that an incident report was generated, documenting the incident in question. The incident report documented that the named officers were flagged down by a witness who had witnessed a family dispute. The record also documents that the named officers investigated by speaking with witnesses and the involved parties.

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

**SUMMARY OF ALLEGATION #4:** The complaint raises matters outside the DPA's jurisdiction.

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

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

SAN FRANCISCO SHERIFF'S DEPARTMENT  
INVESTIGATIVE SERVICES UNIT  
25 VAN NESS AVENUE, SUITE 350  
SAN FRANCISCO, CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/20    **DATE OF COMPLETION:** 04/07/21    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that an unknown male threw a pot at his head. The complainant immediately went to a nearby district station to report the crime, and the named officer escorted him to the scene to investigate. The complainant stated that while at the scene the officer refused to review available surveillance footage from a nearby business, which the complainant believed had captured the incident.

Body-worn camera footage confirms that the named officer met with the complainant and escorted him to the scene. At the scene, the officer confirmed the description of the suspect and attempted to locate the suspect, without success. The complainant pointed out the business whose cameras he believed had surveillance footage of the incident. The named officer explained the complainant's options and repeatedly inquired whether the complainant wanted to file a police report to trigger an official investigation. The complainant did not indicate whether he wished to file a report, but instead continued to request that the officer review the surveillance footage with him. The officer, with demonstrated patience, explained to the complainant that he could not review the footage with him prior to generating an incident report and assigning the case for further investigation.

The complainant, not understanding the investigative process, became increasingly agitated and walked away from the officer. Despite this, the named officer generated a report and went back to the scene to retrieve the surveillance footage.

A sergeant on scene confirmed that it would have been inappropriate for the named officer to review the surveillance footage with the complainant when a formal statement had not yet been taken.

The named officer's failure to retrieve the footage when the complainant requested him to do so was proper and within policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/20    **DATE OF COMPLETION:** 04/07/21    **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #2-3:** The officers failed to provide required information.

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

**FINDINGS OF FACT:** The complainant stated that despite his requests, the named officers failed to provide him with the station captain and lieutenant's information.

Body-worn camera footage reflects that after the incident, the complainant returned to the district station and spoke with named officer #2. The complainant complained that named officer #1 had failed to review the surveillance footage and asked to file a complaint against him. Named officer #2 explained why the officer had not reviewed the footage and patiently tried to determine whether the complainant wanted to file a report and commence an official investigation. The complainant repeated that he wanted to report the officer and named officer #2 provided him with a DPA complaint form. The complainant persisted in asking for the contact information for the captain and lieutenant, and after briefly attempting to resolve the situation, named officer #2 provided it.

Meanwhile, named officer #1 returned to the station, where he again met with the complainant and tried to explain why he had not reviewed the footage. The complainant informed named officer #1 that he was going to file a complaint against him and requested the station captain and lieutenant's information. Named officer #1, in a calm and professional manner, tried to de-escalate the situation by again explaining the situation and offering to generate a report. The complainant again requested the senior officers' information and named officer #1 directed a colleague to get the requested information from named officer #2.

Although neither named officer provided the captain and lieutenant's information immediately upon request, the evidence reflects that both named officers attempted to first resolve the situation by clarifying an apparent misunderstanding. The named officers first attempted to resolve the complainant's concerns, and any such delay in providing the information was reasonable given the circumstances.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/20    **DATE OF COMPLETION:** 04/07/21    **PAGE# 3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated the named officer did not take his concerns seriously and was hostile towards him because the officer had his hand resting on his holstered gun during the conversation. The complainant alleged this was an intimidation tactic directed at him because he was a black male.

The named officer denied discriminating against the complainant in any manner. He elaborated that neither the complainant's race nor his ethnicity, color, or national origin played a factor in any of his decisions with respect to the incident and its underlying investigation.

Body-worn camera footage does not depict the officer assuming an intimidating stance, engaging in biased policing or discrimination, or being hostile towards the complainant in any manner. Rather, the footage shows that the named officer attempted to resolve the situation by clarifying the responding officers' inaction, offering to generate an incident report, assessing the complainant for potential injuries, and providing the complainant with a DPA citizens complaint form and the additional information he requested.

The evidence proves that the conduct alleged did not occur.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/10/20    **DATE OF COMPLETION:** 04/21/21    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer made an arrest without cause.

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

**FINDINGS OF FACT:** The complainant stated she was arrested for domestic violence without cause more than ten years ago and that the charges were dismissed.

The officer stated he had probable cause to arrest the complainant. The named officer interviewed the complainant and her spouse as part of a domestic violence investigation. The victim said his spouse hit the left side of his face and the officer observed an injury consistent with the victim's statement. The officer stated that he determined the complainant was the primary aggressor based on statements made by both parties, including the complainant's admission that she hit the victim and a visible injury on the victim's face.

A witness officer stated that the victim described arguing with his spouse and engaging in a verbal and physical altercation that resulted in his spouse pushing and striking him. The witness officer observed an injury to the victim's face. A second witness officer could not be questioned because the officer is no longer employed by the Department.

The incident occurred more than ten years ago. The DPA was unable to obtain an unredacted copy of the incident report, the CAD, or photos because the incident was not assigned for follow-up investigation. The San Francisco Police Department advised that the records associated with the incident were destroyed in accordance with their record retention policy.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/10/20 **DATE OF COMPLETION:** 04/21/21 **PAGE# 2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the officer wrote an inaccurate incident report for a domestic violence incident that occurred more than ten years ago. The complainant stated the report inaccurately characterized her relationship with the victim, the details of the battery, and her level of intoxication. The complainant maintained that her spouse injured himself and that the inaccurate report allowed her spouse to obtain a restraining order, which caused harm to the complainant during child custody hearings.

The named officer stated he interviewed both parties and obtained their statements. The named officer stated that he used the victim's terminology to describe the relationship of the parties and that he documented the statements of both parties in the incident report. The officer also stated that he observed injuries consistent with the victim's statement.

A witness officer was present to assist the named officer by taking evidentiary photos. The witness officer stated that the named officer asked both parties what happened. The victim described being struck in the face and the witness officer observed an injury consistent with the victim's description.

The incident occurred more than ten years ago. The DPA was unable to obtain an unredacted copy of the incident report, which was destroyed in accordance with the San Francisco Police Department record retention policy. The DPA reviewed a redacted version of the incident report provided by the complainant. The DPA was unable to evaluate the officer's full description of the incident because the victim's statement was redacted from the report.

The DPA is unable to determine whether the redacted report contains inaccuracies or misrepresentations that would have affected the outcome of the investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/17/20    **DATE OF COMPLETION:** 04/12/21    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant said that officers came to his apartment and improperly detained him for a psychiatric evaluation.

The named officer stated that he responded to the apartment to investigate reports that an elderly co-tenant was in danger. The named officer explained that he detained the complainant because he met the criteria for a temporary mental health evaluation based on the hazardous condition of the apartment and irrational statements made by the complainant.

Department records, including reports to dispatchers, the incident report, body-worn camera footage, and investigative reports showed that the officer had cause to detain the complainant.

The named officer is authorized to detain persons that may be a danger to themselves and others.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/17/20    **DATE OF COMPLETION:** 04/12/21    **PAGE# 2 of 2**

**SUMMARY OF ALLEGATIONS #2-3:** The officers displayed threatening, intimidating, or harassing behavior.

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

**FINDINGS OF FACT:** The complainant stated officers detained him in retaliation for filing past DPA complaints against officers. The complainant stated officers hacked his cellular phone and email. The complainant did not provide details of any specific incidents to support the allegations.

The named officers both stated they did not know the complainant prior to the incident and were unaware of any prior complaints filed against them by the complainant.

DPA records showed that the complainant had no prior complaints against San Francisco police officers.

The named officers' body worn camera footage showed that the officers acted in a professional manner toward the complainant during the contact, displaying no intimidating, harassing, or threatening behavior.

A preponderance of evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/09/20 **DATE OF COMPLETION:** 04/07/21 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that sometime in 2008, when he was detained, arrested, and booked at a district station, the named officer used excessive force on him as he sat in a holding cell. The complainant stated the force used resulted in PTSD, as well as damage to his wrist, shoulder, and back.

DPA received and reviewed Department records from the station in question. However, the documents did not reveal any incident involving the complainant likely because complainant could not provide enough detailed information about when the incident occurred or was mistaken about where and when it occurred.

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 be reasonably 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 improperly arrested a person.

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

**FINDINGS OF FACT:** The complainant stated the arresting officers relied on inaccurate information regarding his parole status which was not updated in the database when he was arrested in 2008. The complainant stated he was not on active parole or probation and that his parole had ended several years earlier. The complainant stated that the database used by SFPD to run warrant and record checks contained errors.

DPA received and reviewed Department records from the station in question. However, the documents did not reveal any incident involving the complainant likely because complainant could not provide enough detailed information about when the incident occurred or was mistaken about where and when it occurred. 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 be reasonably 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:** 12/09/20 **DATE OF COMPLETION:** 04/07/21 **PAGE# 2 of 3**

**SUMMARY OF ALLEGATION #3:** The officer arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated that an officer arrested him without cause in 2008, then transported him to a district station where he was detained and booked. The complainant also stated he did not recall why he was arrested. The complainant was unable to produce any documentation from the incident.

DPA received and reviewed Department records from the station in question. However, the documents did not reveal any incident involving the complainant likely because complainant could not provide enough detailed information about when the incident occurred or was mistaken about where and when it occurred.

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 be reasonably identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**SUMMARY OF ALLEGATIONS #4-5:** The officers failed to provide medical treatment.

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

**FINDINGS OF FACT:** The complainant stated that after his arrest sometime in 2008, the transporting officer injured him by pulling him around the district station's hold cell area. The complainant claimed to have sustained wrist, shoulder, and back injuries, as well as ongoing PTSD. The complainant stated he requested medical aid, but the officer refused. The complainant also stated that another officer at the station failed to provide him with medical attention after the arresting officer used force on him. The complainant was unable to produce any documentation from the incident.

DPA received and reviewed Department records from the station in question. However, the documents did not reveal any incident involving the complainant likely because complainant could not provide enough detailed information about when the incident occurred or was mistaken about where and when it occurred.

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 be

reasonably 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:** 12/09/20 **DATE OF COMPLETION:** 04/07/21 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that after his booking and during his detention at the district station, the arresting officer told the station keeper that he would use force on the complainant. The complainant also stated that the station keeper officer did not do anything to stop or prevent the use of unnecessary force by the arresting officer. The complainant stated he has no documentation of the incident.

Department documents from the station where the incident allegedly occurred revealed no incidents with the complainant from the date in question. DPA received and reviewed Department records from the station in question. However, the documents did not reveal any incident involving the complainant likely because complainant could not provide enough detailed information about when the incident occurred or was mistaken about where and when it occurred.

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 be reasonably identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/06/21 DATE OF COMPLETION: 04/01/21 PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant contacted the referring agency and resolved the issue. The complainant requested a withdrawal of the complaint.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/20/20      **DATE OF COMPLETION:** 04/12/21      **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 04/06/2021.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/31/20 **DATE OF COMPLETION:** 04/16/21 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that officers came to her apartment after her neighbor reported a noise complaint. She stated that the officers demanded that she open the door and spoke to her rudely. Further, they failed to ask for her version of events.

Department records confirm that the named officers responded to the complainant's unit regarding a noise complaint reported by her neighbor.

Body-worn camera footage reflects that the named officers arrived on scene and met with the neighbor, who described a noise issue that had been ongoing for several weeks. The neighbor told the officers that he had tried resolve the issue himself without success. The officers agreed to speak with the complainant.

The footage shows that named officer #1 attempted to explain the reason for their presence. While his approach was direct, he was professional and polite. Named officer #1 informed the complainant of the noise complaint and requested that she keep the noise down. The complainant asked to tell her side of the story, and the officer acquiesced and listened.

The footage also shows that the complainant quickly became frustrated and impatient with the officers, and they were unable to establish effective communication. However, the named officers' conduct did not violate any department policies.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to comply with a local public health order requiring citizens to maintain a social distance of six feet apart. She stated that despite her repeated requests, the officers failed to move back from her threshold to create the required distance between themselves and her.

Body-worn camera footage reflects that the named officers were wearing protective face masks when the complainant opened her door, as was the complainant, she was also wearing a face shield, and the officers remained in the hallway. Although the complainant requested that the officers move back and create

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 12/31/20 DATE OF COMPLETION: 04/16/21 PAGE# 2 of 2**

additional space, named officer number #1 informed her that he needed to remain where he was because officer safety necessitated that he be able to see her. She made no effort to step back in order to create space. Named officer #2 was able to back up slightly in what appeared to be a small hallway outside the complainant's unit.

Named officer #1's unwillingness to move further back was reasonable as officers were responding to a call for service, all parties were fully masked, and the hallway's cramped dimensions gave him little room to maneuver.

Additionally, while Department guidelines mandate that officers wear masks, these standards encourage officers to, "please remember to follow the best preventative measures such as social distancing and washing hands."

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

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

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

**FINDINGS OF FACT:** As mentioned above, the complainant stated that the named officer failed to create distance as required by the local public health order.

As described above, named officer #2 visibly repositioned himself as much as possible when requested in order to create additional distance in an already cramped hallway.

The evidence proves that the conduct alleged did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/08/21      **DATE OF COMPLETION:** 04/01/21      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to comply with Department Notice 20-094.

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

**FINDINGS OF FACT:** The complainant was extremely disappointed when officers that were dispatched to move an unhoused man failed to wear masks during the entire contact.

The named officers stated that they were aware of the policy, and stated they wore their masks while working with the community. They stated that they removed their masks to eat a snack and were away from other people at that time.

Department Bulletin 20-094 mandates that officers wear masks or respirators at all times in the workplace and in the community while engaging with each other or while providing service to the community.

A local health order also requires officers to wear masks when within 6 feet of others outside of one's household. The order also provides exceptions for the removal of masks when eating or drinking.

The complainant submitted a photo of the alleged misconduct. However, the photo contradicted the complainant's statement and supported the named officers' statements. The photo showed officers standing next to their patrol vehicle, away from members of the public or the unhoused man.

The evidence proves that the alleged conduct did not occur.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/20/21    **DATE OF COMPLETION:** 04/05/21    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that officers refused to provide her assistance when she requested copies of several dozen police reports she had filed over the past decade.

An officer identification poll sent to the district station where the incident occurred, and it was returned with negative results. As a result, the identity of the alleged officer could not be established.

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 complaint raises matters outside the DPA's jurisdiction.

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/20/21 **DATE OF COMPLETION:** 04/05/21 **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that after he was ejected from a nightclub, an officer told him, "Go back to Egypt."

The complainant, who made the complaint anonymously, did not provide enough identifying information regarding the date of the incident or the identity of any officer.

The identity of the alleged officer could not be established.

No witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/22/20    **DATE OF COMPLETION:** 04/07/21    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that he was riding his bicycle when an officer in a marked police car honked his horn, in told him to get out of the way.

The named officer stated he did not recall the incident.

Department records revealed the named officer was assigned to the identified marked police car and that he was on an overtime assignment during the incident.

Additional witnesses and/or evidence of the incident was not available.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/21/21    **DATE OF COMPLETION:** 04/08/21    **PAGE# 1 of 1**

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

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

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

Chief of Police  
UCSF Police Department  
654 Minnesota Street #180  
San Francisco, CA 94107



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/25/21    **DATE OF COMPLETION:** 04/20/21    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATIONS #1-3:** The officers failed to take required action.

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

**FINDINGS OF FACT:** The complainant stated that she saw drug dealing happening by people who had firearms. The complainant called SFPD, but no officers arrived on scene.

The first and second named officers stated that they were dispatched, but the call was cancelled before they arrived on scene. The officers stated they did not speak to the complainant as the call had been canceled. The third named officer stated that he was on a different assignment in a different location on the date of this incident.

The CAD showed that the complainant called to report drug dealing. The named officers were listed as dispatched to the scene, but it was reported that the suspects left, and the call was canceled before any officer was reported on scene.

The evidence proves that the conduct alleged did not occur.

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

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

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

DEM Department of Emergency Management  
1011 Turk Street  
San Francisco CA 94102

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/27/21 **DATE OF COMPLETION:** 04/01/21 **PAGE#** 1 of 1

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

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

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

Community Education Response Team (CERT)  
Entertainment Commission  
49 South Van Ness Ave, Suite 1482  
San Francisco, CA 94103.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/02/21 **DATE OF COMPLETION:** 04/20/21 **PAGE#** 1 of 1

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

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

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

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

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

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

**FINDINGS OF FACT:** The complainant stated that he called a police station and an officer spoke to him in a degrading manner.

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

The officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/10/21    **DATE OF COMPLETION:** 04/20/21    **PAGE# 1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated that three officers were standing less than 3-feet away from each other without wearing masks during the pandemic.

The identity of the alleged officer could not be established.

No witnesses were identified.

The complainant did not provide additional requested evidence and the officer could not reasonably be identified.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/12/21    **DATE OF COMPLETION:** 04/07/21    **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that an officer in a marked patrol vehicle was unnecessarily speeding and almost hit him as he was walking near the crosswalk. The complainant was unable to identify either the officer or the number of the patrol vehicle.

An identification poll sent to the district station where the conduct occurred was returned with negative results.

DPA was unable to find Department records reflecting the incident because DPA did not have enough information to sufficiently identify the incident or the involved parties.

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 be reasonably identified, or the officer is no longer with the Department and therefore is no longer subject to Department discipline.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 02/08/21 DATE OF COMPLETION: 04/01/21 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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 02/21/21 DATE OF COMPLETION: 04/12/21 PAGE# 1 of 1**

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

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

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

Halifax Regional Police Headquarters  
1975 Gottingen Street  
Halifax, NS  
B3J 2H1 CANADA

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/23/21    **DATE OF COMPLETION:** 04/20/21    **PAGE# 1 of 1**

**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 he reported that his bicycle was stolen, and officers responded to the scene and took his report. The complainant stated the officers did not thoroughly investigate his report because they did not review footage from a nearby security camera and told him that they would return later to view it.

The first named officer stated he contacted the complainant regarding his report and searched the area for the stolen bicycle. He stated that he left the scene of this incident to respond to another call and later returned to review possible footage from a nearby building and spoke with the manager who was unable to retrieve the footage due to technical difficulties. The manager said she would try to retrieve the footage and send it to the police station. The first named officer stated that he completed a police report for this incident. The manager contacted the police station and left a note stating that no video footage of the incident was captured because the surveillance camera system was not working.

The second named officer stated he assisted the first named officer in gathering information regarding the stolen bicycle. He left the scene of the incident because he was dispatched to a higher priority call and responded back to the scene to review possible video footage of the incident. He witnessed the first named officer contact the manager in a nearby building regarding viewing video footage of the incident and the manager was unable to retrieve the footage due to technical difficulties. He stated that the manager contacted the police station and left a note for the first named officer who then informed him that no footage was available.

Department records showed that the named officers responded to a call for a theft and that an incident report was completed.

Body-worn camera footage for this incident showed that the officers contacted the manager of the nearby building regarding viewing surveillance footage. The manager said she was unable to retrieve the footage due to technical issues and agreed to send any footage to the police station.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 02/28/21    DATE OF COMPLETION: 04/20/21    PAGE# 1 of 1**

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

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

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

San Diego Police Department  
Internal Affairs  
11401 Broadway  
San Diego, CA 92101

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/08/21    DATE OF COMPLETION: 04/01/21    PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/08/21 DATE OF COMPLETION: 04/08/21 PAGE# 1 of 1**

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

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

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

Sunshine Ordinance Task Force  
1 Dr. Carlton B. Goodlett Pl., Room 244  
San Francisco, CA 94102-4689

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/10/21      **DATE OF COMPLETION:** 04/06/21      **PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/24/21      **DATE OF COMPLETION:** 04/01/21      **PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that he witnessed an officer in his district drive in an unsafe manner. The complainant could not provide a description of the officer or provide a vehicle number. The complainant stated that officers driving in an unsafe manner happens on a regular basis and he wanted to report the issue to the San Francisco Police Department, even if he was unable to identify the officer that he observed that day.

A supervising officer received the complaint and subsequently forwarded the complaint to the Department of Police Accountability as per Department General Order 2.04.

The complainant made a general complaint about an officer driving in an unsafe matter and SFPD was made aware of his concern. Based on the lack of evidence provided by the complainant, DPA was unable to identify the officer.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 03/17/21    DATE OF COMPLETION: 04/05/21    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 DPA's jurisdiction. This complaint was forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/24/21 **DATE OF COMPLETION:** 04/16/21 **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer came to his home unexpectedly and falsely accused him of reckless driving. He stated that the named officer spoke in a very aggressive manner and yelled at the top of his lungs.

The complainant's wife stated that she also observed the named officer speaking to the complainant in an aggressive manner.

Department records indicate that the named officer attempted to execute a traffic stop for reckless driving on a vehicle registered to the complainant. The driver fled the scene before the named officer could make contact. The named officer went to the complainant's address in an attempt to speak with him, but the complainant refused to come downstairs and would only speak to the officer through an upstairs window. The records reflect that, based upon the interaction with the complainant, the complainant's demeanor, the fact that the complainant matched the description of the driver, and the direction in which the vehicle fled, the named officer had reasonable suspicion to believe the complainant was the driver of the vehicle that fled the scene. The named officer forwarded the matter for further investigation.

Department of Motor Vehicle records confirm that the vehicle queried by the named officer was registered to the complainant at his home address.

Body worn camera footage showed the named officer attempted to conduct a traffic stop on a vehicle that drove off at a high speed. The named officer informed dispatch that he lost sight of the vehicle. The footage then showed the named officer drove to the complainant's address, where he attempted to speak with the complainant regarding the incident. The named officer asked the complainant, who was speaking to him from an upstairs window, to come down to speak with him, but the complainant refused to comply. The named officer explained to the complainant in a stern but professional tone that he had witnessed a person matching the complainant's description driving recklessly in a vehicle registered to him. The complainant became upset and denied that he was the driver of the vehicle. The named officer left after this brief interaction.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/24/21 **DATE OF COMPLETION:** 04/16/21 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer racially profiled him when he came to his home and accused him of reckless driving.

Department records indicate that the named officer attempted to execute a traffic stop for reckless driving on a vehicle registered to the complainant. The driver fled the scene, so the named officer went to the complainant's address for further investigation. The records also reflect that, based upon the interaction with the complainant, the complainant's demeanor, the fact that the complainant matched the description of the driver, and the direction in which the vehicle fled, the named officer had reasonable suspicion to believe the complainant was the driver of the vehicle that fled the scene.

Department of Motor Vehicle records indicate that that license plate number of the vehicle queried by the named officer was registered to the complainant at his home address.

The named officer contacted the complainant only after discovering the license plate of the fleeing vehicle was registered to the complainant at his home address.

The evidence proves that the conduct alleged did not occur.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/01/21 DATE OF COMPLETION: 04/27/21 PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/01/21      DATE OF COMPLETION: 04/01/21      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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/02/21    **DATE OF COMPLETION:** 04/03/21    **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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/02/20      DATE OF COMPLETION: 04/03/21      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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/05/21      **DATE OF COMPLETION:** 04/08/21      **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 DPA's jurisdiction. This complaint was forwarded to:

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/88/21    DATE OF COMPLETION: 04/13/21    PAGE# 1 of 1**

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/8/2021    **DATE OF COMPLETION:** 04/13/21    **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.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/06/21    DATE OF COMPLETION: 04/09/21    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.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/12/21 DATE OF COMPLETION: 04/14/21 PAGE# 1 of 1**

**SUMMARY OF ALLEGATION #1:** This complaint raises matters outside DPA jurisdiction.

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

**FINDINGS OF FACT:** This complaint raises matters outside DPA jurisdiction. The complaint has been forwarded to:

Atlanta Police Department  
Office of Professional Standards  
226 Peachtree Street SW  
Atlanta, GA 30303

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 04/26/21      DATE OF COMPLETION: 04/26/21      PAGE# 1 of 1**

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

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

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

Stockton Police Telecommunications  
22 E. Weber Avenue  
Stockton, CA 95202

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 4/27/2021    DATE OF COMPLETION: 04/30/2021    PAGE# 1 of 1**

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

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

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**

**DATE OF COMPLETION:**

**PAGE# 1 of 7**

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

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

**FINDINGS OF FACT:** The complainant alleged that the named officer used rude and profane language towards him.

Body-worn camera footage of the arrest from other officers showed the named officer saying rude and profane insults toward the complainant. The named officer admitted to making the statements.

Department General Order 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 admitted to using harsh and profane language against the complainant.

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

**SUMMARY OF ALLEGATION #2:** The officer failed to provide his or her name or star number.

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

**FINDINGS OF FACT:** The complainant alleged he asked for the named officer’s identification and the officer refused to provide it.

Body-worn camera footage of the incident showed the complainant ask for the officer’s name. The named officer acknowledged the complainant’s question but did not provide him with his name or star number.

The named officer stated he did not believe the complainant was earnestly asking for his name because he was not involved with complainant’s detention and arrest. Therefore, he did not respond appropriately.

Department General Order 2.01 § 14, Public Courtesy, states, in part, “When requested, members shall promptly and politely provide their name, star number and assignment.” Here, the named officer admitted he heard the complainant request his name and he did not provide it.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**

**DATE OF COMPLETION:**

**PAGE# 2 of 7**

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

**FINDINGS OF FACT:** The complainant alleged the named officer used unnecessary force against him.

The named officer denied touching the complainant in anyway. At the time the alleged force would have occurred, the body-worn camera filming the incident had been deactivated. Two other officers were both present for a portion of the verbal altercation between the named officer and the complainant. Both officers denied ever seeing the named officer use any force against the complainant, but were not present for the entire interaction.

Department General Order 5.01, Use of Force, states, in part, "Officers may use reasonable force options in the performance of their duties, in the following circumstances, 1. To effect a lawful arrest, detention, or search. 2. To overcome or prevent escape. 3. To prevent the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order. 6. To prevent a person from injuring himself/herself..." The DPA was unable to find any evidence to support either the complainant's or the Named Officer's version of events.

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

**SUMMARY OF ALLEGATION #4:** The officer's discourteous behavior or statements were related to ethnicity or race.

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

**FINDINGS OF FACT:** The complainant alleged the named officer called him a racial slur.

The named officer denied calling the complainant a racial slur.

In the body-worn camera footage of the incident, the moment when the racial slur could have been said was drowned out by loud radio traffic. The video was shared with an audio enhancement expert who was unable to confirm or refute if the named officer used a racial slur against the complainant.

The audio enhancement of the altercation could neither confirm nor dispel the allegation that the named officer used a racial slur. The evidence fails to prove or disprove that the alleged conduct occurred.

**SUMMARY OF ALLEGATION #5:** The officer knowingly engaged in biased policing or discrimination.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**

**DATE OF COMPLETION:**

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**CATEGORY OF CONDUCT:**

**CUO**

**FINDING:**

**IE**

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant alleged that the named officer called him a racial slur.

The named officer denied calling the complainant a racial slur and denied that any of his actions toward the complainant were made based on the complainant's race.

In the body-worn camera footage of the incident, the moment when the racial slur could have been said was drowned out by loud radio traffic. The video was shared with an audio enhancement expert who was unable to confirm or refute if the named officer used a racial slur against the complainant.

Department General Order 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...Department members are charged with protecting these rights for all people, regardless of race, color, ethnicity, national origin...or socio-economic status. Police action that is biased is illegal and violates these rights. Biased policing is unsafe, unjust, and ineffective."

The named officer denied that his actions toward the complainant were based on the complainant's race. The audio enhancement of the altercation could neither confirm nor dispel the allegation that the named officer used a racial slur.

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

**SUMMARY OF ALLEGATIONS #6-8:** The officers used unnecessary or excessing force.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**                      **DATE OF COMPLETION:**                      **PAGE# 4 of 7**  
**CATEGORY OF CONDUCT: UF**                      **FINDING: U**                      **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant alleged these three named officers, Named Officer #2, Named Officer #3, and Named Officer #4 used excessive force against him at the scene of his initial arrest. Specifically, he alleged the officers threw him on the ground, placed their knee on his back, and caused damage to his wrists due to the tightness of their handcuffs.

Named Officer #2, Named Officer #3, and Named Officer #4's body-worn cameras were activated during the complainant's initial arrest. None of the force described by the complainant occurred and at no point during the arrest did the complainant have any complaints of being in pain. The complainant was detained for jaywalking. The officers ordered the complainant to provide his identification so they could draft his citation. The complainant refused to provide his identification. The officers then handcuffed the complainant to transport him to a police station where his identity could be confirmed. During the incident, Named Officer #3 and Named Officer #4 held onto the complainant as he sat on the ground. Also, Named Officer #2 handcuffed the complainant and spoke with the complainant to confirm the handcuffs were the appropriate degree of tightness.

Department General Order 5.01, Use of Force, states, in part, "Officers may use reasonable force options in the performance of their duties, in the following circumstances, 1. To effect a lawful arrest, detention, or search."

Here, none of the force described by the complainant occurred. He sat on the ground and made no complaints of pain when handcuffed.

The evidence proves that the conduct alleged did not occur.

**SUMMARY OF DPA-ADDED ALLEGATION #1:** The officer engaged in sexually derogatory behavior or made sexually derogatory comments.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**                      **DATE OF COMPLETION:**                      **PAGE# 5 of 7**  
**CATEGORY OF CONDUCT: CUC**                      **FINDING: IC/S**                      **DEPT. ACTION:**

**FINDINGS OF FACT:** While investigating this case, the Department of Police Accountability (DPA) uncovered body-worn camera footage from another officer depicting the named officer insulting the complainant. This footage showed the named officer made sexually derogatory comments toward the complainant.

The body-worn camera footage showed that the named officer suggested the complainant should be a victim of sexual assault. The named officer admitted to making the comment, but stated the comment was slang for the complainant being a defendant in a criminal trial. DPA did not find this explanation credible.

Department General Order 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 admitted to making a comment to the complainant that suggested the complainant will be the victim of sexual assault.

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

**SUMMARY OF DPA-ADDED ALLEGATIONS #2-3:** The officer failed to take required action.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**

**DATE OF COMPLETION:**

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**FINDINGS OF FACT:** While investigating this incident, the DPA discovered two officers, Named Officer #2 and Named Officer #3 were present when the officer in above-mentioned allegation insulted the complainant.

Named Officer #2 and Named Officer #3 both denied hearing that officer insult the complainant. At the time the other officer and the complainant were arguing, Named Officer #2 was attempting to handcuff the complainant to a bench and Named Officer #3 was potentially not in the room. The complainant began struggling against Named Officer #2. Named Officer #2 stated he did not hear the insults being exchanged because he was focused on handcuffing the complainant to a bench. The body-worn camera footage of the incident showed it was occasionally difficult to hear the insult exchange. Named Officer #3 recalled hearing complainant and the officer in question yell at each other but could not recall if he was in the room when the insults were said. Both Named Officer #2 and Named Officer #3 explained they would have gone to a supervisor if they had clearly heard the comments made by the officer named in the above-mentioned allegation toward the complainant.

Department Bulletin 19-240, "Not On My Watch" Pledge, states, in part, "I will not tolerate bigotry in our community or from my fellow officers. I will confront intolerance and report any such conduct without question or pause. I will maintain the integrity of the San Francisco Police Department and safeguard the trust of the people of San Francisco..." Named Officer #2 and Named Officer #3 both deny hearing Named Officer #1's statements.

Body-worn camera footage of the incident shows the insulting officer is occasionally difficult to hear, Named Officer #2 is focused on safely securing the complainant, and Named Officer #3 is possibly outside the room for most of the argument. However, the room where the argument occurred was small. Named Officer #2 and Named Officer #3 could have heard the insults and may have failed to report them. However, DPA cannot prove by a preponderance of the evidence that the named officers actually heard the insults.

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

**SUMMARY OF DPA-ADDED ALLEGATION #4:** The officer failed to take required action.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 01/28/2020**                      **DATE OF COMPLETION:**                      **PAGE# 7 of 7**

**FINDINGS OF FACT:** While investigating this incident, the DPA discovered that the named officer was possibly present when the insults were exchanged.

The named officer was off duty for the majority for this investigation and has left the department.

Department Bulletin 19-240, “Not On My Watch” Pledge, states, in part, “I will not tolerate bigotry in our community or from my fellow officers. I will confront intolerance and report any such conduct without question or pause. I will maintain the integrity of the San Francisco Police Department and safeguard the trust of the people of San Francisco...” This named officer no longer works for the San Francisco Police Department.

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:** 4/1/20

**DATE OF COMPLETION:**

**PAGE# 1 of 8**

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

**CATEGORY OF CONDUCT:** UA      **FINDING:** IC (SUSTAINED)      **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that she and her friends were sitting in her legally parked vehicle, not breaking any laws, when officers approached her vehicle and harassed them. She further stated that officers surrounded her vehicle, attempted to open the doors without permission, and then officers asked for everyone's identification and threatened to take them to the police station if they did not identify themselves. The complainant stated that officers constantly violate the Fourth Amendment without any consequences.

The named officer stated that he was driving past the complainant's vehicle when he recognized occupant#1 as an individual he arrested in the past and who was on probation with a search condition. He subsequently approached the vehicle and detained occupant #1 so he could conduct a probation search. While detaining occupant #1, a firearm was found, and the complainant and the rest of the occupants in the complainant's vehicle were also detained.

The named officer's partners corroborated his statement.

The named officer and his partners were not equipped with body-worn cameras.

Department records verified that occupant #1 was on probation, but there was no confirmation at the time of the search that occupant #1 had a search condition.

SFPD Departmental General Order 5.03 states in relevant part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, must, however, have specific and articulable facts to support their action."

DPA found during its investigation that the officers never confirmed the existence of a search condition for any of the occupants in the vehicle. The named officer relied on the memory of a criminal history search that he conducted sometime within one year before the incident. DPA determined that one's reliance on something that occurred at some point in the last year does not constitute good faith in any legal sense of the term. The named officer therefore had no legal justification to detain the complainant or any of the occupants in her vehicle.

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

**SUMMARY OF ALLEGATION #2:** The officer detained a person without reasonable suspicion.

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**DATE OF COMPLAINT:** 4/1/20

**DATE OF COMPLETION:**

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**CATEGORY OF CONDUCT:**

**UA**

**FINDING:**

**PC**

**DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that she and her friends were unlawfully detained.

The named officer stated that he relied on the knowledge of and directions from his partner, who recognized occupant #1 as being on probation with a search condition. After detaining occupant #1, the named officer confirmed that occupant #1 was on probation. However, the named officer did not verify if occupant #1 had a search condition.

Witness officers' statements and Department records corroborated the named officer's statement.

SFPD Departmental General Order 5.03 states in relevant part, "A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, must, however, have specific and articulable facts to support their action."

The named officer believed he had reasonable suspicious to detain occupant #1 based on his partner's knowledge of occupant #1's criminal history and the confirmation from dispatch that occupant #1 was on probation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 4/1/20

**DATE OF COMPLETION:**

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**SUMMARY OF ALLEGATION #3-4:** The officer conducted an improper search or seizure.

**CATEGORY OF CONDUCT:** UA      **FINDING:** IC (SUSTAINED)      **DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that after occupant #1 provided the officers with his identification, officers told occupant #1 that he was on probation. Occupant #1 denied being on probation; however, everyone was subsequently forced out of vehicle, searched, and placed in handcuffs.

Named Officer #1 acknowledged that he initially detained occupant #1 solely to conduct a probation search of occupant #1 and the complainant's vehicle. He stated that named officer #2 confirmed that occupant #1 was on probation; however, named officer #2 did not verify occupant #1's search condition. Named officer #1 acknowledged that it was his decision to continue with the probation search without the search condition verification because when he ran occupant #1's record sometime within the prior year, occupant #1 had a search condition associated with his probation.

Named Officer #2 acknowledged that he confirmed occupant #1's probation status but did not confirm occupant #1's search condition. He also acknowledged that he could have requested that dispatch verify the search condition; however, he did not make that request. He stated he relied on named officer #1's knowledge of occupant #1's criminal history, and hearing that occupant #1 was on probation, in good faith, he searched the complainant's vehicle.

Department records indicated that the named officers conducted a probation search of occupant #1 and the complainant's vehicle. After a firearm was found in the vehicle, officers searched the complainant and other occupants of the vehicle.

Out of county records, obtained later, indicated that there was no search condition attached to occupant #1's probation. The San Francisco District Attorney's Office determined that the search was therefore unlawful. Occupant #1 was released from custody, and the vehicle was released to the complainant.

DPA reviewed court documents and Department records, interviewed witness officers and supervisors and found that no officer confirmed the existence of a search condition before they conducted the search. The named officers and a witness officer stated that they relied on the memory of a records search that Named Officer #1 conducted sometime within a year or more before this incident. DPA determined that one's reliance on something that occurred at some point in the last year does not constitute good faith in any legal sense of the term. Officers are required to verify the existence and validity of a search condition before relying on that condition to execute a search. A preponderance of the evidence proved that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**DATE OF COMPLAINT:** 4/1/20                      **DATE OF COMPLETION:**                      **PAGE# 4 of 8**

**SUMMARY OF ALLEGATIONS #5-6:** The officers knowingly engaged in biased policing or discrimination.

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

**FINDINGS OF FACT:** The complainant stated that people in her community feel unsafe because of the actions of law enforcement. The complainant stated she was targeted by the named officers because she is Black.

The named officers denied that the detention and search was motivated by the complainant's race. They stated that the detention and search were based solely on Named Officer #1's past arrest of occupant #1 and the belief that occupant #1 was on probation with a search condition. The named officers stated that they have received biased policing training and in no way was there any bias involved with their actions.

DPA attempted to obtain statements from the occupants of the vehicle but received no response.

Department records corroborated the named officers' statements regarding their perceived reasonable suspicion and probable cause for the detention and search of occupant #1 and the complainant's vehicle.

SFPD General Order 5.17, Policy Prohibiting Biased Policing, states in relevant part that officers must not use a person's race as a factor in their determination to detain, search, or arrest an individual.

Based on the evidence, the named officers detained the complainant and the occupants of her vehicle to conduct a probation search and not because of her race.

The evidence proved that the alleged conduct did not occur.

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**SUMMARY OF DPA ADDED ALLEGATION #1:** The officer conducted an improper search or seizure.

**CATEGORY OF CONDUCT:** UA      **FINDING:** IC (SUSTAINED)      **DEPT. ACTION:**

**FINDINGS OF FACT:** During DPA's investigation of the incident, it was discovered that the named officer unlawfully seized a DNA sample from occupant #2 without a search warrant. Occupant #2 was one of three occupants in the complainant's vehicle that were detained. Occupant #1 was arrested.

The named officer stated he *Mirandized* occupant #2, and occupant #2 waived his rights. The named officer admittedly knew that he had no basis, apart from consent, to seize DNA from occupant #2 or the other detained occupants that were in the vehicle. The named officer stated that occupant #2 gave him "some kind of consent.". He stated that prior to the swab, he held up the sticks and occupant #2 opened his mouth and allowed him to swab it.

Department records showed that the named officer made inconsistent entries regarding the seizure of occupant #2's DNA in his investigation report. Furthermore, the interrogation video showed that occupant #2 did not want to provide a DNA sample without a search warrant. While occupant #2 initially hesitated, he ultimately agreed to submit the sample after implied threats that he might potentially still face arrest.

Occupant #1 was the only person under arrest for possession of the firearm that he had been sitting on. Thus, he was the only person from whom police could lawfully seized DNA without a warrant or consent. DPA found that the named officer violated occupant #2's constitutional rights by coercing him into consenting to give a DNA swab.

A preponderance of the evidence proved 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 prepared an incomplete or inaccurate incident report.

**CATEGORY OF CONDUCT:** ND      **FINDING:** IC (SUSTAINED)      **DEPT. ACTION:**

**FINDINGS OF FACT:** During DPA's investigation of the incident, it was discovered that the named officer prepared an incomplete or inaccurate incident report.

Department Bulletin 18-154 states in part, "Thorough investigation(s) memorialized in well-prepared incident reports are essential to follow-up investigations and eventual prosecution. Officers and PSA's are responsible for preparing incident reports that are complete and accurate when memorializing an incident. A properly completed incident report creates the foundation for any further legal action."

The named officer denied the allegation, stating that his incident report was complete, accurate, and not misleading.

The supervising officer that reviewed the incident report confirmed that after given more context to the incident, an essential statement that articulated the probable cause for the detention and search was misleading.

Review of the incident report showed that there were many descriptive elements and facts that were missing from the report.

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

**SUMMARY OF DPA ADDED ALLEGATION #4:** The officer failed to activate body-worn camera as required.

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

**FINDINGS OF FACT:** During DPA's investigation of the incident, it was discovered the named officer activated her body-worn camera (BWC) late.

The named officer stated that she was familiar with DGO 10.11 and DB 18-256. She stated that she could not recall if she activated her body worn camera or not; however, she acknowledged that as a backup officer, requested by a plainclothes unit, she knew she needed her body-worn camera activated to capture



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the probation search. She stated that she must have realized her body-worn camera was not activated or she would not have had any footage of the incident.

The named officer took full responsibility for the fact that her body-worn camera was in fact not on and recording at the beginning of her involvement. Another officer's body-worn camera captured the named officer assuring the complainant that her camera was on and recording.

Department records showed a call for service specifically for a female officer regarding a probation search. Department records showed that the named officer's unit volunteered to respond and assist.

DGO 10.11, Body Worn Cameras, states in pertinent part that all on-scene members equipped with a BWC shall activate their BWC equipment to record detentions and searches.

DB 18-256 states that when responding to calls for service with a potential for law enforcement activity or any of the mandatory recording circumstances, members shall begin recording by pressing the Event button while enroute and prior to arriving on scene.

Based on the totality of circumstances, the evidence does not prove by a preponderance that the named officer willfully violated DGO 10.11. Her statement, captured on another officer's body-worn camera that she was recording suggested that she believed she had activated her body-worn camera.

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

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

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

**FINDINGS OF FACT:** During DPA's investigation of the incident, DPA learned that the named officer was informed by the San Francisco District Attorney's Office that occupant #1's probation search was unlawful. The named officer did not inform the detaining officers, their supervisor, or a commanding officer of the Fourth Amendment violation.

The named officer stated that he did not supervise the detaining officers. He could not recall if he informed the detaining officers' supervisor about the outcome of the investigation. He further stated that he did not personally counsel or admonish any of the involved officers about the incident. He acknowledged that he was required to report observed misconduct by an officer; however, in this case he felt that he did not observe any misconduct by any of the officers involved in this case. He stated that he was under the impression the detaining officers were operating under good faith. He did not know of any Unit Orders, Department General Order, or training that required him to pass along the "questionable search and seizure" finding.

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DPA's investigation revealed that the San Francisco Police Department (SFPD) does not have a policy requiring senior officers, supervisors, or others to counsel or notify officers if a search is discovered to be unlawful.

DPA's investigation further revealed that the named officer ultimately in control of the investigation in this matter had no duty, upon discovery that the search was unlawful, to notify anyone of his discovery. The named officer who learned that occupant #1 did not have a search condition did not directly supervise the officers who conducted the unlawful search. Additionally, the named officer declined to notify the officers or anyone else because he did not feel that the officers acted with malice. However, the lack of any policy on this point resulted in a missed learning opportunity. DPA urges the SFPD to adopt a policy requiring senior officers that learn of constitutional violations to inform a Department designee. SFPD is best equipped to decide whom should receive the information. However, the information should be disseminated in a way that officers who have violated a person's constitutional rights are educated about their conduct, whether willful, negligent, or by virtue of a mistake.

Based on the totality of the circumstances, the Department of Police Accountability finds that the conduct involved is the result of a policy failure. The Department of Police Accountability recommends that the Department develop written procedures and documentation requirements to address constitutional violations that occur and are recognized during and or after the investigative process.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 05/05/2020**

**DATE OF COMPLETION:**

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**SUMMARY OF ALLEGATIONS #1-4:** The officers detained a person without cause.

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

**FINDINGS OF FACT:** The complainant stated that officers detained a juvenile female who was waiting for her school bus which caused her great trauma.

Named Officer #1 stated that he was part of a surveillance operation that was attempting to apprehend suspects that were involved in an attempted murder case. Named Officer #1 and Named Officer #2 were working plainclothes duty that day. Named Officer #1 received information from the spotter of the surveillance operation that they had potentially located one of the suspects involved in the incident. Named Officer #1 and Named Officer #2, who were the arrest officers for this operation, received a description of the suspect who was a juvenile female. Named Officer #1 and Named Officer #2 compared the photo to the juvenile female and believed it was a similar match. At the direction of Named Officer #4, Named Officer #1 and Named Officer #2 were advised to detain and identify the suspect. Upon approaching the suspect, the juvenile attempted female ran, and Named Officer #1 and Named Officer #2 had to grab her from her wrists to keep her from running. They obtained the suspect's name and confirmed it was not the person they were looking for. Named Officer #1 and Named Officer #2 provided the juvenile female with an 849(b) form and released her to her mother who arrived on scene shortly after.

During his DPA interview, Named Officer #2 confirmed that the scenario described above had occurred.

Named Officer #3 stated he was working as the spotter car during the surveillance operation described above. On the day of the incident, he observed a juvenile female walk out of the building that appeared to match the description of one of the suspects they were looking for. Named Officer #3 compared the photo provided in the briefing packet by Named Officer #4 and thought the sex, race, height, and weight appeared to match the juvenile female that exited the building. Named Officer #3 radioed that it looked like they had a match for one of the suspects and provided her description to the other officers involved in the operation. Named Officer #4 ordered that the juvenile female be detained and identified.

Named Officer #4 was working as the lead investigator on the surveillance operation. Earlier, he had provided Named Officers #1, 2, and 3 with photos of all the suspects in a briefing packet that was sent by email. Named Officer #4 was advised over the radio that Named Officer #3 had potentially identified one of the suspects. Named Officer #4 advised officers to detain and identify the juvenile female. Upon arriving on scene, Named Officer #4 realized that the juvenile female was not the person they were looking for. He advised Named Officer #1 and Named Officer #2 to draft an 849(b) form and release her on scene.

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The DPA obtained the incident report associated with this incident. The statements provided by Named Officer #1 and Named Officer #4 in the incident report were consistent with their statements provided in their DPA interviews.

The DPA also obtained Named Officer #1 and Named Officer #2's body-worn camera footage of the incident. Their body-worn camera footage is consistent with their statements provided in their DPA interviews as well as the incident report.

The DPA also obtained the photo of the suspect which Named Officers #1, 2, and 3 were provided in their briefing packet. The photo provided showed similarities between the juvenile female that was detained and the juvenile female in the photo.

No other witnesses came forward.

Officers need probable cause that a crime has occurred in order to detain an individual. The evidence showed that there were similarities between the female in the photo and the female juvenile that was detained. The named officers acted in good faith in the detention of the juvenile female.

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

**SUMMARY OF ALLEGATIONS #5-8:** The officers failed to comply with Department General Order 7.01

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

**FINDINGS OF FACT:** The complainant stated that failed to comply with juvenile detention procedures.

Named Officer #1 stated the juvenile female was allowed to call her mother and was issued an 849(b) form upon release. They also wrote in the report that they released the juvenile female to her mother.

During their DPA interviews, Named Officer #2, 3, and 4 confirmed that the scenario described above had occurred.

The DPA obtained a copy of the incident report associated with this incident. The incident report noted the detention and release of the juvenile female in detail. The DPA also obtained the body-worn camera

footage associated with the incident. Their body-worn camera footage is consistent with the statements in the incident report.

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Department General Order 7.01, Policies and Procedures for Juvenile Detention, Arrest, and Custody states, "When a juvenile has been detained, brought into a police or juvenile facility, or has been transported by a member, that member shall take immediate steps to notify the juvenile parent, guardian, or a responsible person that the juvenile is in custody and the place where he/she is being held, was transported or temporarily detained."

The evidence showed the named officers acted within department policy as it pertains to the detention of juveniles.

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

**SUMMARY OF ALLEGATION #9:** The officer gave an invalid order.

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

**FINDINGS OF FACT:** The complainant stated that a juvenile female was detained without justification.

Named Officer #4 stated that he gave an order to have the juvenile female detained and identified after he received word from a witness officer that they may have potentially located one of the suspects.

A witness officer stated that he radioed in that the juvenile female was a potential match for the suspect they were looking for after comparing her to the photo to the one provided in the briefing packet.

The DPA obtained a copy of the incident report associated with the incident. The statement provided by the named officer in the incident report is consistent with the statement he provided in his DPA interview.

No other witnesses came forward.

The evidence showed that the named officer was acting on the word of one of the officers who thought he had correctly identified the suspect.

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

**SUMMARY OF ALLEGATIONS #10-11:** The officers behaved or spoke inappropriately.

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

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**FINDINGS OF FACT:** The complainant stated the named officers detained a juvenile female which caused her great trauma. They also stated they inappropriately identified the mother in the incident report.

Named Officer #1 stated they were working plainclothes duty during a surveillance operation. When he first saw the juvenile female, they did not believe she was a flight risk. Named Officer #1 stated that as soon as they pulled up in their vehicle, she took off running. Named Officer #1 stated he grabbed her by her left wrist and Named Officer #2 grabbed her by her right wrist. They advised her to calm down and asked her name. Named Officer #1 could not understand her and asked for her identification. The juvenile female produced her identification and it showed she was not the person they were looking for. Regarding the comment in the incident report about locating the mother's mugshot, he stated he asked the juvenile female's mother for her identification at the scene for them to put in the report, but she did not provide it. They had to document who they release custody to and locating her mugshot was the fastest way to identify her. When asked if it was his assumption or his belief that the juvenile female knew that Named Officer #2 and himself were police officers, he stated that he thought they were identifiable as police.

Named Officer #2 was working plainclothes duty on the day of the incident. Named Officer #2 was wearing a SFPD raid jacket on the day of the incident. During his DPA interview, Named Officer #2 confirmed that the scenario described above had occurred. Named Officer #2 stated that he thought his star was on his waist when he exited the vehicle and that it was visible. When asked why he did not identify himself as police officer upon exiting his vehicle, Named Officer #2 stated, "I don't know whether I assumed that my marks were identifiable or whether that was going to be part of the conversation. I don't know what specifically was going on in my head." When asked why the juvenile female's mugshot was listed in the incident report, he stated that was the fastest way for them to verify who she was and that she was the juvenile's guardian.

The DPA obtained a copy of the incident report related to the incident. The incident report stated, "At the Gang Task Force Office, Named Officer #2 located driver's license information for the juvenile's mother." The report then goes on to provide the juvenile's mother's date of birth and address which they confirmed was the same as the juvenile. It later stated, "Named Officer #2 located a mugshot of the juvenile female's mother and confirmed her as the woman who took custody of the juvenile."

The DPA obtained the named officers' body-worn camera footage of the incident. The body-worn camera footage showed Named Officer #1 and Named Officer #2 approaching the juvenile female as she is looking at her phone. Named Officer #2 stated, "What's going on? What's your name?" At this point

Named Officer #1 began reaching for the juvenile female. She took off running and screaming. Named Officer #1 and Named Officer #2 each grabbed hold of her wrists. Named Officer #2 produced his badge from his waistline. The hooded sweatshirt he was wearing was obstructing the badge and he had to pull it out from underneath his sweatshirt and place it around his neck. His raid jacket was open and the SFPD logo on the left breast was covered as well. The juvenile female was crying and yelling that she wants her mother. They asked for her name and she had problems articulating it as she was scared and crying. The

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juvenile eventually provided it and produced her high school identification to Named Officer #1. The juvenile female called her mother on her phone. She said, "I didn't know what they [Named Officer #1 and Named Officer #2] were doing. Shortly after the juvenile female said, "Mom, I didn't know who they were at first. I thought they were trying to kidnap me." A young juvenile male nearby can also be heard stating, "I thought they were trying to kidnap you."

Department General Order 5.01 emphasizes the use of de-escalation techniques in order to gain compliance. Department General Order 5.01 states:

"Officers shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance. Officers shall when feasible, attempt to understand and consider the possible reasons why a subject may be noncompliant or resisting arrest."

Department General Order 5.08 discusses how officers should identify themselves. Department General Order 5.08 states:

"Before marking an arrest, detaining a suspect, conducting a search serving or executing a warrant, or issuing a citation, non-uniformed officers shall display their police star or other official identification."

Named Officer #1 and Named Officer #2 both made assumptions that they were identifiable as police officers. The evidence showed that they were in an unmarked vehicle and Named Officer #2's identifiable markings, such as the ones on his raid jacket and his star, were visibly obstructed as shown in Named Officer #1's body-worn camera footage. Named Officer #2's body-worn camera footage also showed that the juvenile female was visually focused on him when they approached her after exiting their vehicle.

Department General Order 5.01 discusses the use of de-escalation techniques to gain compliance. The named officers' footage showed the officers immediately attempting to go hands on with the juvenile female. Had Named Officer #1 and Named Officer #2 attempted to verbally de-escalate the situation by identifying themselves and advising her to stop prior to attempting to grab her, it could have resulted in a more favorable outcome. A preponderance of the evidence proves that the alleged conduct occurred and that the conduct violated Department policy or procedure.

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**DATE OF COMPLAINT: 6/8/2020**

**DATE OF COMPLETION:**

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**SUMMARY OF ALLEGATION #1:** The officer failed to comply with Department General Order 9.03, Mandatory Blood Tests for Drivers Under the Influence.

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

**FINDINGS OF FACT:** The complainant stated that the officer, while investigating a driver suspected of driving under the influence of alcohol, violated Department General Order 9.03 by offering a choice of chemical tests, but then, hearing no response, summarily selected a blood test for the driver.

The named officer stated he effected a traffic stop on the suspect and when he made contact, the officer detected the smell of alcohol coming from the driver. After being shown Body-worn camera (BWC) footage of the incident, the named officer stated he presented the suspect with a choice of blood or breath tests and that the driver seemed confused. The named officer stated he believed at the time of the incident that the driver was agreeing to the blood test but admitted after reviewing the BWC footage that he did not get a verbal confirmation from the suspect and that the suspect did not affirmatively give consent.

The incident report reflected that the named officer pulled the driver over at night for driving without his headlights activated and smelled alcohol emanating from the driver. The named officer asked the driver preliminary questions and then another officer administered field sobriety tests and took over the investigation. The named officer stated that the driver indicated to him he had consumed alcohol, could not provide answers to some questions, and spoke slowly.

BWC footage showed the named officer approaching the driver after pulling him over, speaking with him and requesting he get out of the car to participate in various field sobriety tests. The footage showed another officer administering field sobriety tests with the named officer assisting in keeping the suspect focused on the instructions. After the field sobriety tests were administered, the named officer placed the driver under arrest, and the witness officer handcuffed the driver. The named officer asked whether he wanted to do the blood or breath test. The suspect did not verbally respond and appeared to subtly shake his head in a negative manner. The witness officer began to explain that the officers were going to conduct a test to determine the driver's blood alcohol content. The witness officer then asked if the driver wanted to do a blood or breath test, and named officer interjected, noting that either way the driver had to do it. He further explained that the driver will go to jail and get out in a few hours. The driver asked if the officers were taking him, and the named officer responded that he would be gone for a few hours. Only then, the driver appeared to nod his head affirmative manner. The named officer then told the other responding officers concluded that the blood test would be administered.

Department General Order 9.03(II)(A)(1) states in relevant part that a driver arrested for driving under the influence shall be given the opportunity to submit to a chemical test of his or her choice (blood, breath or urine). "This will be accomplished by the officer reading verbatim the formal" Chemical Test Admonition. The Department's DUI Manual further states that the admonition is read after placing the



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driver under arrest. Here, the verbatim admonition was not read to the driver and he was not afforded the opportunity to submit to the chemical test of his choice.

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

**SUMMARY OF ALLEGATION #2:** The officer violated Department General Order 5.20.

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

**FINDINGS OF FACT:** The complainant stated the officer, while investigating a driver suspected of driving under the influence of alcohol, violated Department General Order 5.20 by failing to accurately interpret.

The named officer stated that he is a Spanish speaker and is regularly called on to interpret. He stated that he and another officer spoke to the driver in Spanish.

The incident report reflected that the driver was a Spanish speaker, that the named officer is a Certified Spanish Speaker, that the reporting officer has spoken Spanish for over 20 years, and that the field sobriety test was performed in Spanish. It showed that the named officer pulled the driver over at night for driving without his headlights activated and smelled alcohol emanating from the driver. The named officer asked the driver preliminary questions and then the reporting officer administered field sobriety tests and took over the investigation. The named officer stated that the driver indicated to him he had consumed alcohol, could not provide answers to some questions, and spoke slowly.

Body-worn camera (BWC) footage showed the named officer and the reporting officer speaking to the suspect in Spanish. The named officer asked the suspect which chemical blood alcohol test he would take. The suspect responded non-verbally by shaking his head negatively either declining the choice of test options or indicating a lack of understanding of the question. The named officer was the originator of his own communications and spoke only in Spanish to the suspect. The named officer was not observed in the BWC interpreting one language to another language for the suspect. At times in the BWC, the named officer provided updates in English to other officers but based on translation of the footage these translations were accurate representations of the exchange.

Department General Order 5.20 contemplates a situation where an officer is either “interpreting” an oral conversation or “translating” written documents. The DGO defines interpretation as “[t]he act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.”

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Here, the named officer was communicating with the suspect in Spanish. The named officer and the reporting officer (also a Spanish speaker) conducted the DUI investigation and were not doing so at another officer's direction. The named officer was not interpreting based on the definition of the DGO and when he provided updates in English, he retained the same meaning.

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

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

**CATEGORY OF CONDUCT:**

**FINDING:**

**IO-1/IAD DEPT. ACTION:**

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

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

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**DATE OF COMPLAINT: 06/11/2020**

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

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

**FINDINGS OF FACT:** The complainant stated that he went into a local police station with the co-complainant to help him file a police report. The complainant was a witness to a hit-and-run that the co-complainant was a victim of. They spoke to the named officer who informed him that they needed to go to the police station in the district where the incident happened to file their report. The complainant and co-complainant went to the police station where the incident happened and filed their report. They were informed by a PSA that what the named officer told them was incorrect.

During his DPA interview, the co-complainant confirmed that the scenario described above occurred.

The named officer stated that he was working at the police station in question during the day and time of the incident. He stated that he was working station duty and was responsible for taking reports for people who came into the station that day. He could not recall the incident.

The DPA obtained surveillance footage from the police station in question from the day of the incident that showed the complainant and the co-complainant entering the police station and speaking to an officer behind the desk in the lobby. The complainant spoke with the officer for about five minutes and left the station empty handed with the co-complainant.

The DPA also obtained a copy of the Traffic Collision Report associated with the incident. It showed that it was drafted on the same day of the incident, fifty minutes after the complainant and co-complainant were at the police station where the incident happened.

No other witnesses were identified.

Department General Order 1.05, "Duties of Station Personnel" Section E states that members assigned to station duty shall prepare reports and provide information to the public.

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 #2:** The officer failed to prepare an incident report.

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

**FINDINGS OF FACT:** The co-complainant stated that an officer told him that a witness associated with an incident needed to be present for her to take a report from him.

The DPA submitted an ID Poll to the associated police station, and it produced negative results.

No witnesses were identified.

The officer could not reasonably be identified.

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**DATE OF COMPLAINT: 07/06/2020**

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

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

**FINDINGS OF FACT:** The complainant stated that he made an illegal U-turn against a red light because his car was experiencing mechanical problems. The complainant pulled to the side of the road to call a tow truck and was approached by two officers. The officers asked why he made an illegal turn. In response to the complainant's explanation about experiencing mechanical issues, one officer behaved rudely and used profanity.

The officer admitted using profanity. The officer said that his discourteous statement was a surprised reaction to the complainant's implausible explanation. The officer stated that he did not intend to offend the complainant.

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

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

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

**FINDINGS OF FACT:** The complainant said that an officer behaved inappropriately by asking the complainant if he was on his way home from a bar and by implying that he was intoxicated.

The officer said that he rephrased questions about where the complainant was coming from multiple times because the complainant seemed confused. The officer said that he was trying to advise the complainant about a vehicle code violation and did not intend to offend him.

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

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**DATE OF COMPLAINT: 10/17/2020**

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

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

**FINDINGS OF FACT:** DPA received a number of complaints in connection with a video posted online that featured an individual filming outside a police station. One of the complaints was that the individual who was filming had been improperly detained.

The named officer denied that he detained the individual.

Body-worn camera footage showed that the named officer approached an individual filming on the sidewalk and asked him repeatedly whether he needed help. The individual did not respond, and the named officer then walked further down the street to assist a different member of the public who needed police assistance. The footage did not show the named officer detain the individual.

An edited video provided by the complainants did not show the named officer detaining the individual.

The evidence proves that the accused officer was not involved.

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

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

**FINDINGS OF FACT:** DPA received a number of complaints in connection with a video posted online that featured an individual filming outside a police station. One of the complaints was that an officer deliberately bumped into or assaulted the individual who was filming.

The named officer denied that he bumped into or made any contact with the individual. He stated that after he walked by the individual said he had assaulted him. The named officer stated that based on his size if he had bumped into the individual his camera would have recorded the movement.

Body-worn camera footage showed that the named officer walked past the individual on the sidewalk while he was filming. The footage showed the individual claiming that the officer assaulted him and the named officer denying this accusation. Footage showed the incident from different angles. The named officer is seen walking close by the individual and another officer as they stood on the sidewalk. None of the footage obtained showed contact between the named officer and the individual.

An edited video provided by the complainants included an edited sound effect as the named officer walked by, showed the individual claiming the named officer had aggressively bumped into him, and showed the named officer denying this.

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A preponderance of the evidence proves that if there was in fact any physical contact made by the named officer it was incidental as he moved past on the sidewalk. The conduct was justified, lawful, and proper.

**SUMMARY OF ALLEGATION #3:** The officer detained a person without reasonable suspicion.

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

**FINDINGS OF FACT:** DPA received a number of complaints in connection with a video posted online that featured an individual filming outside a police station. One of the complaints was that the individual who was filming had been improperly detained

The named officer stated that he witnessed the individual filming security cameras and keypads on secure doors. He tried to offer assistance to the individual who asked for a complaint form, which was provided. The named officer stated he then viewed the individual go outside and film into the secured parking lot which is off-limits to the public. He stated he was aware of other incidents of people filming police stations and had heightened vigilance due to recent increases in attacks on police officers and police stations. The named officer stated he went outside to talk to the individual with the intention of determining what he was filming and to accommodate where possible. When the individual did not engage with officers, the named officer detained him due to security risks and to ascertain his purpose of filming the surveillance cameras' locations and into the secure parking lot.

The incident report showed that the individual was first observed acting suspiciously inside the police station lobby, filming doors and camera position and then observed outside the garage entrance filming the cameras and garage doors as well as inside the police station's secured garage. The report showed that the named officer advised the individual he was detained for suspicious activities and requested his ID card. Ultimately the named officer released the individual at the scene.

Body-worn camera footage showed the individual filming directly outside the secure parking lot's entrance for the station. The footage showed the named officer approaching and asking whether the individual needed any help and receiving no answer. The named officer asked the individual for identification, but he did not reply. The officer then told the individual he was detained due to his suspicious behavior.

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

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**DATE OF COMPLAINT: 10/17/2020**

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

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

**FINDINGS OF FACT:** During the course of its investigation DPA reviewed the body-worn camera footage for this incident and observed that the named officer did not have a camera visible on his person.

The named officer admitted he was not wearing his body-worn camera during this incident as he had not intended to leave the station. The named officer admitted he did not film the detention.

Department General Order 10.11 Body-Worn Camera states that all officers shall activate their body-worn cameras during detentions and arrests.

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



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**DATE OF COMPLAINT: 10/30/2020**

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer parked his motorcycle on the sidewalk, making it impossible for people to maintain the recommended six feet of social distance from one another. He took pictures of the officer.

An identification poll sent to the station identified the named officer based on the pictures provided. The photographs showed the named officer standing on the sidewalk next to his parked motorcycle.

The named officer stated he was on a 10(B) assignment, providing uniformed security for a retail store. He stated he parked his motorcycle on the sidewalk, close to the curb, at the request of the business. He stated he did not park in compliance with the California Vehicle Code because “there had been a special request that day” to be close to the door. In addition, he stated that there had been a prior take-over robbery at the retail store. However, the officer admitted that he was not aware of any Department policies that would have exempted him from following the California Vehicle Code, and he did not need his motorcycle on the sidewalk to fulfill his 10(B) duties.

California Vehicle Code §22500(f) states in relevant part, “A person shall not . . . park . . . [o]n a portion of a sidewalk[.]”

There are no Department policies that exempt officers from complying with California Vehicle Code §22500.

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 #2:** The officer failed to comply with Department Notice 20-094.

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

**FINDINGS OF FACT:** The complainant also alleged that the named officer was not wearing a face mask as pedestrians passed him on the sidewalk. Pictures of the officer confirmed the complainant’s allegation that the officer was not wearing a mask.

The named officer stated he was on an assignment providing uniformed security for a retail store. He stated he wears a mask when he is inside a building or engaging with the public. He stated that masks get dirty, cannot be worn while eating or drinking, and can cause eyewear to fog up, creating an officer safety hazard. The named officer noted that he uses his inner jacket as a face covering when needed, as it causes less fogging of his glasses. The named officer stated that he believed he followed Department policy regarding face masks because he was never issued an N-95 respirator and did not have a sanitary one available. However, he acknowledged that the Department provided him with other face masks, and he has purchased his own, as well.

An identification poll sent to the station identified the named officer by photographs taken by the complainant. The photographs showed the named officer standing on the sidewalk outside the business without a face mask.

Department Notice 20-094 states in relevant part, “[A] mask or respirator must now be worn at all times in the workplace and in the community as we engage with each other or while providing service to the community.” It does not distinguish between indoor and outdoor activity. Furthermore, the photographs do not show the named officer wearing glasses or holding any food or beverages. Additionally, no mask is visible under his chin, in his hands, or on his person.

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

**SUMMARY OF ALLEGATION #3:** The officer made an inappropriate comment.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT: 10/30/2020**

**DATE OF COMPLETION:**

**PAGE# 3 of 3**

**CATEGORY OF CONDUCT: C U O      FINDING: IE      DEPT. ACTION:**

**FINDINGS OF FACT:** The complainant stated that as he walked past the named officer, he asked the officer to move his motorcycle off the sidewalk and to wear a mask. He stated the named officer responded by dismissing him and calling him a “Karen.”

The named officer stated he did not call the complainant a “Karen.” He stated he told the complainant to “move on and may have told him ‘thanks’ so that he would walk away.”

An identification poll sent to the station identified the named officer by photographs taken by the complainant. The photographs showed the named officer standing next to his motorcycle on the sidewalk outside the business, wearing no face mask or covering. However, during its investigation, DPA could not find any audio recordings of the incident or any independent witnesses that overheard the interaction.

Therefore, the conflicting evidence fails to prove or disprove that the alleged conduct occurred.