

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

COMPLAINT DATE: 02/27/23 **COMPLETION DATE:** 05/14/24 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer kicked her in the back causing her pain.

The named officer stated that he used his foot to nudge her in the back as she had ignored his attempts to verbally communicate with her. The named officer stated that the complainant had a backpack on, and he used his foot, pushing against the backpack to get the complainant's attention. The named officer stated that the complainant did not show signs of injury or complaints of pain after he nudged her with his foot. The named officer did not believe he was required to report the use of force under SFPD policy as there was no injury or complaint of pain.

A report documenting the incident indicated that the named officer nudged the complainant with his foot.

Body-worn camera footage showed that the complainant was wearing a backpack at the time of the incident. The body-worn camera footage showed officers reviewing station security footage. The security footage showed the named officer contacting the sitting complainant from behind, moving his leg toward her back. The movement was slow and did not appear to constitute a kick. There was no audio recorded on the station security footage, so there was no indication that the complainant expressed she had been injured or was in pain.

The evidence does show contact between the named officer's foot and the complainant's backpack; however, it does not appear to have been a kick capable of causing injury. The evidence supports the officer's claim that he was using his foot to nudge the complainant to gain her attention.

The evidence proves that the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to supervise his officers properly or hold them to account for their actions after she alleged an officer assaulted her.

Department records showed that the named officer spoke to the complainant and reviewed available evidence in relation to her complaint and found no evidence of an assault by another officer. The records showed that the named officer told the complainant of his findings, told her the incident would be documented in a report and provided the complainant with a case number and complaint form.

Body-worn camera footage showed the named officer speaking to the complainant, recounting the result of his investigation of her complaint, and providing her with a report number. The named officer also gives the complainant a complaint form and she indicates she will take further action. The named officer reviews footage of the alleged assault and states to the complainant that no assault had occurred. He offers the complainant to call her an ambulance. The complainant refuses and leaves the station.

The named officer acted in accordance with policy by providing a DPA complaint form, having a report written about the interaction, and reviewing available evidence about the assault allegation.

The evidence proves that the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant encountered the officer while leaving a bar, and the officer detained him for jaywalking on his skateboard, which is no longer considered a crime unless a reasonably careful person realizes there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power. The complainant was also detained and arrested for public intoxication.

According to the officer's body-worn camera footage, the complainant initiated the contact between him and the officer. The complainant was belligerent and used profanity and abusive language toward the officer, after leaving a bar, while the officer was attempting to assist an unhoused individual. The officer and complainant went back and forth verbally before the complainant walked to the crosswalk. A vehicle made a turn right in front of the complainant while the complainant was at the crosswalk. The complainant then rode his skateboard diagonally across the intersection. The officer yelled to the complainant not to jaywalk. The footage was limited because it was narrow and did not show whether additional cars were present in the intersection.

Later, the footage showed the officer detained the complainant at a different location to issue him a citation for jaywalking. During the detention, the officer detected the smell of alcohol on the complainant and arrested him for public intoxication. The complainant was subsequently transported to the station.

The officer stated that unprovoked, the complainant exited a bar and was hostile and cursed at him while the officer was speaking to an unhoused individual. The complainant then took off on his skateboard, crossing the intersection diagonally, ignoring traffic laws. The officer did not stop the complainant as he was shocked by the complainant's actions but planned to later cite him. The officer saw the complainant a short time later and stopped him. The officer smelled alcohol on the complainant and arrested him for public intoxication, believing that if the complainant was sober, he would not have crossed the street diagonally or almost got hit by a vehicle. The officer stated he was aware of the decriminalization of jaywalking. However, the intersection was active with cars, and he felt a citation was appropriate.

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Police records showed that the officer completed a public intoxication report that indicated his observations of the complainant's actions and why the officer believed the complainant could not care for his safety or the safety of others. Additionally, the station keeper medically screened and cleared the complainant at the station and the complainant was cited and released from the station two hours later.

At the station, complainant stated that he was not intoxicated even though he admitted had been drinking throughout the day. He acknowledged that he consumed alcohol that morning and afternoon and had two beers before the incident.

Department Notice 23-019, Legislative Updates, informed officers that jaywalking was decriminalized with an exception. Pedestrians are prohibited from being stopped for violating jaywalking unless a reasonably careful person realizes there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

Department General Order 5.03, Investigative Detentions, defines reasonable suspicion as a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime.

DPA concluded that the evidence was insufficient to prove that the officer committed misconduct when he detained/arrested the complainant for jaywalking. No evidence was presented demonstrating that the complainant's movement across the street did not reasonably create an immediate danger of a vehicle collision. Here, the complainant crossed the street diagonally through the intersection, after he had consumed alcohol, narrowly missing at least one car. These facts coupled with the officer's statement that numerous cars were in the area led DPA to conclude the evidence was insufficient to prove that the jaywalking detention/arrest was unlawful. The body-worn camera was inconclusive. Moreover, the complainant's alcohol consumption could have reasonably affected his ability to perceive and recall the incident facts and to appropriately assess the dangerousness of the situation.

DPA's investigation also concluded that evidence was insufficient to prove that the officer did not have reasonable suspicion or probable cause to arrest the complainant for public intoxication.

Under Penal Code 647 (f) a person can be arrested for public intoxication if the below elements are met.

1. The defendant was willfully under the influence of alcohol or drugs or both
2. When the defendant was under the influence, he or she was in a public place
3. AND the defendant was unable to exercise care for their own safety (or the safety of others)

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4. OR because the defendant was under the influence, he or she interfered with, obstructed, or prevented the free use of a street, sidewalk, or other public way.

Here, the evidence demonstrated that the complainant may have been intoxicated. First, he was belligerent without provocation when he exited the bar and yelled at the officer. DPA believed the officer's statement that the complainant smelled of alcohol when he was arrested because it is corroborated by the complainant's own admission that he had consumed alcohol throughout the day. Moreover, the evidence was insufficient to prove that the officer lacked probable cause to believe that the complainant was unable to exercise care for his own safety give that the complainant crossed the street diagonally on his skateboard in, from what the officer observed, was a busy intersection. Insufficient credible evidence was presented that contradicted the officer's conclusion that the complainant was intoxicated and unable to appropriately care for himself.

Therefore, there is insufficient evidence to either prove or disprove the allegation.

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

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated he was improperly cited for jaywalking, which is not being enforced any longer.

Department Notice 23-019, Legislative Updates, informed officers that jaywalking was decriminalized with an exception. Pedestrians are prohibited from being stopped for violating jaywalking unless a reasonably careful person realizes there is an immediate danger of a collision with a moving vehicle or other device moving exclusively by human power.

The officer stated that he was going to cite the complainant for riding the skateboard but instead cited him for jaywalking. At the time, he believed the jaywalking citation was more appropriate because the intersection was active with cars and pedestrians and the complainant chose to ignore the safety.

The investigation conducted by the DPA concluded that the footage captured by the body-worn camera did not provide conclusive evidence as to whether the officer had reasonable suspicion to detain the complainant for jaywalking. To prove that the officer committed misconduct when he detained the complainant for jaywalking, there must be evidence that the complainant's movement across the street did not reasonably create an immediate danger of a vehicle collision. Here, the complainant crossed the street diagonally through the intersection, after having consumed alcohol, narrowly missing at least one car.

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These facts coupled with the officer's statement that numerous cars were in the area led DPA to conclude the evidence was insufficient to prove that the jaywalking detention and arrest was unlawful. Moreover, the complainant's alcohol consumption could have reasonably affected his ability to perceive and recall the incident facts and to appropriately assess the situation.

Due to the limited vantage point of the body-worn camera, the evidence is insufficient to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer misused police authority.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officer had abused his authority during the incident.

The officer denied having any personal grudges against the complainant, despite the latter wearing anti-police clothing. The officer initially detained the complainant for jaywalking, but when he smelled alcohol, he concluded that the complainant was intoxicated and could not care for his safety.

The body-worn camera footage revealed that the complainant initiated the contact with the officer. The complainant used abusive language and profanity towards the officer while he was assisting an unhoused individual. The officer yelled to the complainant not to jaywalk as the complainant rode his skateboard diagonally across the street. Later, the officer detained and took the complainant into custody after he smelled alcohol on him. It was unclear from the footage if the complainant was capable or caring for himself or to determine his precise level of impairment though he did admit drinking.

The DPA's investigation concluded that there was insufficient evidence to determine whether the complainant's detention and arrest were in retaliation for his comments to the officer and his anti-police clothing or if the complainant illegally jaywalked or was publicly intoxicated in violation of Penal Code section 647(f).

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SUMMARY OF ALLEGATION #1: The officer intentionally damaged property.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant and a friend were selling fruit on a residential street corner when they encountered the named officer driving a patrol vehicle. The named officer's path was blocked by barriers installed on the roadway. To circumvent the barriers, the named officer maneuvered the patrol vehicle onto the sidewalk and continued to drive in the direction of the complainant. The officer's vehicle collided with the fruit boxes and when he exited his vehicle to move the fruit, he threw the complainant's fruit on the ground.

Department Notice 22-122, Reporting Property Damage Caused by Members, states occasionally members may damage Department property or the property of another in the course of their duties. Property damage may be intentional (e.g., necessary while executing a search warrant, forcing entry in medical emergencies, etc.) or unintentional (e.g., an officer-involved vehicle collision).

The officer stated that he would not intentionally cause property damage. He momentarily stopped his patrol vehicle, activated his lights and siren, and motioned for the complainant to move with his arms. While the complainant moved some boxes, she then motioned for the officer to pass through. When the officer proceeded forward at the complainant's direction, one of the boxes became unstable and fell. The officer exited his patrol vehicle and assisted the complainant with picking up some of the fallen items. He stated that the complainant did not inform him that there was any damage, and he did not observe any damage.

The surveillance camera footage was reviewed. However, it had no audio and concluded before the officer left the scene. The footage showed the moments leading up to the incident, whereby the named officer stopped his patrol vehicle, activated the vehicle lights and sirens, and spoke briefly with the complainant. The complainant moved her fruit cart causing some fruit to fall. They then waved the officer to pass through. As the patrol vehicle moved forward, slowly, and carefully, it bumped the cart and one of the boxes become unstable. The complainant then grabbed the cart and rolled backwards onto some of the fallen fruit. The officer exited his vehicle and assisted with putting the fruit on the cart. The video footage ended, and the officer did not activate his body-worn camera.

The DPA's investigation determined that the complainant gave the officer permission to drive by the fruit cart. However, when he drove forward, there was no enough space for him to pass and he hit the fruit cart causing fruit to fall off the cart. After causing the fruit to fall, the officer exited his vehicle to assist the

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complainant. DPA could not determine if the officer threw fruit on the ground intentionally or if he was picking through the fruit to determine which fruit was salvageable to place back on the cart.

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: IE

FINDINGS OF FACT: The complainant stated the officer behaved rudely, was dismissive, and initially wanted to leave the scene.

The officer denied the complainant's allegation, stating he initially helped the complainant move and restack the items before leaving the area. When he was later flagged down by the complainant while patrolling the area, she informed him that her goods were damaged. He tried to apologize, but she was upset about the situation, and he felt it would be better to disengage and request a supervisor respond to the scene to assist.

The officer's body-worn camera footage did not capture the entire interaction, and the surveillance footage did not have audio.

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

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SUMMARY OF ALLEGATION #3: The officer failed to activate a body-worn camera.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer did not use his body-worn camera properly.

Department General Order 10.11.03.C, Authorized Use, states that all on-scene members equipped with a body-worn camera shall activate their body-worn camera equipment to record in the following circumstances, specifically, in any situation when the recording would be valuable for evidentiary purposes and only in situations that serve a law enforcement purpose.

The body-worn camera footage was reviewed which showed the named officer properly activated his body-worn camera and captured the entire investigation.

The DPA's investigation found that the named officer complied with the department policy regarding body-worn camera activation and usage.

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

SUMMARY OF ALLEGATION #4: The officer failed to comply with Department General Order 5.20.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated the officer used poor Spanish translation.

Department General Order 5.20, Language Access Services for LEP Persons, defines the importance of effective and accurate communication between SFPD members and the community they serve. When performing law enforcement functions, members shall provide free language assistance to LEP individual whom they encounter or whenever an LEP person requests language assistance services.

The officer stated that although he was not a certified bilingual officer, he could communicate in Spanish. The officer stated that he limited his communication with the complainant because he did not want to aggravate the situation further. Therefore, he requested another officer to respond and handle the incident.

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Department of Emergency Management records confirmed that the officer requested another officer respond to the scene to take a report. SFPD records confirmed that the complainant was Spanish-speaking, and the investigating officer obtained her and the named officer's statements.

The body-worn camera footage and police records showed that the investigating officer obtained statements from the complainant with the assistance of a bilingual member of the public. The officer communicated with the complainant's interpreter and to the complainant in Spanish to apologize. However, he did not obtain the complainant's statement for the police report.

Although the complainant believed the officer used poor Spanish, he only spoke in Spanish to apologize to her. Moreover, the investigating officer obtained the complainant's statement for the police report. The officer's actions did not rise to the level of misconduct.

The evidence was insufficient to prove that the officer violated Department General Order 5.20, Language Access Services for LEP Persons.

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SUMMARY OF ALLEGATIONS # 1-3: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a domestic violence incident with her child's father. She delayed calling the police because she did not have her phone. The next day, she tracked her child's father's phone to a residence, called 911, and met the officers at the residence. She wanted to make a private person's arrest. However, the officers were not allowed to enter the premises as the homeowner denied that the child's father was present. The complainant believed that the officers could have entered the house and arrested her child's father.

Department of Emergency Management records showed that the officers were dispatched to investigate a domestic violence incident. The body-worn camera footage showed that the officers obtained a statement from the complainant who stated that her child's father stole her phone, pulled her hair, and dragged her around the room. An individual who was inside the residence informed the officers that she did not see the complainant's child's father. However, the complainant believed he was inside the residence. The officers spoke to a household resident, and she denied the presence of the complainant's child's father inside the residence, and them entry.

Police records showed that the officers obtained the complainant's statement and took photographs of her injuries. The incident report documented the officers' investigation accurately, which was captured by the body-worn camera footage.

Department General Order 6.09, Domestic Violence, states in part, that the first members who respond to a domestic violence call play the most critical role in victim and family safety and in ensuring that the offender is held accountable whether the suspect is on scene for an arrest or gone on arrival. A thorough and complete investigation of the incident and documentation of all prior unreported incidents between the parties may allow a case to be prosecuted in court whether the victim or witnesses actually testify.

Department Notice 21-012, Entering Residences: Houses, Apartments, Hotels, including Single-Room Only (SRO) Hotel, states that a resident or person with actual or apparent authority over the residence consents (permission), impliedly or expressly, to the officers entering. Consent must be given in a free and voluntary manner. It is San Francisco Police Department policy, that absent extraordinary circumstances, members are required to obtain explicit consent, in writing or verbally, to search a residence.

The DPA investigation found the officers conducted a thorough and complete investigation, even the complainant delayed reporting the incident until the following day. Under the Fourth Amendment, officers may not enter a home without an arrest warrant unless there is an exception to the warrant

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requirement like exigent circumstances or if the homeowner gives the police consent to enter. Here, officers did not have an arrest warrant and no exigent circumstances were present because the incident happened the day before, and the complainant and her child's father were separated when the police arrived. Moreover, the individual in the home where the complainant believed the child's father was located did not give officers' consent to enter to make an arrest. Despite the complainant's frustration that the officers could not enter the residence to search for her child's father, the officers explained that they were complying with the policy which prevented them from entering the home without consent. Even though the officers were unable to lawfully enter the residence, they acted appropriately by continuing to investigate the complainant's domestic violation allegations and document the matter in an incident report. Documents DPA reviewed show that SFPD later pursued an arrest warrant for the complainant's child's father for a collection of incidents. The evidence demonstrated that the officers' actions on the scene were both lawful and appropriate.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers unnecessarily involved Child Protective Services (CPS) without her consent and wrote an inaccurate report as a result.

Department General Order 6.09.04, Domestic Violence Procedures with the Presence of Children, states that officers are to notify the Family and Children's Services (FCS) Child Abuse hotline if the investigation indicates any crime against the child. More specifically, it states that officers are to notify the Family Children Services if the child's parent or caregiver was impaired by drugs or alcohol, and the impairment interfered with the parent or caregiver's ability to provide adequate care or supervision. Furthermore, Department Manual 26, Domestic Violence and Intimate Partner Stalking Manual indicates that if there is suspected child abuse or neglect, members must cross report as required pursuant to PC 11166. In addition, 273(a) PC is defined as any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health is endangered.

The body-worn camera footage and police records showed that the complainant told the officers that her child was present during the domestic violence incident and that alcohol was a factor. The complainant described having sustained an acute physical injury from the incident and decided to leave with the minor immediately following the incident for safety concerns. The officer's investigation determined the elements of child endangerment were met based on the complainant's statement.

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Additionally, the incident report showed that the complainant and the minor child were victims in the incident for which an Emergency Protective Order had been granted. Photographs were taken that showed the complainant sustained visible injuries and the minor child's clothing had dried blood stains from the complainant's injuries.

The complainant believed the report was inaccurate and that Child Protective Services (CPS) should not have been contacted. However, the officer followed department policy and the body-worn camera footage corroborates the accuracy of the 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 conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer led the search and did not produce a search warrant when requested.

The body-worn camera footage was requested and reviewed for the complaint. The footage showed that the named officer and other officers responded to the complainant's door. They identified themselves several times and forced their way into the complainant's home once a male appeared to lock the front door and walk away from them. Once the complainant and her family were moved outside their home, an officer gave the complainant's mother a copy of the search warrant. The same officer then attempted to provide the search warrant to the complainant. However, she swatted it out of his hand as she proceeded to argue with officers regarding them handcuffing her minor son. After the incident, officers confirmed that the search warrant was provided to both parties in their presence without any objection.

The SFPD incident report in this matter stated that the officers had a lawful duty to search the complainant's home for weapons. Before the service of the search warrant, they obtained a signed search warrant that allowed them to search the home, which the complainant's adult son listed as his residence. The home, in which the complainant was listed as the head of the household, was authorized to be searched for firearms and paraphernalia associated with them. Additionally, the search included searching any vehicles under the control of the complainant's (adult) son. The report noted that the complainant was verbally assaultive and hostile during the officers' attempt to serve the search warrant and needed to be restrained by her family members numerous times during the service.

The DPA requested the search warrant, affidavit, incident reports, and the chronology of the investigation connected with this search. The SFPD refused to provide the search warrant, citing Welfare & Institutions Code §827 because a juvenile was present during the search. The DPA filed a request for the evidence with the Superior Court. The request was partially approved 256 days into the statute of limitations. The judge ordered SFPD to provide the body-worn camera footage but not the search warrant and affidavit. Moreover, the request was partially approved 299 days into the statute of limitations for the incident report.

California law does not require officers to display or provide a copy of a warrant. Department training materials provide that "[o]nce entry is made into the location, the officer(s) should show the original search warrant to the occupant(s), then give the occupant(s) a copy." In this case, an officer followed training by showing the complainant a copy of the warrant after entering the property.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer stood over the complainant while she attempted to get her 5-year-old granddaughter out of the shower and dressed. The officer was also aggressive and rushed the complainant out of her home. The officer pushed the complainant down her stairs to get her to move out of her residence and told her to "hurry up and get the f--- out.". The complainant felt violated by this officer, who did not respect their privacy.

The body-worn camera footage was requested and reviewed for the complaint. The footage showed that the named officer was one of the first officers to enter the complainant's room. The complainant had recently removed her granddaughter from the bathroom but was still in a towel. The named officer told the complainant's partner to put his hands up and subsequently handcuffed him. The complainant was on her phone and was told to get off it, but instead walked toward the bathroom with her granddaughter. The named officer stood near the bathroom door while the complainant changed her granddaughter into clothes. The complainant continued to yell at the named officer regarding her granddaughter being naked. The named officer rushed the complainant, telling her to "...put some clothes on, let's get out of here." It should be noted that the officers were searching the residence for weapons, which is likely the reason why the officer could not allow the complainant to close the bathroom door. The named officer needed to maintain some level of eye contact. In viewing other officers' body-worn camera footage, the named officer did not appear to be watching the complainant's naked granddaughter. He was talking to another officer and looking away while the complainant changed her granddaughter. The named officer followed the complainant and her granddaughter down the stairs. The named officer did not make physical contact with the complainant as she exited the residence.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant has had previous interactions with the officer and believes that he doesn't like Black people.

The named officer's body-worn camera showed him firm in his orders to the complainant and her family but he remained professional. The incident had heightened tension due to the officers breaking the door to the residence and subsequently detaining both the complainant's minor son and the complainant's partner. The complainant exhibited periods of verbally combative escalation, but once the complainant de-escalated, the named officer's demeanor mirrored the response. The officer's tone was direct and firm while attempting to reason with the complainant. The complainant was told the reason for the search pertained to weapons possibly being stored in the home.

The DPA requested the search warrant, affidavit, and incident reports connected with this search. The SFPD refused to provide the records, citing Welfare & Institutions Code §827 because a juvenile was present during the search. The DPA filed a request for the evidence with the Superior Court. The request was partially approved 256 days into the statute of limitations. The judge ordered SFPD to provide the body-worn camera footage but not the search warrant and affidavit.

SFPD Media Resource Manual (DM- 22), Releasable Information Guidelines, states in relevant part that arrestee information or identity of any personal information regarding a juvenile arrest or suspect without permission from a Juvenile Court is not releasable.

Given that the named officer was part of a team of officers conducting a search—which would have lawfully permitted him to be there—the evidence proves that the officer did not engage in biased policing or discrimination.

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: Officers came to the complainant's home twice in the middle of the night and towed his car from his own driveway. The first-time officers arrived, they knocked at the front door but left before he could answer. A few hours later, different officers came and towed the complainant's car without trying to contact him. The complainant's car was a hatchback model. The complainant provided home security footage of the officers' activities and of his car being parked in the driveway all night. The complainant stated that there was no legitimate reason to tow his car, as it had not been involved in a crime.

The named officer stated that he towed the complainant's car because it matched the make and color of a sedan he observed committing traffic offenses and evading a traffic stop a few hours earlier in a different district. The evasive car was missing a front license plate and had a rear plate registered to the complainant. After the car evaded him, the named officer asked a unit from the registered owner's district to look for the car at his house. The other officers reported to Dispatch that they were unable to locate the car or the owner. A few hours later, the named officer later went to the registered owner's home to see if he had returned in the interim. Seeing a car in the driveway, the named officer concluded that the evasive driver had returned home and parked in his own driveway. The car looked similar to the evasive car but had a different license plate. The named officer looked up the license plate and learned that it was stolen. The named officer concluded the evasive driver put a stolen plate on the back of his car to hide from police. The named officer said that he did not knock at the front door because the complainant did not deserve to be contacted.

Records showed that the named officer called a tow truck and did not conduct any further investigation. He did not knock at the door to search for the suspect or any witnesses. He noted an illuminated home security pointed at the car but did not request to see any video footage. The named officer waited thirty minutes for the tow truck to arrive but did not review the details of the stolen plate report to look for similarities.

The stolen plate report revealed that the license plate at the back of the car was reported stolen two weeks earlier as part of a "cold plate" crime, which involves a car thief swapping license plates from a similar looking car to avoid being caught. Similar to the complainant's situation, the car owner did not know that someone had swapped out her rear plate and that she was driving around with mismatched license plates, including one stolen license plate.

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The named officer should have knocked on the door to look for the suspect or witnesses, to ask about the car's whereabouts, and to request footage from the security camera he noted was pointed directly at the car. He should also have reviewed the details of the stolen plate report, which would have revealed similar victim details.

Because the named officer failed to complete a thorough investigation, he failed to gather crucial, available evidence, leading to a vehicle being improperly impounded.

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 towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant learned from home security video footage that officers towed his car from his driveway in the middle of the night. The officers did not attempt to contact him or ask him any questions before towing his car. The complainant submitted video footage showing that his car was parked in his driveway all night.

The named officer stated that he towed the complainant's car because it was similar to an evasive car he observed earlier that night. The evasive car was missing a front license plate but had a rear license plate that was registered to the complainant. The officer said that he went to the complainant's address to see if he had returned home since the last officers visited, and also said that he chose not to knock at the complainant's door because he already had a chance to answer the door when the last officers knocked.

The named officer's failure to investigate led him to incorrectly conclude that the complainant's car was involved in the evasive driving incident. Had the officer read the report associated with the stolen plate, he would have known that a thief had been swapping plates from similar looking cars. The officer was aware of an illuminated video camera pointed directly at the car in question, but chose not to request the footage, which would have showed the car parked in the driveway all night.

Additionally, the officer put a "stunt driving" hold on the complainant's car without explanation.

Because the named officer failed to complete a thorough investigation, he failed to gather crucial, available evidence, leading to a vehicle being improperly impounded.

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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 failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant's vehicle was towed from his driveway. The named officer stated that his partner made the decision to tow the car. The named officer stated that he instead dealt with seizing a stolen license plate from the scene.

Records showed that the named officer seized and documented a stolen plate that was found on the complainant's vehicle.

Body-worn camera footage showed that the named officer removed the stolen plate from the complainant's vehicle. The footage showed that the named officer's partner dealt with the investigation and towing of the complainant's vehicle.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant was attempting to retrieve his car after it was towed by police. The complainant was unable to contact the named officer, who he learned was in charge of releasing the vehicle.

The complainant stated that he called different stations and was not able to find a direct contact number for the named officer. When the complainant finally obtained the named officer's email, he was informed that the named officer was out of the office. The complainant was provided with the named officer's supervisor's details. The complainant contacted the supervisor.

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By the complainant's own statement, the complainant never was able to contact the named officer. Without knowing the complainant was reaching out to him, the named officer had no requirement to take any action.

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

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SUMMARY OF ALLEGATION #1: The officer improperly used force when she deployed a liquid chemical agent.

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: The use of force was improper because the officer failed to use de-escalation tactics before resorting to the use of force in violation of Department General Order 5.01 and the officer's CIT training.

Officers responded to incident where one food vendor accused another food vendor of assault and battery. SFPD officers arrived and surrounded the complainant's vehicle because the alleged victim identified him as responsible. The complainant denied wrongdoing and refused multiple orders to exit the vehicle including over the PA system. The complainant stood up through the sunroof with his hands visible making it clear he was unarmed. When the sergeant approached the vehicle and attempted to talk to the complainant, the named officer deployed OC Spray approximately eight (8) minutes after she arrived on the scene while continuing to order the complainant out of the vehicle.

DPA interviewed a SFPD Subject Matter Expert on the use of force. He said that the level of force the officer used complied with Department General Order 5.01, the Use of Force policy, because the complainant actively resisted the arrest. However, the SME also opined that the officer violated DGO 5.01 when she failed to first attempt to de-escalate the situation before resorting to force because there was no exigency and she had ample time to utilize de-escalation strategies. Prior to using force, none of the officers on scene had offered de-escalation strategies such as building rapport, affording time and distance, and calling for additional resources who are trained to negotiate with barricaded subjects. When the officer deployed OC Spray in the complainant's face, she escalated the situation.

Department General Order 5.01.04 (C), states that officers shall, when feasible, employ de-escalation strategies and techniques to mitigate the need to use a higher level of force and to increase the likelihood of a peaceful resolution. Officers shall, when feasible, attempt to build rapport and consider the possible reasons why a subject may be noncompliant. This information may not make the subject any less dangerous. However, understanding a subject's mental or physical state may enable officers to influence the subject's behavior thereby allowing officers to use de-escalation strategies and techniques while maintaining public and officer safety. Officers who act to de-escalate an incident, which can delay taking a subject into custody, while keeping the public and officers safe, will not be found to have neglected their duty. They will be found to have fulfilled it.

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Department General Order 5.01.08 (C), Chemical Agents Chemical agents, states that chemical agents such as OC spray are designed to cause irritation and temporarily incapacitate a subject. Chemical agents can be used to subdue an unarmed attacker or to overcome active resistance (unarmed or armed with a weapon other than a firearm) that is likely to result in injury to either the subject or the officer. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance, consistent with Department training. Officers shall provide a warning prior to deploying a chemical agent, if feasible. For example, announce a warning to the subject and other officers of the intent to deploy the chemical agent if the subject does not comply with officer commands; and give the subject a reasonable opportunity to voluntarily comply, unless it would pose a risk to the public or the officer or permit the subject to undermine the deployment of the chemical agent.

The DPA's investigation determined that the named officer prematurely used the OC spray and failed to utilize de-escalation techniques and CIT (Crisis Intervention Team) training to safely resolve the incident without the use of force.

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 or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated the officer laughed when he asked her for a police report, and just left the area.

The officer denied laughing at the complainant during this incident.

DGO 2.01 General Rules of Conduct, Rule 9, Misconduct, provides that officers are not to engage in any behavior that subverts the department's order and brings discredit to the department.

The body-worn camera footage did not show the named officer laughing at the complainant. However, it showed the complainant requested the named officer's name and star number several times, which she provided. The officer left the scene because the supervisors ordered all the patrol units to leave the scene so that they could remain to speak with the complainant. The footage did not show any inappropriate behavior or comments by any officers that rose to the level of misconduct.

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There was insufficient evidence to prove or disprove that the named officer laughed at him.

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

SUMMARY OF ALLEGATION #4: The officer intentionally damaged property.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated the officers put at least 5-6 dents on his car.

DGO 2.01 General Rules of Conduct, Rule 9. Misconduct provides that officers do not engage in any behavior that subverts the department's order and brings discredit to the department.

The body worn camera footage showed that the only contact with the complainant's car was when the initial investigating officer used his hand to knock on the window several times. No other officer in the footage made contact with the car.

The complainant failed to submit photographs or other proof of damage to his vehicle.

"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 has left the department and therefore the investigation cannot be completed.

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

CATEGORY OF CONDUCT: ND

FINDING: IC

FINDINGS OF FACT: The sergeant failed to supervise officers at the scene of this incident.

DPA's investigation determined that the sergeant failed to supervise.

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Department General Order 1.04, Duties of Sergeant states that sergeants shall have immediate control and supervision of assigned members and require all assigned members to comply with the policies and procedures of the Department.

Department General Order 5.21, The Crisis Intervention Team (CIT) Response to Person in Crisis Calls for Service, states that supervisors should consider, where appropriate, developing arrest, crowd control and traffic control teams and evaluate the need for additional resources, such as, Hostage and Crisis Negotiation Teams, Tactical Company, or additional officers.

The subject matter expert opined that the sergeant failed to take the leadership role and to take a step back to observe and manage the scene and to delegate. He failed to create a plan for the officers to utilize de-escalation strategies and instead abdicated to the named officer.

Per the evidence, the sergeant failed to use his supervisory role to manage the scene appropriately and according to policy.

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

SUMMARY OF ALLEGATION #6-7: The officers failed to comply with DGO 8.02.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The officers failed to identify this incident as a barricaded suspect incident and follow the appropriate procedures described in Department General Order 8.01.

The named officer stated that she did not consider this incident to be a barricaded suspect incident which required more criteria and further stated that her sergeant had not declared the incident a barricaded suspect.

The sergeant did not believe this to be a barricaded incident as that would require a heavy lift for the department utilizing many resources that were unnecessary for this incident.

DGO 8.02 Hostage and Barricaded Suspect, DN 22-080-, DN 22-089 -DGO 8.02 defines a barricaded suspect incident as...a situation where a person who is suspected of committing a criminal offense, intent upon evading arrest, takes up a defensive position in a physical location, most often a structure or a

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vehicle, that does not allow immediate police access – whether fortified or not – and is refusing or ignoring police orders to exit, and who may be armed with a gun, explosive, or a weapon capable of harming others and presents a deadly hazard to arresting officers.

The body-worn camera footage confirmed that the complainant was not known to have a firearm or be a danger to officers when he locked himself in the vehicle. However, after the OC Spray was deployed, a records check revealed that the complainant may have had an alleged history involving firearms.

The SFPD Subject Matter Expert stated that DGO 8.02 was unclear, and the incident did not clearly qualify as a barricaded suspect incident when force was deployed. That said, the named officers could have still called for additional resources such as reaching out to the Hostage Negotiation Team, without having to declare it a barricaded incident under DGO 8.02.

Therefore, the evidence was insufficient evidence to prove or disprove that the officers should have followed the barricaded subject procedures set forth in DGO 8.02.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant lodged a complaint regarding a search warrant execution which occurred over a decade ago. The complainant stated that he went to a family member's home to sleep after working a late shift. While he was sleeping, SFPD SWAT arrived at the residence with a warrant. The officers ordered all occupants out of the residence. As he proceeded downstairs, he stated that several officers had their weapons pointed directly at him and instructed him to come down the stairs. He was suddenly pulled down by two officers who used excessive force by slamming him to the ground and throwing his head into a concrete wall.

The named officers recalled responding to the residence to assist in executing a search warrant. Named officers #1 and #2 served as point officers who knocked, announced police presence, and ordered all occupants out of the residence. The named officers stated that all occupants complied except the complainant. Despite their repeated verbal commands to exit the home and put his hands up, the complainant remained near the doorway threshold.

After the complainant's repeated non-compliance with their verbal commands, named officers #1 and #2 felt it necessary to resort to using physical controls on the complainant. Named officers #1 and #2 noted that they were limited in the available control tactics they could utilize due to their tactical gear and holding their rifles. Each officer attempted to restrain the complainant with one arm. The complainant refused to loosen his arms and therefore named officer #1 felt it necessary to conduct an SFPD Academy approved hair pull takedown, by using the base of his hair and sweeping out his leg to bring him to the ground. This tactic was taught and approved by the Department when the officer underwent training at the Academy.

Thereafter, named officer #3 responded to the scene and aided the officers in controlling the complainant, who was on the ground. Named officer #3 confirmed using low level force when he took control of the complainant. He took control of his arms with another officer and escorted him to their reception area. While walking, he stated that the complainant periodically tensed his arms in a manner he perceived as an attempt to break free. He tried verbal commands, but the complainant did not comply. As a result, named officer #3 utilized a bar arm takedown with a leg sweep and took the complainant to the ground where he was handcuffed without further incident.

The officers stated that they did not observe any injuries to the complainant and that the complainant did not complain of pain. Moreover, they stated that he refused medical treatment when offered.

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Due to the date of the incident, SFPD officers were not issued body-worn cameras. Thus, DPA could not obtain independent evidence to aid in evaluating what factually occurred during the incident giving rise to the above-described use of force.

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

SUMMARY OF ALLEGATIONS #4-5: The officers detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: As mentioned above, this complaint pertains to an incident that is over a decade old. The complainant stated that the officers had their weapons pointed directly at him when ordering him out of the house.

Named officer #1 confirmed that his weapon was drawn and pointed at the complainant. He justified such actions based on the nature of the search warrant - a high risk search warrant- and knowledge that a weapon was registered to someone at the residence. Named officer #2 could not recall whether his weapon was pointed at the complainant.

Due to the nature of the search warrant and knowledge that a weapon was registered to the residence, the officers were within Department policy at the time to order the individuals out of the unit at gunpoint.

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

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SUMMARY OF ALLEGATIONS #6-8: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was detained and handcuffed without cause during an incident that occurred over a decade ago. The evidence reflected that after the use of force described above, officers detained the complainant via flex-cuffs, pending the completion of the search warrant.

Additionally, the officers had authority to temporarily detain the residents within the residence pending the completion of the validly executed search warrant.

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

SUMMARY OF ALLEGATION #9: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers arrested him without cause over a decade ago. The named officer prepared the narcotics related search warrant which was signed by a judge and validly executed. The named officer noted that due to the complainant's resistance when he was lawfully ordered to exit the premises, he was taken to the district station, cited, and released shortly thereafter.

The officers had authority to order all occupants from the home; thus, the officers had probable cause to cite the complainant for resisting such lawful orders. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #10-13: The officers failed to give *Miranda* warnings.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officers failed to Mirandize him over a decade ago.

The named officers confirmed that they did not provide the complainant with *Miranda* warnings as they did not interrogate the complainant. Additionally, the evidence does not suggest that the complainant was interrogated at any point during the incident but was detained, cited, and released at the district station.

DPA understands that there is a common misconception that everyone must be given *Miranda* warnings immediately upon being arrested; however, *Miranda* warnings are only required when officers wish to interrogate a person in police custody, otherwise known as “custodial interrogation.”

Based on the current evidence, it does not appear that the complainant underwent a custodial interrogation warranting the giving of *Miranda* warnings. Thus, any failure to do so was proper.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers detained him without cause.

Both named officers stated that they detained the complainant because he matched the description of a burglary suspect and because his vehicle was parked illegally without a valid license plate.

Computer-Aided Dispatch (CAD) records indicated that the named officers responded to a call of two male subjects burglarizing a postal mailbox. CAD records indicated that the subjects were described as unknown races, about 30 years old, both wearing masks, one wearing white and one wearing all black. CAD records indicated that the suspects were last seen walking northbound away from the mailbox. CAD records indicated that the named officers detained the complainant less than one block north of the mailbox.

Body-worn camera (BWC) footage showed that the complainant was wearing a light-colored hooded sweatshirt and a black-ski mask when he was detained. BWC confirmed that the complainant's vehicle was parked illegally without a valid license plate.

Evidence showed that the named officers had reasonable suspicion to detain the complainant because he was in the immediate area of a mailbox burglary that had just occurred, he matched the description of one of the suspects involved, and his vehicle was parked illegally and without a valid license plate.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: Through the course of DPA’s investigation, it was discovered that the named officers directed profane and inappropriate language toward the complainant during this incident.

Both named officers acknowledged that their statements to the complainant were not respectful or courteous, and both named officers stated that they should have used different language.

Body-worn camera footage showed that the named officers repeatedly directed profanity and inappropriate comments toward the complainant throughout the incident.

Department General Order 2.01 (14) provides that “members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.”

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

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: Through the course of DPA’s investigation, it was discovered that the named officers failed to activate their body-worn cameras prior to detaining the complainant.

Named officer #1 acknowledged that he activated his body-worn camera late. Named officer #1 said that he forgot and that it was unintentional.

Named officer #2 also acknowledged that he activated his body-worn camera late. Named officer #2 stated that it was accidental.

Department records indicated that Named officer #1 activated his body-worn camera at least 24 minutes after detaining the complainant. Department records indicated that Named officer #2 activated his body-worn camera at least 14 minutes after detaining the complainant.

Department Notice 23-045, Activation of Body Worn Cameras, states in part: “For self-initiated activity, such as traffic stops, pedestrian stops, and other law enforcement activity . . . members shall begin recording prior to approaching the person, vehicle, location.”

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

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SUMMARY OF ALLEGATIONS #7-8: The officers failed to comply with the Department's Stop Data collection requirement.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: Through the course of DPA's investigation, it was discovered that the named officers failed to submit the required Stop Data for the pedestrian stop.

The named officers stated that they inadvertently failed to submit Stop Data due to a miscommunication between them.

Department records showed that the named officers conducted a pedestrian stop that ultimately led to a warrant arrest. Department records indicated that there was no stop data for this incident.

Department Notice 20-141, Stop Data Collection System (SDCS), states in part: "members shall submit data for all stops, including, but not limited to pedestrian, bicycle and vehicle stops... For purposes of this policy, a stop is defined as: 1. Any detention, by a peace officer of a person..."

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged he was falsely arrested for domestic violence.

Department of Emergency Management (DEM) records showed that officers responded to a domestic violence call for service. Body-worn camera footage was reviewed which showed visible signs of injury to the victim consistent with their statement and evidence that a domestic violence incident occurred. The footage showed officers were unable to make an arrest because the whereabouts of the complainant was unknown. The DEM records showed that a few days later, officers responded to another call regarding the complainant. The officers responded to the call for service and located the complainant sitting in his parked vehicle. The body-worn camera footage showed that officers placed the complainant under arrest based on the domestic violence incident. Officers had probable cause to arrest the complainant based on the victim's statement and the injuries she sustained. Additionally, the supplemental incident report showed that an arrest warrant had also been issued for the complainant.

Department General Order 6.09, Domestic Violence, specifically, 6.09.04.J.3. states that if probable cause exists to believe that an assault or batter has occurred upon a current or former spouse or cohabitant, upon a person in a current or former dating or engagement relationship, or upon a parent of a child in common, and the arrest is made as soon as probable cause arises, then no private person's arrest is required.

The investigation showed that the officers had probable cause to make an arrest. Although the complainant believed the arrest was unlawful, the evidence showed that the officers' conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATION # 3: The officer towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant alleged an officer towed his vehicle without legal cause.

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

The body-worn camera footage contained no evidence proving an officer requested that complainant's vehicle be towed. On the contrary, the body-worn camera footage confirmed that the complainant's vehicle was legally parked in a parking space when the complainant was arrested. The footage showed that an officer locked and secured the complainant's vehicle before they left the scene.

DPA obtained and reviewed the complainant's vehicle(s) tow records. The records demonstrated that SFMTA towed the complainant's vehicles, not SFPD. One of the complainant's vehicles was towed a day after the incident, and another ten days after the incident, but not by SFPD.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was on the sidewalk in a busy shopping district with her baby in a stroller. An individual approached, got within inches of the complainant's face, and said that she wanted to kick her son in the face. The individual followed the complainant and spat at her. The complainant said that officers did not thoroughly investigate what happened.

The named officer was in charge of the investigation at the scene. The named officer wrote that it was his belief, based on his investigatory experience, that this type of incident would require a follow up investigation and development of further evidence, video, witnesses, etc. to rise to the level of probable cause and further prosecution by the District Attorney. The officer explained that he did not believe the suspect made criminal threats because the complainant stayed with her and was therefore not experiencing a sustained fear of attack. The officer directed his subordinates to prepare an incident report. The officer then forwarded the report to the Special Victims Unit (SVU) for further investigation. Additional SVU investigation yielded enough evidence to initiate probation revocation proceedings because they determined that the suspect was on probation.

DPA obtained surveillance video footage which was inconclusive and could not confirm the assault occurred as there was no sound to the video.

Officers are required to thoroughly investigate crimes brought to their attention. When an individual requests an arrest, officers are required to document the request in an incident report and issue citations only when probable cause exists to believe a crime occurred.

Department records confirmed that the officers conducted a full investigation of the incident. The officer did not believe there was sufficient cause to cite the individual at the scene but did refer the matter to SVU for further investigation to develop additional evidence.

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 supervise.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to properly supervise subordinate officers on scene.

The named officer stated that the complainant told the primary officers she wanted the other party arrested for attempting to spit on her and threatening her child. The named officer stated that they conducted a full investigation, and he requested a follow-up investigation with the Special Victims Unit (SVU) as the allegation involved a child.

Records showed that subordinate officers and the supervisor thoroughly investigated the incident by interviewing the involved parties and preparing an incident report. The SVU conducted follow-up investigation at the officer's request.

Department General Order 1.04 requires supervising officers to train and lead subordinates in the performance of their duties and set an example of efficiency and deportment.

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 make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was assaulted by an irate driver while issuing parking citations. The driver threw a citation in her face and spat on her. The complainant reported the hostile encounter to an officer who wrote a report but took no further action. The complainant said that the officer should have tracked down the driver based on her license plate and made an arrest.

The named officer stated that he met the complainant at her office to take her report about the battery she suffered. He informed the complainant of her option to press charges, which she requested. However, the officer also explained that, because the suspect was not present when he took the report, any decision to follow up on the case or issue a citation would be made by the appropriate investigative unit.

Department records showed that the named officer responded to the complainant's location, took her statement, and appropriately documented the reported crime in an incident report.

Department General Order 5.04, Private Person Arrests, states in part, "In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report." Additionally, DGO 1.03, Attention to Duty, requires officers to "Make written reports on crimes observed or brought to their attention that have not been previously reported."

The named officer followed department policies.

The evidence proves that the officer's conduct was justified, lawful and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she reported an assault to police and after two years, no investigation had taken place and no one had been arrested.

A Computer Aided Dispatch report (CAD) showed that two officers were dispatched to the Department of Parking and Transit (DPT) to meet with the complainant, a city employee, to take a battery report.

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Department records indicated that the complainant wanted to press charges against the suspect; however, no suspect was present when officers responded. Department records showed that there were no injuries or independent witnesses, and no video of the incident. Department records showed the case was not assigned for investigation.

An officer assigned to the Department's relevant investigative unit stated that he did not receive the case and that, at the time the crime was reported, the decision whether to assign the case for investigation would have been the purview of a District Station Investigation Team, which no longer exists.

Department Notice 20-107 provides that although it is the policy of the Department to diligently investigate crimes, it must manage its resources in a reasonable, effective, and efficient manner, and lists several factors to be considered when assigning cases for investigation, including staffing levels, solvability of the crime, and the presence or lack of physical evidence.

The commanding officer of an investigative unit retains the discretion to assign any case for investigation if they believe an investigation is warranted.

The evidence proves that the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer wrongfully arrested her for domestic violence. When her ex-partner reported that she battered him, he later recanted his statement and informed the officers that he did not want her arrested. Additionally, the complainant suggested that the named officer arrested her to harass her.

The named officer confirmed that he arrested the complainant on felony domestic violence charges after speaking with the complainant's ex-partner at the district station. The named officer stated that the ex-partner informed him that he wanted to press charges against the complainant for striking him in the face with an unknown object. The named officer and the ex-partner responded to the complainant's residence where the named officer proceeded to arrest the complainant. The ex-partner recanted his statement and stated that he no longer wanted her to be arrested and that she did not cause injuries to his face. However, the named officer stated that despite his recanted statement, probable cause still existed that the complainant struck the ex. Thus, he stated that pursuant to Department General Order. 6.09 (Domestic Violence) he was required to make an arrest. The named officer also maintained that he did not arrest the complainant to harass her.

DPA obtained a copy of the incident report associated with this incident. The report showed that the ex-partner responded to the district station with visible injuries and lacerations on his face and implicated the complainant.

Department General Order 6.09 states, in relevant part, "members shall make an arrest whenever probable cause exists to believe a felony occurred." Additionally, the named officer noted that there had been a history of domestic violence between the two.

Based on the General Order, the observed injuries and other evidence, and the fact that DPA is aware that it is common in domestic violence situations for recanted statements to occur, the named officer was within his authority and discretion to arrest the complainant. Additionally, evidence does not exist to support an inference that the officer arrested her to harass her.

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

FINDINGS OF FACT: The complainant filed the DPA complaint on behalf of an anonymous co-worker. The complainant did not witness the incident. The complainant reported that a co-worker witnessed a resident making threats to kill people at their worksite. When the co-worker called 911 to make a *Tarasoff* report, the dispatcher transferred the co-worker to a non-emergency line. The complainant stated when officers eventually responded, the co-worker was no longer at their work site. The co-worker attempted another call the following day, which yielded the same delayed response. As a result, the co-worker visited a district station to file a counter report and encountered an officer that allegedly yelled and threatened him. The complainant informed DPA that her co-worker did not want to provide a statement regarding the incident.

DGO 2.01.14, General Rules of Conduct, states the following regarding Public Courtesy, ‘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. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.’

The officer involved was interviewed and denied the allegations. The officer recalled the complainant’s co-worker’s demeanor toward the officer and PSA as verbally abusive and hostile. The officer was off-duty, but because there were no other supervisors at the station, he intervened because the PSA requested assistance. The officer believed he remained courteous and professional toward the complainant’s co-worker, given the circumstances, but acknowledged that he was firm and used direct language with the complainant’s co-worker.

The body-worn camera footage was reviewed, showing a verbal confrontation between the officer and the complainant’s co-worker. However, the body-worn camera footage did not capture the entirety of the incident. The officer raised his voice and showed frustration but did not threaten or use profane or uncivil language toward the complainant’s co-worker. On the contrary, the officer asked the complainant’s co-worker if he was threatening violence to the officer, which the complainant’s co-worker denied. The complainant’s co-worker called the officer lazy and made demeaning gestures about the officer’s body. Notwithstanding, the officer attempted to obtain the complainant’s co-worker’s business card and the spelling of his name for the report, but he refused. The officer provided his contact information on a

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business card with the contact information for his supervisor at the request of the complainant's co-worker. The officer then escorted him out of the station.

An incident report documented the officer's contact with the complainant's co-worker. The footage on the officer's body-worn camera corroborated the incident report.

DPA acknowledges that the complainant may have perceived the named officer's actions as inappropriate because she only heard her co-worker's side of the story. However, it appears the officer attempted to explain the mishap and take the report, but the complainant's co-worker was uncooperative. The body-worn camera did not capture the entirety of the incident, and footage that DPA reviewed confirmed that the officer's behavior did not rise to the level of misconduct. Therefore, is insufficient evidence to either prove or disprove the allegations made in the complaint.

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

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

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SUMMARY OF ALLEGATIONS # 1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged he was improperly stopped for traffic violations he did not commit and that the incident was exacerbated because the officers mistakenly entered the wrong license plate number into their system, which caused them to believe the vehicle might be stolen.

The officers denied the allegation, stating they observed the complainant fail to stop at a stop sign and drive at an excessive speed in violation of 22350 CVC and 22450 CVC. Officer #2 said they followed the complainant for approximately 6-7 blocks before they could initiate the traffic stop properly. While driving, Officer #1 read the complainant's vehicle license plate aloud to Officer #2 but said the dim street lighting, speed of travel, and bumpy road conditions affected his ability to see the license plate, and the license plate was initially relayed to dispatch incorrectly. After sorting out the information, Officer #1 decided not to issue the complainant a citation for the traffic violations committed, which is within his discretion. Officer #1 explained that the complainant appeared agitated. Therefore, he decided it would be in everyone's best interest to de-escalate the situation by advising the complainant on his driving behavior instead of issuing a citation.

The computer-aided-dispatch record (CAD) showed that the officers changed their initial and final stop locations. Additional research confirmed that the officers traveled a few blocks between the violation location and the parking lot.

The body-worn camera footage did not capture the traffic violations. However, it confirmed that the officers advised the complainant that he had committed multiple traffic infractions. Officer #1 told the complainant that he was stopped because he failed to come to a complete stop, he drove at an unsafe speed, and that he needed to verify the complainant's license plate information. After verifying the license plate, Officer #1 explained that the license plate number was entered incorrectly, but the complainant dismissed the explanation. The body-worn camera confirmed that Officer #1 advised the complainant of his unsafe driving behavior and said he was free to leave. The complainant refuted Officer #1's reasoning and requested his name and star number. Officer #1 handed his business card with his name and star number to the complainant.

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Department General Order (DGO) 9.01 states that the Department's traffic enforcement program aims to reduce traffic collisions, facilitate traffic flow, and ease parking congestion. Members shall give priority to enforcing violations consistent with the above goals. Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action.

The DPA's investigation found that the detention was lawful. Therefore, the evidence indicates that the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: **CUO**

FINDING: **PC**

FINDINGS OF FACT: The officer ordered the complainant to throw his keys out of the window and stick both hands out of the window. Complainant alleged that the officer's tactics were unwarranted and unjustified, as evidenced by the absence of a citation.

The officer stated that he approached the complainant, asked for his identification, and briefly explained the reason for the stop. He said that he remained calm and professional during the interaction. The officer recalled instructing the complainant to turn off the vehicle, throw the keys out of the vehicle, and keep his hands out of the vehicle for the officer's safety. Additionally, the complainant did not stop immediately after the officer attempted to pull him over.

The body-worn camera showed that the traffic stop occurred in a dark parking lot at night. The named officer spoke courteously and behaved respectfully to the complainant. He tried to answer the complainant's questions regarding the stop but was interrupted by the complainant. The officer gave the complainant his name, star number, and police station address.

Department General Order 2.01 outlines the general rules of conduct for officers and non-sworn employees of the Department. More specifically, when performing their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language. (DGO 2.01.14.)

Although the complainant perceived the officer's action as unwarranted and unjustified, the body-worn camera confirmed the officer was professional and respectful towards the complainant, and the officer's

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comments and behavior did not rise to the level of misconduct. Therefore, the evidence proves that the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: Complainant alleged that the traffic stop was motivated by bias because of his race and the model car was driving.

The named officer denied stopping the complainant because of his race. The named officer reiterated that the reason for the stop was based on the observed traffic violations. The named officer indicated that he could not tell the complainant's race until after approaching the complainant. The officer described that he observed the complainant's vehicle driving erratically when he decided to initiate the stop. The officer pointed out that the stop that happened in the evening hours, with dim street lighting and typical bumpy road conditions, which contributed to his inability to see into the vehicle. The officer said he could have issued a citation but used his discretion to advise the complainant on his inappropriate driving behavior instead.

The body-worn camera showed that the complainant's rear windows were tinted, and the traffic stop occurred at night. The complainant mentioned to the officer that he was stopped because of his race, and the type of car he was driving was associated with crime. The named officer reiterated to the complainant that he observed him failing to come to a complete stop at a stop sign and driving at an excessive speed. The complainant denied violating any traffic rules.

Department General Order 5.17, Bias-Free Policing Policy, outlines policies and procedures to provide services and enforce laws in an equitable manner. The order states that biased police action is illegal and violates the Fourth Amendment. Therefore, when carrying out their duties, members should be aware of racial and identity profiling, implicit bias, and bias by proxy. (DGO 5.17.I. and DGO 5.17.III.A.4.)

The investigation showed the complainant believed the traffic stop was improper and racially biased. The officer denied the allegation and stated it was based on the observed violation. There is not enough evidence to support or refute either case. Therefore, the evidence failed to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant asked to participate in a Police ride along. The application materials he received contained another applicant's personal information already filled out, which was unprofessional.

The named officer stated that he intended to send the complainant blank application forms, but mistakenly sent forms that had already been filled out. When the complainant alerted him to issue, the officer alerted his supervisor, investigated his mistake, updated his application files, and changed his process to ensure the error would not reoccur.

While the evidence established that a clerical error was made, there is no evidence the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part).

The evidence fails to prove or disprove that the clerical error was made because of inappropriate intent or negligence on the named officer's part.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officer issued him a parking citation and told the complainant that he “could afford it” because of the type of car he had.

The named officer stated that he did not recall what he and the complainant talked about, but that they “exchanged words” as the complainant was very upset and berating him with insults.

The Computer Aided Dispatch record showed that the named officer cited two vehicles (one of which belonged to the complainant) on the night and location of the incident.

Limited body-worn camera footage was available which reflected that the named officer and the complainant spoke with each other in connection with the citation. However, there was no audio available, so DPA could not determine what was said.

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

SUMMARY OF ALLEGATION #2: The officer engaged in other unequal treatment.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officer singled out his car for ticketing, despite other cars being similarly parked.

The named officer denied singling out the complainant or his car, noting that he observed two unoccupied vehicles parking in a red zone and cited them both. He stated that the street on which the cars were parked has a serious issue with red zone and double-parked vehicles and explained that he was conducting routine enforcement.

The Computer Aided Dispatch record showed that the named officer cited two vehicles (one of which belonged to the complainant) on the night and location of the incident.

The complainant provided a photo and two videos showing cars parked on the street in question and in some cases patrol cars driving by without stopping.

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

SUMMARY OF ALLEGATION #3: The officer detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated that he was back in the car and ready to move it before the named officer even wrote the citation, but that the named officer opened his door without permission and demanded he get out, without telling him he was being detained or arrested.

The named officer stated that he had nearly finished writing the parking citation, at which time the complainant ran up, got into the driver's seat, closed the door, and started the vehicle as if he were going to drive away. The named officer told him he was writing a citation and if he drove off, he had his face on body-worn camera. After this the complainant turned off the car. The named officer opened the door and the complainant stepped out. The named officer stated that he explained to the complainant why he was citing the car. He detained the complainant pending a parking violation citation and stated that he was allowed to open the car door and order the complainant out if he believed he was going to flee, for the safety of himself and the community.

The Computer Aided Dispatch record showed that the named officer cited two vehicles (one of which was the complainant's) on the night and location of the incident.

Limited body-worn camera footage was available which reflected that the named officer and the complainant spoke with each other in connection with the citation while the complainant stood outside the vehicle. However, the footage did not capture anything prior and did not include audio.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officers were on patrol together when one observed an unoccupied car parked in a red zone and began preparing a citation. The owner of the car filed a complaint with DPA about the behavior of the first named officer during the encounter. The first named officer stated that he detained the complainant pending the issuance of the parking violation citation and described him as hostile.

DPA was unable to fully investigate the complaint because the first named officer failed to timely activate his body-worn camera and the second named officer failed to activate his body-worn camera at all.

Department General Order (DGO) 10.11.03(C)(11) states in relevant part, “All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: . . . 1. Detentions and arrests. . . 11. During any encounters with a member of the public that becomes hostile.” (Ex. G, Department General Order 10.11.)

Department Notice 23-045 also states in relevant part, “Members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed. . . . For self-initiated activity, . . . members shall begin recording prior to approaching the person, vehicle, location.” In addition, Department Notice 23-045 states “All on-scene members equipped with a BWC shall activate their BWC equipment by pressing the event button in the following circumstances: . . . 1. Detentions and arrest . . . 11. During any encounter with a member of the public that becomes hostile.” (Ex. H, Department Notice 23-045.)

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant arranged to purchase concert tickets at a concert venue from an individual he met online. When he arrived at the designated spot, he stated the individual took him off-property from the venue to a group of people who attempted to sell him fraudulent concert tickets. The complainant saw two officers standing outside the venue and alerted them. He stated the named officers failed to take any action against what he believed to be criminal activity. The complainant also felt that the named officers may have refrained from such duties because they were involved in the fraudulent activity.

The named officers confirmed that they were working an overtime assignment for the venue. They were required to work as security for the venue to prevent, deter, and address violence. They have both worked this assignment previously and maintained that per the venue's management, unless a subject is scalping a ticket on their property, no police action shall be taken. Additionally, management expressed to the named officers that their sole duty was to prevent violence. They are discouraged from abandoning their duties absent exigent circumstances.

The named officers recalled the interaction with the complainant. They stated that the complainant yelled to them that an individual across the street was allegedly attempting to sell tickets. The named officers confirmed that they did not act because vending in that area and away from the venue's property is not illegal pursuant to state, local, and Department policies. The named officers cited Senate Bill 946-Safe Sidewalk Vending Act (which decriminalizes sidewalk vending) CPC 346, and Department Notice 21-249. Additionally, named officer #2 stated that scalping tickets does not amount to an exigency requiring him to abandon his post. The named officers both denied being engaged in any fraudulent activity as alleged by the complainant.

Based on the above cited laws and policies, combined with the fact that the venue requested that officers not act against scalpers unless the scalping occurred on their property, the named officers' failure to address scalping off the property was proper. The evidence proves that alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide their name or star number.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officers refused to provide him with their star numbers.

The named officers both denied the allegation and maintained that they did, in fact, provide their names and star numbers to the complainant, several times.

Independent evidence of such an exchange was not made available by the complainant to the DPA. Additionally, the named officers, within policy, did not activate their body-worn cameras during this incident. Thus, based on the current evidence, DPA is unable to make a finding as to what factually occurred.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that in response to his concerns, the named officer made inappropriate comments to him such as “Welcome to San Francisco,” as a basis for not acting.

The named officer confirmed making such comment. However, he explained that he knows several people at the venue are from out of town and that his comment was meant to convey how certain actions, such as the one here, are different in other cities, countries, and states handle things differently than they are handled in San Francisco. He attested that he had no intention of disparaging or belittling the complainant’s concerns when he made the comment but emphasized that his statement reflected the current state of the city.

DPA understands how the complainant could have perceived the named officer’s comment to be inappropriate. However, DPA finds that the officer was correct in his assertion regarding the polices mentioned above and did not find the officer’s intention was to evade his duties or otherwise.

The evidence proves that 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: NF

FINDINGS OF FACT: The complainant stated that officers did not enforce various laws in his neighborhood.

DPA previously conducted a mediation session addressing and resolving a prior complaint from the complainant. The underlying issues raised in the instant complaint were similar to those already addressed by way of mediation. Accordingly, DPA determined that it was unable to complete an investigation into this matter.

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

CATEGORY OF CONDUCT: NA

FINDING: REFERRAL/DEM

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

Department of Public Works
Operations Bureau
2323 Cesar Chavez Street
San Francisco, CA 94110

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SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was sitting in his vehicle when the named officers detained him without justification.

The named officers stated they detained the complainant in response to the witness officers' report that the complainant's vehicle was a possible match to a vehicle used in multiple armed burglaries. The named officers stated that a witness officer broadcast the complainant's license plate number. Within minutes, the named officers observed the complainant's vehicle parked unlawfully, facing the opposite direction of traffic in the vicinity. The named officers stated they had reasonable suspicion to detain the complainant because he was parked in violation of the law, and he was in a vehicle that possibly matched the description of a vehicle wanted for armed burglaries.

Witness officers stated they observed a wanted burglary vehicle they believed was the subject of a crime bulletin. Witness officer #1 stated he believed the complainant's vehicle matched the wanted vehicle as it appeared to be the same style and color and had similar damage to its rear bumper. He stated he broadcast the description of the vehicle, including the license plate number, to other patrol units.

Department records indicate a Department Crime Bulletin regarding a wanted burglary vehicle was issued. A witness officer advised patrol units that he observed the suspected burglary vehicle and broadcast its license plate, make, and model. Approximately five minutes later, the named officers observed the same vehicle parked, facing the opposite direction of travel, violating California Vehicle Code §22502(b)(2). The named officers stopped complainant's vehicle and ordered the complainant to step out. Named officer #2 placed the complainant into handcuffs without incident. Named officer #2 conducted a search of the complainant believing he could be armed as he was the sole occupant of a vehicle that was possibly wanted in an armed burglary. Shortly after, the witness officers who initially observed the vehicle arrived on the scene and shared the crime bulletin with the named officers. Upon further observation, named officer #1 recognized that both vehicles had similar make, color, and vehicle damage; however, they did not match as the wanted vehicle had four doors, and the complainant's vehicle had two doors. The crime bulletin did not specify a license plate. The complainant was uncuffed and informed about why he was detained. Officers issued the complainant a Certificate of Release Form.

The Department Crime Bulletin showed a photograph of a silver, four-door sedan with a significant dent on the corner of the right rear bumper. The crime bulletin indicated that the wanted vehicle was involved

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in a burglary on the day the complainant was detained and possibly 20 similar burglaries spanning a few months prior. It noted that the suspects were armed and did not provide a license plate number.

Body-worn camera footage showed the named officers ordering the complainant out of his vehicle, which was parked facing opposite traffic. The complainant's vehicle was a silver, two-door sedan with a significant dent on the corner of the right rear bumper and a license plate number matching the license plate broadcast by the witness officers. Once the complainant exited the vehicle, the named officers placed the complainant into handcuffs. Named officer #2 pat searched the complainant and then removed the complainant's phone and another hard object from the complainant's pockets. The witness officers arrived shortly after that and showed the named officers the crime bulletin. Named officer #1 appeared to compare the complainant's vehicle to the vehicle pictured in the crime bulletin and then remarked to a witness officer that the vehicle in the photo had four doors and the complainant's vehicle had two. A witness officer removed the handcuffs from the complainant and named officer #1 issued the complainant a Certificate of Release Form. Named officer #1 acknowledged the complainant's frustration and explained to the complainant that the damage to his vehicle and the wanted vehicle were very similar.

California Vehicle Code §22502(b)(2) states in relevant part that vehicles are not permitted "to stop or park upon a roadway in a direction opposite to that in which traffic normally moves."

Department General Order 5.03 (Investigative Detentions) states in the relevant part that officers may detain an individual if there is reasonable suspicion that would "lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct."

The named officers lawfully detained the complainant because he was in possession of a vehicle that potentially matched a vehicle wanted in multiple armed burglaries, and the complainant's vehicle was parked in violation of the California Vehicle Code.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer unlawfully searched him without legal justification.

The named officer stated he stopped a vehicle that possibly matched the description of a vehicle possibly involved in armed burglaries. He stated he placed the complainant into handcuffs and pat-searched the outside of his clothes for weapons. The named officer stated he felt hard objects contained in the complainant's pockets and subsequently removed the items. The named officer stated that although he did not find any weapons on the complainant, the search was lawful because he had reason to believe the complainant was armed and dangerous based on the fact he believed the complainant's vehicle was a wanted vehicle used in armed burglaries. He stated that based on his training and experience, he knows burglars tend to carry tools and objects that can be used as weapons. The named officer stated he lawfully expanded his search inside the complainant's pockets because he believed that hard items could have been a weapon.

Witness officers #1 and #2 stated they observed a wanted burglary vehicle they believed was the subject of a crime bulletin. Witness officer #1 stated he believed the complainant's vehicle matched the wanted vehicle as it appeared to be the same style of vehicle, the same color, and had similar damage to its rear bumper. He stated he broadcast the description of the vehicle to other patrol units.

Body-worn camera footage showed the named officers ordering the complainant out of his vehicle, which was parked facing the opposite direction of traffic. The complainant's vehicle was a silver, two-door sedan with a significant dent on the corner of the right rear bumper and a license plate number matching the license plate broadcast by the witness officers. Once the complainant exited the vehicle, the named officers placed the complainant into handcuffs. Named officer #2 pat searched the complainant and then removed the complainant's phone and another hard object from the complainant's pockets. The witness officers arrived shortly after that and showed the named officers the crime bulletin. Named officer #1 appeared to compare the complainant's vehicle to the vehicle pictured in the crime bulletin and then remarked to a witness officer that the vehicle in the photo had four doors and the complainant's vehicle had two. A witness officer removed the handcuffs from the complainant and named officer #1 issued the complainant a Certificate of Release Form. Named officer #1 acknowledged the complainant's frustration and explained to the complainant that the damage to his vehicle and the wanted vehicle were very similar.

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Department General Order 5.03 (Investigative Detentions) allows an officer to pat search a detained individual if the detention is lawful and the officer can “point to specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances. It turns on whether a reasonably prudent officer would be warranted in the belief that the officer’s safety, or that of others, was in danger.”

The named officer did not violate Department policy when he searched the complainant. The complainant was lawfully detained, and the named officer’s belief that the complainant could be armed and dangerous was reasonable based on the fact that the complainant’s vehicle was similar, including its damage, to a vehicle, wanted for multiple armed burglaries.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/20/23 COMPLETION DATE: 05/20/24 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he purchased a vehicle from a welder who had worked on his home and paid him at the Department of Motor Vehicles (DMV). He said the previous owner stole the car from him after it was registered under his name. He said he provided the officer with the name and address of the previous owner, but the police did not have time to knock on his door and get his money or car back. He said he had the title and registration paperwork but did not provide the DPA with any documentation requested.

The named officer stated that the complainant said he bought a car from his previous employee with whom he was having work issues. He then decided to pay for the maintenance of the car. The officer did not believe that the complainant had paperwork documenting the sale. The car was at an autobody shop when the previous owner picked it up and would not return it to the complainant. The officer said he had spoken to a senior officer who ultimately decided the case as it was a civil issue. The officer told the complainant that this case was a civil dispute as ownership was questionable.

The officer said he had spoken to the complainant over the phone about the case. He said although the complainant had DMV paperwork, he did not have a bill of sale.

Department records indicate that the complainant said he bought the vehicle from the previous owner, which was not running, and put it in an auto shop. The previous owner assisted in picking up the vehicle and had insisted that it was his vehicle. The police service aid (PSA), who took the report, then spoke to the previous owner, who said he transferred the vehicle into the complainant's name to do repairs, and then the complainant would transfer the ownership back to the previous owner when the repairs were complete. The PSA advised the previous owner to return the vehicle, but he declined. The PSA stated in the report that he verified vehicle ownership by computer query, faxed the report to "Auto Status," and reported it stolen.

Department records also indicate that the vehicle was reported stolen. However, no citizen's arrest form was signed, and no proof of ownership was provided by the complainant.

The PSA who took the report said he conducted a computer check on the vehicle but did not contact the DMV for verification. He does not remember whether the complainant provided any documentation to the police and could not attach any evidence he found in the query because of department policy.

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DMV records show that the complainant initiated a vehicle transfer but never finished the process by providing the necessary documents and fees. The vehicle is not currently registered under the complainant's name.

The evidence proves that statements from both parties were taken. The vehicle was reported stolen by a PSA. However, the named officer determined the issue to be a civil dispute between the complainant and the previous owner, and the ownership was questionable since the complainant could not provide the necessary proof. DMV confirmed that the vehicle was not registered with the complainant as he failed to complete the registration process. Therefore, the officer could not take further action to return the vehicle to the complainant.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was told to go to "Auto Burglary" as it would be assigned to them to investigate. However, the officer had not done anything to get his stolen car back from the seller and had failed to assist him.

The named officer stated told the complainant that this case appeared to be more of a civil dispute than a criminal case and ownership was questionable.

The witness officer, a senior officer, said it was unclear that the vehicle belonged to the complainant. After reviewing the police report, discussing it with the named officer, and speaking with the complainant, he determined it was a civil matter. He advised the complainant that the police department does not investigate civil matters.

Department records show that a police report documented that the vehicle was reported stolen. However, it did not reveal any ownership paperwork from the complainant or a citizen's arrest form signed by him.

DMV records show that the complainant initiated a vehicle transfer but never finished the process by providing the necessary documents and fees. The vehicle is not currently registered under the complainant's name.

The evidence shows that a report on the stolen vehicle has been filed. However, due to the questionable

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ownership issue, the officer determined that it was a civil matter and was unable to take further action. DMV records revealed that the officer was correct, and the vehicle was not registered to the complainant.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he went to speak with the named officer, and the officer lied about the case being assigned and actively investigated. He said the officer did not want to provide a business card, became angry when questioned, was rude, and slammed the door on him.

The named officer denied telling the complainant that the case had been assigned. He said he explained to the complainant that since this case appeared to be more of a civil dispute than a criminal case and that the ownership was questionable, he and the assigning officer agreed that it did not meet their assignment criteria. The officer did not remember the complainant asking for his card but said he would have if asked. He denied feeling angry or slamming the door on the complainant at any point during the interaction.

Department records did not capture the interaction or conversation between the officer and the complainant.

No security cameras were located at the location that could have captured the interaction. The evidence fails to prove or disprove that the alleged conduct occurred.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/19/23 COMPLETION DATE: 05/31/24 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: An anonymous complainant reported to the DPA that the officers failed to investigate a sexual assault, neglected to obtain a certified interpreter, did not arrest the known suspect, and instead let him go and returned his knife that was used to threaten the victim. Additionally, they failed to prepare a report and left evidence behind at the scene. The victim of the alleged incident did not respond to DPA's request for an interview.

The officers claim that the 911 caller did not inform them that she was sexually assaulted. According to them, she approached the patrol vehicle fully clothed and not in fear for her life. She asked for assistance in removing a person from her apartment, initially claiming that the person had a gun but later retracting that statement. She communicated in English using body language and speech without requesting language services from dispatch. As a result, the officers did not file a report. They believed that the caller mistook the person's ankle monitor for a gun. After removing the person from the apartment, the caller waved goodbye to the officers.

Records from the Department of Emergency Management indicated that the 911 caller reported trespassing, then alleged the person may have had a gun but did not mention being sexually assaulted. The caller did not sound distressed or afraid for her life during the 911 call. However, department records showed that the caller visited the district station later that day and reported a sexual assault. The San Francisco Police Department (SFPD) investigated the reported sexual assault and found no medical evidence to support the claim. In addition, irreconcilable differences in the alleged victim's story and additional investigation cast serious doubt on the veracity of the sexual assault claims. When SFPD contacted the alleged sexual assault victim, they did not respond to SFPD's request for an interview.

The DPA reviewed the surveillance footage of the building. The footage did not have audio, but it showed the 911 caller and the person she reported voluntarily talking and entering the apartment building. The footage contradicts the claim of kidnapping made by the 911 caller in the police report. The footage also confirmed that the 911 caller waved to the officers as they escorted the person out of the building. There was no body-worn camera footage of this incident.

The DPA investigation concluded that without body-worn camera footage and a statement from the 911 caller, there is insufficient evidence to confirm or deny the allegations that the officers did not take appropriate action as claimed in the complainant.

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to activate body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The officers did not activate their body-worn cameras.

The officers admitted they forgot to activate their body-worn cameras. It was a busy night, with many calls for service, and the 911 caller approached their vehicle as soon as they arrived.

Department Notice 23-045, Activation of Body Worn Cameras, requires officers to ensure the entire event is captured and shall begin recording while en route and before arriving on scene.

The officers failed to activate their body-worn cameras in violation of department policy.

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

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SUMMARY OF ALLEGATION #5: The officer failed to comply with Department General Order 5.01

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: The officer unholstered and drew his weapon during this incident. He failed to document this use of force.

The officer did not recall drawing his weapon. However, he acknowledged he might have based on the nature of the person with a gun call. The officer was aware that he was required to document the use of force in Computer Aided Dispatch (CAD). He believed he forgot because he and his partner were going from call to call, and they immediately responded as backup to another A-priority call that night.

Department General Order 5.01.08, G. 1. c., Drawing and Exhibiting a Firearm, mandates officers to document and articulate the justification and circumstances for Drawing and Exhibiting a firearm in their corresponding report. If an incident report is not otherwise required, the officer Drawing and Exhibiting the firearm shall memorialize and articulate the justification in their body-worn camera or CAD.

The building surveillance footage showed the named officer drawing his weapon while acting as a backup as his partner approached the 9-1-1 caller's apartment door.

Department records confirmed no documentation of the justification for drawing his weapon.

The DPA's investigation determined that the officer violated department policy.

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

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COMPLAINT SUMMARY REPORT**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that her brother owned a vehicle that was stolen years ago and was notified through a lien company that the stolen vehicle was located at a nearby repair shop. The repair shop owner reported the stolen vehicle to the named officer. The complainant spoke with the named officer regarding the stolen vehicle and complained that he may not have investigated properly.

The named officer stated that he researched the vehicle's history, verifying through an old computer system that the vehicle was stolen years before. He recreated a historical record to replace the stolen vehicle in the active vehicle tracking system so that he could properly document it as recovered. The named officer took possession of the stolen vehicle, spoke with the registered owner, and advised him of the vehicle recovery and location where the vehicle was towed. The named officer spoke with the shop owner and obtained information related to the vehicle and the suspect who had brought it to the shop for repairs before abandoning it. He obtained a copy of the repair order for the vehicle from the shop owner and prepared an incident report.

Department records showed the named officer thoroughly investigated and prepared an incident report documenting the theft and recovery of the motorcycle, the suspect's information and that a copy of the vehicle repair order was attached to the report.

Body-worn camera footage showed that the named officer spoke with the shop owner regarding the stolen vehicle and obtained a copy of the repair order. The shop owner was also asked about possible surveillance footage but was unable to provide any.

A witness stated that the named officer took his statement regarding the suspect, the stolen vehicle and how it got to the repair shop.

The evidence showed that the named office took necessary investigative steps for this incident and completed an incident report.

The evidence proves that the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer did not contact the registered owner of a stolen vehicle and give them an opportunity to pick up the vehicle before towing it from the repair shop to a storage lot.

The named officer stated that he verified the vehicle was stolen and tried calling the registered owner multiple times without success. He waited more than 20 minutes to hear back from the owner before towing the vehicle to a nearby tow lot. He contacted the complainant as a courtesy, advised her of the situation and asked her to have the owner contact him. He later spoke with the motorcycle owner on the phone regarding the location of the recovered vehicle, and that they had a certain amount of time to pick it up before the tow lot would begin charging fees. He said the complainant's family member was happy to get their vehicle back.

Department records showed that the named officer had the recovered vehicle towed to a tow lot from the repair shop. The report documented that the repair shop removed the new parts they just installed on the vehicle, which no one had paid for. The recovered vehicle report documented the complainant's family member as the registered owner of the stolen vehicle with a home address outside of San Francisco. The report documented that the named officer called the registered owner's listed cell phone number.

A witness stated that he removed the new ignition installed on the vehicle at the repair shop after finding out the vehicle was stolen and learning the complainant did not want to pay for it.

Department General Order 9.06, Vehicle Tows, states, in part, that an officer may tow a recovered vehicle when either "The vehicle is not operable" or "The officer believes a hold must be placed on the vehicle, e.g., the vehicle was involved in the commission of a crime, contains physical evidenced, altered VIN." It further states, "In all other cases, the Communications Division shall make an attempt to contact the person who reported the vehicle theft, provided that he/she is a resident of San Francisco. The person shall be told of the location of the vehicle and advised that he/she or an authorized representative must arrive at the scene within 20 minutes to take custody of the vehicle. If the person or representative cannot respond or does not arrive within 20 minutes, the vehicle shall be towed."

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The evidence showed that the named officer was not required to contact the registered owner before towing the vehicle as the vehicle was inoperable and the registered owner's listed address was outside San Francisco. The named officer stated that he made attempts to reach the registered owner prior to towing the vehicle as a courtesy.

Impound records showed there was no charge for towing or storing the vehicle.

The evidence proves that the officer's conduct was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/26/23 COMPLETION DATE: 05/22/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated in an online complainant that a police officer “got in” his face and threatened him with incarceration if he didn’t get out of the way. DPA tried to interview the complainant but was unable to reach him.

The named officer denied the complainant’s allegation and explained that he was towing a stolen motorcycle when the complainant approached him stating that the motorcycle was his. He could not provide any proof of ownership. The named officer stated the complainant was not the registered owner or the person who reported the motorcycle stolen. The named officer stated he and the complainant had an extremely brief contact (approximately 10 seconds) during which time he advised the complainant that the motorcycle was reported stolen and that if someone other than the registered owner was in possession of a reported stolen vehicle, he/she could potentially be arrested.

There was no body-worn camera footage.

Witnesses identified by the named officer denied there was harassing behavior by law enforcement. Two witnesses remembered the interaction and described the named officer’s conversation with the complainant. DPA was unable to reach witnesses identified by the complainant.

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

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

CATEGORY OF CONDUCT: N/A

FINDING: Referral/DPW

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

Department of Public Works
Operations Bureau
2323 Cesar Chavez Street
San Francisco, CA 94110

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

COMPLAINT DATE: 09/28/23 COMPLETION DATE: 05/21/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that her ex-partner violated a restraining order when he saw her exiting a grocery store, willfully continued to walk in her direction, and almost collided with her before he entered the same store. The complainant believed that rather than turn around and walk the other way, he continued in her direction to intimidate her in, violation of the order. The complainant alleged that the named officer failed to arrest him for the violation.

The named officer confirmed investigating the incident and stated that in addition to this case, he has investigated several domestic violence and restraining order violation incidents. The named officer explained that after speaking with all parties, including the complainant and the ex-partner, he determined that the restraining order had not been willfully violated and declared the case inactive. The named officer stated that pursuant to his investigation, he learned that the ex-partner lived only a block from the store in question and that he frequents the store often. The named officer attempted to retrieve video footage from the store to no avail. The named officer also stated that the current evidence did not suggest that the ex-partner's actions were willful in nature, but a matter of chance.

DPA understands that the complainant was in fear when the incident occurred, however, without additional evidence, the investigation did not reveal that the ex-partner intentionally violated the restraining order on the date in question and thus the officer's failure to arrest was proper and within the officer's discretion.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/28/23 COMPLETION DATE: 05/21/24 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer conducted himself inappropriately and expressed concern over his tone and attitude towards her when she contested the outcome of the case. She stated that the named officer was aggressive, unsympathetic and that he made several inappropriate comments regarding the city being small and that the interaction between the two was merely by chance.

The named officer denied acting improperly and maintained that he remained calm and professional. He did not recall whether he made the exact referenced comments when informing her of the findings but attested that he remained professional during the conversation. Additionally, he noted that in his role as an investigator, he is not expected to be sympathetic but to conduct himself in a professional manner, which he did.

DPA obtained recordings of some conversations between the complainant and the named officer. However, the named officer did not record the conversation in question. He stated that the conversation was not investigative in nature and was merely to relay his conclusion to the complainant. Thus, DPA does not have enough independent evidence and is unable to make a finding as to officer's conduct during said conversation.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/05/23 COMPLETION DATE: 05/17/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that his property was stolen. Two officers came to the scene but did not investigate the theft. Instead, they took his property and did not give him a receipt.

The named officers denied having any contact with the complainant and denied responding to the location provided by the complainant.

Department records indicated that the named officers were assigned a patrol car bearing the number provided by the complainant at the time he indicated he was in contact with them. However, the records show the named officers were in a location different than the one provided by the complainant. The records contained no indication the named officers were in contact with the complainant on the date and time provided by the complainant.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/12/23 **COMPLETION DATE:** 05/17/24 **PAGE#** 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that her roommate sexually battered her while she was sleeping. Officers came to take a report and arranged for an emergency protective order against the man. Hours later, she called police because her roommate made violent threats and attempted to get back inside their locked residence. She said that it took 45 minutes for officers to arrive, which was an unacceptable response time.

The named officer said that the complainant's call was his first assignment of the day and that he responded within sixteen minutes of being dispatched.

Records showed that no units were available when the complainant initially made her call-for-service. After approximately one hour, the call priority was upgraded to the highest priority. The named officer was then dispatched to the call and responded in a timely manner.

The evidence showed that, once the named officer was dispatched, he arrived on scene in a reasonable amount of time.

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

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant wanted her roommate arrested for violating an emergency protective order (EPO) and for making violent threats. The named officer told her that the Emergency Protective Order she requested earlier had been denied. He provided her with a citizen's arrest form, which she signed, and he later told her he cited the roommate. The complainant stated that the named officer should have arrested her roommate for violating the EPO.

The initial incident report regarding the complainant's report of sexual battery showed that the initial investigating officer contacted a Superior Court judge who declined to issue an EPO. Department records showed that the named officer cited the complainant's roommate for sexual battery and criminal threats, misdemeanor violations.

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The named officer said that he checked the computer system, reviewed the initial incident report documenting the EPO request, and confirmed with another officer that no EPO was issued. After consulting a supervisor, the named officer accepted the complainant's private person arrest and issued her roommate a citation for criminal threats and sexual battery.

Body-worn camera (BWC) footage for this incident shows the named officer contacted another officer and inquired if an EPO was filed for the prior report made by the complainant. The footage shows the named officer informing the complainant that a judge denied her EPO request. The officer then issued the complainant's roommate a citation.

The officer accepted the complainant's private person arrest and issued a citation.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said that her roommate turned the electricity off in her residence by switching off the circuit breaker. She said when the roommate began to restore the power, the named officer moved to instruct him not to do so.

The named officer denied telling the complainant's roommate not to turn on the electricity.

Body-worn camera (BWC) footage showed a second officer contacting the complainant's roommate and informing him the complainant just wanted him to turn the lights back on. The roommate started walking away from the officers, they called his name, and he then turned the electricity back on.

The evidence shows no instruction by the officer to leave the power disabled. The evidence showed officers informed the roommate that the complainant wanted the lights on.

The evidence proves that the alleged misconduct did not occur.

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COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATION #4: The officer failed to provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer ignored her when she asked for his name during the second response out to her residence.

The named officer said the complainant did not ask him for his name.

Body-worn camera footage (BWC) did not show the complainant made any request to the named officer for his name.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/16/23 COMPLETION DATE: 05/20/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he was detained for a mental health evaluation after police were called to his residence. The complainant admitted he was very drunk and passed out when the officers arrived. He woke up in the ambulance when he arrived at the hospital. The complainant stated that the named officer wrote an inaccurate narrative on the incident report (IR). First, the report states he was handcuffed, and he had no memory of being handcuffed. Secondly, the privacy latch to his room was engaged, and the report states that the staff provided a tool to overcome the latch. The complainant said the officer left the tool in his room, but he lost it. Thirdly, the report states that the named officer tried to speak with the complainant, but the complainant was incoherent and repeated, "Okay." The complainant stated that he had passed out and had no memory of repeating the word "Okay."

The named officer denied that the report she wrote was inaccurate. The officer confirmed she was called to the complainant's residence. The 9-1-1 caller stated that the complainant was diagnosed with psychosis, was suicidal, and was a danger to himself. The officer described the complainant as intoxicated, groaning, semi-conscious, and sweating profusely. A witness at the scene informed police that the complainant had just used a substance that was a stimulant that can cause aggressive behavior.

The named officer confirmed that the complainant was handcuffed due to possible psychosis, suicidal ideation, and stimulant use. The officer confirmed that the staff provided a tool to enter the complainant's room. The tool was returned to staff members once entry was gained. The officer said that the complainant appeared heavily intoxicated and was barely able to verbally answer the officers. The complainant gave one-word answers to questions, to begin with but then started to repeat the word, "Okay," regardless of what officers said to him.

The IR narrative showed that officers responded to the complainant's residence following a 9-1-1 call that the complainant was suicidal and intoxicated. The report described the officer talking to the 9-1-1 caller, who provided information about the complainant's mental health and state of intoxication. The report records that the complainant was handcuffed as a precaution. Officers entered the complainant's room with the assistance of staff, who used a device to overcome the privacy latch. The report records that the named officer tried speaking with the complainant, but the complainant was incoherent and repeating himself, saying, "Okay."

Body-worn camera footage showed that a staff member used a tool to overcome the privacy latch to allow entry into the complainant's room. However, the staff member never entered the room and took the tool. The complainant was conscious when police gained entry to his was intoxicated, and only able to provide

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one-word answers to officers. The complainant was handcuffed. When the named officer and other officers asked the complainant questions, he initially gave one-word answers. However, after a brief time, he started to repeat the word “Okay.”

The evidence shows that the named officer’s summary of the incident written in the incident report matched the video footage.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #2: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said he went to the police station on at least two occasions to make a supplemental report. He spoke with the named officer and told her to edit the incident report as it was inaccurate, but she never did.

The named officer said she did speak with the complainant at the police station. The complainant told her the report was wrong but could not articulate how the report was incorrect. The officer confirmed that she did not edit the report or write a supplemental report as the complainant could not explain what he wanted to be documented.

The complainant’s account of an inaccurate incident report is unfounded, so the balance of probabilities shows that the officer was correct in her decision not to edit the original report or write a supplemental report.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant requested multiple incident reports about crimes that occurred near his work. He was not involved in the incidents and was not a victim or reporting party. The complainant stated that officers prepared a misleading and inaccurate report. The complainant stated that both Cal OSHA and SFPD are failing to document hazardous work conditions.

Department Notice 23-102 Report Writing Responsibilities Supervisors, Officers & PSA, states in part, “Thorough investigation(s) memorialized in well-prepared incident reports are essential for follow-up investigations and successful prosecution.”

Records showed that one named officer responded to a call-for-service regarding an auto burglary. The named officer met with the victim who provided a statement regarding her vehicle being broken into. A second named officer responded to a call-for-service regarding a company vehicle that was stolen and involved in a vehicle collision. Both the company and driver contacted the San Francisco Police Department (SFPD) to report the incident. The named officer obtained statements from both parties and included this information in the report.

The complainant was unable to provide incident specifics or establish personal knowledge or any connection to the reported incidents. He complained about discrepancies between the 911 records and the Incident Reports, but the Department of Police Accountability (DPA) identified no discrepancies. There is no rational basis for a misconduct finding.

The evidence proves that the conduct of the officer was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: Referral

FINDING: IO1/IAD

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

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

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

CATEGORY OF CONDUCT: Referral

FINDING: IO1/DEM

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that she reported her son illegally removed her name from the deed of her home and the officers failed to investigate the incident as reported.

Department of Emergency Management (DEM) records showed that the named officers were instructed by a supervisor to respond to the complainant's home to investigate an allegation of elder abuse. The report documenting the investigation concluded that no crime had been committed.

Body-worn camera (BWC) footage showed that the named officers responded to the complainants' home and informed the complainant they were there to investigate the incident she had reported. The complainant clearly presented her allegations. The named officers interviewed the complainant and the parties she suspected about the allegations. The officers obtained records of a real estate transaction about which the complainant had alleged impropriety. Named officers #1 and #3 asked specific questions regarding the complainant's healthcare, who had control of her financial matters, her perception of safety in her home, and her mental status. The named officers conducted a walkthrough of the home with the complainant and took photographs of the common areas, bedrooms, kitchen, and garage.

Department records and BWC footage confirmed that the officers conducted a full investigation of the incident.

The evidence proves that the officers' conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that she did not call for help, she called because she wanted someone to talk to her son and have him removed from her home.

Body-worn camera (BWC) footage showed that throughout the investigation, the named officer confirmed repeatedly the complainant's allegations to ensure that they were investigating the correct issues. BWC footage of the investigation shows that the information given and received by the officer was consistent with the statements and evidence he documented in the incident report.

Department Notice 23-102 Report Writing Responsibilities Supervisors, Officers & PSA, states in part, "Thorough investigation(s) memorialized in well-prepared incident reports are essential for follow-up investigations and successful prosecution."

The evidence proves that the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In an email, the complainant stated that the named officer took and intentionally kept property that had no evidentiary value. The complainant refused to provide any additional information.

The named officer stated that he was assigned to investigate the aggravated assault and false imprisonment allegations in a case where the complainant was the victim. During the initial investigation, other officers at the scene seized a jacket as part of the preliminary investigation. The jacket was retained as evidence. The case ended in a jury trial where the suspect was acquitted. The officer explained it would have been premature to release evidence while the court case was ongoing, as it may have held some evidentiary value. When the court process was completed, the officer said he released the jacket to the complainant, notifying him via email that same day. The officer stated that the complainant could collect his belongings at any time.

Department records and body-worn camera footage showed that officers responded to a call for an aggravated assault in which the complainant was the victim. The complainant was found face-down and unresponsive in a room that was filled with pepper spray. Officers seized items of clothing believed to be the complainant's at the scene that may have had evidence of pepper spray on them.

Property release forms showed that the clothing items had been released from evidence after the jury trial to the complainant.

Emails show that the named officer emailed the complainant, stating that he could retrieve his property from the Hall of Justice. The complainant responded to this email but addressed it to the San Francisco District Attorney and pasted a copy of the complaint email stating that the named officer took and intentionally kept property that had no evidential value.

The evidence shows that officers at the scene of the crime correctly seized the complainant's belongings as evidence of a crime. Once the jury trial was concluded, the named officer contacted the complainant and informed him of where he could collect his belongings. 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 displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: In the complaint email, the complainant stated that he was being terrorized by police officers in his own home. The complainant refused to participate in any investigation into his complaint and refused to provide any further information or clarification.

Without further specific information, no investigation could be conducted.

No findings are made if the officer cannot reasonably be identified.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: In an online complaint, the complainant stated that he attempted to inform an officer in an SUV that he had been sexually assaulted, but the officer told him to go to the station where the incident occurred.

Department Bulletin 21-087, Requests for Service, states that when an officer in the field is contacted and asks for police services and the call is of an emergency nature, the officer shall:

- Handle the call personally, if "10-8," notify DEM of the particulars and whether additional resources are necessary, OR
- If not "10-8", immediately notify DEM over the radio of the particulars including location, name, and contact number, if available. If possible, remain with the reporting party until another police unit arrives on scene. If unable to remain on scene, have the reporting party call 911.
- If outside of your District (i.e. returning to District from County Jail), broadcast the crime, assist with the preliminary investigation and remain on scene until a District Unit arrives.

DPA could not independently identify the officer based solely on vague information in the complainant's written statement, which did not fully describe the officer. The complainant did not respond to multiple requests for additional information. DPA sent two identification polls to the district stations closest to the flagged-down location, asking for assistance identifying officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when an DPA cannot complete an investigation because the officers cannot reasonably be identified.

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SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant wrote in an online complaint that he was sitting on a bench, on his phone, “minding his own business,” when a squad car pulled up behind him. He said the officers began to talk to him through their intercom. He began walking away when two officers got out of their car. They told him to go to them but never told him why. The officers later told him they received a call about someone robbing a local store for beer. The complainant failed to provide a detailed account of the incident after the DPA attempted to contact him multiple times.

Named officer #1 confirmed that he detained the complainant and established probable cause that met the elements of shoplifting. He said he received a detailed description of the suspects, spoke with the grocery store manager, and watched a video surveillance before locating the complainant who matched the suspect’s description.

Named officer #2 stated that the complainant was detained for stealing a case of alcohol. He said that after reviewing the surveillance video for a second time as they stared at the complainant sitting on the bench, they concluded that he matched the suspect description of one of the shoplifters. Therefore, they had reasonable suspicion to detain him.

Department records indicate that the store manager described the suspect description, which matched the complainant, after watching him running out of the store with unpaid alcohol in his hand.

Body-worn camera footage captured Officer #1 reviewing surveillance footage on his phone before approaching the complainant. It shows that the complainant was holding a case of alcohol in his hand when he was observed wandering on the side of the highway. Throughout the interaction, the named officers told the complainant multiple times that he was detained for shoplifting, even though he did not admit to that.

On the balance of probabilities, the evidence collected proves that the officer had articulable facts to support his reasonable suspicion that the complainant had shoplifted a case of alcohol from a nearby store because he matched the suspect’s description and was holding a case of alcohol out in public. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that as the named officers got out of their car and told him to go to them, he got up and began to walk away. The officers then tossed him to the ground and put him in handcuffs. However, the complainant did not provide a statement to the DPA with further details on the use of force.

Named officer #1 stated that he gave the complainant a verbal command, which he refused verbally and questioned the situation. He told the complainant the reason for the detention; however, the complainant continued to resist and pulled away from him. He then used a takedown to control the complainant and his arms better. He eventually had to place him in handcuffs to prevent escape or assault.

Named officer #2 stated that Officer #1 told the complainant to place his hands behind his back, and he refused to. Then, the complainant pulled away from his control hold. The officer said he placed the complainant's right arm in a twist-lock grip to gain control and assisted the subject to the ground. He perceived that the complainant was about to run away from them and needed to be placed in handcuffs. The officer said the complainant was taken to the ground in a controlled manner.

Department records recorded that the complainant failed to comply with numerous commands to place the alcohol down and to put his hands behind his back and resisted the officers' attempt to restrain him. As a result, both named officers used physical control hold/takedown techniques on the complainant and guided him to the ground to place handcuffs on him.

Body-worn camera footage captured that as soon as the officer got out of the vehicle, named Officer #2 told the complainant to "get over here," while named Officer #1 told him numerous times to put the alcohol down, and the complainant did not comply. Instead, he kept asking, "For what?" Officer #1 continued approaching the complainant and ordered him to place his hands behind his back, which the complainant refused. The complainant said the officer had no right and walked away from the officer. Named officer #2 then went up to assist, brought the complainant down to the ground, and quickly placed him in handcuffs. As soon as the complainant was in handcuffs, Officer #1 lifted the complainant and seated him against the wall. The complainant was not tossed on the ground during the interaction.

Department General Order (DGO) 5.01.05 (Levels of Resistance) states that "active resistance" is defined as physically evasive movements to defeat an officer's attempt at control, including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody. It further states when a subject is actively resisting, an officer shall use personal body

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weapons or pain compliance control holds, takedowns to direct movement, or immobilize a subject as a possible force option.

The evidence collected proves that the complainant was actively resisting by not complying with the officers' numerous verbal orders and pulling away from the officer while questioning the legality of the officer's behavior. In this situation, the DGO allowed the named officers to use takedown methods to immobilize the complainant.

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

SUMMARY OF ALLEGATIONS #5-6: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In the online narrative, the complainant stated he was arrested.

Both officers stated that a cold show was conducted during the detention, and the witness positively identified the complainant as the suspect involved. The officers said the complainant was charged with two misdemeanors: Penal Code (PC) sections 490.2(A) (Petty Theft/Larceny) and 148(a)(1) (Obstruction to Peace Officer's Duties.) He also had a DUI warrant for his arrest arising from another city.

Department records show that two cold shows were conducted during the incident, and an employee at the grocery store positively identified the complainant. The records show that the complainant was arrested for violating PC sections 490.2(A), 148(a)(1), and an outstanding warrant for DUI, which named officer #2 confirmed with the Central Warrants Bureau.

Body-worn camera footage shows that the complainant was carrying a box of alcohol upon being approached, positively identified from a cold show as the suspect, and arrested for shoplifting. Furthermore, it shows that he actively resisted and pulled away during the detention. Besides, the footage captured that a senior officer confirmed the complainant's arrest warrant.

The evidence gathered proves that the complainant was positively identified as the suspect who shoplifted at a nearby grocery store, actively resisting arrest, and had an outstanding warrant out of another city. The named officers had probable cause to believe that the complainant had committed misdemeanors and possessed an outstanding warrant to be taken into custody.

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

SUMMARY OF ALLEGATIONS #7-8: The officers failed to mirandize.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant wrote that the officers never read him his *Miranda* rights and put him in a squad car.

Named officer #1 stated that he did not read the complainant his *Miranda* rights to him because *Miranda* requires detention and interrogation. He never interrogated the complainant, and therefore, *Miranda* was not necessary.

Named officer #2 explained that he did not interview the complainant about the crime he committed. Besides, named officer #1 developed enough probable cause to arrest him without a statement. Therefore, he did not read the complainant's *Miranda* rights.

Department records did not capture any conversations regarding *Miranda* rights.

Body-worn camera footage did not capture any *Miranda* rights being read to the complainant. It was captured that the complainant was detained; however, the named officers did not interrogate him or ask him questions about the theft.

San Francisco Police Department training material states that the *Miranda* warning is not required unless custody and interrogation exist simultaneously. Without interrogation, peace officers are not required to give a person their *Miranda* rights, even if there is custody.

The evidence proves the named officers did not ask him any interrogative questions regarding the theft. Therefore, the named officers were not required to read the complainant's *Miranda* rights. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #9-10: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant wrote in the complaint that he captured a bit of the incident on his phone before the officer picked up his phone and stopped recording. However, the complainant did not provide any clips of the video he took to the DPA.

Named officer #1 stated that he picked up the complainant's phone from the ground during the incident to prevent further damage or loss by securing his property. The officer admitted stopping the complainant's phone from recording because most suspects can telephone, text, or live-stream their accomplices to aid in escape. He explained the complainant was in handcuffs and custody at that point, and usually, phones are placed in standby mode or turned off as standard practice to be secured on their property.

Named officer #2 confirmed that Officer #1 picked up the phone to secure his property.

Department records did not indicate any recordings being turned off.

Body-worn camera footage captured the complainant's cell phone falling on the ground as soon as the complainant was taken down on the ground. After he was handcuffed, the named officer picked up the phone, and it was on recording. The next thing it captured was the phone on the lock screen.

No DGOs forbid an officer from turning off recordings of a suspect.

The evidence proves that although Officer #1 turned off the recording from the complainant's phone, it was not against any SFPD policies since the complainant was a suspect in detention.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that while he was walking his dog, he was approached by an individual who told him to leash his dog or he would shoot him. The individual brandished a knife and chased the complainant into the street where he was nearly hit by a bus. The complainant stated that he called the police, pointed out the suspect, and described the threats, but officers did not make an arrest.

Department records showed that the named officers responded to a call for service regarding a person with a knife. The records show one named officer wrote an incident report showing that the officers interviewed the complainant, who described the chase and threats. The officer reported that the complainant changed his story and failed to disclose details about the incident. The named officers also interviewed the suspect named by the complainant, who said he had been approached by an unleashed dog and pulled a knife to protect himself. The suspect stated the complainant also brandished a knife. The incident report showed the officers interviewed a witness who had observed the two parties arguing while holding knives at their sides. Ultimately, the two signed citizen's arrest forms against each other for brandishing weapons.

Body-worn camera (BWC) footage showed that any altercation had ended prior to officers' arrival. There was no dog on scene and no knives were visible when officers arrived. Footage showed that the participants and the witness were interviewed separately. The footage showed that the complainant attempted to retrieve personal video footage of the altercation but was not able to download it during the incident. The footage showed that the officers explained the citizen arrest process to the complainant and told him they did not have enough evidence to take other action. Both parties were released without citation.

Department General Order 5.04, Private Person's Arrest, provides in part that "If probable cause [that an arrest should be made] does not exist, accept the arrest and then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report."

The evidence proves that the officers' conduct was justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #3-4: The officers spoke or acted in a discourteous manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that when the police arrived, they were discourteous and sarcastic. He further stated that none of the officers looked like him and they did not take the situation seriously.

Department records showed that the named officers responded to a call-for-service regarding a person with a knife. The incident report written by one named officer documented that the officers interviewed the victim and suspect, a witness, and searched for surveillance video footage. Ultimately, two parties signed citizen's arrest forms for brandishing weapons.

Body-worn camera (BWC) footage captured the named officers' interactions with the complainant. The footage did not show the named officers behaving in a discourteous or sarcastic manner.

The evidence proves that the alleged misconduct did not occur.

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called police multiple to file a police report about harassment at his workplace. In his initial attempt, the complainant left a file of evidence for an officer to pick up from the complainant's colleague, but the officer would not take the report. The complainant tried again on a different day but the officers who came parked and then drove away without getting out of their car.

The first named officer stated that he could not take a report because the victim was not present. A security guard gave him a file of evidence, but he needed to gather more information as well as confirm the chain of custody of the evidence, which he was unable to do because the complainant was not there. The named officer left advice on how the complainant could file a report. The other two named officers stated that they arrived on scene to take the report. One of the named officers called the complainant's phone but there was no answer.

SFPD documents showed that the first officer responded to the reported location and spoke to security guards there. The security guards were unable to provide further information regarding the report and the named officer told them that the complainant would need to file the report in person. SFPD documents showed that the two other named officers were dispatched to take a police report from the complainant and then were sent to a priority A call when they could not reach the complainant.

Body-worn camera footage showed the first named officer speaking to the security guards and confirming that they could not provide information beyond what was left by the complainant. The named officer spoke to the security guards and a manager on the phone about filing the police report in person at a station. Footage also showed the two other named officers arriving on scene and attempting to call the complainant. The footage showed that the named officers were called away to another incident.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers deliberately parked and then drove away without speaking to him to avoid writing a police report.

The named officers stated that they parked near the complainant's reported address and called his cell phone number. The complainant did not answer their call. As they were calling the complainant, they were dispatched to another call with a top level priority.

SFPD documents showed that the named officers were dispatched to take a report from the complainant. The documents also showed that the named officers were reassigned to a priority call.

Body-worn camera footage showed the named officers arriving on scene and attempting to call the complainant. The footage showed that the named officers were called away to another incident.

The evidence showed that the named officers responded to the location for the call but were sent to a higher priority call while at the location.

Department General Order 1.03 (8) (c) states "When out of service on a lower priority incident, and directed by Communications Division to take a more urgent assignment, acknowledge and respond to the more urgent assignment."

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

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COMPLAINT DATE: 11/06/23 **COMPLETION DATE:** 05/06/24 **PAGE# 1 of 2**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was attacked and sprayed with bear mace by a random man at an apartment. The assault was reported to the police, who did not complete a thorough investigation leading to the arrest of the attacker.

Department of Emergency Management (DEM) and Department records showed that the complainant filed a report at a District station regarding the assault. The named officer was assigned to conduct an investigation.

Department records, including the Chronological Report of Investigation, showed that the named officer completed a full investigation. The document indicated that the complainant participated in a photo identification lineup and identified a suspect. The named officer completed a District Attorney (DA) Arrest Warrant package for the subject and subsequently submitted a DA Arrest Packet for review. The warrant was later signed by a judge and in turn, a crime alert bulletin for the arrest of the subject was disseminated department wide.

Department records further showed that the suspect went to a police station regarding an unrelated issue and was arrested and booked in County Jail #1 for the outstanding warrant at issue.

Department Notice 20-107 (Case Assignments for Investigation) states, in relevant part, that when assigning cases for investigation, staffing levels and the following factors should be considered:

- The severity of the crime (violence during the commission of a crime is a major contributor to the severity of the crime).
- The solvability of the crime.
- The presence or lack of physical evidence.
- The presence or lack of video footage.
- The victim(s) or witness(es) willingness or reluctance to cooperate with the investigation (the lack of cooperation by a victim or witness does not automatically disqualify the case from being successfully investigated and prosecuted).
- The victim(s) or witness(es) ability to appear in court.
- Whether the case is part of a crime series.
- Other articulable reason for assignment. staffing levels and factors such as the severity of the crime should be considered.

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

COMPLAINT DATE: 11/06/23 COMPLETION DATE: 05/06/24 PAGE# 2 of 2

The evidence established that the named officer conducted a full investigation which resulted in the arrest of the subject.

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

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1

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

San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

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

COMPLAINT DATE: 07/21/23 COMPLETION DATE: 05/06/24 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant, an executive protection agent, parked his vehicle in front of the protected house, and his co-worker parked across the street. The complainant briefly left the location for a break, when his co-worker called to inform him that police entered his vehicle. The complainant said as he walked back towards the patrol vehicle, it pulled away. The complainant stated officers entered and searched his vehicle without permission or a search warrant. The complainant provided a general description of the officers and did not know his co-worker's full name or contact information.

Department of Emergency Management records showed that on the day of the incident, the complainant did not report an auto-burglary. There are no records of officers being dispatched or responding to the incident location.

Police records showed that no officers matched the description provided by the complainant.

The complainant's employers were contacted. Employee #1 was surprised to hear that the complainant reported that officers stole property from his vehicle. He stated he would have acted if he had been aware of the incident. Employee #2 was also unaware of the incident and did not know who worked with the complainant.

The involved officers could not reasonably be identified. Therefore, DPA made no findings.

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

COMPLAINT DATE: 07/21/23 COMPLETION DATE: 05/06/24 PAGE# 2 of 3

SUMMARY OF ALLEGATION # 2: The officer seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers stole property from his vehicle.

Department of Emergency Management records showed that on the day of the incident, the complainant did not report an auto-burglary. There are no records of officers being dispatched or responding to the incident location.

Police records showed that no officers matched the description provided by the complainant.

The complainant's employers were contacted. Employee #1 was surprised to hear that the complainant reported that officers stole property from his vehicle. He stated he would have acted if he had been aware of the incident. Employee #2 was also unaware of the incident and did not know who worked with the complainant.

The involved officers could not reasonably be identified. Therefore, DPA made no findings.

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

COMPLAINT DATE: 07/21/23 COMPLETION DATE: 05/06/24 PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that a lieutenant arrived at the scene after he reported the auto burglary. The lieutenant obtained his and the witness statement and said he would prepare a report; however, no report was written. He stated he was not provided with the case number at the scene and did not know what his witness told the lieutenant.

The Department of Emergency Management records showed that the complainant did not report an auto-burglary, and there was no record that an officer had been dispatched to the location to meet with the complainant.

Police records showed that the complainant visited a district station a month after the incident to file a report. Records also showed that no officers matched the description provided by the complainant.

The involved officers could not reasonably be identified. Therefore, DPA made no findings.

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

COMPLAINT DATE: 11/17/23 **COMPLETION DATE:** 05/21/24 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was walking on the sidewalk when a child on a scooter moved toward him, ran over his foot, and collided into his forearm hitting the child's jaw. He said he was trying to ward the child off. He commented that the child was accompanied by another child. An officer later arrested him and issued him a citation, even though no crime was committed.

The named officer authored an incident report which showed that the child's father signed a citizen's arrest against the complainant for assaulting his child and the complainant was cited for Penal Codes 242 for striking the child and 273a(a) because he willfully caused unjustifiable physical pain and suffering to the child. The complainant's statement detailed that he put his forearm out in front of him to teach the child a lesson and the child ran into his forearm while riding a scooter. Officers spoke with the child and another child who was a witness who both said the child was riding his scooter on the sidewalk and the complainant struck the child in the neck.

Body-worn camera (BWC) footage showed that the child's father signed a citizen's arrest form against the complainant. The complainant said the child steered the scooter at him grazing the top of his toe and he stuck his forearm out hitting the child's jaw. He said that he would bet the child would never do that again to an elder and that he wanted the child to "wake up." When describing the incident, he said he threw his elbow out and the child went into it. Officers spoke with the child as well as a child who was a witness who both said the child was riding his scooter on the sidewalk, tried to go around the complainant and the complainant struck the child in the throat.

Security footage obtained by the San Francisco Police Department showed the complainant tell the child's father that the child ran into him, and he put his arm into the child's jaw and that he hoped the child remembers that you do not run into an elder.

DGO 5.04 Arrests by Private Persons requires officers to determine if probable cause exists to believe an individual committed the crime in question. If probable cause exists such that an arrest should be made, officers must accept the private person's arrest and book or cite the individual as appropriate.

The evidence showed the named officer had probable cause to issue a citation to the complainant for battery and child endangerment.

The evidence proved that the officer's conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 11/20/23 COMPLETION DATE: 05/06/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated she was arrested after playfully spraying her boyfriend with a water hose.

Records from the Department of Emergency Management show that the complainant's boyfriend ("reportee") called 911 to report a fight between him and the complainant. The reportee referred to the complainant as his ex-girlfriend.

The incident report, prepared by the named officer, reflected the statements made by the reportee and the complainant, where the complainant admitted spraying the reportee with a water hose. The complainant stated she was simply being playful, which escalated to a verbal argument between her and the reportee. The complainant was thereafter arrested for battery and booked for violating California Penal Code section 243(E)(1).

California Penal Code section 243(E)(1) states, in part:

When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of a the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

SFPD General Order 6.09, DOMESTIC VIOLENCE, section 6.09.04(J)(3) states:

If probable cause exists to believe that an assault or battery has occurred upon a current or former spouse or cohabitant, upon a person in a current or former dating or engagement relationship, or upon a parent of a child in common, and the arrest is made as soon as probable cause arises, then no private person's arrest is required.

Based on the complainant's own statement, the named officer had probable cause to arrest her for battery. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 12/02/23 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the incident had not been referred to the District Attorney, and no arrest was ever made despite a witness capturing the vehicle's license plate used in a hit-and-run.

The reviewing officer of the incident report stated that he could not confirm if the incident was referred to the Traffic Collision Investigation Unit (TCIU) as the investigation was completed before his shift. Each district station has a traffic collision folder. Once accident reports were approved, the named officer understood that procedurally, once a report was approved, the Traffic Bureau/TCIU would be tasked with following up regarding incidents through their interdepartmental folder.

An ID Poll was requested to obtain the name of the TCIU officer who determined that the incident would not be referred to the District Attorney's Office. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify the officer(s) that were involved. No officers were identified, leading to insufficient information for further investigation.

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

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

COMPLAINT DATE: 11/25/23 COMPLETION DATE: 05/22/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said that the named officer stopped him in his vehicle without justification.

The named officer said he was on patrol and noticed that the complainant's vehicle had a permanent registration sticker on the license plate which are typically reserved for rental cars. A computer query showed the vehicle's registration had been expired for multiple years. He said he had reasonable suspicion to conduct the traffic stop as the vehicle was being operated with a false registration sticker and expired registration which are violations and enforceable by the police.

Body-worn camera (BWC) for the incident showed that the named officer approached the complainant in his vehicle and advised that his vehicle hadn't been registered for over three years and had a permanent registration sticker on it. The complainant asked the named officer what his articulable suspicion was for the stop and the named officer told him that it is against the law to drive with expired registration. The complainant was unable to provide the named officer with registration or proof of insurance. The named officer later advised the complainant that the vehicle was previously a vehicle for a business, he needed to install new license plates provided by the Department of Motor Vehicles (DMV), and that it had delinquent registration fees. The named officer issued the complainant a citation.

Department records showed the named officer issued the complainant a citation for an unregistered motor vehicle and failure to provide evidence of insurance.

Department General Order 5.03 Investigative Detentions states in part under the section "Reasonable Suspicion to Detain" that "Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law."

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

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

COMPLAINT DATE: 11/25/23 COMPLETION DATE: 05/22/24 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said the named officer acted inappropriately during a traffic stop, was aggressive and threatened him with arrest.

The named officer said he acted polite, firm, and professional with the complainant during this incident. He said he told the complainant that he could be arrested as there was a false registration sticker on the vehicle's license plate. He detained the complainant for registration violations and demanded the car key from the complainant as he was concerned the vehicle may have been stolen based on his experience with vehicles displaying false tags on license plates and was initially planning to impound the complainant's vehicle which would necessitate seizing the car key. He said he took time to explain the violations to the complainant and was direct when speaking as he wanted him to understand the potential repercussions.

Body-worn camera (BWC) for the incident showed that the named officer informed the complainant that the vehicle was not registered and there was an invalid permanent registration sticker on the license plate. The complainant was unable to provide registration and proof of insurance. The named officer asked for the complainant's car keys and the complainant was reluctant to provide them. The named officer told the complainant he was detained and that he was going to determine if he had to arrest or book him. The named officer was stern at times in the way he spoke with the complainant.

The evidence showed that although the named officer told the complainant he could be arrested and at times spoke firmly towards him, these actions do not rise to the level of misconduct. The named officer investigated the registration violations and explained the outcome and traffic citation to the complainant.

The evidence proves that the alleged misconduct did not occur.

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

COMPLAINT DATE: 12/11/23 **COMPLETION DATE:** 05/06/24 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant filed a battery report about an altercation he had with a merchant two weeks after the incident. He stated he was given a report number and that the officer had yet to follow up with him two months later. The complainant felt it was unreasonable to put the onus on him to follow up on the case instead of the officer keeping him informed of updates.

Department records confirmed the complainant reported a battery two weeks after the incident. A police report was prepared; however, the suspect was unknown, and the witness's information was incomplete. The case was reported to Adult Protective Services (APS) but was not assigned to an investigation unit for follow-up.

A superior officer from the unit explained that the case was not assigned for further investigation because it did not meet the assignment criteria.

Department Notice 20-107, Case Assignments for Investigation, states in part:

It is the policy of the Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective, and efficient manner. Therefore, the Investigations Bureau Lieutenants and the Station Investigation Team (SIT) Lieutenants shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an Investigator.

While the complainant may have felt neglected in not receiving an update on the status of his case, the case was not assigned for investigation. The Department Notice emphasizes that many factors need to be considered when assigning cases, such as the gravity of the crime, the chances of solving it, the availability of physical evidence, and the number of staff available. The Department must manage its resources in a reasonable and effective manner. Cases that are not assigned are recorded as Open/Inactive and may be reactivated if new information becomes available. Although the complainant believed that the officers

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

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

COMPLAINT DATE: 12/13/23 **COMPLETION DATE:** 05/22/24 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant witnessed an officer speak inappropriately to the property manager of a housing association during a burglary investigation. The complainant said the officer rolled his eyes and gave short, rude responses. The complainant did not want to be involved in any investigation.

The property manager declined to become involved in the investigation.

The named officer met with the 911 caller to investigate the reported burglary. On his way out, a building manager wanted to discuss the 911 caller's nuisance in the building. The officer explained that the nuisance was a building management issue because the behavior was not criminal. The officer denied being rude, curt, or rolling his eyes.

A witness officer said the named officer did not act or speak inappropriately during the conversation.

Department records and body-worn camera footage show that the named officer responded to the location for a reported burglary call. The footage showed the officers dealing with the 911 caller but did not capture the conversation with the property manager, which happened after the officer completed his duties for the call.

There is insufficient evidence to confirm or refute the complainant's or the officers' accounts.

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

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

COMPLAINT DATE: 12/14/23 COMPLETION DATE: 05/07/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department (SFPD) failed to properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the SFPD failed to investigate the theft of his CalFresh food stamps. The complainant said that he was robbed of nearly \$7,000 of benefit money through a racially motivated cybertheft. The complainant refused to provide any additional details about the crime.

SFPD records showed that the complainant went to a district station and filed a police report, alleging that an unknown suspect fraudulently accessed his account and stole the entire balance on his card, amounting to \$6768.00. A police service aide prepared a report and forwarded it to the Financial Crimes Unit. The complainant was given a Follow-Up Form with the case number and Marsy's Card, according to the police report.

Department Notice 20-107 provides that although it is the policy of the Department to diligently investigate crimes, it must manage its resources in a reasonable, effective, and efficient manner, and lists several factors to be considered when assigning cases for investigation, including staffing levels, solvability of the crime, and the presence or lack of physical evidence.

The evidence proves that the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 12/15/23 COMPLETION DATE: 05/29/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleges that she was verbally abused by a stranger who called her a derogatory name. She then approached a nearby police officer to report the incident. However, the officer did not take a report, stating that no crime had occurred.

The named officer said he didn't know the complainant or recall the incident. He said that during his shifts, many people come up to him to talk to him to report things, ask questions, or say hello. However, based on the description of the incident, he couldn't recall it. The officer added that if he believed an incident report was requested or necessary, he would have prepared one.

Although the complainant considered the name calling a crime, the individual's repulsive and demeaning words did not amount to illegal activity. The officer did not have reasonable suspicion to detain the individual and was not required to write a police report. Therefore, the evidence indicates that the officer's conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS: This complaint raises matters outside of the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-1

FINDINGS OF FACT: This complaint raises matters outside of the DPA's jurisdiction. The complaint has been referred to:

SFPD Internal Affairs
1245 3rd Street
San Francisco, CA 94158

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

COMPLAINT DATE: 12/26/23 COMPLETION DATE: 05/06/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant participated in a protest during the APEC summit. The complainant said the named officers shoved her off her feet, almost causing her to fall to the ground. The other protesters caught her. The complainant submitted a photo taken during the protest showing her being off-balance and held by a couple of protesters. The image also showed the named officers standing in front of the complainant, with named officer #2 extending her right elbow. The complainant said she suffered injuries to her shoulder because of the use of force.

Named officer #1 said the crowd was becoming hostile. He saw his captain escorting someone through the crowd. His captain was being assaulted by a man wearing a red beanie cap. He went to assist his captain, who was already surrounded by a crowd of people. Named officer #1 said protesters pushed between officers on the sidewalk and attempted to cut them off and divide their squad. The protesters pushed the officers, prompting the officers to push them back. Named officer #1 said he pushed the complainant with his right hand and grabbed her sweatshirt with his left hand. He said the force used was reasonable and that the complainant did not appear to be injured and did not request medical attention.

Named officer #2 said a group of protesters shoved their captain, prompting her squad to defend and ensure the officer's safety. She saw the protesters form a wall and link their arms to become a strong and united front. She pushed the complainant and other protesters with her hand because they disobeyed her lawful order to get back. She said the force was necessary, minimal, and reasonable. The complainant did not appear injured and did not require medical care.

The complainant submitted a copy of her medical records. A physical examination by the attending physician revealed that the complainant was not in acute distress and had a normal appearance. There was tenderness on her right shoulder, but she had no swelling or deformity, and her shoulder had a normal range of motion. She was prescribed pain medication and was advised to rest.

DPA obtained named officer #1's body-worn camera (BWC) footage of the incident. The BWC footage of the incident showed named officer #1 and a couple of other officers approaching the crowd. At some point, the complainant and another protester interlocked their arms, which prevented the named officers from advancing forward. The named officers grabbed the complainant and pushed her to her left side. The force used appeared to be a common and approved crowd control method utilized by officers to create distance and manage the scene. It seemed necessary and not excessive and the complainant appeared not injured.

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

COMPLAINT DATE: 12/26/23 COMPLETION DATE: 05/06/24 PAGE# 2 of 2

Department General Order 8.03, "Crowd Control", states, in part:

REASONABLE FORCE. When the use of force is justified, the minimum degree of force necessary to accomplish an arrest or dispersal shall be employed. Officers are permitted to use reasonable and necessary force to protect themselves or others from bodily harm, but no more (see DGO 5.01, Use of Force).

The evidence showed that the scene became heightened and chaotic, with some officers outnumbered and encircled by protesters. Protesters refused to move and remained near the officers despite having been repeatedly ordered to move back. As such, it was necessary for the named officers to control the crowd and protect their fellow officers from harm. Shoving the complainant to the side for the named officers to get to their captain, who was being surrounded by protesters, was reasonable and was within Department policy.

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

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

COMPLAINT DATE: 01/04/24 COMPLETION DATE: 05/06/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers falsely kidnapped and arrested her son.

Department of Emergency Management records showed that a parent called 9-1-1 and reported that an individual that matched the complainant's son's description touched their child. The child's parent followed the complainant's son until multiple officers responded to the scene and detained the complainant's son.

Body-worn camera footage and police records confirmed that the complainant's son was identified as the suspect in a reported child battery and was subsequently detained. While detained, the complainant's son made a spontaneous statement about the incident. The officer obtained a statement from the parent who again identified the complainant's son as the suspect and requested a private person's arrest. The officer accepted the arrest and placed the complainant's son into custody. The complainant's son was arrested on multiple charges.

Court records showed that the District Attorney's Office rebooked the case and determined there was sufficient probable cause to go to trial.

Department General Order 5.04 states 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 DPA's investigation confirmed the officer had probable cause to arrest the complainant's son.

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

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

COMPLAINT DATE: 01/04/24 COMPLETION DATE: 05/06/24 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that officers arrested her son because he is poor and Black.

Body-worn camera footage and police records confirmed that the complainant's son matched the suspect's description and when the complainant's son was detained, the witness positively identified him as the suspect.

Department General Order 5.17 outlines the policy for bias-free policing. A guiding principle of the San Francisco Police Department is its commitment to treating all people with dignity, fairness, and respect. It is crucial for members to carry out their duties in a manner free from bias and eliminate any perception of policing that appears biased.

A preponderance of the evidence showed that the officer did not violate the DGO.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 01/11/24 **COMPLETION DATE:** 05/21/24 **PAGE# 1 of 6**

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to properly investigate her report of a battery.

Named officer #1 stated that named officer #2 was the lead investigator for this incident and that named officer #2 spoke to both parties at the scene. Named officer #1 stated that he gave the complainant the required forms related to the incident.

Named officer #2 stated that he investigated the incident thoroughly. Named officer #2 took statements from the involved parties and attempted to locate witnesses.

Body-worn camera (BWC) footage showed that named officer #2 took statements from both involved parties, attempted to locate witnesses to the incident, called an ambulance for the complainant, inquired about surveillance video, and completed an incident report. BWC footage showed that named officer #1 gave the complainant the required follow-up and resource forms related to the incident.

The evidence showed that the named officers took appropriate investigative steps.

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

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

COMPLAINT DATE: 01/11/24 COMPLETION DATE: 05/21/24 PAGE# 2 of 6

SUMMARY OF ALLEGATIONS #3-4: The officers failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to make an arrest for battery.

Named officer #1 and Named officer #2 both stated that they investigated the incident and determined that they did not have probable cause that a crime had occurred.

Body-worn camera (BWC) footage showed that the complainant told named officer #2 that someone punched her in the back of the head as she was being removed from a business. A staff member of the business told named officer #2 that he observed the complainant hit one of his coworkers, and when the staff member grabbed the complainant to escort her out of the building, his forearm may have inadvertently hit the complainant's head.

The evidence showed that the named officers properly used their discretion to determine that they had insufficient evidence that a crime had occurred.

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

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

COMPLAINT DATE: 01/11/24 COMPLETION DATE: 05/21/24 PAGE# 3 of 6

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers failed to make an arrest because they were protecting white people and covering up a crime.

Named officer #1 stated that he would never engage in biased policing and that he and named officer #2 conduct each investigation to the best of their abilities based on facts, statements and the evidence collected. Named officer #1 stated that they treat everyone fairly and with respect.

Named officer #2 stated that he did not engage in biased policing during this incident. Named officer #2 stated that he treats every incident equally and makes determinations based on the facts that are presented to him.

Body-worn camera (BWC) footage showed that the named officers were professional and courteous to both involved parties. The named officers took statements from both parties and took appropriate investigative steps and properly used their discretion to determine that they had insufficient evidence that a crime had occurred.

The named officers did not make any statements or take any action that demonstrated biased policing or discrimination during this incident.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 01/11/24 COMPLETION DATE: 05/21/24 PAGE# 4 of 6

SUMMARY OF ALLEGATION #7: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that many of the statements in the incident report were either incomplete or inaccurate.

The named officer stated that he did not write an incomplete or inaccurate report.

A witness officer stated that he reviewed and approved the incident report, and he did not observe any inaccuracies in the incident report when he reviewed it. The witness officer stated that the incident report contained the necessary information required at the time, and he believed the report was accurate and complete.

Department records showed that the named officer completed a thorough and accurate incident report which included statements from both involved parties. A comparison of the body-worn camera footage and the incident report indicated that the named officer accurately conveyed the parties' statements regarding the incident and properly detailed the officers' actions in the narrative of the incident report.

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

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

COMPLAINT DATE: 01/11/24 COMPLETION DATE: 05/21/24 PAGE# 5 of 6

SUMMARY OF ALLEGATION #8: The officer failed to process a report in a timely manner.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer delayed writing the incident report to prevent her from obtaining a copy of the report.

The named officer denied delaying the report and stated that he completed the incident report and submitted it for approval on the day the incident occurred.

A witness officer also stated that the named officer completed the incident report on the day the incident occurred. The witness officer stated that he reviewed and approved the incident report on the day the incident occurred. The witness officer stated that the complainant was provided with a follow-up form, which explains how to obtain a copy of an incident report.

Department records confirmed that the report was completed and approved on the day the incident occurred.

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

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

COMPLAINT DATE: 01/11/24 COMPLETION DATE: 05/21/24 PAGE# 6 of 6

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to supervise by approving an inaccurate incident report.

The named officer stated that he was not at the scene, but he reviewed the incident report, discussed the incident with the officer who wrote the report, provided feedback to the officer on his report, and approved the incident report. The named officer stated the incident report contained the necessary information required at the time, and he believed the report was accurate and complete.

Department records indicated that the named officer reviewed and approved the incident report, which was a thorough and accurate description of the incident as shown on body-worn camera footage.

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

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

COMPLAINT DATE: 01/25/24 COMPLETION DATE: 05/06/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant witnessed an officer turn right on a red light even though there was a visible sign that prohibited it. The complainant did not know the vehicle number or provide a description of the officer.

DPA was unable to identify the officer because the complainant was unable to provide any identifying information. Therefore, there was insufficient information to investigate the complaint.

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 has left the Department and therefore the investigation cannot be completed.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/24 **ATE OF COMPLETION:** 05/07/24 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer placed her on a mental health hold without justification.

Department General Order 6.14, Psychological Evaluation of Adults, and Welfare & Institutions Code §5150, states that a police officer may, upon probable cause, take a person into custody for a psychiatric evaluation when the person, as a result of a mental health disorder, is a danger to others, himself/herself, or gravely disabled.

Department of Emergency Management records reflected that the complainant called 9-1-1 stating there was an intruder in the house and that she had been sleeping outside for three days. A separate 9-1-1 caller, the complainant's nephew, reported that his aunt had been camping outside his house for a week and had just broken into the house and hit him.

Department records and body-worn camera footage confirmed that the complainant was a danger to others. The footage showed that the complainant was making illogical statements and displayed erratic behavior. The complainant had broken into the home and battered her nephew.

Based on the complainant's behavior along with her having battered her nephew, the named officer placed the complainant on a mental health detention under Welfare & Institutions Code §5150. DPA's investigation showed that the named officer lawfully detained the complainant and complied with Department policy.

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

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

COMPLAINT DATE: 01/28/24 COMPLETION DATE: 05/07/24 PAGE# 1 of 3

SUMMARY OF ALLEGATIONS # 1-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant was at a sports arena watching a basketball game when he noticed officers and staff talking to a man seated approximately six feet away. It appeared to the complainant that the officers were ejecting the person from the arena for no reason. At some point, he went to use the bathroom, and when he was walking back to his seat, he saw the man and the officers at the top of the stairs. The complainant said the officers tackled the person to the ground facedown and handcuffed him behind his back. He recalled a couple of officers kneeling on the person's shoulder blades. He did not see any visible injuries on the person but noticed blood on the floor. The complainant felt that officers' use of force was unnecessary and excessive.

Named officer #1 said that as they escorted the subject up the stairs, the subject stopped near the top and interacted with a patron. At that point, he saw named officer #4 use his hands and directed the subject forward. Named Officer #1 said the subject slowly went to the ground. Named officer #4 moved him away from the top of the stairs.

Named officer #2 said he saw Named Officer #4 pull the subject to the ground. The latter landed in a supine position, and based on body movements, he believed that the person poised himself to fight. He said the subject made a closed fist and tried to hit Named Officer #4 while moving and positioning his legs to stand up. He denied using force but said that he grabbed the subject's left wrist during the handcuffing.

Named officer #3 said the complainant stopped at the top of the stairs and told named officer #4 not to touch him. Shortly after that, he saw the subject go to the ground. He said he was behind the subject. He did not know why the latter went to the ground. He said he did not use force on the person.

Named officer #4 said no one forced the subject to the ground. He explained that when he directed him forward after he stopped walking, he resisted and went to the ground himself. He said the subject began to pull away, prompting them to secure him in handcuffs to prevent escape or injury.

The complainant provided cell phone footage of the incident. The footage showed the subject already on the ground and surrounded by officers. The video did not capture how the officers took the person to the ground.

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

COMPLAINT DATE: 01/28/24 COMPLETION DATE: 05/07/24 PAGE# 2 of 3

DPA obtained the named officers' body-worn camera (BWC) footage of the incident. The BWC footage showed that the named officers wanted to escort the subject out of the arena for not having a valid ticket. He refused to obey the officers' commands, remaining in his seat and arguing with the named officers. The officers asked for ID so the management could check if he had a valid ticket. He refused to provide ID, saying they could do what they wanted to him. The interaction continued for some time, with the subject refusing to comply with orders to leave. The subject eventually complied with the named officers' commands and was escorted out of the arena by the named officers. The named officers did not handcuff him initially, but instead assisted him in getting up and walked him up the stairs. The subject stopped upon reaching almost the top of the stairs. The named officers told him to continue walking. He refused to comply or move forward. When Named Officer #4 held his arm, he yelled at the named officer #4 not to touch him. Named Officer #4 pulled him forward, resulting in him falling to the ground. The subject resisted while on the ground, pulling his hands away and yelling profanities at the named officers as they tried to control him and place him in handcuffs. The subject did not complain of pain as a result of the force used.

DPA obtained surveillance camera footage from the arena. The surveillance footage of the incident showed the subject slowly walking up the stairs while being escorted by the named officers. Named officer #4 held his left arm and guided him up the stairs. Upon reaching the top of the stairs, the subject stopped, prompting named officer #4 to pull him forward. The subject refused to move, causing him to fall to the ground. After that, named officer #4 dragged him a short distance away from the stairs. The subject then resisted, prompting the named officers to control his movements and handcuff him.

DPA also obtained a copy of the corresponding incident report. The incident report was consistent with the named officers' BWC footage as well as the surveillance camera footage.

Department General Order 5.01, "Use of Policy and Proper Control of a Person" 5.01.04 Section A, states that officers may use reasonable force, "to gain compliance with a lawful order."

The evidence showed the named officers tried to de-escalate the situation and safely remove the subject. They patiently talked to him in a professional manner even though he was aggressive and uncooperative. When the subject refused to walk up the stairs further, named officer #4 held the subject's arm and pulled him forward. The force was minimal, causing him to fall to the ground gradually and not get injured. When he continued to resist by moving his body and refusing to put his hands behind his back, the named officers used the control holds necessary to secure him in handcuffs. No one tackled him to the ground, and no blood stain was seen on the floor. The named officers used reasonable force, which was needed to overcome resistance.

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

COMPLAINT DATE: 01/28/24 COMPLETION DATE: 05/07/24 PAGE# 3 of 3

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

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

CATEGORY OF CONDUCT: NA

FINDING: Referral/Chase Center

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

Attn: General Manager
Chase Center
1 Warriors Way
San Francisco, CA 94158

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

COMPLAINT DATE: 01/30/24 COMPLETION DATE: 05/21/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove a City vehicle in a grossly negligent or reckless manner.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he was riding his bicycle when a police car came towards him at a high rate of speed, running him off the road. It did not appear that the police car was responding to an emergency.

The complainant provided a patrol car number. With this information, DPA identified the district station to which the car was assigned, but Department records did not show the vehicle having been signed out on the date of the incident. DPA also sent an Identification Poll to the district station. The officers were polled, but no one was identified as involved in the incident.

No findings are made if the officer cannot reasonably be identified.

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

COMPLAINT DATE: 01/30/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the responding officers failed to enforce a temporary restraining order that required a tenant to stay 10 yards away from a building.

Records from the Department of Emergency Management showed that the named officers were dispatched to the complainant's location to investigate a fight or restraining order violation. The reporting party told dispatch that an evicted tenant was violating a stay away order by moving back in "upstairs."

Body-worn camera footage showed that the complainant and the tenant lived in separate units of a residential duplex. A copy of the temporary restraining order (TRO) against the tenant showed that the tenant had been ordered to stay at least 10 yards from the complainant's home and at least three yards away when all parties were at or inside the residential building. The complainant's request to have the tenant ordered to move out was denied.

The evidence established that the tenant had not been evicted and was not in violation of the temporary restraining order.

The evidence proves that the officer's conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 02/07/24 COMPLETION DATE: 05/07/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 02/07/24 COMPLETION DATE: 05/29/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: In an online complaint, the complainant wrote that officers came to her house and ordered her to go inside and not speak because her neighbors did not like what she did for religious practice. The complainant recalled the month the incident occurred but not the day. The complainant also did not provide the officers' description, name, or star number.

The DPA conducted multiple queries based on the information provided by the complainant and found no record of the incident described in the complaint.

The complainant did not provide the DPA with sufficient information to investigate this complaint and reasonably identify the officer(s).

A no finding outcome occurs when DPA cannot complete an investigation because the officers cannot reasonably be identified.

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

COMPLAINT DATE: 02/16/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/9/24.

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

COMPLAINT DATE: 02/27/24 COMPLETION DATE: 05/07/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that her debit card was used three (3) times without her knowledge, prompting her to report the incident to the police. The complainant alleged that the police had done nothing to her case.

Department records showed that the named officer prepared an incident report, documenting the three (3) unauthorized debit card transactions amounting to \$602. Records also showed that the case was never assigned to an investigator.

Department Notice 20-107 provides that although it is the policy of the Department to diligently investigate crimes, it must manage its resources in a reasonable, effective, and efficient manner, and lists several factors to be considered when assigning cases for investigation, including staffing levels, solvability of the crime, and the presence or lack of physical evidence.

The evidence established that the named officer prepared an incident report as required, and that the case not being assigned for investigation was within Department policy.

The evidence proves that the officer's conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 02/28/24

COMPLETION DATE: 05/20/24

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that she parked her car on the street. At some point, she noticed she ran out of time on her meter. She returned to her car and said a “meter” officer yelled at her, threatening to issue her a citation if she did it again. The complainant stated a similar thing happened the following day. She ran out of time, and when she went to the meter to add more time, the same meter officer aggressively yelled at her and spoke inappropriately. The complainant felt harassed by the officer’s behavior.

DPA’s attempts to contact the complainant yielded negative results.

The complainant failed to come forward and provide additional requested evidence. Therefore, DPA was unable to identify the person involved, including whether the person was a sworn member of the SFPD.

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

COMPLAINT DATE: 02/27/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: In a voice message phone call, the complainant stated that he observed drug dealers making transactions on a street corner. When he approached the drug dealers to tell them to stop, he was threatened. The complainant walked away and saw a police wagon nearby. He approached the police wagon, told the officers what had happened, and told them he had recorded the incident. The officers told him that the complainant should take care of it.

The complainant provided the date, location, and time the incident occurred. He did not provide details of the officers but did provide the police wagon's number. The complainant did not leave any contact details.

Department documents showed that the named officers were assigned to the specific police wagon during the date and time of the incident.

Both named officers stated they did not recall speaking to anyone as described by the complainant.

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

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

COMPLAINT DATE: 02/27/24 COMPLETION DATE: 05/20/24 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant said that after speaking to the officers, they drove away in the opposite direction from the drug dealers. The complainant believed the officers should have done something with the information he had provided.

Both named officers stated they did not recall speaking to anyone as described by the complainant.

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

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

COMPLAINT DATE: 03/12/24 COMPLETION DATE: 05/21/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he called the police to assist him in getting his dog back from individuals at a bar who refused to release the animal to him. He stated that he called 911 numerous times and waited outside for over three hours for the police to arrive and ultimately left the scene. He called 911 again but was told he would not be able to retrieve his dog unless he returned to the scene, which he refused to do.

The named officers stated they were on their way to the bar, responding to the call for service, when the complainant flagged down their patrol car. They told the complainant they would meet him at the bar to sort out the issue, but he refused and left the scene. They proceeded to the bar, where they spoke with the bar owner.

Computer Aided Dispatch records showed that the complainant made an initial call for service that was coded as “B” priority, a fight with no weapon. The named officers were dispatched and commented approximately 33 minutes later that the complainant had flagged them down on the street. Approximately 20 minutes later, they reported that the complainant was gone upon arrival, and the bar owner stated that the complainant had been yelling and threatening. The bar owner did not feel comfortable giving the dog to the complainant because he was angry, and the dog seemed afraid. The bar owner offered to watch the dog for the night.

Body-worn camera (BWC) footage did not capture the complainant flagging down the named officers but did show them arriving at the bar and speaking with the bar owner. The complainant was not present.

The time it took the officers to respond and encounter the complainant was not unreasonable given that it was a B Priority call, and the complainant was not in imminent danger.

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

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

COMPLAINT DATE: 03/19/24 COMPLETION DATE: 05/21/24 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that four officers jumped on her and restrained her without reason. The complainant stated they then forced her into an ambulance.

SFPD documentation showed that the complainant was detained for a mental health assessment due to erratic behavior and her being a threat to herself and others. The documents showed that there were two police officers and two medics present.

Body worn camera footage showed that the complainant began her interaction with the named officers by shouting at them and telling them how her ex-husband was abused around the whole world. The named officers tried numerous times to have the complainant relax and engage with them, but she continued to shout at them, call them evil, and talk about more conspiracies. When the medics arrived, the complainant became loud and resistant when they stopped her from leaving a room, and physically resisted being restrained and placed into an ambulance.

Reports documented that the complainant talked about conspiracies involving the government and the military and her belief that she could communicate with people on a TV show in live time.

The complainant was detained for a mental health assessment and the evidence showed that the detention was justified.

The evidence proves that the officers' conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 03/19/24 COMPLETION DATE: 05/21/24 PAGE# 2 of 2

SUMMARY OF ALLEGATION #3: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer made statements in a report about her that were not true. The complainant admitted that she had not seen the report but had heard what was in it.

SFPD documents showed that the named officer did write a report about the complainant detailing how she was held on a mental health detention. The report covered the complainant attempting to speak to television presenters through a tablet and talking about other conspiracies involving the military and the government.

Body worn camera footage showed that the complainant was trying to talk to television presenters through a smart speaker and was talking about military conspiracies. The footage supports what was written in the police report.

The report is an accurate summary account of what happened.

The evidence proves that the alleged misconduct did not occur.

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

COMPLAINT DATE: 03/25/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 03/26/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within the DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

FINDINGS OF FACT: The complaint raises matters not rationally within the DPA's jurisdiction.

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

COMPLAINT DATE: 04/01/24 COMPLETION DATE: 05/21/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/01/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/01/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/02/24 COMPLETION DATE: 05/22/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that she was arrested without cause in the early 1990s.

No record of this arrest or any incident involving the complainant for the time given could be found.

There is no reasonable way to identify the officers involved in this alleged incident.

No findings are made if the officer cannot reasonably be identified, or the officer has left the Department and is therefore no longer subject to discipline.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that officers made racial comments about her and her friend when they were arrest in the early 1990s.

No record of this arrest or any incident involving the complainant for the time given could be found.

There is no reasonable way to identify the officers involved in this alleged incident.

No findings are made if the officer cannot reasonably be identified, or the officer has left the Department and is therefore no longer subject to discipline.

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

COMPLAINT DATE: 04/03/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/MARIN COUNTY SHERIFF'S DEPARTMENT

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

Marin County Sheriff's Office
Secretary of Professional Standards
1600 Los Gatos Dr. #200
San Rafael, CA 94903

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

COMPLAINT DATE: 04/03/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she called police from a hotel where she was staying, and reported assaults against her and the responding officers did not take her seriously.

Department records showed that the named officers responded to a call about a fight from the hotel where the complainant stated she was staying. The officers reported speaking to the complainant and documented a statement from the complainant that was consistent with the account given by the complainant to the DPA. The statement she gave did not contain a report of a crime. The officers' documentation of the report by the complainant was sufficient.

The evidence proves that the officers' conduct was justified, lawful and proper.

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

COMPLAINT DATE: 04/02/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant walked into a museum when it was closed to the public. She spent three hours inside before security noticed her and asked her to leave. The complainant promptly left. The complainant tried to report the museum security breach to museum board, an out-of-town police department, and SFPD. The complainant was unable to file an online report about the incident. The complainant did not speak to any SFPD officer and did not receive any reference numbers.

There was no requirement for SFPD to take a report because no crime occurred. The complainant left when security asked her to leave, and the museum did not try to report a trespassing incident.

The evidence established that no misconduct occurred.

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

CATEGORY OF CONDUCT: NA

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 04/10/24 COMPLETION DATE: 05/29/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant waited for her ride outside of the Airport Terminal at the designated loading and pick-up zone. The complainant noticed that the loading and pick-up area was congested with stationary vehicles. When the complainant's ride arrived, the driver stopped partially in the second lane and was rudely ordered to move forward by an officer. The driver complied with the officer's request to move forward and ended up partially stopping on a pedestrian sidewalk. The same officer made a snide remark about blocking the crosswalk; the complainant perceived the officer's comments as snarky and unwarranted. The complainant was unable to obtain the officer's star number or vehicle number but did provide the DPA with a detailed description of the officer.

The DPA was unable to independently identify the officer based on information provided by the complainant. DPA sent an identification poll to the department's Airport Bureau asking for assistance identifying the officer based on a description of the incident. No officers were identified through the identification poll. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when DPA cannot complete an investigation because the officers cannot reasonably be identified.

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

COMPLAINT DATE: 04/10/24 COMPLETION DATE: 05/29/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

FINDINGS OF FACT: The complainant raises matters not rationally within DPA's jurisdiction. She requested the investigation of allegations related to an incident in 1980 before DPA or its predecessor, OCC, existed.

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

COMPLAINT DATE: 04/13/24 COMPLETION DATE: 05/21/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer operated a police vehicle around pedestrians at an unsafe speed without its overhead lights activated.

The complainant provided a photograph and short video showing the police vehicle. The vehicle number nor license plate number were identifiable.

DPA sent an identification poll to the district station asking for assistance identifying the officer based on a description of the incident. No officer was identified through the poll. Therefore, there was insufficient information to investigate the complaint.

A no finding outcome occurs when DPA cannot complete an investigation because the officer cannot reasonably be identified.

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

COMPLAINT DATE: 04/14/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/15/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant made a general statement in an online complaint that she believed that members of the San Francisco Police Department are stalking her, entering her apartment, and making false reports. The complainant declined to be contacted for additional required information.

There was insufficient evidence to identify any officer involved or to either prove or disprove the allegation.

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

COMPLAINT DATE: 04/17024 COMPLETION DATE: 05/14/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-1

FINDING: NA

FINDINGS OF FACT: This complaint raises matters outside of the DPA's jurisdiction. The complaint has been referred to:

San Francisco District Attorney Victim Witness Program
Attn: Administration
850 Bryant Street #322
San Francisco, CA 94103

SUMMARY OF ALLEGATIONS: This complaint raises matters outside of the DPA's jurisdiction.

CATEGORY OF CONDUCT: IO-1

FINDING: NA

FINDINGS OF FACT: This complaint raises matters outside of the DPA's jurisdiction. The complaint has been referred to:

SFPD Internal Affairs
1245 3rd Street
San Francisco, CA 94158

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

COMPLAINT DATE: 04/14/23 COMPLETION DATE: 05/06/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/16/24 COMPLETION DATE: 05/20/24 PAGE # 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for SFPD, the complaint was mediated and resolved in a non-disciplinary manner on 5/7/24.

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/24 **DATE OF COMPLETION:** 05/20/24 **PAGE# 1 of 1**

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

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

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

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

COMPLAINT DATE: 04/23/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated in an online complaint that there were too many reckless drivers, but the police did not cite anyone. The complainant provided a date, time, and location but did not provide further details of the incident.

Since the complainant could not identify the specific officers involved in the interaction, DPA sent two ID Polls to two different stations. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers that were involved. The ID polls came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

There were no witnesses at the time of the incident.

No finding outcomes occur when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 04/24/24 COMPLETION DATE: 05/14/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO-2

FINDING: Referral/SFSO

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

San Francisco Sheriff's Office
Internal Affairs Unit
25 Van Ness Ave., Room 350
San Francisco, CA 94102

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

COMPLAINT DATE: 04/26/24 COMPLETION DATE: 05/14/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/27/24 COMPLETION DATE: 05/21/24 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

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

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

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

COMPLAINT DATE: 04/27/24 COMPLETION DATE: 05/14/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 04/29/24 COMPLETION DATE: 05/22/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated in their anonymous online complaint that juveniles were on their motorcycles and needed to be pulled over before they ran somebody over.

Department records showed no calls-for-service in the area that was reported by the complainant.

DPA was unable to independently identify a specific incident, nor officers based solely on the insufficient information provided in the online complaint.

A no finding outcome occurs when DPA cannot complete an investigation because the officers cannot reasonably be identified.

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

COMPLAINT DATE: 04/23/24 COMPLETION DATE: 05/20/24 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

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

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

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

COMPLAINT DATE: 05/02/24 COMPLETION DATE: 05/14/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/03/24 COMPLETION DATE: 05/14/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/06/24 COMPLETION DATE: 05/22/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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

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

COMPLAINT DATE: 05/08/24 COMPLETION DATE: 05/20/24 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

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

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

COMPLAINT DATE: 05/09/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NFW

FINDINGS OF FACT: The complainant stated that an officer pulled over his driver because he ran a stop sign but could not provide information about which stop sign he ran. The officer also issued the driver a ticket that was not legible.

The DPA interviewed the complainant, who decided to withdraw the complaint after learning that the DPA would not be able to contest his ticket in court. The complainant requested a withdrawal of the complaint.

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

CATEGORY OF CONDUCT: CUO

FINDING: NFW

FINDINGS OF FACT: The complainant stated that the officer was rude and handed his driver a citation on a pad to sign. The driver was left-handed and tried to grab the pad, but the officer would not let him sign it properly with his left hand.

The complainant decided to withdraw the complaint after learning that the DPA could not contest his ticket. The complainant requested a withdrawal of the complaint.

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

COMPLAINT DATE: 05/15/24 COMPLETION DATE: 05/22/24 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer or officers were continuously harassing people with mental illness, substance abuse issues, and homelessness.

The complainant did not provide the DPA with their name or contact information and did not provide the DPA with any information about a specific incident or sufficient identifying information for the involved officer or officers.

The DPA was unable to obtain enough information to investigate this complaint. The identity of the alleged officer(s) could not be established.

The officer(s) could not reasonably be identified.

SUMMARY OF ALLEGATION #2: The officer failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer or officers did not respond when the complainant called during an emergency.

The complainant did not provide the DPA with their name or contact information and did not provide the DPA with any information about a specific incident or sufficient identifying information for the involved officer or officers.

The DPA was unable to obtain enough information to investigate this complaint. The identity of the alleged officer(s) could not be established. The officer(s) could not reasonably be identified.

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

COMPLAINT DATE: 05/08/24 COMPLETION DATE: 05/20/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT: NA

FINDING: IO-2

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