

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

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that an officer parked a patrol vehicle on the sidewalk without emergency lights and no siren activation. The complainant's cellphone video shows him following behind the officer and asking him questions as the officer walks toward another member of the public.

DPA interviewed the named officer. Officers were instructed by their superiors to park in the privately owned plaza area. Officers also park in the plaza as a deterrent to crime, and so that they are easily accessible for civilians who need help immediately as an alternative to calling 911.

The DPA's investigation confirmed that the named officer did not engage in misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officer refused to speak with the complainant and used profanity when speaking to another individual.

The complainant's cell phone video showed the named officer giving a verbal warning to someone who had vandalized a patrol vehicle. In so doing, the officer used one profane word in a casual manner to express disbelief that the person was vandalizing the patrol vehicle right in front of the officer. While the officer was trying to admonish the person, the complainant interfered by interrupting the officer and asking the officer why he was parked on the sidewalk. The officer did not take any law enforcement action against the person who had vandalized his vehicle. Instead, the officer advised the person to not to do it again. That person said, "my bad" and they fist bumped. While the officer began to walk away from the complainant, the officer provided his name and star number when requested to do so.

The investigation showed that although the officer used one profane word in reaction to the individual's tampering with his vehicle, the officer did so in a casual manner to express disbelief, not be aggressive. Given the totality of the circumstances, the use of the profane word did not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was a victim of a shooting that occurred twelve years ago. He stated that the named officer failed to investigate the crime.

The named officer confirmed that he was the lead investigator in the complainant's case. The officer stated that on the day of the shooting, he responded to the hospital where the complainant was being treated. The complainant was being treated for life-threatening injuries. The officer returned the next day twice, but the complainant was in a coma. The officer continued to return to the hospital for days, but the complainant remained in a coma. The officer was able to speak with the complainant about a month after the shooting. The officer conducted an interview in which the complainant said he could not recall anything of the shooting other than that it was a "drive-by" shooting. The officer said that he was informed by medical staff that the complainant did not want to speak to him further. Before leaving, the officer provided his business card to the complainant and told him that he wanted to arrest the suspect who shot him. The officer said the complainant told him not to pursue the investigation. A few months later, the officer called the complainant again, and the complainant wanted to only talk about getting his property back.

The officer stated he made every effort to investigate the crime. He reviewed video evidence and phone records. However, the officer stated that the investigation was hindered without the complainant's cooperation.

Historical department records demonstrated that a crime scene was established and investigating officers and crime scene technicians attended the scene to gather evidence. Officers canvassed for video cameras and witnesses, and interviewed at least one witness. Photographs were made of the scene, and the victim's cell phone was seized along with his clothing. Officers prepared an incident report, and the case was assigned for investigation. The report documented that, at the scene before medics took him to the hospital, the complainant told investigating officers that he did not know who shot him.

The evidence shows that the complainant's shooting was investigated. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said that during a hospital visit twelve years ago, the named officer said, “You were probably selling drugs,” “It’s a bad area,” and “We know you know who did this.” The complainant stated the comments were inappropriate.

The named officer denied making the statements. The officer stated he did tell the complainant that there was video footage of the complainant leaning into a car just before he was shot.

There is no evidence to confirm or refute the accounts of the incident provided by the complainant and the named officer.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the first officers on the scene refused to put the complainant in his vehicle or take him to a hospital.

Both named officers confirmed they were the first officers to arrive at the scene of the shooting. Both deny that the complainant asked to be placed in a vehicle. The officers explained they would not place a shooting victim in his vehicle due to the danger it would cause and the fact they did not have the necessary medical equipment to ensure their best chance of survival. One officer noted that they summoned an ambulance to the scene, and the ambulance transported the complainant to the hospital.

Department records showed that the named officer requested an ambulance. An ambulance arrived, and the complainant was transported to hospital.

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There is no evidence to refute or confirm that the complainant asked to be placed in a car. However, even if he did request this, the officers were correct in summoning an ambulance to the scene. The evidence does show that the complaint was taken to the hospital in an ambulance.

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

SUMMARY OF ALLEGATION #5: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant, who was the victim of a shooting, stated that the named officer wrote in the incident report that there was a gun next to the complainant after he had been shot. The complainant stated that this was not true, and no gun was found at the scene of the crime.

The incident report shows that the named officer wrote a statement documenting his interview of a witness to the shooting. In the statement, the witness described seeing a gun next to the complainant after the shooting occurred.

The evidence showed that the named officer was providing a record of what a witness described, and not what officers found at the scene. As such, there was no inaccuracy.

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 SFPD failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant, a gunshot victim, reported to DPA that she contacted the San Francisco Police Department (SFPD) for help but did not receive any assistance. Despite efforts by the Department of Police Accountability (DPA) to reach out for mediation, there was no response from the complainant.

Department records showed that officers responded to the scene, conducted a thorough investigation, the complainant was taken to the hospital for treatment, and a detailed incident report was written. The case was then assigned for investigation, and the investigator successfully arrested the suspect, who was subsequently prosecuted and sentenced to state prison.

Court records confirmed the suspect's prosecution and guilt for multiple crimes. The DPA's investigation concluded that SFPD had fulfilled its law enforcement obligations. Thus, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #1: The officer made a material false statement.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The officer is accused of making a material statement, written or verbal, within the scope of employment that the speaker knows or should have known was false.

The named officer was required by California Government Code Section 12525.5 (the Racial and Identity Profile Act) to record his perception of the race of people he stopped. The named officer stated that he could not determine a person's race based solely on their appearance and refused to make a perception. The named officer stated that he put the same race for every person he stopped on his state mandated Stop Data.

SFPD documents showed that the named officer filled out the same race on nearly all his Stop Data filings. The documents also show that the named officer filled out the race as "other" for all sampled citations.

SFPD DGO 2.01 Rule 9 stated: Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member.

The named officer refused to record his perception of persons he stopped and admitted that he instead consistently input the same race in all of his State mandated RIPA filings. Because the officer submitted Stop Data entries that did not reflect his honest perception of the people he stopped, he knowingly provided false information to the State of California.

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 #2: The officer failed to comply with a lawful order; Insubordination.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The officer is accused of failing to comply with a lawful order or direction.

California Government Code Section 12525.5 (the Racial and Identity Profile Act) and Department Notice 21-062 requires officers to record their perception of race/ethnicity of people they stop. The named officer actively refused to comply with the State law because he objected to assuming someone's race. The named officer stated during his DPA interview that he, "will not be forced to determine someone's race...Even if it's a direct order." The named officer did not discuss this objection with his superior officers or attempt to find an assignment where he would not be required to enter Stop Data.

SFPD documents showed that the named officer filled out the same race on nearly all the stops he completed.

SFPD DGO 2.01 Rule 10 stated: "Members shall obey all written orders, policies and procedures of the Department, and promptly obey all lawful written or verbal directives of superiors." .

The named officer's refusal to comply with State law and Department policy is insubordination.

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 #3: The officer failed to comply with Department General Order or Department Bulletin 2.01

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The officer is accused of acting in a manner that reflects discredit upon SFPD by inaccurately reporting perceived race of people being stopped.

During the DPA interview, the named officer admitted he put the same race for every person he stopped on all his Stop Data entries. The named officer expressed the belief that he was one of the top ticket writers for the entire Department.

State of California and SFPD documents confirmed that the named officer put the same race on nearly all the Stop Data entries he made. SFPD documents also confirmed that the named member was one of the top citation writers in the Department.

The named officer did irreparable harm to the integrity of SFPD's RIPA reporting. The DPA cannot provide additional context on the scale of harm the named officer caused.

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 #4: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer is accused of failing to follow department policy on conducting traffic stops.

The named officer stated that he would do 20 to 30 stops per day, mostly for speeding. The named officer stated that he would generate an SFPD CAD number and use the same number for all the tickets he wrote at that location. The named officer stated that he did not contact Dispatch when stopping vehicles and did not provide Dispatch with details of the stop, including his location or the license plate of the vehicle stopped.

SFPD documents showed that the named officer generated his own CAD and then closed it within a few seconds. The CAD showed no details of any stops made or citations issued.

SFPD FTO Training Manual – Low Risk Vehicle Stops states: Advise dispatch that you’re affecting a traffic stop, including the location of the stop, the license plate and description of the vehicle, and the number of occupants.

SFPD DGO 1.03 states: Remain in constant radio contact. Notify the Communications Division when an on-view incident or a station assignment makes them unavailable for other assignments.

SFPD DGO 1.04 states in relevant part: Maintain constant radio contact with Communications Division.

The POST Learning Domain 22 section on “Officer Safety While Conducting Vehicle Pullover” directs members to notify dispatch during all contacts, including the nature and location of each stop.

The named officer did not follow Department policy or training, nor principles of officer safety, while conducting traffic stops.

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

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SUMMARY OF ALLEGATION #5: The DPA was unable to validate the named member's Stop Data using secondary sources due to deficiencies in the SFPD's policies and procedures.

CATEGORY OF CONDUCT: Policy Failure

FINDING: PF

The DOJ Collaborative Reform Initiative Assessment of the San Francisco Police Department outlined various methods for auditing Stop Data. (COPS DOJ at p. 357, *How Data Should Be Collected and Analyzed, Data Integrity*.) These methods include comparing "Stop Data with a secondary data source that tracks some (e.g., citations) or all targeted stops (e.g., computer aided dispatch files)." However, the DPA could not corroborate the named member's Stop Data using citations or computer aided dispatch files due to the inconsistencies with these two secondary data sources.

1. SFPD Should Develop a Method for Track Written Citations

The DPA tried to obtain copies of the citations listed in the named member's Stop Data. Currently, officers can issue traffic tickets using either the E-Citation platform or by handwriting tickets and submitting the carbon copies within the department. However, only tickets issued through E-Citation (approximately 40% of citations) are tracked. Handwritten tickets are forwarded to the Traffic Court without being archived by the SFPD, leading to a significant gap in the Department's ability to count, monitor, or audit traffic citations issued by its members

2. SFPD Needs to Re-Emphasize the Importance of Communicating with Dispatch During Traffic Stops

By following the methodology presented by the COPS DOJ, the DPA attempted to validate the member's Stop Data records using Computer Aided Dispatch ("CAD") records. CAD should provide valuable information, including time, date, location, length of stop, and whether a citation was issued.

DGO 1.03 states that Patrol Officers shall, "Notify the Communication Division when an on-view incident...makes them unavailable for other assignments." DGO 1.04 directs Sergeants to "Maintain constant radio contact with Communications Division." And the FTO Manual directs new members to, "Advise dispatch that you're affecting a traffic stop" and include "location of the stop, the license plate number and description of the vehicle, and the number of occupants." Despite this guidance, the DPA has encountered multiple cases where veteran members conduct traffic stops without notifying Dispatch.

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Current Department training on low-risk vehicle stops follows the California POST Learning Domain guidebook. The course emphasizes maintaining radio communication whenever an officer is taking an enforcement action. The SFPD Academy trains new recruits to front load their administrative and cognitive tasks, such as broadcasting on radio and getting returns from dispatch, prior to turning on their lights. However, the Department does not classify traffic stops as a perishable skill, and this information is not reinforced for veteran members during Advanced Officer training.

3. Policy Recommendations

Recommendation #1: SFPD should consider options such as implementing a comprehensive E-Citation system department-wide, creating an MOU with the Traffic Court to share a unified citation database, or ensuring all handwritten citations are archived before being sent to the Traffic Court.

Recommendation #2: SFPD should provide clear guidance emphasizing the importance of maintaining communication with Dispatch during traffic stops. Communication with dispatch is crucial for officer safety and allows members to take notes through dictation. This update could include guidance at Advanced Officer Training, a Department Notice, or other training, or updating DGO 1.03, 1.04, and the FTO Manual to clarify Department expectations about maintaining radio contact during traffic stops.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officer harassed her by asking her to leave the airport and warning that she could be arrested if she refused to leave. The complainant also said that the officer harassed her by reading pink post-it notes written by another officer and that his trespassing warning was part of a paid politically motivated retaliation campaign.

The officer denied threatening and/or intimidating the complainant. He explained that the complainant was a known trespasser and he informed her on several occasions that her refusal to leave the airport could lead to arrest. The incident was resolved by the complainant voluntarily leaving the airport.

No body-worn camera footage existed for the incident. However, other SFPD records showed that the officer was working the Trespassing Enforcement Detail (TED) the morning of the incident. The TED officers patrol the airport after hours of operation due to the increased number of individuals who stay at the airport without a legitimate purpose. The TAD was created to establish a police presence in the airport to ensure the overall safety of all airport passengers and employees. SFPD records also revealed that the officer performed enforcement actions before and after the airport hours of operation. Records also show that he admonished, detained, and arrested multiple individuals for trespassing and as well as other crimes that night and into the early morning hours.

California Penal Code section 602(q) states in pertinent part, "Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watch person, or custodian of the public agency owning or maintaining the building or property if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue."

DPA confirmed that the airport has the hours of operation and signs about Penal Code 602(q) posted to provide notice of the rules to the public, at both the entrance and exit doors where the incident occurred.

The officer was assigned to conduct trespassing enforcement and the complainant was observed sleeping in the airport after airport hours of operation. The complainant had a known history of trespassing at the airport and the complainant was repeating the offense when the officer approached her. It was therefore appropriate for the officer to approach her and admonish her again about what could happen if she refused

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to leave. The officer was carrying out his trespassing enforcement detail duties. Additionally, there was no indication that the officer's actions were related to politics or any type of campaign.

The evidence proves that, more likely than not, the alleged misconduct did not occur.

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In a written complaint, the complainant alleged that the named officer approached her before airport hours of operation and asked her to leave the airport or she would be arrested.

The named officer stated he saw the complainant sleeping in the sitting area of Terminal 3 and woke her up to ask if she was travelling. The complainant told him she did not have a boarding pass so he advised her that she could not be inside the airport unless she was a ticketed passenger or was currently employed at the airport just as he had numerous times in the past. The named officer stated the complainant was in violation of Penal Code section 602 (q) and that the incident was resolved by the complainant leaving the airport property via BART.

DPA confirmed that the airport has the hours of operation and signage regarding Penal Code 602(q) posted at the entrance/exit doors at the incident location.

California Penal Code section 602(q) states, in part, "Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watch person, or custodian of the public agency owning or maintaining the building or property if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue."

The investigation determined that the officer's warning to the complainant was valid. The complainant acknowledged that she was in the airport before the airport hours of operation. She did not provide DPA with an explanation for her presence at the airport. 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 made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was inside his father's house when officers knocked on the door, informed him he was not allowed there, and escorted him from the premises. Although the complainant told the officer that he would comply with his orders if asked politely to leave, the officer placed the complainant in handcuffs and arrested him for no reason.

The Department of Emergency Management records showed that officers responded to a call for service regarding a person violating a restraining order. Officers confirmed that the restraining order was valid.

Body-worn camera footage and police records showed that multiple officers responded to the scene. After contacting the complainant, the named officer informed him that he was under arrest for violating a restraining order. The complainant asked the officer whether he could just leave, but the officer advised he could not because he was being placed under arrest. The named officer re-explained to the complainant the terms of the restraining order, warning that if the complainant violated it, the complainant could potentially be arrested so long as the order remained in effect. The complainant was arrested for 273.6 PC and transported to the district station for booking. The complainant said that he was aware of the restraining order but noted that there was a misunderstanding he needed to clear up in court.

Court records confirmed that a restraining order was filed against the complainant, was served on the complainant, and was valid at the time of the arrest. The protected party was his father, and the complainant was arrested at his father's residence.

Department General Order (DGO) 6.09, Domestic Violence, states that violating any term of a court protective order is a crime. Members shall make an arrest and book the suspect when enforcing a domestic violence court order.

Penal Code section 273.6 (a) proscribes any intentional and knowing violation of a protective order, as defined in Section 6128 of the Family Code, or of an order issued under Section 527.6, 527.8, or 527.85 of the Code of Civil Procedure, or Section 15657.03 of the Welfare and Institutions Code and is a misdemeanor.

The DPA investigation determined that although the complainant was aware that a restraining order was issued against him, he appeared unclear as to the exact terms of the order. The named officer re-explained

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the terms of the order and the period of validity to the complainant so that he could understand the totality of the situation. While the complainant perceived the named officer's actions as unwarranted, the evidence showed that he complied with department policy.

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

SUMMARY OF ALLEGATIONS #2: The officer improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant did not believe that handcuffs were necessary and said they were tight and caused bruising.

Department General Order 5.01.04, Considerations Governing All Uses of Force, Officers may use objectively reasonable force options in the performance of their duties, in the following circumstances:

- (1). To effect a lawful arrest, detention, or search.
- (2). To overcome resistance or prevent escape.
- (3). To prevent the commission of a public offense.
- (4). In defense of others or in self-defense.
- (5). To gain compliance with a lawful order.

Department General Order 5.01.05, Levels of Resistance, defines a Subject's Actions as Active Resistance when they use 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 into custody. Possible force options for officers are pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject.

The body-worn camera footage showed that when the complainant was arrested and handcuffed, he asked the officer if the handcuffs were necessary and asked the officer to let him walk outside without the handcuffs. The officer denied the request. While the complainant was escorted down the stairs, he stopped several times, asking the officer to remove the handcuffs. The complainant gave the officer several reasons why he wanted the handcuffs removed namely that they were humiliating and embarrassing, that the complainant was a good person who would comply, and that the complainant was non-violent. The footage showed the complainant physically resisting the officer by tensing and bracing himself from

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moving forward while officers guided him toward the patrol car. Further review of the body-worn camera footage showed the complainant denied having any injuries or requiring any medical attention and apologized for not listening to the officer's commands earlier.

The DPA investigation found that the complainant tried to delay the arrest because he did not want to be seen in handcuffs. In accordance with department policy, the officer used reasonable force to arrest and escort the complainant to the patrol vehicle.

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

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

CATEGORY OF CONDUCT: IO-1

FINDING: IO-1/SFSO

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

Internal Affairs Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

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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 alleged that a security guard at an art supply store accused him of throwing items in the store. Feeling threatened, the complainant threw a chair at the security guard. In response, the security guard tased the complainant. The complainant believes that the security guard tased him unlawfully and should have been arrested.

The Department of Emergency Management records showed that officers were dispatched to investigate an assault. Body-worn camera footage revealed that the officers obtained a statement from the complainant, who claimed the security guard unlawfully tased him and requested his arrest. The officers also obtained a statement from a witness who stated that the complainant was behaving erratically in the store and that they had asked the security guard to escort the complainant out. The security guard reported that the complainant refused to leave and threatened to hit him with a candle, eventually throwing it at the security guard, causing the glass candleholder to shatter. The security guard further claimed that the complainant picked up a metal chair, held it overhead, and threw it at him. Upon reviewing the store's surveillance camera footage, the officers found that it completely corroborated the witness' and security guard's statements.

The officers accurately documented the investigation in the incident report, supported by body-worn camera footage. They took photographs of the complainant's injuries, the security guard's injuries, damaged property, and the taser. Additionally, they booked a copy of the surveillance footage from the store.

Department General Order 5.04.04 (3) states that if probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, accept the arrest and 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 the report.

The DPA investigation found that the officers had conducted a thorough and complete investigation. The officers have the discretion to determine probable cause so long as they act reasonably based on the totality of the circumstances. The officers' investigation included statements from the involved parties and

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a review of the surveillance video of the incident. The officers concluded that the security guard acted in self-defense and documented the incident in the report, as required.

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

SUMMARY OF ALLEGATION #3: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: Despite being attacked by a security guard, the complainant alleged he was falsely arrested and charged with felony assault.

The officer stated that the surveillance video footage and witness statements supported the security guard's account of the incident, creating probable cause to arrest the complainant for trespassing, aggravated assault, and vandalism. A review of the footage revealed that the complainant was the primary aggressor, grabbing a metal chair and throwing it at the security guard from an overhead position. The security guard defended himself by tasing the complainant.

Police records and body-worn camera footage confirmed the officer's statement. The DPA reviewed court records which showed that charges were filed against the complainant for 245(a)(1) PC Assault with a Deadly Weapon, 594(a)(2) PC Vandalism, and 602.1(a) PC Obstructing a Public Business Establishment. Additionally, a protective order was granted to the security guard and the art supply store.

The DPA's investigation determined the officer had probable cause to arrest the complainant.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called the police to report an assault by his supervisor at work after his shift was complete. He alleged that dispatchers advised him to wait at home for an available unit rather than report to the station. Several hours later, Dispatch informed him that officers were very busy and that they were still trying to find an available unit to go to his home. The complainant stated that it was not until the next day that officers responded. He felt the wait time was excessive.

The Computer Aided Dispatch (CAD) audio recording showed that both the complainant and his supervisor called the police regarding the incident. The police promptly responded to the workplace and spoke with the superior. However, the complainant had already left the premises. The CAD showed that the complainant also became frustrated at Dispatch, maintaining that they should have afforded him the opportunity to respond to the station initially, which could have expedited the process. However, the CAD audio reflected that the dispatcher had in fact told him to go the station to file his report, but the complainant requested for a unit to be sent to his home instead. Thereafter, Dispatch had advised him several times that they were waiting for an available unit which did not respond to his residence until several hours later.

DPA understands that the delay, and delays in general, can be frustrating; however, officers are limited in resources and must prioritize and respond quickly to situations requiring an immediate response, such as one with a present threat. Here, the threat was no longer present, and the call for service was not generated as a high priority call. Thus, any such delay by the officers was proper given the circumstances.

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 complaint raises matters outside of the DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: Referral/DEM

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

Division of Emergency Communications
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 stated officers improperly detained her for a mental health evaluation. The complainant stated her neighbors called the police and reported she had a gun. The complainant refused to answer any questions about her role in the incident. DPA was unable to obtain the complainant's medical records related to her mental health detention because the complainant refused to sign a medical authorization form. The complainant stated that the named officers improperly detained her for a psychiatric evaluation at a hospital.

Named Officer #1 stated he detained the complainant because he believed the complainant was suffering from undiagnosed mental health issues. A 911 caller, a reliable and identified witness and victim of the incident, told him the complainant had brandished a firearm. An imitation firearm was located in the complainant's residence pursuant to a search warrant, which validated the 911 caller's claims.

Named Officer #2 stated the complainant was detained because multiple victims told him that they saw the complainant through their front door peephole, and when she turned around, they observed her hand on the handle portion of a handgun that was tucked in her waistband. Based on the complainant's threatening and agitated behavior and demeanor, he determined the complainant violated Penal Code section 417(a)(1).

A witness officer stated the complainant was detained based on reasonable suspicion that she had a firearm. Officers were attempting to effect a lawful arrest, detention, or search. The complainant refused and was uncooperative with numerous lawful commands and communication with officers on the scene.

The body-worn camera (BWC) video evidence corroborated the named officers' account and provided sufficient justification for the detention. DPA reviewed 30 body-worn camera (BWC) videos associated with the incident. The BWC evidence showed the named officers going to the apartment of the reporting party and speaking with two adult males who told the officers that the complainant kept aggressively knocking on their door. Officer #2 walked down the hallway towards the complainant's unit. The complainant was standing in her doorway, and Officer #2 calmly asked the complainant, "What's going on?" The complainant responds with a hostile demeanor. The complainant was upset about the neighbor calling the police. The complainant yelled at the officers, used repeated profanity, and went on a verbal tirade. Officers tried to find out why the complainant knocked on the neighbor's door. One officer commented to the complainant that she was intoxicated, and the complainant acknowledged this. The

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complainant said her neighbor's dog was coming to her door and barking. The officers asked the complainant if she would agree to return to her apartment and stay away from the neighbor. The complainant told the officers she did not agree to anything.

Officers returned to the neighbor's unit and told everyone to stay away from the complainant. While the officers were speaking to the neighbor, the complainant walked up and verbally confronted the neighbor and used profanity. Officers try to persuade the complainant to return to her unit, but she becomes more agitated. Officers attempt to de-escalate the situation using verbal persuasion but are not successful. The officers asked the complainant if she needed anything else from them and if she needed medical assistance. She declined. She escalates her verbal tirade towards the officers as they try to leave. Officers reiterated their request for the complainant not to interact with the neighbors and, if anyone needs anything, to call the police. The officers disengaged the complainant and walked down the hallway.

As the named officers walked through the building lobby, the lobby attendant told them that the reporting party advised them that the complainant brandished a gun. This is the first mention of a gun being involved.

The BWC footage showed the named officers speaking with two adult males. Both males confirmed the complainant had a gun. One of the males stated that the complainant "slammed" on their door, and one of the males opened the door and spoke to her. The complainant tried to get him to come outside, yelled at him, and said some really bad words. The complainant turned around, and he saw the gun in the back of her waistband. After he saw the gun, he got scared and did not go outside and closed the door. One of the males told the officers the complainant was angry at their door, wore an "FBI" inscribed hat and a medical mask, and saw a gun in the complainant's rear waistband. They described the gun as black, like the officers' guns.

Officer #1 notified dispatch there was a gun seen during the incident. The gun was not used in a threatening manner, but it was on the person. The officer requested backup units to respond. The complainant opened the door of her unit, and the officer said, "Hello," calmly and asked the complainant to come down the hall and speak with them. Officers repeatedly asked the complainant to come over and speak with them, but the complainant refused. The officers remained calm, requested the radio channel be cleared, and communicated the complainant's actions over the radio.

A police entry team arrived and formulated an arrest plan. Other officers took over and attempted to establish communication with the complainant. The complainant refused to come out. A sergeant appeared, introduced himself, and spoke to the complainant, telling her there was an allegation that she had a firearm. The sound of a door closing can be heard, and the sergeant told officers communicating with dispatch that she locked the door. One officer radioed and confirmed that the subject had closed and locked her door. The entry team strategically positioned themselves in the stairwell and hallway. A decision was made to knock on the door. One of the entry team officers knocked, and the complainant

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opened the door and stepped into the hallway. The officer made physical contact with the complainant, pulled the complainant to the floor, and handcuffed the complainant. Medics arrived on the scene to assess the complainant. The complainant continued to yell and curse at the officers. An officer told the complainant she was being detained for a mental health evaluation for being a danger to others, and the sergeant told the complainant she was under arrest.

Records from the Department of Emergency Management Services showed that Dispatch received a call regarding a ringing doorbell. The reporting party stated a female knocked on his door, left, and returned. The reporting party stated he was scared and requested officers contact him. The named officers arrive on the scene. The officers advised they were going back to the reporting party's unit as there was mention of a gun, and they would attempt to clarify. The officers indicated a gun was seen during the incident but not brandished. Backup units are requested with a shield. Other police units attended the scene, and the complainant was ultimately detained and placed in handcuffs. Medics were called, and the complainant was taken to the hospital.

The incident report (IR) documented the type of incident as Exhibiting a Weapon, Resisting Arrest, and Mental Health detention. The complainant was arrested and cited for violating Penal Code sections 148(a)(1), Resisting Arrest, and 417(a)(1), Brandishing a Weapon. The narrative is consistent with the BWC footage and the named officers' account of the incident.

The IR noted that when the complainant first came out of her apartment, and the reporting officer contacted the complainant, he immediately smelled an alcoholic beverage odor emitting from the complainant's breath. The officer noted the complainant's demeanor changed rapidly back and forth from calm to extremely agitated and appeared to be intoxicated. The complainant stated that she was very upset with the noise from the residents of the neighbor's unit and their dog barking. The complainant was also making nonsensical statements. While making their way out of the apartment complex, the front desk staff contacted the officers and stated the residents of the unit called another apartment employee and told them that they saw the complainant with a gun. With this additional information, the named officers returned to the reporting party's unit to obtain clarification about the gun. The reporting party and a witness confirmed the complainant had a gun in her waistband and had her hand on the handle of the gun. The reporting officer determined the complainant violated Penal Code section 417(a)(1). Based on the complainant's current unstable mental state and because she was possibly armed with a firearm, additional units were requested to respond to the scene. A sergeant and additional officers arrived on the scene. Officers formulated a plan to contact and arrest the complainant, including utilizing a shield. Before giving commands to the complainant, the complainant opened her door. Officers on scene gave the complainant lawful orders to walk towards us and to show us her hands. She refused multiple times and even closed her door and locked it. Officers on the scene continued to contact the complainant verbally, and she re-opened her front door. She still refused to walk towards us. Entry team officers approached the complainant, who was standing outside her doorway in the hallway. An officer grabbed her right arm, and

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she pulled her arm away. To make an arrest, the officer pulled her arm and placed her on the ground. Two officers placed the complainant into handcuffs without further incident. During the contact, the complainant sustained an abrasion on her lip. Therefore, medics were summoned to the scene.

Officers notified a sergeant of the use of force and later entered the use of force in the station's Use of Force Log. The sergeant conducted a use-of-force evaluation. Medics arrived on the scene and assessed the complainant.

The IR documented that because the complainant's demeanor fluctuated rapidly between calm and highly agitated, and because she was extremely unreasonable, non-compliant, nonsensical, rambling about being in the FBI and CIA, and due to the fact she was seen with a firearm in association of being heavily intoxicated, the reporting officer determined the complainant had an underlying mental health disorder and was a danger to herself and others and placed her on a mental health detention per the California Welfare and Institutions Code S5150.

Named officer #1 completed the "5150" W&I evaluation form and read the complainant's Detainment Advisement verbatim. Officer #1 issued the complainant a citation for Penal Code sections 417(a)(1) and 148(a)(1), which she had signed. Medics transported the complainant, accompanied by an officer, to a hospital for further medical evaluation. The reporting officer contacted a judge who authorized a "Gun Violence Emergency" protective order for the complainant. The complainant was served with the authorized protective order. The complainant refused to surrender any firearms.

The Night Investigation Unit sergeant was notified of the incident and assisted in authoring a search warrant for the complainant's apartment, which a judge signed. The sergeant and two other officers searched the complainant's compartment and located a black BB pistol in the nightstand bottom drawer next to the complainant's bed. The pistol was seized as evidence. The pistol was noted to be all black, absent of an orange tip, and appeared to be a real firearm. The pistol was shown to the reporting party, and a witness confirmed that it was the pistol they observed in the complainant's rear waistband. Named officer #1 responded to the hospital and provided the complainant with a copy of the search warrant and a property receipt for the BB pistol, which she refused to sign. The complainant was left in the care and custody of hospital personnel.

The Mental Health Detention/Evaluation form showed that the named officers believed the complainant was, because of a mental health disorder, a danger to herself and a danger to others. The "Gun Violence Emergency" protective order stated the complainant was in a neighbor dispute, banged on the door, and was verbally aggressive, trying to get her neighbor to come outside. The neighbor refused, and when the complainant turned around, the neighbor and a witness observed a firearm in her

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rear waistband. Based on officer observations, the complainant was intoxicated and mentally unstable, and she was placed on a mental health hold and cited.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer reasonably suspects that the person's behavior is related to criminal activity.

Department General Order 6.14 (Psychological Evaluation of Adults), Section II.3 states, "If an individual has committed a crime, arrest the individual and book or cite according to Department policies and procedures. Cited individuals who are, as a result of mental disorder, a danger to themselves, a danger to others, or are gravely disabled shall also be detained for psychiatric evaluation."

Police officers are allowed under state law to determine by their observations if civilians are a danger to themselves or others.

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

SUMMARY OF ALLEGATIONS #3-5: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the officer obtained a search warrant, searched her apartment for a gun, and seized a replica gun. Officers asked her if they could search her house, and she said, "No." Named officer #1 told her he would get a search warrant and returned with a warrant. Police came back to the hospital and told her they found an imitation gun in her house. The complainant stated if police found a gun, it was probably one of her son's old paintball guns. She does not know what they found in her home.

Officer #1 stated that a search was conducted at the complainant's residence for a firearm under a search warrant issued by a judge. An imitation firearm was located and seized.

Officer #2 stated he searched the complainant's residence for firearms under a search warrant signed by a judge. He located and seized a black BB pistol in the complainant's bedroom nightstand.

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Officer #3 stated that he had conducted a limited visual search of the residence under a search warrant authorized by a judge. The scope of the search warrant was for firearms as defined by California Penal Code section 16520(a). During the search, a black imitation firearm (BB/pellet gun without an orange tip) resembling a semi-automatic firearm was found on the premises and seized.

A copy of the signed search warrant, signed by a Superior Court judge and permitting the officer to search the complainant's residence for firearms, was obtained, corroborating the officer's account.

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

SUMMARY OF ALLEGATION #6: The officer used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers rushed her and threw her to the floor. She sustained a cut lip and bruising. She said that this use of force was excessive. The complainant failed to sign consent for access to her medical records.

The named officer stated that he used a level two takedown to overcome the complainant's resistance and to prevent the complainant's escape. The force was justified because officers were attempting to effect a lawful arrest, detention, or search. The complainant refused to come outside her apartment after numerous lawful commands and communication with officers on the scene. Furthermore, officers warned the complainant that force would be used against her if she did not comply. The force was justified to overcome resistance or to prevent escape. The complainant actively resisted by holding her hand against the door frame and pulling her back into the apartment. The force was justified to prevent the commission of a public offense. The complainant threatened her neighbors with a firearm.

The named officer explained that he used the lowest force necessary to make the arrest. The complainant has been refusing lawful orders and was resisting by trying to pull herself on the doorframe into her apartment. The officer confirmed that the complainant suffered a cut lip.

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Department records, including the incident report, Use of Force forms, and Supervisor Use of Force evaluation forms, corroborate the named officer's account. Some credible witnesses stated that the complainant had threatened them while being armed with a firearm.

The BWC footage showed that officers tried to persuade and order the complainant to comply with her detention. The complainant refused. Eventually, the complainant stepped out of her apartment into the hallway. The named officer can be seen taking hold of the complainant's arm. The complainant pulled away to re-enter the apartment. The officer uses a takedown technique to overcome the resistance and take the complainant into custody. The BWC also shows the complainant sustained a cut to her lip because of the use of force.

DGO 5.01.05.C describes active resistance 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."

DGO 5.01.05 states a possible force option for active resistance: "Pain compliance control holds, takedowns and techniques to direct movement or immobilize a subject."

DGO 5.01.07 describes "type two" force as "...force occurs when an officer's physical interaction with a subject (1) is reasonably unlikely to cause pain or injury; or (2) does not cause pain or injury; or (3) the subject does not report pain or injury." Also, that a "type two" force option includes, "An officer uses a takedown technique to gain control of an actively resisting subject."

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

SUMMARY OF ALLEGATION #7: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IE

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FINDINGS OF FACT: The complainant said that the named officer made an inappropriate comment when he told her neighbors, “We can see she’s either crazy or not in her right mind.”

The named officer stated that he did speak to the 9-1-1 caller within earshot of the complainant and informed the caller that the complaint was likely suffering from undiagnosed mental health issues. The officer agreed he used the phrase, “Obviously, she’s not all there,” but denied using the words “crazy” or “in her right mind.” The officer explained that he was attempting to diffuse the situation between the two parties and prevent further interaction.

BWC showed that the named officer was speaking with the 9-1-1 caller outside the 9-1-1 caller's apartment. The complainant approached the caller and the officer, made a statement about her dog and the hallway, then turned and walked away. The named officer told the caller, “Close your door. Obviously, she’s not all there.” The complainant returned having heard the comment.

The evidence shows that the officer did not use the words described by the complainant. However, he did use similar words when speaking to another party while within earshot of the complainant. The video evidence showed that the officer was trying to deal with and diffuse a heated situation. As such, although the words used by the officer were ill-advised, they do not rise to the level of misconduct.

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

SUMMARY OF ALLEGATIONS #8-9: The officers applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that when she was detained, she was handcuffed for no reason.

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Named officer #1 confirmed that he handcuffed the complainant. He stated that the complainant was detained and arrested due to an allegation from two neighbors that she brandished a firearm. Officers who were on the scene before Officer #1 determined there was reasonable suspicion that the complainant was in possession of a firearm.

Named officer #2 stated he and Officer #1 handcuffed the complainant. Handcuffing was justified because the complainant was detained and arrested for brandishing a firearm. In addition, the complainant was handcuffed for officer safety and the safety of others on the scene.

BWC footage showed that the named officer handcuffed the complainant after she was detained.

Department General Order 5.18 (Prisoner Handling and Transportation), Section II.A.1, states, "Officers shall take all reasonable steps to minimize the possibility of prisoner escape by properly handcuffing or otherwise restraining the prisoner."

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

SUMMARY OF ALLEGATION #10: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer cited her for possession of a firearm when she did not have a firearm on her when she was patted down during her detention.

The named officer stated that he cited the complainant for Penal Code sections 417 brandishing and 148 (a)(1) for resisting, obstructing, and delaying the duties of a police officer. The complainant was not cited

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for possession of a firearm. The officer explained he was justified in issuing the citation as there was a statement from the 9-1-1 caller, a witness and victim of this incident. There was also an imitation firearm located on the premises of the complaint under the search warrant, further validating the claims made.

Department records, BWC footage, and a copy of the search warrant support the officer's explanation.

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 properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officers failed to investigate an attempted quadruple homicide properly and targeted a specific individual (“suspect”) who was not involved. She stated that instead of following investigative leads and developing evidence against the suspect, they first targeted the suspect and then tried to find evidence to fit their “preferred, yet baseless theory.”

The named officers stated they conducted a thorough investigation including but not limited to reviewing surveillance footage, reviewing social media posts, speaking with investigators from other police departments, authoring search warrants, reviewing phone records, and interviewing witnesses. Named officer #2 stated he first identified the suspect as possibly being involved in the shooting after receiving information from an investigator from another police department.

Department records indicate the named officers investigated and subsequently arrested a suspect for an attempted quadruple homicide. The records document investigative steps taken, and evidence gathered, including, but not limited to, witness statements, surveillance footage, phone records, seized clothing, and social media posts.

The named officers conducted a thorough investigation. The investigative steps were documented in their respective affidavits supporting separate warrants, which were granted and signed by judges.

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

SUMMARY OF ALLEGATION #3: The officer made an arrest without cause.

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CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer arrested a suspect for an attempted quadruple homicide without cause. She stated the named officer targeted the suspect and then attempted to find evidence to fit his baseless theory. She stated the suspect was innocent and not involved in the crime.

The named officer stated he did not arrest the suspect.

A witness officer stated he arrested the suspect based on probable cause outlined in his arrest warrant, which a judge signed.

Department records show that the witness officer authored an arrest warrant for the suspect.

The witness officer's probable cause affidavit attached to the arrest warrant documents the investigative steps taken by the named and witness officers. It outlines the evidence against the suspect, including but not limited to phone records, seized clothing, and social media posts. The arrest warrant was granted and signed by a judge.

Evidence shows that the named officer did not arrest the suspect.

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

SUMMARY OF ALLEGATION #4: The officer made an arrest without cause.

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CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer arrested a suspect for an attempted quadruple homicide without cause. She stated the named officer identified the suspect and then attempted to find evidence to fit his baseless theory. She stated the suspect was innocent and not involved in the crime.

The named officer stated he authored a probable cause affidavit in support of an arrest warrant for the suspect. He stated that the suspect was lawfully arrested based on probable cause.

Department records indicate the named officer authored an arrest warrant for the suspect.

The named officer's probable cause affidavit attached to the arrest warrant documents the investigative steps taken by officers and outlines evidence against the suspect, including but not limited to phone records, seized clothing, and social media posts. The arrest warrant was granted and signed by a judge.

Department General Order 5.03 (Investigative Detentions) states in the relevant part, "Probable cause to arrest is a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested. Under the Fourth Amendment, arrests must be supported by probable cause."

The named officer's affidavit supporting the arrest warrant provided sufficient probable cause that would lead a reasonable person to objectively believe and strongly suspect that the suspect took part in the attempted quadruple homicide. The arrest warrant was reviewed and signed by a judge who agreed there was sufficient probable cause.

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

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

CATEGORY OF CONDUCT: UA

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FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer unlawfully gained possession of a suspect's phone and searched it after receiving it from another police department without a warrant.

The named officer stated an investigator from another police department concluded their investigation of a mutual suspect and then voluntarily gave him the suspect's phone. The named officer stated he was not required to obtain a search warrant for the physical phone as it was evidence of a crime, and the other police department freely gave it to him. He stated he did not view the contents of the phone without first obtaining an independent search warrant, which a judge granted.

Department records document that an investigator from another police department gave the named officer the suspect's phone. Records show that another officer subsequently authored and was granted a search warrant for the phone's contents.

The named officer did not violate Department policy when he received custody of a phone that another police department lawfully seized once they no longer needed it. The fact that another law enforcement agency voluntarily provided the named officer with a suspect's phone was documented in an affidavit for the arrest of a suspect; there was no attempt to conceal this fact. That affidavit was signed by a judge who did not note any concern about how the phone came into the possession of the named officer. There is no evidence that the named officer searched the phone's contents before receiving a signed search warrant.

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

SUMMARY OF ALLEGATIONS #6-7: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

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FINDINGS OF FACT: The complainant stated that the named officers unlawfully searched a home and seized items believed to be associated with an attempted quadruple homicide while conducting a search authorized by a warrant stemming from an unrelated incident. She stated the named officers did not have a warrant to search for items associated with the attempted quadruple homicide. The complainant stated that the items seized were clothing and shoes unrelated to the crime associated with the search warrant, and the warrant for the unrelated incident was a mere ruse to search for items related to the attempted quadruple homicide.

Named officer #1 stated he authored a search warrant, which was granted by a judge, at a residence for an incident unrelated to the attempted quadruple homicide. The named officers stated a suspect in the quadruple homicide was also present during the unrelated crime (subject of the search warrant), and he appeared to be living at the residence subject to the search as he was present in the early morning hours when the search warrant was executed. Officer #2 stated he received information from other law enforcement agencies that the suspect lived at the residence. The named officers stated that during the search, they kept an eye out for items of clothing and shoes they believed the suspect wore during the attempted quadruple homicide. Officer #1 stated that although the items seized were not the subject of the underlying search warrant, he believed the seizure of the clothing and shoes was lawful because they were evidence of a crime. He had standing to be in the residence based on a valid search warrant. Officer #2 acknowledged that the clothing and shoes seized were unrelated to the underlying search warrant; however, he stated that the seizure was lawful. He stated officers who searched the house for clothing and other items associated with the warrant discovered the seized items as potential evidence in the attempted quadruple homicide. The named officer stated a warrant was unnecessary as the seized items were evidence of a crime. In addition, he stated that the seized items were in permissible areas to search under the warrant.

Department records indicate that named officer #1 authored a search warrant unrelated to the attempted quadruple homicide. Records also indicate that items of clothing and shoes, identified by the named officers as evidence in the attempted quadruple homicide, were seized under the unrelated search warrant.

Body-worn camera footage showed a residence searched by several officers. The footage showed Officer #2 encouraging other officers to look for a suspect's clothing and shoes from the attempted quadruple homicide, which was unrelated to the search warrant.

The named officers did not violate Department policy. They lawfully searched a residence based on a valid warrant signed by a judge. The search warrant was regarding an unrelated crime; however, items of clothing and shoes from the attempted quadruple homicide were discovered during the search and were found in areas permissible to be searched under the warrant.

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

SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officer authored a search warrant for a residence for an unrelated crime as a ruse to search for evidence in an attempted quadruple homicide.

The named officer stated the search warrant was not a ruse to look for evidence in the attempted quadruple homicide. He stated he was the lead investigator on a case where the suspect in the attempted quadruple homicide was also present. He stated the search warrant was valid and signed by a judge.

Department records indicate the named officer authored a search warrant for a residence regarding an unrelated crime.

There is no evidence that the named officer misrepresented the truth at any point in the investigation. He authored a search warrant for an unrelated crime, which a judge granted and, therefore, was valid.

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

SUMMARY OF ALLEGATION #9: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: IE

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FINDINGS OF FACT: The complainant stated the named officer misrepresented the truth multiple times regarding the investigation of a quadruple attempted homicide. First, the complainant stated the named officer lied when he stated the seized items of clothing matched the clothing worn by a suspect captured on surveillance footage. She stated the color of one of the clothing items seized was orange, not red, as seen on surveillance footage. In addition, the complainant stated that the seized pants were baggy, unlike those seen in surveillance footage.

Secondly, the complainant stated the named officer lied by omission in an arrest warrant affidavit where he left out exculpatory evidence of phone records that showed the suspect's phone did not ping in the area of the shooting. The complainant stated that an investigator from a different agency unlawfully sent the named officer the suspect's cell phone records (without a warrant), which showed that the suspect's phone did not ping in the area around the time of the attempted quadruple homicide. She stated the named officer was aware of this when he authored the search warrant.

Thirdly, the complainant stated the named officer lied by omission when he failed to disclose exculpatory evidence in an affidavit for a search warrant. She stated the named officer knew about photographs of the suspect on the day of the shooting from social media posts where the suspect was wearing different clothing than the clothing seen on a suspect in surveillance footage in the attempted quadruple homicide.

The named officer denied misrepresenting the truth at any point during this case. He stated the color of the seized clothing matched the color of the clothing worn by the suspect; the disagreement of colors is a matter of opinion. He stated that other officers with similar investigative experience and backgrounds agreed that the clothing seized matched the clothing found in the surveillance footage. Regarding the seized pants, the named officer stated that the suspect had never tried on them, and therefore, he could not assess how baggy the pants would be on the suspect.

The named officer stated he did not lie by omitting exculpatory information in his probable cause affidavit supporting an arrest warrant for the suspect. He stated he received information from another investigator at a different agency that the suspect's phone pinged in the area of the attempted quadruple homicide. He stated he did not receive the actual phone records from the other investigator. He stated the cell phone records were subsequently obtained through an independent warrant, where he discovered that the suspect's phone stopped pinging on towers just before the attempted quadruple homicide and then began pinging shortly afterward. He stated he provided his "non-expert analysis" of the phone records. He indicated that at the preliminary hearing, the District Attorney called an expert witness to testify regarding the phone records, to which he was not privy.

The named officer also stated that he did not lie by omission by not including information about a photograph of the suspect in clothes different than those seen on surveillance footage for the attempted

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quadruple homicide. He stated he could not recall if he knew about the photographs before authoring a search warrant, but he stated the very distinctive shoes were the same, and the clothes were different. In addition, the named officer stated that he is very aware that criminals tend to wear different clothing, but not shoes, when they commit crimes.

Department records indicate that the named officer authored an arrest warrant for a suspect in an attempted quadruple homicide. The named officer stated in his affidavit that another investigator at a different agency told him that the suspect's cell phone was pinging in the area of the attempted quadruple homicide at approximately the time of the incident.

Additional Department records show a photograph captured from social media on the day of the attempted quadruple homicide, depicting the suspect wearing black shoes, possibly matching the shoes seen on surveillance footage. The suspect's clothing does not match the clothing on surveillance footage.

Surveillance footage from the attempted quadruple homicide shows a suspect wearing all black, with a band of red at the waistline, and black shoes.

Court records show that the investigator at a different police agency testified that he believed he sent the named officer the suspect's cell phone records. Court records also showed that the named officer stated he believed he received the suspect's cell phone records from an investigator at a different police department, but he could not recall when. The complainant asked the court to find the named officer not credible, which the court declined.

The discrepancy in the color of a seized item of clothing is subjective and does not rise to the level of misrepresenting the truth. There is contradictory evidence as to whether or not the named officer had knowledge of the suspect's phone pinging near the attempted quadruple homicide. There is no evidence that the named officer lied by not including information about the clothing worn by the suspect on the day of the attempted quadruple homicide. It is a well-known fact to lay people that criminals attempt to conceal their identity when committing crimes. It is very plausible that the suspect changed clothes while committing a crime. Therefore, the lack of information regarding the suspect's clothing earlier in the day would likely not have made any difference in the issuance of the warrant. In addition, the named officer was unclear about whether he knew of that photograph when he authored the warrant.

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

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SUMMARY OF ALLEGATIONS #10-11: The officers knowingly engaged in biased policing.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers identified a suspect in a quadruple attempted homicide based on his skin tone.

The named officers denied engaging in biased policing and stated that they developed their suspects based on evidence discovered in their investigation. They stated they identified the subject in question because the evidence led them to believe he was in the area of the shooting, they discovered clothing they believed he wore at the shooting in a residence in which he was known to inhabit, he was associated with a gang rival to the shooting victims, he was an associate with another suspect positively identified by DNA. In addition, Named Officer #1 stated that based on his past contacts with the suspect, he recognized him on surveillance footage based on his body type, the way he moved, and his unique stance.

Department records indicate the named officers investigated and subsequently arrested a suspect for an attempted quadruple homicide. The records document investigative steps taken and evidence gathered, including, but not limited to, surveillance footage, phone records, seized clothing, and social media posts.

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

The named officers conducted a thorough investigation that led to the identification of the suspect in question. The evidence collected could be reasonably associated with the suspect. The complainant failed to provide evidence showing that the named officers engaged in biased policing.

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

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 2.01.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant lodged a complaint on behalf of his employees who were working at a movie theater establishment in the city. On the date in question, the complainant stated that two subjects—one of which was later identified as the named officer—were observed to be overly intoxicated at the theater’s bar. The subjects were ultimately asked to leave the premises per the theater’s policies on intoxicated patrons. The named officer, rather than leave the premises, inappropriately flashed his Department-issued badge and a firearm holstered on his hip, to the employees.

DPA interviewed several witnesses. The witnesses confirmed that the named officer, in plain clothing, appeared highly intoxicated after drinking at the bar and displayed his Department-issued badge and firearm to theater employees and security personnel at least twice.

DPA’s investigation revealed that after an extended period of the named officer and his friend drinking and sitting at the bar, the theater manager was notified of the subjects’ intoxication level and observed them accordingly. Per the manager’s observations, the named officer acted in a manner consistent with being highly intoxicated. The manager and security personnel confronted the named officer to further assess the situation. They asked them how much they had to drink and whether they needed aid. The named officer then flashed his Department-issued badge, which was on a chain around his neck inside of his hoodie. Thereafter, he placed his badge back inside his hoodie and lifted the bottom of his hoodie up and displayed a firearm holstered on his right-side waist band.

Witness #1 determined that the named officer and his friend were too intoxicated and needed to leave the theater. The named officer did not readily comply. Witness #1 stated that it appeared the named officer did not like that he was telling him what to do and chose to speak with the security personnel instead. Witness #3 confirmed that the named officer appeared intoxicated during their conversation. Witness #3 asked why he had shown his star and firearm and that the named officer apologized and said he did not mean anything by it, and wanted to express to them that he was an officer and a, “good guy” and that he did not want to cause any trouble. Witness #3 informed the named officer that there is a difference between showing who you are and brandishing a firearm, which he felt was “suspect.” Witness #3 informed him that he could not hang out there or use the restroom, and that if he did not accept the refund for his tickets and leave the premises, they would call the police. The named officer finally accepted the decision and began to depart the theater.

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Instead of immediately leaving the theater, the named officer interacted with additional security personnel stationed on the floor below. The named officer displayed his department-issued badge again to gain access to the bathroom which was closed off to the public. Only employees and on-duty first responders were authorized to use the restroom. Witness #4 explained that he then observed the named officer and other patron trying to breach post and consulted with the other security guard to figure out what had occurred. Witness #5 informed Witness #4 that they were “SFPD,” and then the named officer flashed his department-issued badge and firearm. They realized how intoxicated they were. Witness #5 stated that he allowed them to use the restroom only because a badge was displayed. Otherwise, he would not have allowed them to enter an otherwise closed off area. Witness #5 felt that the display of his weapon was intentional and that he showed his department-issued badge to gain special privileges.

The named officer underwent two administrative interviews—by DPA and SFPD IAD. In his DPA interview, the named officer recalled encountering a theater employee on the first floor near the restrooms who informed him that the restrooms were closed to the public. The named officer admitted that he then lifted his hoodie to display his department-issued badge located on his hip, to show the employee that he was an officer and to reassure him that he not there to cause any funny business; that he would simply enter the closed restroom and leave once finished. The named officer acknowledged that showing his department-issued badge to gain access to another wise closed restroom could be interpreted as a misuse of police authority; however, he maintained that he did not intend to identify himself as an officer taking police action or to gain special privileges. He also attested that he did not intend to display his firearm and could not provide an explanation as to why any employee, or security personnel would have seen the weapon holstered on his hip, particularly because after watching surveillance of the incident, he admitted that his badge was on a chain around his neck and not on his waist as he originally believed it to be. Additionally, the named officer does not recall speaking or having any further interactions with theater employees or security personnel while at the movie theater separate from the one described herein.

DPA obtained surveillance footage of the incident which reflected the incident in large part. The footage showed the named officer and another individual sitting at the bar consuming several shots of alcohol. The footage, thereafter, captured the named officer stumbling and leaning on the other patron in a manner consistent with someone being intoxicated. The footage then showed him reaching into his hoodie near his collar but moved out of frame. Witness #1 attested that this was the point in time when he initially flashed his department-issued badge, which was on a chain around his neck. As mentioned above, while the named officer initially stated that his badge was on a clip on the left side of his waistband, after reviewing the above footage, he confirmed that his badge was on a chain around his neck.

The footage also reflected the named officer speaking with additional security personnel to gain access to the bathroom. It appeared in the footage that he flashed his department-issued badge again, as attested by the security personnel. The footage then showed the named officer remove the barrier to the closed off-area

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and directed the other subject to enter. An additional security personnel hurried over to the officer at which point the named officer appeared to display his department-issued badge again. The footage then captured the named officer placing the badge around his neck inside his hoodie while entering the closed restroom. The named officer left the premises, and the police were called. Several officers responded to the theater accordingly.

Department General Order 2.01(6), General Rules of Conduct, in relevant part states: “Under no circumstances shall an off-duty member who is under the influence of or impaired by any intoxicating substance place themselves in police officer status.”

The named officer denied engaging in any misconduct, misusing police authority, or violating any Department Policies while being inebriated with a firearm and department-issued badge. However, in the separate administrative interview, he admitted that his actions violated Department Policies.

Thus, based on the evidence and despite the named officer’s inconsistencies as to whether he violated department policies, his conduct in placing himself on duty by displaying his department-issued badge and identifying himself as a police officer while admitted intoxicated explicitly violated Department General Order 2.01.

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

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

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SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 2.02.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. Per the complainant, the named officer was visibly impaired and under the influence of alcohol when he displayed his firearm to the establishment's employees.

The named officer confirmed that he had consumed multiple alcoholic beverages and was in possession of a personal firearm at the time of the incident.

Department General Order 2.02, Alcohol Use by Sworn Department Members, explicitly prohibits the following conduct:

- Members shall not consume alcohol or be under the influence while on duty;
- Members shall not consume alcohol, be impaired, or be under the influence of alcohol while carrying a firearm; and
- Members should not activate from off-duty status to on-duty status when their ability to perform their duties as a sworn officer is impaired.

The named officer's conduct explicitly violated the above designated sections of the Department General Order. In further violation of DGO 2.02, the named officer activated from off-duty status to an on-duty status when his ability to perform his duties as a sworn officer was impaired. The named officer was visibly intoxicated and activated to an on-duty status by displaying his Department-issued badge. DGO 2.02.03 states, "G. Members should not activate from off-duty status to an on-duty status when their ability to perform their duties as a sworn officer is impaired." (DGO 2.02.03) The named officer also violated this provision from DGO 2.02.

Finally, "Members shall not consume alcohol or be under the influence while on duty." (Ex. Q, DGO 2.02 at page 2.) Because The named officer placed himself on duty while he was intoxicated, he further violated DGO 2.02.

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 misused police authority.

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CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The facts from the prior section are hereby incorporated by reference. The complainant alleged that the named officer showed his Department-issued badge to theater employees when he was refused service.

The named officer could not recall if he displayed his badge to theater employees. The named officer did admit that he showed his Department-issued badge to gain access to an otherwise closed restroom upon leaving the upstairs theater. The named officer also acknowledged that showing his Department-issued badge to gain access to the bathroom could be interpreted as a misuse of police authority. However, he stated that it was not his intention to identify himself as an officer taking police action or to gain special privileges, but to reassure them that he was not there to cause any trouble and would use the restroom and leave.

Witness #5 stated that often security will allow *on-duty* first responders and theater employees to use the bathroom when it's closed. Witness #5 felt that the named officer displayed his badge to gain access to the restroom as a privilege, and had he not shown his badge, he would not have allowed him to enter the restroom.

Additionally, while the named officer did not recall also displaying his Department-issued badge to the theater's manager and security personnel when confronted about his level of intoxication, DPA finds, by a preponderance of the evidence, the witnesses to be credible and statements true.

DPA finds that the named officer's display of his Department-issued badge, even to simply enter a closed off-restroom while off duty, was a misuse of police authority.

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

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

CATEGORY OF CONDUCT:

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FINDING: IO-1/IAD

DEPT. ACTION:

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he loaned his vehicle to a family member and that his vehicle ended up being towed by SFPD. The complainant stated that the named officer should have contacted him, as the registered owner of the vehicle, to let him come pick it up on scene as opposed to towing it. Additionally, the complainant stated that the named officer improperly placed a hold on the vehicle.

The named officer stated that he observed a vehicle that was double parked in a designated bus lane. Upon running a records check on the driver, they discovered that the driver had an outstanding warrant from a nearby county and that his license was suspended. As a result, the named officer placed him under arrest, towed the vehicle, and placed the vehicle on a hold. The named officer stated if he did not take those actions, he would have been going against Department policy and local laws.

DPA obtained a copy of the corresponding incident report and the named officer's body-worn camera (BWC) footage of the incident. Both the incident report and the BWC footage were consistent with the statement the named officer provided to DPA.

Department General Order 9.06 "Vehicle Tows" states, "It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver license." It later states, "Officers shall place a 'hold' on a vehicle when any of the following circumstances exist: A vehicle is being towed because the driver has been arrested for driving with a suspended or revoked driver license (Section 14601 CVC series) or driving without ever been issued a driver license [Section 12500(a)CVC]."

The evidence showed that the named officer's actions were within the rules and guidelines of the San Francisco Police Department.

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 properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he was the victim of an assault. The complainant alleged that the named officers who responded on scene failed to respond to a specific area to obtain evidence and retrieve personal items that were taken during the assault.

Both named officers stated that they met with the complainant and took his statement. They stated that they broadcasted a description of the assailants over their radios and went to the area where the assault took place. They attempted to obtain surveillance camera footage, but the store that owned the corresponding cameras near the crime scene was not open at the time. Additionally, they attempted to search for the complainant's belongings, but they did not find any of the complainant's property. They notified the Department Operations Center of the incident and documented their investigative steps in an incident report.

DPA obtained a copy of the corresponding incident report and the named officers' body-worn camera (BWC) of the incident. The incident report and BWC footage were consistent with the statements they provided to DPA.

The evidence showed that the named officers investigated the assault and followed up accordingly as required by Department policy and procedure.

The evidence proves that the conduct alleged did not occur.

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

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CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that before being assaulted, he went to a local police station to file a report regarding a stalking incident. The complainant stated that the officer behind the glass at the station failed to take his report.

Because the complainant could not identify the specific officer involved in the interaction, DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officer.

The officer could not be reasonably identified.

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that officers used excessive force on his son.

The complainant's son stated that the officers' use of force occurred at the County Jail. He stated that when he refused to get up from a seated position, numerous officers carried him into the cell, throwing him face-first. The complainant's son stated his face hit a bench, injuring his nose and causing his nose to bleed profusely. The complainant's son denied wrongdoing.

The SFPD Incident Report, prepared by one of the arresting officers, showed that the complainant's son was arrested for vandalism without incident and was initially transported to the station by the arresting officers. The complainant's son was then transported to County Jail.

The named officers stated that the complainant's son sat down and refused to walk into the County Jail, prompting all four officers to carry him into a cell. The named officers denied throwing the complainant's son into the cell. They also denied the complainant's son's allegation that his face hit the bench.

The named officers' body-worn cameras supported their accounts of what happened. The complainant's son was not thrown into the cell and his face did not contact the two wooden benches inside the cell.

The evidence established that the alleged excessive use of force did not occur based on both the the named officers' statements and their body-worn cameras.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: UA

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FINDING: PC

FINDINGS OF FACT: The complainant stated his son was searched at the district station and County Jail, alleging that the search was excessive and inappropriate.

The named officer admitted conducting both searches, stating that it is standard protocol for all detainees to be searched before their transfer to the county jail and upon arrival at the County Jail.

The Booking and Detention Manual states that officers must conduct searches of prisoners during transport to a district station, during the booking process, and before transferring them to County Jail. This measure is put in place to maintain the safety and security of all individuals involved.

The DPA's investigation determined that the officer's actions complied with department policy.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The officer told the complainant's son to stop acting like a girl and antagonized him.

The officer denied making any inappropriate comments to the complainant's son.

The named officer's body-worn camera footage had no sound in the first thirty seconds of the recording.

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

SUMMARY OF ALLEGATION #7: The officer improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: IE

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FINDINGS OF FACT: The complainant's son alleged that he was placed in tight handcuffs, causing his right wrist to bleed.

The officer admitted to applying the handcuffs, and the complainant's son did not express any pain. She also stated that she did not notice any blood on the complainant's wrist. Additionally, three other officers who witnessed the incident claimed they were unaware that the handcuffs were too tight or that the complainant's son's wrist was bleeding.

The body-worn camera footage showed the complainant's son sitting cross-legged on the ground, and four officers picking him up and carrying him into the County Jail. Despite being carried from outside to his cell, he did not complain of pain to his wrist nor that the handcuffs were applied tightly.

The complainant's son failed to provide a medical release form, preventing the DPA from obtaining his medical records.

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

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

CATEGORY OF CONDUCT:

FINDING: Referral/SFSD

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

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

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant alleges that she boarded a flight at SFO and was already sitting in her seat when an airline employee asked her to leave without reason. The airline employee then physically pulled her from her seat. Soon after, the complainant alleges that the named officers arrived and beat her up, breaking bones in her hands, wrist, ankle and kicked her, causing injuries.

The complainant submitted photos of her hands, feet, and ankles, some of which showed various markings and swelling. The complainant refused to provide a waiver allowing the DPA to access pertinent medical records. An assessment of the complainant's credibility showed that numerous elements of objective evidence failed to corroborate the allegations brought by the complainant.

The named officers stated they responded to a call regarding a person being removed from a flight because the person was intoxicated, acting erratic, and refusing to leave airline property. The complainant was seated in the jet bridge, yelling, and making racist comments. She swung her arms aggressively at a staff member and the named officers attempted to speak with the complainant before she swung her arm toward Named Officer #1. The officers held the complainant's arms, she resisted and they handcuffed her for officer and public safety. The named officers stated that the complainant kicked at them, and Named Officer #1 grabbed and held her legs. The named officers observed signs that the complainant was intoxicated. The complainant was placed in a wheelchair and moved to the gate area, where she later slipped out of a handcuff, which was reapplied. The named officers stated that they only used physical control holds on the complainant, and medical personnel did not find any injuries when assessing the complainant. The complainant was taken to a hospital to sober up and for mental health treatment.

Dispatch records showed that airline personnel requested help with the complainant because she refused to leave the jet bridge after having been asked to leave a flight for being intoxicated. An incident report documented that airline employees reported that the complainant acted rudely to crew and passengers, made racist comments, smelled like alcoholic beverages, hit other passenger's seats with her bag, and had slurred speech. The employees corroborated the complainant's refusal to leave airline property.

Security footage showed medical personnel moving the complainant to a gate area in a wheelchair. No visible injuries can be seen on the complainant. Medical personnel appear to speak with and assess the complainant. The complainant slipped her hand out of a handcuff at one point, and at various times struggled, bent over, flailed, and moved her body around in the wheelchair, resisting officers' attempts to gain control of her and reapply handcuffs. She also kicked out violently at medical personnel.

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A witness told the DPA that the complainant was seated on the jet bridge floor, would not leave, and made abusive and racist comments to an airline employee. The complainant kicked at the officers, resisted and was uncooperative. The witness did not see any officer punch, kick, slam, or injure the complainant.

Department General Order (DGO) 5.01 states that officers may use reasonable force to effect a lawful arrest, detention, or search, overcome resistance or prevent escape, gain compliance with a lawful order, and to prevent a person from injuring themselves. Additionally, DGO 5.01 states that physical controls, such as control holds and takedowns are designed to gain the compliance of, and/or control over, uncooperative or resistant subjects.

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

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers broke various items in her bag and tore her clothing. She submitted a photograph of an electronic device with a broken screen. An assessment of the complainant's credibility showed that numerous elements of objective evidence failed to corroborate the allegations brought by the complainant.

The named officers denied breaking any of the complainant's items or ripping her dress.

Security camera footage for this incident does not show the named officers breaking any of the complainant's items or mishandling her bag. The complainant slipped out of one of her handcuffs, resisted, bent over, and manipulated her body around as officers attempted to gain control of her and reapply handcuffs. The footage shows the complainant wearing a long-sleeved garment with an outer garment worn over it. The outer garment on her back appeared to partly separate or come apart when she bent over and was struggling against officers.

The incident report documented a witness stating that the complainant flung her bag around, striking seats, as she exited the plane.

A witness did not observe any officer toss or mishandle any of the complainant's property.

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Although the complainant's garment apparently became damaged during the incident, it appeared to have resulted from the complainant's struggling with officers, after slipping out of a handcuff.

The evidence proves that the misconduct alleged did not occur.

SUMMARY OF ALLEGATIONS #5-6: The officers seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers stole her jewelry. Objective evidence from the entire incident cast doubt on complainant's credibility and failed to corroborate allegations brought by the complainant.

The named officers denied stealing any of the complainant's items and denied seeing any other officers steal anything from the complainant.

Security camera footage for this incident did not show the named officers taking any of the complainant's property.

A witness who was at the scene of the detention said they did not see the named officers steal any of the complainant's property. The witness stated that the complainant's bag went with the complainant to the gate area after she left the jet bridge.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she called police dispatch and requested an officer come to her door to both take a police report and to speak with the neighbor. She requested a knock on her door, and sat in a chair, 2 feet away from the door, waiting. While the complainant was on the phone with the property management regarding the incident, the officer left a message on her voicemail and did not knock or follow up, just stating that he could not find the neighbor's address. The complainant said the sign on the apartment and on hers are very clear black letters on a white background with a large light shining on it at the entry of the front courtyard. In high contrast, there is a sign stating which apartment addresses are inside the courtyard. It is extremely easy to find if the person would have just looked.

The named officer stated he could not locate the address as provided by dispatch, after he drove around the block multiple times, so he asked dispatch to call the complainant to advise her that he was on scene attempting to locate her. The call back from dispatch recorded a voicemail left by the dispatcher. Based on the officer's experience, this is the most reliable way in contacting reporting parties with a record in CAD and a voice recording through DEM. The named officer also stated there is no standard procedure for how long he needed to wait to hear from the reporting party before he left the scene. He remained on scene for a reasonable amount of time in a good faith effort for the complainant to respond.

Department records showed the officer made an effort to locate the complainant and asked dispatch to call her phone. The first call to which the named officer responded did not include instructions for the officer to knock at the complainant's door, which was for her second call to dispatch.

The body-worn camera footage showed that the complainant's address was in a secluded courtyard not easily visible from the street. The officer drove around the area before he called dispatch to call the complainant.

Per the evidence, the named officer reasonably tried to locate the complainant for a nonemergency call that was no longer in progress.

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

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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 stated he wanted to press charges on bar security, because he was punched in the head, kicked, and his pants were pulled, after being told that he was a “public disorder” which he denied. After the complainant reviewed the report, he said the named officers did not obtain the video footage from the bar.

DGO 2.01, Rule 5, requires officers to perform their duties promptly according to policies and procedures.

Body-worn camera footage showed named officer #3 spoke to one staff member briefly. Named officer #1 spoke to the complainant in Spanish and offered him an ambulance, but the complainant refused. The complainant repeatedly insisted that he wanted to be arrested for trespassing so that he could have his side of the story documented in a report. The officers explained that they could not arrest him for trespassing because he was not actually trespassing. The complainant asked for a sergeant. A sergeant arrived and learned that the complainant wanted to be arrested for trespassing so that he could document that bar staff punched and kicked him. The sergeant asked the complainant if he wanted to make a private person arrest. The complainant said he would decide later with his lawyer if he wanted to press charges. During this time, the bar closed which meant that the officers were no longer able to review security footage.

Department records indicated that several officers investigated the incident, that the incident was documented on body-worn camera, and that an incident report was prepared. The officers were initially confused about what the complainant wanted because he insisted on being arrested for a crime he had not committed, which made the short delay in investigating the battery reasonable. A sergeant sorted out the confusion and offered to accept a private person arrest, which the complainant refused.

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

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SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was upset that the report stated he had no visible injuries and said the officer took a photo of him.

DGO 2.01 Rule 5. requires officers to perform their duties promptly according to policies and procedures.

DM 11 Report Writing Manual, Section 10, Narrative in pertinent part, to be complete a narrative must include all known information about the incident, whether favorable to the prosecution or the defense.

Body-worn camera footage did show that the complainant informed the named officer that he was hit on the head and took off his cap to show his head to the named officer, but it did not capture visible injuries on the head and the footage did not show that the complainant showed the officers his back.

The photo taken at the scene does not show visible injury on the complainant's head.

The witness, the complainant's brother, did not witness the incident but stated his brother later showed him his back and said it had scratches.

Per the evidence, the report as written was accurate as at the time the officer included what was known and shown to her, and the complainant failed to show the scratches on his back while on scene.

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

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SUMMARY OF ALLEGATION #5: The officer inappropriately disabled, deactivated, or muted a body-worn camera or intentionally obstructed an audio or video recording

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated he noticed in the report that the named officers turned off their cameras at one point and wondered why the officers turned off their body cams when they still were talking to him. He said it was so they can say things to him and not have it documented.

DGO 10.11 Body Worn Cameras requires officers to document in the report when they deactivate their cameras and the reason.

The body worn camera showed the named officer and her partner were going to leave as after the initial officers escorted the complainant out of the bar and told him he was free to leave. However, the complainant asked if there was a Spanish speaking officer, so the named officer contacted the complainant and then remained on scene as the complainant also began calling for a supervisor.

Department records showed the named officer documented in the report their reason for deactivating their cameras as required.

Per the evidence, the officers followed the department policy on documenting when they deactivate their cameras.

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 properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called police to report that her husband tried to kill her. She stated that the responding officers did not investigate the incident as reported.

Department of Emergency Management records indicated officers were sent to investigate the complainant's assertion that her ex-spouse, who no longer lived with her, had been poisoning her for over a year. Body-worn camera (BWC) footage showed that the named officers listened to the complainant's allegations, which were disjointed. The complainant did not respond directly to officers' questions and often answered questions by raising another irrelevant allegation. The officers informed her that what she provided to them as evidence did not support the alleged crime she had reported.

Named officer #1 confirmed that he responded to a medium priority call and investigated the claims made by the complainant. Named officer #1 said the complainant did not provide any credible evidence of her allegations. The officer stated that the complainant struggled to provide direct, relevant answers to simple questions. Named officer #1 said that he explained to the complainant that he could not take any law enforcement action against the suspect because the supposed evidence she provided did not amount to evidence of a crime.

Named officer #2 said that the complainant did not report any crime that appeared to be based on reality. He said the complainant provided no evidence to support her allegations.

The evidence established that although a crime was alleged, there was no evidence to support the allegations that were presented.

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 failed to provide his name and star number.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that two officers responded to her home, and the named officer would not provide his name and star number.

The named officer said that he stopped to provide his name upon request, but the complainant shut her door before he could speak. He stated that he was waiting to provide his name but did not have an opportunity.

BWC footage showed that the complainant asked for the officers' names or if they had a business card as they were leaving her apartment. The officer closest to the door stopped, said his name, and handed the complainant a business card. The named officer was around the corner when the complainant asked for the officers' names. He turned around and walked back to the doorway and waited while his partner said his name and offered his business card. As soon as the officer handed over his card, the complainant immediately began asking questions and then quickly shut the door. Although he returned to the doorway and was waiting his turn to speak, the named officer did not have an opportunity to politely provide his name to the complainant.

The evidence proves that the alleged misconduct did not occur.

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SUMMARY OF ALLEGATION #1: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant said that in or around May 2016, the named officer conducted a traffic stop on him. The complainant said he asked the officer why they stopped him, and the officers said “something” about his driving was not observed or did not occur.

The named officer stated he had a valid and legal reason to conduct the traffic stop. The officer stated the incident took place years ago, and his memory of the incident had faded somewhat, so he relied on the incident report to refresh his memory. He explained he and his partner were on patrol in a high-crime neighborhood tasked with reducing violent crimes. His partner observed the complainant’s vehicle driving toward the officers, crossing the center double yellow line in violation of California Vehicle Code (CVC) section 21650. His partner also told the named officer that the driver appeared to be wearing a mask over his face. The officer noted that 2016 was before the pandemic, and a person driving while wearing a face covering was unusual. The officers conducted a U-turn, and the named officer said he could see the vehicle's driver was concealing the lower part of his face with a bandana. As the officer continued to follow the vehicle, they could hear loud music emanating from the vehicle at a distance of over 100 feet, a violation of CVC section 27007. The officer said that based on the vehicle code violation, the officer decided to conduct a traffic stop.

The named officer’s partner is no longer with the Department.

The incident report (IR), authored by the named officer, recorded that the named officer and his partner conducted a traffic stop based on observing moving traffic violations under CVC sections 21650 and 27007. The IR also records that the complainant obscured his face with a bandana.

Photographs taken by officers show the bandana that the complainant was using to obscure his face.

Body-worn camera footage is unavailable, because the cameras were not issued to SFPD officers until 2017, city-wide.

The evidence available for review is insufficient to confirm or deny the complainants or the named officer’s account. Therefore, the legality of the vehicle stop cannot be verified. The evidence fails to prove or disprove that the alleged conduct occurred.

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant said that in or around May 2016, the named officer conducted a traffic stop on him. The complainant said he asked the officer why they stopped him, and the officers said something about his driving was not observed or did not occur.

The named officer is no longer with the Department.

No findings are made if the officer cannot reasonably be identified, or has left the Department and is, therefore, no longer subject to discipline.

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that during the traffic stop, the officers searched the trunk of his vehicle. The complainant said the officer had no reason to search it as he had not committed a serious violation.

The named officer stated that his partner searched the vehicle.

The officer explained that his partner asked the complainant for his driver's license. The complainant hesitated to comply and reached into the area between the driver's door and seat. The named officer was aware that armed suspects often conceal weapons within reaching distance and frequently use areas near the driver's seat. The partner told the complainant that his actions were making the partner nervous. The complainant reached toward the same area again before pulling his driving license out from his pants pocket. The partner asked for the complainant's vehicle registration and insurance. The complainant pulled some unrelated paperwork from the glove box and reached under a cardboard box on the front passenger seat. At this point, the named officer told the complainant that he was making him nervous, too. The officer said that based on the complainant's behavior of reaching toward hidden areas of the vehicle, the partner ordered the complainant from the vehicle. As the complainant exited the vehicle, the named

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officer saw a dark-colored handgun carry case under the driver's seat. He formed the reasonable belief that he and his partner had interrupted the complainant in an attempt to commit a violent felony.

The partner detained the complainant, and computer checks at the scene showed that the complainant was not registered to own a firearm. The partner conducted a protective search of the vehicle for a firearm. The partner found an empty "Glock" handgun carrying case on the rear driver's floorboard. The vehicle was such that the trunk was accessible from the passenger compartment, so the partner started to search the trunk as the officers had probable cause to believe there was evidence inside. The complainant said the handgun was in the trunk. The partner found a 9mm Glock brand handgun and live ammunition in the trunk.

The partner is no longer with the Department.

The IR, authored by the named officer, recorded that the partner conducted the vehicle search based on the grounds described by the named officer.

Photographs taken by officers show the black gun-carrying case, the "Glock" handgun, and the ammunition that officers seized as evidence.

Department Bulletin 11-091 states that an officer can conduct a protective search if the car occupant is detained and the officer reasonably believes a weapon is inside the passenger compartment. The search can take place in the passenger compartment, where weapons may be hidden, but not in the trunk.

Department Bulletin 11-091 states that an officer can conduct a probable cause search if there is probable cause to believe there is evidence inside. The search can take place in all areas in which evidence might be located, including the trunk.

While the evidence does show that a firearm was found in the complainant's vehicle, it does not confirm or refute the complainant's or the named officer's account regarding the circumstances by which it was found. Therefore, the legality of the search cannot be verified. Still, department records show that the named officer did not search. His partner did. The evidence proves that the accused officer was not involved.

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that during the traffic stop, the officers searched the trunk of his vehicle. The complainant said the officer had no reason to search it as he had not committed a serious violation.

The named officer is no longer with the Department.

No findings are made if the officer cannot reasonably be identified, or has left the Department and is, therefore, no longer subject to discipline.

SUMMARY OF ALLEGATION #5: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer illegally arrested him.

The named officer stated that based on the discovery of the firearm, coupled with the complainant's bandana-wearing over his face, he had sufficient probable cause to arrest the complainant under PC section 25300(a) (Carrying a Firearm in Public while Masked). The complainant was ultimately booked for violating PC sections 25400(a)(1) (Carry a Concealed Weapon), 25850(a) (Carry a Loaded Firearm in Public), 25300(a) PC Carry a firearm in Public while Masked, CVC sections 21650 (Driving on the Wrong Side of the Road), and 27007 (Driving with Loud Music).

The IR, authored by the named officer, recorded the reason for arrest as PC section 25300(a).

Photographs taken by officers show the black gun-carrying case, the "Glock" handgun, and the ammunition that officers seized as evidence.

During a *Mirandized* recorded interview, the complainant admitted to purchasing the firearm in Michigan in 2015 and not registering the gun in California.

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Court records showed that the complainant pleaded guilty in court, although the case was later dismissed under Penal Code section 1203.04. This legislation allows a court to expunge a guilty plea under specific criteria.

The evidence shows that a firearm was found in the complainant's vehicle. The officer arrested the complainant for Penal Code section 25300(a) (Carrying a Firearm in Public while Masked), and the complainant pled guilty in court.

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

SUMMARY OF ALLEGATION #6: The officer made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that the named officer illegally arrested him.

The named officer is no longer with the Department.

No findings are made if the officer cannot reasonably be identified, or has left the Department and is, therefore, no longer subject to discipline.

SUMMARY OF ALLEGATION #7: The officer applied handcuffs without justification.

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CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that he was handcuffed for no reason.

The named officer stated that he believed the complainant was handcuffed by his partner when he was initially ordered out of the vehicle. The officer stated that the handcuffing would have been justified based on the complainant's pre-stop and post-stop behavior and the belief that the complainant was potentially armed with a weapon. Additionally, officers must handcuff subjects for custodial arrests before transportation to jail.

The partner is no longer with the Department.

The SFPD Field Training Manual, page 174, states that an officer can handcuff any prisoner when the arresting officer deems necessary.

The evidence shows, on the balance of probability, that the named officer did not handcuff the complainant. The partner did. The evidence proves that the accused officer was not involved.

SUMMARY OF ALLEGATION #8: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that he was handcuffed for no reason.

The named officer is no longer with the Department.

No findings are made if the officer cannot reasonably be identified or has left the Department and is, therefore, no longer subject to discipline.

SUMMARY OF ALLEGATION #9: The officer failed to comply with Department General Order 5.01.

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CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant said that officers took him to the ground and restrained him for no reason. This caused an aggravation of an old neck injury and cuts to his wrist.

The named officer stated he had no memory of any force being used on the complainant, any injuries, or any complaints of pain.

The IR, authored by the named officer, does not record any use of force or injuries. No Use of Force or Supervisor Use of Force Evaluation forms were filed with this incident.

Officer photographs show the complainant standing in police custody from the front, left side, and rear. There are no signs of apparent injuries, although a long-sleeved top covers his wrists, and the complainant's hands are in his pockets.

During a Mirandized recorded interview, the complainant did not sound like someone in pain and did not mention any use of force or injury.

The evidence available for review is insufficient to confirm or deny the complainants or the named officer's account. The evidence fails to prove or disprove that the alleged conduct occurred.

SUMMARY OF ALLEGATION #10: The officer failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant said that officers took him to the ground and restrained him for no reason. This caused an aggravation of an old neck injury and cuts to his wrist.

The named officer is no longer with the Department.

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No findings are made if the officer cannot reasonably be identified or has left the Department and is, therefore, no longer subject to discipline.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said that an officer and a security guard stopped her as she was leaving a store and accused her of shoplifting. The complainant surrendered two items that the guard said she stole, even though she had purchased them at another store and also had a receipt for the store where she was accused of shoplifting. She was not made aware of any evidence they had regarding her shoplifting. She signed a store form agreeing not to return to the store and then left. She alleged that the named officer detained her without cause.

Video evidence from the store was requested but the store did not provide it. The complainant said that she recorded a portion of the incident but did not respond to several requests from DPA to submit her recordings.

The named officer said he was working an overtime assignment at a retail store to prevent crime and protect customers and store employees. He recalled being informed by two security guards that they had stopped the complainant to recover items that she stole. A loss prevention employee provided the complainant with an admonishment, and she signed a document the store prepared. Store employees did not request a citizen's arrest against the complainant. The officer escorted the complainant from the store at a security guard's request once the complainant was done signing paperwork. The officer did not witness the complainant's actions, did not detain her, and did not tell her she was detained or under arrest.

California Penal Code Section 490.5(f)(1) states in part "A merchant may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise from the merchant's premises."

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: This complaint was filed by a person who was not present during the interaction between the co-complainant and the named officer. The co-complainant stated the named officer told him his registration was expired and that there were city codes that allowed him to tow the vehicle. The vehicle was not towed, and no citation was issued. However, when the co-complainant brought up his understanding of a pertinent law regarding individuals living in vehicles, the named officer told him that he overrode the law. The co-complainant understood this to mean that the named officer felt he was above the law.

The named officer stated that he had been asked by a superior officer to reach out to the inhabitants of a recreational vehicle (RV) to try to connect them with resources and shelter. There had been numerous complaints from residents in the area regarding the RV having been parked for a long time and a lot of garbage left in the surrounding area by them. He confirmed speaking with a man and a woman on scene. The named officer observed that the RV license plate had expired registration tabs and confirmed this with dispatch. It was his recollection that the registration expired over six (6) months prior to his interaction. He told the male that in certain circumstances the vehicle could be subject to towing. The male advised that he had spoken to another officer who told him that because he lived in the RV, it could not be towed. The named officer replied that if the other officer had said that he was wrong and the information he provided was incorrect. As he was a higher-ranking officer and what the other officer expressed was incorrect, he explained that what he was telling the male superseded what the other officer had said. The named officer denied that he ever presented himself as above and not beholden to the law.

There were no Department records that captured the interaction or conversation.

The co-complainant provided links to two videos he took to DPA. It was not clear whether the videos together captured the entire interaction or in which order the videos were to be watched. These videos showed that the named officer asking the co-complainant to remove the cardboard taped over his rear license plate. It appeared that the numbers and letters written on the cardboard were different than those on the license plate and that the registration had expired in a calendar year two years prior to the interaction. The videos also showed that the co-complainant expressed that a different officer had told him his vehicle could not be towed. The named officer expressed that his position outranked that officer's position and the officer had only been "half-right." The named officer went on to explain that the vehicle would not be towed with someone inside. However, due to the registration issue, if the vehicle was unoccupied, it could be towed. The named officer and the co-complainant disagreed, but at no time could the named officer be seen expressing that he overrode the law.

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The evidence shows that although the named officer and the co-complainant disagreed on whether the vehicle could be towed, at no point did the named officer express that he is above the law.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS #1-5: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers performed an improper search of her son's apartment while looking for her other son. The complainant was unhappy that clothes were thrown on the floor and that officers took a photograph of her uninvolved son.

SFPD documents showed that a search warrant was issued, commanding officers to search the complainant's son's address in relation to an ongoing investigation into felony offenses. One of the complainant's sons was a suspect in the investigation and had been linked to the searched property.

Body camera footage shows that the named officers conducted a search of the property with the assistance of another law enforcement agency. The complainant's son was at the apartment, and he confirmed to officers that his brother, the suspect in this case, was regularly at this address and even stored his belongings in the apartment. The named officer moved clothing and placed it on the bed, while searching the closets of the apartment. The complainant's son was present at the time, and he was photographed as recorded on body camera footage.

The search was done in accordance with SFPD policy and State and Federal law. The warrant was reviewed and signed by a judge and was related to an ongoing investigation.

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: 01/25/2024

COMPLETION DATE: 06/05/2024

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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 stated that the cashier at a store he was patronizing pulled out a gun. The complainant asked to press charges, but the cashier was only cited and not taken into custody.

The Incident Report, which was written by the named officer, documented that officers responded to the scene on report of someone brandishing a firearm. Officers met with the complainant who signed a citizen's arrest form. Officers also met with the cashier, performed a pat search, and discovered a replica BB gun. The cashier denied pointing the firearm and showed the officers store video footage. The video footage showed that the cashier placed the firearm on the side of the counter and then back under his shirt before walking to the back office. Based on the statements from the complainant and cashier and review of the store video footage, the named officer cited and released the cashier for openly displaying an imitation firearm in a public place.

Body-worn camera footage (BWC) from the named officer was consistent with the Incident Report.

Department General Order 5.04 provides in part, "Bearing in mind the potential for bias by proxy, 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."

Department General Order 5.06 provides in part, "It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses." Although there are exceptions to this rule, none applied to this incident.

Here, the named officer cited the cashier for an infraction and did not take him into custody in accordance with Department policy.

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

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COMPLAINT DATE: 01/26/2024

COMPLETION DATE: 06/17/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/13/24.

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

CATEGORY OF CONDUCT: CUO

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/13/24.

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 5.20.

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on 6/13/24.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 02/07/2024

COMPLETION DATE: 06/17/2024

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that he sent an email to a district station regarding firearms he found in his apartment that his property manager said were turned over to police. SFPD did not have a record of the firearms being turned in. Because there were no records, the complainant considered the firearms stolen and believed that SFPD should have written a report.

DPA sent an ID Poll to Park Station to identify any involved officers. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers that were involved. The ID poll came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

A witness stated that he has yet to turn the firearms over to the police.

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.

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COMPLAINT DATE: 02/16/2024

COMPLETION DATE: 06/17/2024

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

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated he was sleeping in his tent when the named officers woke him up. The complainant said one of the officers hit him in the left eye, and he began to bleed. He recalled one of them grabbing his left arm, pulling it back, and the other officer stepping on his back. The complainant said he suffered an injury to his left eye and a dislocation on his left shoulder. He believed the force used by the officers was unnecessary and excessive.

The named officers stated that they received information that the complainant stabbed a person with a knife and that the person later died. A search was conducted to locate the complainant, and they found him staying in his tent. The named officers said they called out the complainant for him to come out numerous times but with negative results. When they opened the tent and saw him lying on his back unconscious, they thought he had overdosed on narcotics. They handcuffed the complainant, called for an ambulance, and walked him out. Named officer #2 recalled pulling the complainant's arm back during the handcuffing. The named officers said that as they were walking him out, the complainant tripped and hit his head on named officer #2's firearm holster, causing an injury to his left eye. The named officers said no one hit the complainant in the eyes or stepped on his back. They said they used control holds during the arrest but later reported the use of force since the complainant suffered an injury.

A witness officer stated that no one hit the complainant in the eye. The witness officer said that as the complainant was walking out of the tent, he saw him lose his footing, fall to one knee, and hit named officer #2's gun holster with his head. The witness officer said the complainant sustained a small cut to his left eyebrow area. He was unaware of anybody stepping on the complainant's back or pulling his arm.

The corresponding Incident Report stated that the complainant was a suspect in a homicide incident earlier that morning. The complainant allegedly stabbed a man to death during a fight and fled the scene. The supplemental report stated that the named officers, who were familiar with the complainant from prior contacts, found him inside a red tent. They repeatedly asked the complainant to come out, but he did not respond. The named officers then entered the tent and handcuffed the complainant. They used control holds to stand him up and walk him outside. The complainant started passively resisting and became non-compliant. As the named officers walked him out, he lost his footing and fell to one knee, hitting his head on the side of named officer #2's firearm holster. The complainant suffered a cut to his left eyebrow and sprained his left shoulder.

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DPA obtained the Use of Force Log and the Supervisory Use of Force Evaluation of the incident. The records showed the complainant was non-compliant, and the named officers used physical control holds in the arrest. The records further noted that the force used was within Department policy.

DPA obtained the body-worn camera (BWC) footage of the incident. The BWC footage was consistent with the statements the named officers provided to DPA. BWC footage showed that the complainant appeared to trip on materials on the floor of his tent as he was being removed.

DGO 5.01 allows objectively reasonable force options to effect a lawful arrest, overcome resistance, and gain compliance with a lawful order.

The named officers arrested the complainant pertaining to a homicide case. They handcuffed him and used control holds to gain compliance and to take him out of the tent. The force used, which was non-reportable force pursuant to Department policies, was reasonable and necessary to gain custody and carry out the arrest successfully. The BWC footage clearly showed that he tripped, and as he fell, a witness officer confirmed that he saw the complainant strike his face on the named officer #2's side belt.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated his ring and necklace came off during the arrest. He said the named officers told him not to worry and did nothing to secure the items.

Named officer #1 said he was unaware of the complainant's necklace and ring. He said that he and another officer searched the complainant and placed his property on the hood of his police vehicle. He asked the complainant if he missed anything during the search, and the complainant stated he did not. He said that the complainant did not mention any ring or necklace and that after the search, they placed the complainant's property in a bag and transported it to County Jail #1 with the complainant. Named officer #2 said he did not observe the complainant's ring or necklace come off during the arrest. He did not know if the items were seized at the scene.

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The officer who searched the complainant said he found no ring or necklace.

BWC footage of the incident showed that the complainant never mentioned or complained about losing his ring and necklace. No ring or necklace was seen being seized from his person and accounted for during the arrest search.

The Department's property records did not list the complainant's ring and necklace as those seized as evidence or for safekeeping.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT DATE: 03/11/2024

COMPLETION DATE: 06/17/2024

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SUMMARY OF ALLEGATIONS #1-2: The officers towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that his car broke down, prompting him to maneuver it to the sidewalk. Someone called 911, and officers arrived. The named officers proceeded to arrange a tow of the vehicle. The complainant stated that he was not allowed to tow the vehicle himself and believed the tow to be unwarranted.

The named officers, upon arrival, found the complainant's vehicle parked on the sidewalk. They verified that the complainant was indeed the registered owner of the vehicle, but the registration itself had expired. They observed that the car was parked in violation of the California Vehicle Code, and it was not drivable due to mechanical failure. The named officers noted that the complainant had not made any arrangements for the vehicle's removal and had not called for a tow. Named officer #2 explained that the removal of the car was necessary to ensure the public's safety and unobstructed use of the sidewalk.

The computer-aided dispatch (CAD) record indicated that the named officers were the first to respond to a traffic hazard call for service. Multiple calls had been received, initially reporting a car stopped in a crosswalk and later pushed into a light pole or tree. The driver was reported to be in a state of distress and possibly under the influence. The dispatch record further revealed that the named officers conducted a query on the vehicle and the complainant and decided to tow the vehicle due to its location on the sidewalk, expired registration, and reported property damage.

DPA obtained records from the towing service Auto Return. These records included the tow slip signed by named officer #1 with a reason for the tow noted as a "hazard."

Body-worn camera footage (BWC) showed that the complainant's vehicle was up on the sidewalk and contacting a tree planted in the sidewalk. He explained that the drivetrain of his car had failed, and he had accordingly moved the car onto the sidewalk. Although the complainant expressed frustration that he could not have the car towed himself, he did not communicate at any time that he had already attempted to tow the vehicle or that he had an immediate plan to do so.

Department General Order 9.06 sets forth the policies and procedures relating to the towing of vehicles and grants authorization for officers to tow only when authorized by certain provisions in the California Vehicle Code and various sections of the San Francisco Traffic Code. San Francisco Traffic Code Section

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8.1 allows officers to remove or cause to be removed any vehicle that “[p]arked, disabled or abandoned in a manner as to obstruct the normal movement of pedestrian or vehicular traffic . . .”

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

SUMMARY OF ALLEGATIONS #3-4: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant reviewed the tow records, which indicated he had blocked a fire hydrant. He alleged that officers moved his car closer to a fire hydrant and took pictures of it.

The named officers denied moving the complainant’s car closer to a fire hydrant or taking pictures of any vehicle. They similarly denied observing anyone else do this. Named officer #1 stated that per San Francisco Police Department procedures, she requested a tow through the Tow Desk in “plain English” as is common practice, indicated the vehicle was being towed for a “hazard tow” referencing the California Vehicle Code, and wrote “hazard” on the tow slip.

Records from Auto Return included the tow slip signed by named officer #1 with a reason for tow noted as “hazard” as well as a receipt from San Francisco Municipal Transit Authority identifying the “tow reason” as HAZ/514 – Blocking Fire Hydrant.”

Although the receipt does indicate that the complainant’s car was towed for blocking a fire hydrant, this appears to have been an administrative error, not one committed by the named officers.

BWC footage of the incident did not show that the complainant’s car was towed for blocking a fire hydrant or that it was moved by anyone to that location. The footage also did not show any fire hydrant in proximity to the complainant’s car. There is no evidence to support the complainant’s allegations that the named officers moved or photographed his car.

The evidence proves that the conduct alleged did not occur.

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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 called 911 to report that an individual pointed a gun at her while she was in her vehicle. However, when the officers arrived, they did not search or arrest the individual. The complainant admitted that she knew the individual and watched the officers from a distance out of fear.

The Department of Emergency Management records showed that the complainant called 911 to report a person with a gun. However, she did not identify the suspect as the individual she knew, failed to answer dispatch's multiple callbacks, and left the scene before the officers arrived.

Body-worn camera footage (BWC) confirmed the officers walked the block and spoke to bystanders and witnesses at the scene who denied seeing a gun or having a gun. Unbeknownst to named officer #1, he spoke to the suspect. However, the person denied having a gun, but confirmed that there was an argument earlier.

Department General Order 5.03 states that officers must have reasonable suspicion to detain a person and should not do so based on a hunch or instinct. In addition to a valid detention, the officer must also have specific and articulable facts that the person is armed and dangerous before the officer may pat search a person for weapons. The DPA concluded that the officers did not have reasonable suspicion to detain anyone at the scene, no legal cause to pat search bystanders, nor probable cause to make an arrest.

The DPA investigation found that the officers conducted a thorough and complete investigation.

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 investigate properly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the officers failed to properly investigate the death of her relative because they did not interview witnesses or obtain evidence to investigate the death properly.

Body-worn camera footage showed that the named officers arrived on-scene as the paramedics were leaving the decedent's room. The paramedic told the officers that the staff administered CPR and stopped once they arrived. The paramedic then provided the officers with the decedent's time of death. Named Officer #1 interviewed a staff member of the building in which the decedent resided and inquired, as well as two witnesses who were present at the time the decedent was found unresponsive. All witnesses stated that NARCAN was administered; however, the person was already deceased. The named officers secured the scene until the Office of the Chief Medical Examiner (OCME) responders arrived. The OCME responders conducted a preliminary investigation into the cause of death and noted finding drug paraphernalia at the scene, which was then collected as evidence. The OCME responders also reinterviewed a remaining witness, attempted to obtain the decedent's next of kin information, and then locked and sealed the decedent's room upon the removal of their body.

The San Francisco Police Department Incident Report and the Office of the Chief Medical Examiners Report were requested and reviewed for the complaint. The incident report provided the officers' investigative steps, including the statements provided by the two witnesses who discovered the decedent and the staff member who the witnesses contacted. The staff member called 9-1-1 and then administered NARCAN and CPR until the paramedics arrived. The findings of the Office of the Chief Medical Examiners exam concluded that the cause of death was an accidental drug-related death.

San Francisco Police Department General Order 6.05 states, in part, that the officers' primary responsibility in a death case is to determine whether any crime occurred which contributed to the death. After members conduct a preliminary investigation, the Office of the Chief Medical Examiner will then be the lead investigating agency for SIDS, suicides, overdose deaths, and natural death cases. Officers are to interview and collect witness statements while also examining the history of the scene's location.

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The named officers took appropriate investigative steps and immediately relinquished the investigation to the OCME upon the determination that the decedent's death was due to an overdose.

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:

FINDING: IO-1/OCME

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

1 Newhall Street
San Francisco, CA 94124

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant was driving her father's vehicle when she came behind a person in the middle of the street. She honked to pass, and the person aggressively approached the vehicle, banged and held on to it. Fearing for her safety, she accelerated away and saw the person fall to the ground. She said the person later falsely reported to police that she hit and injured him with the vehicle. She stated that the named officer later towed her father's vehicle without sufficient evidence.

The named officer stated that he responded to the initial call for service for this incident. He was aware that the involved vehicle was allegedly used in an assault. He stated that he later located the complainant's father's vehicle while on patrol and received approval from a supervising officer to tow the vehicle for a hold for the investigating unit pursuant to California Vehicle Code Section 22655.5 which permits towing vehicles for evidence.

An incident report documented the reporting party's statement that a car hit him, injuring him and the car fled the scene. The reporting party later provided the license plate number of the vehicle. Department records showed that the complainant's father's vehicle was towed for evidence and an investigator inspected and took photographs of the vehicle while it was being held. Further investigative records, including a witness interview, corroborated the reporting party's version of events.

Body-worn camera (BWC) footage for this incident showed officers responding to a call for service and speaking to an individual who reported that he was hit by a driver who drove away and that he thought his foot had been run over. The individual was limping. He provided a description of the driver and vehicle. BWC footage showed the named officer later located and towed the vehicle alleged to have been involved in the incident.

California Vehicle Code Section 22655.5 states in part that an officer "may remove a motor vehicle from the highway or from public or private property within the territorial limits in which the officer may act under the following circumstances: (a) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle was used as the means of committing a public offense. (b) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle is itself evidence which tends to show

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that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed.”

Department General Order 9.06 Vehicle Tows states in relevant part that “[i]t 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 evidence showed that the vehicle was towed as evidence for an ongoing investigation into allegations of a felony hit and run. The named officer towed the vehicle in compliance with department policy and relied on the authority granted by the vehicle code.

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 the named officer failed to contact her father regarding towing his vehicle. She said her father had no idea his vehicle was towed and should have been apprised of the allegations involving the vehicle.

The named officer stated that he towed the vehicle as evidence for an open investigation. He did not contact the registered owner of the vehicle when he towed the vehicle because he did not want to possibly hinder the investigation for the assigned investigator. He stated that he was not required by Department General Order 9.06 to contact the registered of the vehicle prior to towing it.

Department General Order (DGO) 9.06 Vehicle Tows does not include a provision which requires members to contact the registered owner of a vehicle they tow for evidence for an investigation.

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The evidence showed that the named officer was not obligated to contact the registered owner of the vehicle prior to towing it. He was not the assigned investigator and did not want to potentially compromise an open investigation.

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 issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated he was issued a citation without cause for turning right on red when the traffic light was green. The complainant failed to provide DPA any further information.

The named officer stated that she did stop the complainant to issue him a citation for turning right on red where prohibited. The named officer stated the complainant contacted her by email later the same day with dashcam footage from the complainant's vehicle showing that the traffic light was green when the complainant turned right. The named officer apologized to the complainant and cancelled the citation. The named officer provided the DPA a copy of the dashcam footage.

The dashcam footage showed the complainant stopped at a red light. The traffic light turns green, and the complainant moves forward and turns right.

Body camera footage showed the named officer stopping the complainant and giving him a citation for turning right on red.

It was confirmed with Traffic Court that the citation was not submitted.

As the citation was not sent to the traffic court it was therefore not officially issued.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated an unknown male sexually assaulted her while she was riding a MUNI bus. The bus driver pulled the assailant off her, called 911 for police assistance, and continued driving. The driver later stopped the bus again when the person became more aggressive and violent. The complainant said she ran out of the bus and attempted to board a different one, but she saw him following her. She then returned to the bus she was in and told the driver that the person was following her. The driver then closed the door and drove away. The complainant said no one responded to the driver's call for assistance.

DPA interviewed a witness who is employed by MTA who clarified MTA policy requires bus drivers to call the Transit Metro Control (TMC) of the San Francisco Municipal Transportation Agency, who, in turn, contact the police. He said that bus drivers do not directly call for police assistance. The witness bus driver said that TMC told him to wait at his location and that police officers would be on their way. The suspect left the bus two minutes later, followed by the passenger, so he notified TMC that both had left the bus. TMC then canceled calling the police.

In an email to DPA, a witness with TMC confirmed that TMC calls the police, not the bus operator. However, they said TMC did not call police in this incident.

The evidence showed no call for police assistance was made by TMC.

The evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATIONS # 2-4: The officers failed to promptly respond to the scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said she went to a district police station to report the incident. The Police Service Aide (PSA) with whom she spoke to told her, after speaking to a supervisor, that she needed to talk to a police mobile unit who would take her statement and write an incident report. The complainant told the PSA she would wait for the officers at a specified address. The complainant said no one came to take her report. She recalled officers responding two times after that, but they arrived after business hours, and she was no longer around. She said it took her nine days to meet an officer in person and make a report.

CAD records show that the named officers responded to the given address several times but were unable to encounter the complainant. The named officers stated they responded to the complainant's location without delay. However, they took higher priority calls before that. The named officers said dispatch called the complainant when they arrived, but the complainant failed to answer. On one of those occasions, they said they were met at the scene by someone who knew nothing about the call for service.

DPA obtained the corresponding CAD records. The complainant's calls for service were listed as "C-priorities" by dispatch. The CAD records were consistent with the statements the named officers provided to DPA.

Department Bulletin 21-087, Request for Service, states, "DEM shall make an assessment of the call and other waiting calls for service and dispatch the call based on its urgency, priority, and in accordance with established DEM standards."

The CAD records show DEM dispatched the named officers hours after the calls for service were initiated. However, since the calls were C-priorities, the dispatch was reasonable pursuant to DB 21-087.

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

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

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CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said no one contacted her for a follow-up investigation. She stated no one obtained the bus video footage within a reasonable amount of time, resulting in the video being erased.

A witness officer stated that the case was routed to SVU but was never assigned for investigation due to its lack of solvability. He stated that the lack of solvability had to do with the suspect being unknown and the lack of video surveillance footage of the incident.

DPA submitted a request to SFMTA in an attempt to obtain surveillance camera footage of the incident. SFMTA advised that they were unable to locate any footage of the incident. DPA also obtained a copy of the corresponding incident report. The incident report showed that the suspect was unidentified.

DN 20-107, Case Assignments for Investigation, states:

“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.

Cases warranting investigation under these criteria shall be assigned to a specific Investigator. The remaining unassigned cases will be administratively filed as Open/Inactive and may be activated at the discretion of the Lieutenant when new information is presented related to the above list of factors.”

The evidence showed that the complainant’s case was not assigned for investigation due to the lack of evidence.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The named officer allegedly failed to assign the case for investigation.

The named officer, who was responsible for assigning the case, stated that he reviewed the incident report but never assigned it for investigation due to low solvability.

As previously stated, the case had a low probability of being solved. Under DN 20-107, the act of not assigning the case for investigation was within policy.

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

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

CATEGORY OF CONDUCT:

FINDING: Referral/SFMTA

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

COMPLAINT DATE: 04/03/2024

COMPLETION DATE: 06/27/2024

PAGE# 5 of 5

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

San Francisco Municipal Transportation Agency
MUNI Security, Investigations & Enforcement
1 South Van Ness Ave., 8th Floor
San Francisco, CA 94103

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

COMPLAINT DATE: 04/04/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he parked his car on the side of the street due to mechanical problems. Later in the evening, he looked for his car and learned that the named officer had towed it. The complainant believed the tow was illegal. He said the vehicle was lawfully parked, and there was no time limit for moving it. He said the officer should have placed a ticket on the windshield instead of towing it. He, however, acknowledged registration issues related to the vehicle. He said it had no registration tag on its license plate.

The tow slip showed that the officer towed the vehicle for violation of section 22651 of the California Vehicle Code after responding to a call for service about a suspicious vehicle.

California Vehicle Code section 22651(o)(1) states:

A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances:

(o)(1) If a vehicle is found or operated upon a highway, public land, or an off-street parking facility under any of the following circumstances:

(A) With a registration expiration date in excess of six months before the date it is found or operated on the highway, public lands, or the off-street parking facility.

Auto Return records and the complainant's recently issued registration card show the vehicle's registration expired almost one year before the tow.

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: 04/04/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant went to a police station to file a report. The complainant stated that no one helped and took her report.

The complainant did not provide the necessary specific details about the incident or identifiable information regarding the officer in question. Additionally, the complainant failed to respond to DPA's numerous contact attempts.

The officer could not be reasonably identified.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant said the officer avoided her with passive-aggressive behavior.

The complainant did not provide the necessary specific details about the incident or identifiable information regarding the officer in question. Additionally, the complainant failed to respond to DPA's numerous contact attempts.

The officer could not be reasonably identified.

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

COMPLAINT DATE: 04/19/2024

COMPLETION DATE: 06/18/2024

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 stated he called the police to his residence and explained that he wanted to obtain a “temporary protective order” against his apartment manager. The named officer advised that the complainant would need to go to the superior court to do so, as this was not a domestic violence incident. The complainant arrived at the superior court after it had closed, but a sheriff’s deputy there allegedly advised him that he should have asked the officers for an emergency protective order. The complainant went to the district police station and spoke again with the named officer. The named officer provided paperwork that detailed when an emergency protective order could be issued but failed to assist the complainant in obtaining one.

Department records showed that the named officer was one of the officers dispatched to the complainant’s home regarding a tenant dispute. The complainant stated that he had been involved in a civil dispute with his building’s management company for approximately six weeks and wanted to pursue a temporary restraining order against his landlord. The complainant showed the named officer text messages and emails between the complainant and his landlord, but the named officer observed no evidence of criminal activity or criminal threats in these messages. There is no report or record regarding the subsequent interaction at the district station.

Body-worn camera footage (BWC) of the interaction outside the complainant’s home showed the named officer speaking with the complainant, who indicated that he wanted a restraining order or “TRO.” The named officer explained that the police facilitate TROs for domestic violence incidents but that the complainant would need to go to the superior court to apply for one in his situation. The named officer explained that a landlord-tenant relationship does not qualify as domestic relationship for these purposes. The complainant showed text and email messages on his phone to the other officer at the scene, who indicated he did not see anything threatening or violence-related in those exchanges. The complainant stated he was being intimidated through veiled and passive-aggressive threats and harassed in his home by the landlord over a monetary issue. The other officer offered to write a suspicious occurrence report, and the named officer collected information for the report. There is no BWC of the subsequent interaction at the district station.

As the website for the Superior Court of California, County of San Francisco details, a civil harassment restraining order (including a temporary restraining order) is a court order that helps protect people from harassment. A person may seek protection due to stalking, harassment, sexual assault, threats, or acts of violence by someone with whom one does not have an intimate or familial relationship. Completed request forms for these orders are filed at the superior court by the requestor.

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

COMPLAINT DATE: 04/19/2024

COMPLETION DATE: 06/18/2024

PAGE# 2 of 2

In contrast, per Department General Order 6.09, [a]n emergency protective order is a type of civil court protective order that members may obtain any time reasonable cause exists for a member to believe that the adult or child is in immediate and present danger of domestic violence, child abuse, stalking, child abduction, family violence or elder abuse (not including financial abuse by a family or household member).

The complainant apparently wanted a temporary restraining order, a civil court-issued order. He acknowledged that he and his landlord were not in a domestic relationship. The landlord did not threaten to kill, harm, or injure him, so he was not in imminent or present danger and the officers had no probable cause that a crime had occurred. Therefore, the named officer correctly advised him to obtain the temporary restraining order in the civil division of San Francisco Superior Court and did not assist in obtaining an emergency protective order.

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 when he encountered the named officer at the district station, the named officer told him he was working overtime, which made the complainant feel he was burdening him.

There are no documents or BWC regarding the interaction at the district station.

Nonetheless, even if the named officer did tell the complainant he was working overtime, what he said did not rise to the level of misconduct.

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: 04/19/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

FINDINGS OF FACT: The complainant, an attorney representing her client, stated that the named officer told her client that an arrest warrant was issued. However, she confirmed with the Public Defender's office that no case was on file. The complainant believed that the warrant was a misrepresentation.

The complainant later emailed the DPA, saying she received additional information about the case and requested to withdraw the complaint.

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

COMPLAINT DATE: 04/26/2024

COMPLETION DATE: 06/26/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer blocked a Muni bus for a long time without cause and caused the complainant to be late.

Department records showed that the named officer was flagged down regarding a person with a knife who had stabbed a vehicle.

Body-worn camera (BWC) footage showed that named officer was flagged down in an intersection regarding a person with a knife. The named officer stopped his police vehicle in the intersection in front of a Muni bus. BWC footage showed that the named officer blocked the Muni bus for less than 4 minutes while he spoke to the reporting party and observed the damaged vehicle.

The evidence showed that the named officer had reasonable cause to block a Muni bus while responding to an emergency involving a person with a knife. The evidence showed that the named officer blocked the bus for less than 4 minutes and not for a long period of time as alleged.

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: 04/22/2024

COMPLETION DATE: 06/18/2024

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 alleged that while he was driving a taxi at the airport, a rude officer told him to move, followed him, pulled him over, and threatened to issue him a citation if he saw him again. The complainant did not know the officer's name, star number, or vehicle number.

Since the complainant could not identify the specific officers involved in the interaction, DPA sent an ID Poll to the Airport Bureau. An ID poll describes the incident and asks that the Commanding Officer review the incident description and identify officers that were involved. The ID poll came back with negative results. There was insufficient information to identify the officer for the DPA to conduct further investigation.

There were no witnesses to this incident.

No finding outcomes occur when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 04/27/2024

COMPLETION DATE: 06/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

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: 05/01/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94157

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

COMPLAINT DATE: 05/02/2024

COMPLETION DATE: 06/18/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the officers improperly conducted a traffic stop in a loading zone. When the complainant confronted the officers, the officers responded inappropriately.

The named officers stated that they were making a traffic stop on a vehicle because its brake lights were not working. Named Officer #1 stated that before contacting the driver, the complainant told him not to stop in front of the building. He politely advised the complainant that he was making a traffic stop. Named Officer #2 stated that did not speak with the complainant during the incident, and when he exited the patrol vehicle, he was focused on the vehicle in front of him and not the complainant. He stated that the horn was honked to gain the driver's attention as he thought they may have been trying to leave.

Body-worn camera (BWC) footage for the incident did not show either officer exiting the patrol vehicle in an inappropriate or aggressive manner toward the complainant. Named Officer #1 exited the vehicle at an unremarkable pace and just before contacting the driver, briefly spoke with the complainant and told him that they were making a traffic stop as the vehicle did not have working brake lights. Named Officer #2 stayed near the passenger door of the patrol vehicle when he initially exited. BWC footage did not show Named Officer #2 contacting the complainant.

The evidence did not reveal the officers behaving inappropriately when exiting their patrol vehicle.

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

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

COMPLAINT DATE: 05/01/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant alleged that he and his friend were driving into the city when their vehicle broke down on the bridge. California Highway Patrol (CHP) pulled up behind their vehicle and rather than help them, arrested them because the vehicle was allegedly stolen. Later that day, unknown CHP officers transported the complainant to the County Jail where both unknown SFPD and CHP officers used excessive force against him inside the parking lot.

DPA ran several queries to try and locate the incident and SFPD's involvement; however, all queries produced negative results. Additionally, DPA obtained surveillance footage from outside the jail for the relevant period in question; however, the footage did not show the incident as described by the complainant nor did it capture the complainant. Moreover, deputies at the jail were unaware of the incident as described by the complainant.

Despite its efforts, DPA was unable to find evidence to corroborate the complaint's statement, to identify an SFPD officer that may have been involved, or otherwise locate an incident as described.

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

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

COMPLAINT DATE: 05/01/2024

COMPLETION DATE: 06/18/2024

PAGE# 2 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that after the use of force explained above, unknown SFPD and CHP officers improperly searched him by removing his clothing in the parking lot.

As mentioned above, despite its efforts, DPA was unable to find evidence to corroborate the complaint's statement, to identify an SFPD officer that may have been involved, or otherwise locate an incident as described.

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

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

CATEGORY OF CONDUCT:

FINDING:

IO-1/CHP

DEPT. ACTION:

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

California Highway Patrol Office of Investigations
601 North 7th Street
P.O. Box 942898
Sacramento, CA 94298

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

COMPLAINT DATE: 05/07/24

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

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

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

COMPLAINT DATE: 05/07/2024

COMPLETION DATE: 06/05/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

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: 05/08/2024

COMPLETION DATE: 06/26/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

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: 05/12/2024

COMPLETION DATE: 06/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/San Francisco Police Department Taraval Station

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

San Francisco Police Department
Taraval Station
2345 24th Ave.
San Francisco, CA 94116

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

COMPLAINT DATE: 05/14/2024

COMPLETION DATE: 06/18/2024

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 filed an online complaint stating that he was the victim of a vehicle burglary.

The complainant did not provide the DPA with any information about a complaint against a specific officer or officers. The DPA attempted to contact the complainant on several occasions without success.

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: 05/16/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: Referral/IAD

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

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

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

COMPLAINT DATE: 05/21/2024

COMPLETION DATE: 06/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF/W

FINDINGS OF FACT: The complainant stated he was arrested despite being the victim of an assault.

The complainant requested a withdrawal of the complaint.

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

COMPLAINT DATE: 05/21/2024

COMPLETION DATE: 06/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

FINDINGS OF FACT: The complainant stated that the named officer failed to provide the required technical assistance with a concealed carry permit application.

The complainant decided to withdraw his complaint against the named officer.

The complainant failed to provide additional requested evidence, or the complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATIONS #2: The officer failed to provide reasonable accommodations.

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

FINDINGS OF FACT: The complainant stated the named officer did not provide any accommodation for the fact that the complainant is disabled.

The complainant decided to withdraw his complaint against the named officer.

The complainant failed to provide additional requested evidence, or the complainant requested a withdrawal of the complaint.

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

COMPLAINT DATE: 05/23/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: Referral/IAD

FINDINGS OF FACT: This complaint raises matters that DPA must refer to IAD to ensure an impartial investigation. This complaint was referred in full to:

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

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

COMPLAINT DATE: 05/23/2024

COMPLETION DATE: 06/05/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

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: 05/23/2024

COMPLETION DATE: 06/18/2024

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 she was the victim of multiple thefts between 1991 and 2004. She stated she reported the matter to the police at the time of the thefts, but nothing was investigated.

The complainant did not provide additional requested information that would assist in identifying the responsible officer (s).

The Department of Police Accountability found no past police records involving the complainant.

The identity of the alleged officer could not be established.

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: 5/24/2024 COMPLETION DATE: 06/18/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant discovered his vehicle had been damaged while parked on a street. He learned that his vehicle was one of several damaged by a single vehicle. The complainant attempted to get a copy of a traffic collision report from multiple police stations but was told they were unable to release it because there were no injuries involved. The complainant believed the department refused to provide him with the traffic collision report.

The computer aided dispatch (CAD) showed officers responded to a single vehicle accident. The driver admitted to hitting a parked car because they fell asleep. The officers captured the incident on their body-worn cameras. The footage confirmed that a single vehicle was responsible for damage to several cars parked on a sloped hill. This was a property damage only incident, the officers concluded that an incident report was not required and documented the incident in the CAD. The body-worn camera showed that the officers took down the license plates of the vehicles that were damaged and placed the driver's insurance information on the cars. There was no traffic collision report associated with the incident.

Department General Order 9.02, Vehicle Collision, states that officers are not required to investigate or report non-injury vehicle accidents that result only in property damage.

The Department's decision not to provide the traffic collision report may have been perceived as a neglect of duty by the complainant. However, according to the evidence, officers were not obligated to investigate or create a report because the accident only resulted in property damage. The officers documented the incident in the CAD and the DPA recommended that the complainant obtain a copy of the CAD.

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

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

COMPLAINT DATE: 05/24/2024

COMPLETION DATE: 06/13/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1

FINDINGS OF FACT: The complainant raised matters outside of DPA's jurisdiction. This complaint was forwarded to:

U.S. Park Police San Francisco Field Office
1217 Ralston Avenue
San Francisco, CA 94129

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

COMPLAINT DATE: 05/28/2024

COMPLETION DATE: 06/13/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

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: 05/28/2024

COMPLETION DATE: 06/26/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

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: 05/25/2024

COMPLETION DATE: 06/26/2024

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 an officer or officers used their sirens inappropriately.

The complainant did not provide the DPA with any information about a specific incident or sufficient identifying information for the involved officer(s). The DPA attempted to contact the complainant on several occasions, and the complainant replied stating she did not wish to speak to DPA.

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: 05/30/2024

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

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: 06/05/2024

COMPLETION DATE: 06/13/2024

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters not rationally within DPA's jurisdiction.

CATEGORY OF CONDUCT:

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: 06/06/2024

COMPLETION DATE: 06/18/2024 **PAGE# 1 of 1**

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

CATEGORY OF CONDUCT:

FINDING: Referral/DEM

FINDINGS OF FACT: This complaint raises matters outside the DPA's jurisdiction. This complaint was referred in full 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: 06/07/24

COMPLETION DATE: 06/18/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 06/07/2024 COMPLETION DATE: 06/26/2024 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: An anonymous complainant stated that the named officers allowed a man to harass and assault him, walking away from the scene without taking any police action. The complainant provided a YouTube video of the alleged incident.

The YouTube video shows the complainant video recording people outside a store. A store employee came outside and started recording the complainant in response to the complainant's behavior. The YouTube shows no physical contact between the two parties and no threats being made. The named officers briefly responded to the scene and left after establishing that no crime had occurred and/or was occurring.

Records from the Department of Emergency Management show that an employee from the store called 911 and reported a male standing on the sidewalk "filming business for the past 30 mins." The named officers responded and closed the call with the following notes, "No further PD action req."

The named officers' body-worn camera (BWC) shows the complainant and the store employee filming each other. The BWC captured no crime being committed, prompting both officers to walk away.

The evidence established that both the complainant and the store employee video recording each other in a public street. The evidence established that no crime 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: 06/07/2024 COMPLETION DATE: 06/13/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

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: 05/30/2024

COMPLETION DATE: 06/26/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO/1

FINDING: Referral/DEM

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

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

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

COMPLAINT DATE: 06/14/2024

COMPLETION DATE: 06/18/2024

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 that an officer or officers failed to pull over reckless drivers.

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: 06/18/2024 COMPLETION DATE: 06/26/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

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: 06/24/2024

COMPLETION DATE: 06/06/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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