

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

COMPLAINT DATE: 05/07/2021

COMPLETION DATE: 09/09/2024

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

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: An officer-involved shooting occurred after plainclothes officers attempted to apprehend vehicle burglary suspects who were actively breaking into vehicles and stealing property. The named officer and his partner, dressed in plain clothes and initially traveling in an unmarked vehicle, followed and observed auto burglary suspects committing multiple auto burglaries. The suspects eventually parked their vehicle in an alley. They began unloading and sorting stolen property, observed by the named officer and his partner, who were both on foot at that time. The named officer ran toward one suspect with his firearm in hand and apprehended him by applying a bear hug. Upon contacting the suspect, the named officer's firearm discharged, striking the suspect in the wrist and inflicting non-life-threatening injuries.

The named officer stated he was assigned to the plainclothes unit, which primarily focused on auto-burglary abatement. He stated that on the incident date, he had heard "chatter" at the station regarding a suspect vehicle committing multiple vehicle burglaries throughout the city. He and the other members of the plainclothes team departed the station to attempt to locate the suspect vehicle. The named officer stated he and his partner, who were traveling in an unmarked vehicle, observed the suspect vehicle on multiple occasions pull up next to the victims' vehicles, whereby two suspects would exit and break the windows and remove and transfer property to their vehicle. The named officer stated he and his partner eventually followed the suspect vehicle to an alley where two occupants were observed sorting through the property. The named officer stated his partner dropped him off on foot, and he took a position behind a wall near the suspect vehicle as he waited for his partner to park and do the same. He intended to keep a visual of the suspects while maintaining concealment. He communicated with the other plainclothes team members that he required their backup. However, he believed there was a miscommunication about where he was located because the other plainclothes members could not find him, but he knew they were close. The named officer stated his partner parked their vehicle, joined him on foot, and concealed himself behind a wall. He was still trying to keep a visual on the suspects. However, he realized that they were running out of stolen property to discard and that it was only a matter of time before they fled. Therefore, he decided it was time to attempt to apprehend the suspects because they still had the tactical advantage of having the element of surprise.

The named officer communicated to his partner to remove his gun and display his star. The officers intended to give the subjects lawful commands, at gunpoint, to lay prone on the ground. The plan failed

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because one of the suspects saw him peeking from behind the wall, which eliminated the element of surprise. The named officer stated that instead, he yelled, "Police Department," before running up from behind one of the suspects, placing him in a bear hug, and bringing him to the ground. However, he stated when he did that, he heard a loud pop, which at first he thought was either a car backfiring or shots fired by the suspects. Once he was on the ground, the suspect he apprehended began to scream, and the suspect vehicle took off. The named officer stated that the suspect was bleeding from his wrist, so he immediately applied a tourniquet. Shortly after, the other plainclothes officers arrived and took over rendering medical aid.

The named officer stated he did not issue any lawful commands because the other suspects who had not seen him would have been tipped off that the police were present, likely causing them to flee. The vehicle would have taken off recklessly.

The named officer stated he drew his weapon based on his training and experience. He stated the suspected auto burglary suspects were a known crew they were investigating. He stated he never observed any weapons on any of the suspects. However, he stated that the vast majority of high-level auto burglary crews, such as this instance, carry guns. However, the named officer went on to state that according to his training and experience, he should have holstered his firearm before placing the suspect in a bear hug. He stated, "In my brain, my gun was holstered . . . I would never purposely . . . bear hug someone with my gun out . . . that's just terrible safety precautions."

The named officer stated he did not intentionally shoot the suspect. He stated, "I wasn't consciously thinking like, I'm looking at him, and my gun is in my hand. I recalled drawing my pistol prior to that . . . I remember crossing the street to get a better visual. I remember peeking at the corner, making eye contact with . . . [one suspect], and then when the time frame got completely shrunk and accelerated is when I moved in. In my mind, this is the way I practice everything, I've been in these scenarios a bunch of times . . . to the point of muscle memory. I always holster up prior to going hands-on . . . In my mind, my gun was holstered when I made the run in. Even as I sit here today, I still feel like my gun was holstered. That's why I was so shocked when the sound went off, and I saw him bleeding and the gun on the ground; it all came to fruition. That's when I realized, like, wow, my gun was out because I wasn't conscious of it during the run-up period." He stated, "I wish the gun was holstered like I thought it was."

A witness officer was the named officer's partner working in the plainclothes unit focusing on auto burglary abatement. On the incident date, he and other members of his plainclothes team were tracking active auto burglary suspects. He stated he and the named officer observed suspects in a suspect vehicle actively breaking into vehicles and removing property. He dropped off the named officer near an alley where the suspect vehicle was parked. He joined the named officer on foot, concealing themselves behind opposite corners. He did not have a good vantage point on the suspects but looked to the named officer for

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a sign to move in for the arrest. The witness officer stated that the named officer motioned with a nod, and he and the named officer moved in with their firearms drawn. He stated the named officer yelled "Police" upon their approach, but neither provided verbal commands. He focused on apprehending a suspect who jumped in the suspect vehicle, which sped away. He only saw the named officer and the suspect who was shot in his peripheral vision; both were on the ground.

The witness officer knew members of his plainclothes team were in the area, but he did not wait for backup before moving in because the named officer said it was an opportune time to apprehend the suspects, as they were nearing the end of going through the stolen property. He initially believed the loud pop he heard was a hard-shell suitcase falling from the fleeing suspect vehicle; however, he immediately realized that a suspect was shot when he observed the named officer rendering aid by applying a tourniquet.

The witness officer stated he never observed weapons on the suspects. However, through his training and experience, he believed the suspects could be armed as he had seen an upswing in the number of armed auto burglars.

An SFPD Academy firearms training expert stated that San Francisco police officers are trained on "trigger control," whereby they are taught explicitly that their fingers should not be on the trigger when they are moving because their eyes are no longer connected to their sights. The expert stated that officers should "index" the weapon and keep their fingers along the side of the gun barrel when they move. However, the expert stated that an exception to that rule is when an officer is fired upon. The expert further stated that an officer forgetting he had a weapon in his hand is plausible because of the many factors an officer is paying attention to, making it easy for things to slip the mind regardless of training.

At the Town Hall, which occurred shortly after the Officer Involved Shooting (OIS), the Chief of Police apologized to the suspect, his family, and the public and stated in part, "Based on our analysis of the facts and evidence, we have at this time; the shooting of [the suspect] quite simply should not have happened." He further stated that the named officer asked him "to convey how badly he feels that this happened. He did not intend for his gun to go off. He sincerely [sic] apologies to . . . [the suspect] and wishes him a full and speedy recovery."

Department records indicate that members of a plainclothes unit were surveilling a known auto burglary suspect vehicle. When the vehicle came to a stop in an alley, the named officer moved in to effect an arrest of the suspects, resulting in the infliction of a gunshot wound to one suspect's left wrist. Backup and an ambulance were requested while officers applied a tourniquet and rendered other medical aid. The suspect vehicle fled the scene with two suspects immediately after the shooting.

San Francisco Police Department Forensic Biology Examination records document that the suspect's DNA was not found on the named officer's firearm trigger.

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The suspect's medical records indicate that he suffered a distal radius fracture from a gunshot wound, requiring surgical intervention.

Department policy did not require plainclothes officers to wear body-worn cameras (BWC) at the time of this incident, so BWC footage was not available.

Surveillance footage showed the named officer and his partner in plainclothes, observing suspects sorting through stolen property behind a suspect vehicle. The officers, with firearms drawn, were concealed behind a wall, standing opposite each other. The named officer peered around the corner, seemingly catching the eye of one suspect. Immediately, an officer yelled, "Police," and both officers ran toward the suspects. The named officer ran toward one suspect, still with his firearm in his hand, and placed him in a bear hug, causing both to fall to the ground, resulting in a loud "pop." The other suspect standing outside entered the vehicle, which sped off. Officers were seen rendering aid to the suspect who was shot.

San Francisco Police Department Plainclothes training material states the relevant part, "When drawing or re-holstering his/her duty weapon in plainclothes, the officer shall always keep his/her finger off the trigger."

POST LD 21 (Patrol Techniques) states in relevant part, "Whether or not officers should pursue a subject with their firearms drawn is generally based on specific agency policy and may depend on the:

1. Seriousness of the offense;
2. Officer's perception of risk;
3. Potential for an accidental discharge;
4. Risk of creating a weapon retention problem."

The State of California Commission on Peace Officer Standards and Training (POST) Learning Domain (LD) 35 (Firearms/Chemical Agents) states in relevant part, "All firearms are deadly weapons. Lack of awareness or attention to safety for even a moment can cause deadly consequences. There are four fundamental rules of firearms safety that must be respected and obeyed at all times with no exceptions . . . Rule 1: Treat all firearms as if they are loaded; Rule 2: Always keep the firearm pointed in the safest possible direction; Rule 3: Always keep fingers off the trigger until ready to fire the firearm; and Rule 4: Be sure of the target and what's beyond it before firing the firearm."

Department General Order 5.01 (Use of Force) states in relevant part, "An officer shall handle and manipulate a firearm in accordance with Department-approved firearms training. An officer shall not manually cock the hammer of the Department-issued handgun to defeat the first shot double action feature." In addition, it states, "An officer may draw, exhibit or point a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for the safety of others or for his or her own safety. When an officer determines that the threat is over, the officer shall holster his or her firearm

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or should the weapon in the port arms position pointed or slung in a manner consistent with Department approved firearms training.”

DGO 5.01 also provided, “Factors for evaluating the use of force include but are not limited to:

- a. The severity of the crime at issue;
- b. Whether the suspect posed an immediate threat to the safety of the officers or others;
- c. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
- d. Whether the use of force is proportional to the threat;
- e. The availability of other feasible, less intrusive force options;
- f. The officer’s tactical conduct and decisions preceding the use of force;
- g. Whether the officer has reason to believe that the subject is mentally ill, has a physical, developmental or cognitive disability, is emotionally disturbed or is under the influence of alcohol or drugs;
- h. Whether there was an opportunity to warn about the use of force prior to force being used, and if so, was such a warning given;
- i. Whether there was any assessment by the officer of the subject’s ability to cease resistance and/or comply with the officer’s commands;
- j. Specialized knowledge, skills, or abilities of subjects;
- k. Prior contact;
- l. Environmental factors, including but not limited to lighting, footing, sound conditions, crowds, traffic and other hazards; and
- m. Whether the subject’s escape could pose a future safety risk.

DPA’s investigation determined that the named officer violated Department policy when he jogged up to an auto burglary suspect with his firearm in his hand, forgot he was holding his firearm, and accidentally shot the suspect through the wrist. San Francisco Police Officers are specifically trained not to run with their fingers on the trigger of their firearms. The suspect’s DNA was not found on the trigger of the weapon. Surveillance video and witness statements support the inference that the named officer attempted to arrest the suspect while his firearm was in his hand and his finger was on the trigger, causing him to shoot the suspect.

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 #1: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant's daughter went missing for several days, during which time she was allegedly held against her will by a man who hurt her and threatened her with violence. The complainant alleged that the named officer intimidated her daughter while talking to her and did not accurately report the details of her daughter's ordeal.

SFPD documentation showed that the named officer spoke to the complainant's daughter and filed a found person report about her. The report did not document that the daughter was held against her will.

Body-camera footage showed the named officer speaking to the complainant's daughter, who has developmental disabilities. The named officer tells the complainant's daughter that his body camera is a lie detector and knows when she isn't telling the truth. The named officer then interrupts the complainant's daughter when she is telling the officer what happened to her and instead tells her what he believes happened. The complainant's daughter looked intimidated by the officer and said, "Whatever you say officer." The daughter told the officer that she did not want trouble and did not want to go to jail. When the daughter asked what she should do if she saw her attacker again, the officer did not answer her and instead told her to stay away from people who would give her drugs.

The named officer was given several opportunities to conduct an interview with DPA about this incident, but he did not take advantage of them. The evidence showed that the named officer acted inappropriately in how he engaged with a vulnerable adult, going so far as to lie to and deceive her about his body camera, calling it a truth detector.

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 properly investigate.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer is accused of failing to properly investigate crimes alleged by the complainant's daughter, namely, kidnapping and false imprisonment.

A kidnapping occurs when a person is moved a substantial distance without consent and by means of force, fear, or deception. A crime that similarly involves a nonconsensual deprivation of liberty is false imprisonment. False imprisonment occurs when a person is restrained or confined against their will. Unlike kidnapping, false imprisonment does not require that a victim be moved a substantial distance. False imprisonment can occur through physical force, threats, or coercion that restricts a person's ability to leave. Falsely imprisoning an adult with mental disabilities is a felony. (Penal Code §§ 207, 236, and 368)

SFPD documents showed that the named officer wrote a found person report but did not include any of the allegations made by the found person that she had been kidnapped and held against her will.

Body camera footage showed the named officer speaking to complainant's daughter (aka the found person) about the allegations of kidnapping. The found person does agree with the officer that she was not kidnapped, but only after the named officer interrupts her account and tells her that his body camera is a lie detector and that it is a crime to file a false report does she appear submissive, even stating "Whatever you say officer." The daughter then tries to tell the named officer about being held against her will. The named officer stops her and tells her not to lie before telling her what he believes happened.

The evidence showed that the named officer failed to document that the complainant and her daughter reported conduct that could constitute several crimes. The named officer appeared to have made up his mind that the found person's allegations were not true before he spoke to her. The named officer asked no investigative questions about the allegations to try and determine if there was any merit to the allegations. The named officer then told other officer on scene that the found person had not been kidnapped or held against her will, instead the named officer told other officers a version of events he had made up himself. The named officer then failed to even mention the allegations in his found person report.

The named officer was given several opportunities to conduct an interview with DPA about this incident, but he did not take advantage of them. 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 #3: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer did not prepare an incident report about her daughter's kidnapping ordeal.

SFPD documentation showed that the named officer wrote a found person report but did not include any of the crimes alleged by the complainant and her daughter.

Body camera footage showed the named officer speaking to the complainant's daughter, who has developmental disabilities. The named officer refused to allow the complainant's daughter to provide an account of what happened and instead told her what he believed had happened. The named officer pushed the complainant's daughter to agree with his version of events. The named officer then told his supervisor that the complainant's daughter had told him the alleged crimes had not happened and that he only had to write a found person report.

The named officer failed to write a report on the crimes the complainant's daughter was reporting and instead dismissed her claims and wrote a short, found person report instead. The named officer was given several opportunities to conduct an interview with DPA about this incident, but he did not take advantage of them.

The evidence showed that the named officer approached the complainant's daughter with a preconceived account of what took place and notion that the complainant's daughter's allegations were lies before even speaking to the complainant's daughter. The named officer did not conduct any investigation into the allegations, dismissing them by hand and then failed to put them in his report.

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 #4: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The named officer is accused of failing to provide medical care to the complainant's daughter.

SFPD documentation showed that the named officer interacted with the complainant and her daughter. However, there is no reference to medical assistance being requested or denied.

Body camera footage showed that the named officer spoke to the complainant and her daughter. There is no mention of medical aid being given or denied on the body camera footage. The footage does not cover the full interaction. The named officer was given several opportunities to conduct an interview with DPA about this incident, but he did not take advantage of them.

There is not enough evidence to determine if medical assistance was requested or if the officer denied the complainant's daughter medical assistance.

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

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SUMMARY OF ALLEGATION #5: The officer failed to activate a body-worn camera as required.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The named officer is alleged to have failed to activate his body-worn camera [BWC] as required by Department policy.

The named officer stated that he did speak to people who were trying to report a crime, but he was not the investigating officer. The named officer also stated he did not leave the station and did not need to turn on his camera. The officer admitted he did not activate his BWC.

SFPD documents show that the people the named officer spoke to were making a report about a crime.

Body-worn camera footage from other officers on the scene shows the named officer outside of the station talking to the members of the public about the alleged crime.

Department General Order 10.11 Body-Worn Camera states: "All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances: Consensual encounters where the member suspects that the member of the public may have knowledge of criminal activity as a suspect, witness, or victim."

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

SUMMARY OF ALLEGATION #6: The officer failed to activate a body-worn camera as required.

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CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The named officer is alleged to have failed to activate his body-worn camera [BWC] as required by Department policy.

The named officer failed to provide an account for why the body camera was not turned on for the entirety of the incident. The named officer was given several opportunities to conduct an interview with DPA about this incident, but he did not take advantage of them.

Body-worn camera footage showed that the named officer turned on his BWC after he had already begun interacting with alleged victims of crime. The initial parts of the conversation are therefore not covered by on the recording.

Without the officer's account of why he turned the camera on late it is not possible to determine if this was in policy or not.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant, who said she was struck by her boyfriend during an argument, alleged that the named officer was rude and aggressive while interviewing her, and smiled as she was being treated by the hospital staff.

The named officer stated that he responded to the hospital to serve the complainant with an Emergency Protective Order (EPO) and informed her of the charges against her. The named officer said while the complainant yelled and interrupted him, he read her the EPO and explained the terms. The named officer stated that he noted additional areas of injury reported to him by the complainant and determined that she did not want to participate in the investigation.

Department of Emergency Management (DEM) records indicated that the complainant and another party reported being battered in a domestic violence incident. Records confirmed that officers, including the named officer, responded to investigate. The complainant was arrested following the investigation.

Footage from responding officers' body-worn cameras (BWC) showed that officers separated the parties and interviewed them regarding the reported crimes. The named officer was primarily involved in the interview of the complainant. BWC footage showed that the named officer was appropriate in his questioning of the complainant and showed no indication that the officer smiled inappropriately as the complainant was treated by medical staff.

Department General Order (DGO) 2.01, Rule 14, Public Courtesy, states that when acting in the performance of their duties, while on or off duty, officers shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

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

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant, who was interviewed as part of a domestic violence investigation, stated that the named officer did not listen to her and immediately sided with her boyfriend.

The named officer acknowledged that he responded to the Roadway Inn as it was reported that the complainant had returned to the property. The named officer stated that he was the lead investigating officer and that he had spoken with both parties separately. The complainant was given the opportunity to provide a statement regarding the incident, officers took pictures of the complainant's injuries, and she was assessed by paramedics while on scene. The named officer wrote that he made the decision to place the complainant under arrest and deemed her the dominant aggressor after he obtained statements from both parties and gathered all evidence on scene.

Department records, including the report documenting the incident, revealed that upon the named officer's arrival at the scene, the complainant was not present. The complainant's boyfriend was present and told the officer he was battered by the complainant, who also stole his cell phone and cash from him. The boyfriend asked to press charges against the complainant and advised that he would cooperate with the investigation. He was given the case number, Marsy's Card, Victim of Violent Crime Form and Domestic Violence Referral Card. The report further indicated that the complainant's boyfriend was asked questions required by the Domestic Violence Lethality Checklist. The complainant later arrived at the motel, where the named officer interviewed her regarding what had occurred with her boyfriend. The records showed that the named officer, following his investigation, determined that the complainant would be booked for battery.

Body-worn camera (BWC) footage showed that both the complainant and her boyfriend had visible injuries. Paramedics arrived on scene to assess their injuries, and the complainant was transported to a hospital for further treatment. The complainant was advised that she was detained during the investigation. The named officer asked the complainant multiple times to explain what occurred leading up to and during the fight with her boyfriend. The footage also confirmed that the named officer completed the investigation as it was documented.

The named officer informed the complainant that she was deemed the aggressor, and he obtained an Emergency Protective Order (EPO), which he served on the complainant while she was at the hospital.

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Department General Order 6.09, Domestic Violence, states that it is the policy of the San Francisco Police Department that members treat all acts of domestic violence as criminal conduct. When the elements of a crime exist, members shall make an arrest, instead of using dispute mediation or other police intervention techniques.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers transported her to a hospital at which time she was arrested and deemed the aggressor in a domestic violence incident. She stated that she was injured by her boyfriend and should not have been arrested.

The named officer stated that he was the lead investigating officer and deemed that he had probable cause to place the complainant under arrest for her assault against her boyfriend. The named officer wrote a report documenting the incident and his initial investigation. The report explained that the officer responded to a report by the complainant's boyfriend that the complainant had bitten and struck him before fleeing from the scene. When the named officer arrived on scene, the complainant's boyfriend was present, and he was interviewed about the fight that took place. The officer reported that the boyfriend's statement regarding the fight was consistent with his injuries. The officer said that the boyfriend reported a history of violence by the complainant, including four earlier arrests. The incident report showed that the named officer and other officers on scene conducted a full investigation, including interviewing witnesses, the two involved parties and photographing the scene. When the complainant arrived on the scene, she stated she was injured by her boyfriend and that she did not recall what else had happened.

Body-worn camera footage showed that the named officer conducted the investigation as documented.

According to the report, the named officer concluded that the complainant was not credible, and that the boyfriend's account of their fight was consistent with the injuries, leading him to conclude that the complainant should be arrested. The named officer obtained an EPO signed by a judicial officer naming

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the complainant as the restrained person. The complainant was arrested for California Penal Code section 273.5(a).

California Penal Code Section 273.5 (a) states in part: "Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony....."

SFPD General Order 6.09, DOMESTIC VIOLENCE, section 6.09.04(J)(3) states: "If probable cause exists to believe that an assault or battery has occurred upon a current or former spouse or cohabitant, upon a person in a current or former dating or engagement relationship, or upon a parent of a child in common, and the arrest is made as soon as probable cause arises, then no private person's arrest is required."

Based on the evidence as presented, the named 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 ALLEGATIONS #4-6: The officers used handcuffs improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers handcuffed her to the bed, prior to her receiving any treatment and refused to adjust the tightness.

Named Officer #1 stated that he was not aware of who put the handcuffs on the complainant, as he was not present at the time of her handcuffing.

Named officer #2 stated that she was present when the complainant was handcuffed, while in the hospital, but that she did not recall who handcuffed the complainant.

Named officer #3 stated that named officer #1 informed her that the complainant was to be booked for domestic violence and acknowledged that she informed the complainant she would be placed in handcuffs. Named officer #3 confirmed the complainant was handcuffed to the medical bed with one hand free but did not recall who handcuffed the complainant during the interaction.

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Footage from officers' body worn cameras (BWC) showed that the complainant was detained while officers investigated a domestic violence battery. The complainant was not physically restrained throughout the investigation; therefore, she was not handcuffed at the scene nor during her transportation to the hospital. There was no BWC footage from the officers present that captured the complainant being handcuffed. Footage from the officers' BWC did capture the complainant moving her arms and hands around while handcuffed to a hospital bed.

SFPD Arrest & Control Manual, page 56, Handcuffing Guidelines states: Who should be handcuffed:

- When the subject is being arrested for a felony offense
- When the subject is a violent misdemeanor or a misdemeanor who exhibits a tendency to escape
- Nothing in the above shall preclude the use of handcuffs on any prisoner when their use is deemed necessary by the arresting officer

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/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

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SUMMARY OF ALLEGATIONS #1-3: The officers behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers dealt inappropriately with a civil landlord-tenant dispute. The officers favored the tenants and behaved inappropriately toward the complainant and his brother, who were the landlords. One officer threatened to cut a chain lock from the front door.

Department records showed that officers were dispatched to handle a possible assault arising out of a civil dispute. When they arrived, only the tenants were at the scene. The officers spoke with the tenants in person and spoke with the landlords by phone. The tenants were caregivers for an elderly man who had recently passed. The tenants were living in the elderly man's home for approximately 10 years in an in-law apartment with a separate entrance. The tenants told the responding officers that the landlords had evicted them without notice by packing and removing their personal belongings from their in-law apartment. One of the landlords had forcibly wrested the apartment keys from a tenant's closed fist. The officers determined that forcibly taking the keys was a battery. They prepared a report documenting the battery and summarizing the landlord-tenant dispute leading to the battery.

Body-camera footage documented statements made by the officers to the landlords. One officer told the landlord over the phone that they might need to remove the chain lock from the front gate. Another officer told the complainant that he thought the complainant's actions were unethical. A third officer did not interact with the landlords.

The officer who commented about removing the chain explained that he believed the tenants had a right to access their property on the other side of the chained gate. The named officer said that he was trying to warn the landlords that the chain could be removed if the tenants were not allowed access to their belongings. The officer who commented about ethics explained that he disagreed with how the landlord was treating the tenants. The third officer involved stated she did not speak to the complainant and only engaged with the officers.

The officer's statements regarding the chain were speculative and did not constitute misconduct. The second officer's statements regarding ethics, while not conducive to the investigation, did not rise to the level of misconduct. The third officer did not speak to the complainant and conducted a thorough and professional 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: 11/27/2023

COMPLETION DATE: 09/03/2024

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SUMMARY OF ALLEGATION #4: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer damaged his door by unnecessarily banging on it. A photograph from the complainant showed small indentations on the wooden frame of the complainant's front door.

Department records showed that the complainant filed a report for the door damage. Records also showed that the named officer wrote a memo documenting the damage he caused.

Body-camera footage showed that the named officer used his baton to reach through a locked metal gate to knock on the front door of the property.

The named officer stated that he used his baton to reach through a closed gate so that he could knock on the complainant's door. The named officer was unaware that he caused damage until a sergeant advised him the following day. The named officer then wrote a memo informing the station captain of the damage he potentially caused.

The named officer damaged the door while performing his investigative duties. He believed the complainant was inside the upstairs unit and was trying to contact him due to the investigation in progress. The named officer used a baton to bypass a chained gate, which prevented him from knocking on the door. The named officer followed procedures by writing a memo to the station captain documenting the damage. The named officer's actions were in policy, and any damage caused was accidental, not malicious or reckless.

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

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

COMPLAINT DATE: 01/11/2024 COMPLETION DATE: 09/10/2024 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: UA

FINDING: PC

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

Both named officers stated that they detained the complainant for a traffic infraction. The named officers stated that the complainant's vehicle was double parked and obstructing a lane of traffic.

Department records indicated that the complainant was cited for violation of California Vehicle Code section 22400(a) – obstructing a roadway.

Body-worn camera (BWC) footage confirmed that the complainant's vehicle was double parked in a lane of traffic.

California Vehicle Code section 22400(a) states (in part), "No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law."

Evidence showed that the named officers had reasonable suspicion to detain the complainant because his vehicle was parked in violation of the California Vehicle Code.

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

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

COMPLAINT DATE: 01/11/2024 **COMPLETION DATE:** 09/10/2024 **PAGE# 2 of 5**

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer improperly searched his vehicle.

The named officer stated that he initially asked the complainant to move a vehicle which was double parked and obstructing a lane of traffic. At that time, the complainant (who was standing near the vehicle) told the officer that it was not his vehicle and that he was not going to move it. The named officer intended to tow the vehicle because it was obstructing traffic, so he approached the vehicle and opened the door to conduct an inventory search. When the complainant approached the named officer and told him it was his vehicle, the named officer closed the door and decided not to tow the vehicle.

Body-worn camera (BWC) footage showed that the complainant's vehicle was unoccupied and double parked in a lane of traffic. The named officer approached the vehicle and opened the front driver's side door. The complainant approached the named officer and asked what he was doing. The named officer told the complainant that it was an abandoned car and that he was going to tow it. The complainant asked, "You're gonna tow my car?" The named officer said, "Excuse me? It's your car?" The complainant said, "Yeah." The named officer closed the vehicle door and did not search the vehicle further.

California Vehicle Code section 22651(b) states (in part) that a peace officer "may remove a vehicle located within the territorial limits in which the officer or employee may act ... [w]hen a vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway."

Department General Order 9.06, "Vehicle Tows," states that "[w]hen towing a vehicle, officers shall inventory the contents of the vehicle." Further, "When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle."

Evidence showed that the named officer had the authority to tow the complainant's vehicle because it was unoccupied and obstructing traffic. Because the named officer initially intended to tow the vehicle, he was authorized to conduct an inventory search of the 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: 01/11/2024 **COMPLETION DATE:** 09/10/2024 **PAGE# 3 of 5**

SUMMARY OF ALLEGATION #4: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: Through the course of DPA's investigation, it was discovered that the named officer applied handcuffs without justification.

The named officer said that he decided to detain the complainant in handcuffs because he thought the complainant could be a potential flight risk because he recognized the complainant as someone who had run from him over five years prior. The named officer also said that he was investigating a "potential 148" because the complainant had not complied with his lawful order to move his car. The named officer stated that he mis-communicated to the complainant that he was going to tow his vehicle because it was expired and not because it was obstructing the roadway, which caused the complainant to become focused on showing him a temporary registration tag in the windshield. The named officer acknowledged that he should have slowed things down, he should have looked at the temporary registration tag that the complainant was attempting to show him, and he should have gotten the complainant's ID.

Body-worn camera (BWC) footage showed that the named officer told the complainant that he was going to tow his vehicle because it was "expired." The complainant began to protest and attempted to show the named officer a temporary registration tag in the windshield, to which the named officer replied, "Doesn't matter." The named officer asked the complainant if he had ID, and the complainant replied, "Yeah." The named officer then handcuffed the complainant.

DGO 5.03.02(F) states that a "de facto arrest" occurs when "an officer takes unreasonable or unnecessary actions during an investigative detention." An investigative detention becomes a de facto arrest when the officer uses safety restraints without officer safety justification.

The named officer did not articulate any facts that would suggest the complainant posed a physical threat or flight risk during this incident. The named officer unnecessarily escalated this incident and converted an initially lawful traffic stop into a de facto arrest.

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

SUMMARY OF ALLEGATION #5: The officer used unnecessary or excessive force.

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

COMPLAINT DATE: 01/11/2024 COMPLETION DATE: 09/10/2024 PAGE# 4 of 5

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer used excessive force on him when he slammed him against a wall.

The named officer stated that he did not use any force on the complainant during this incident.

A witness officer stated that the named officer did not use any force on the complainant during this incident.

Body-worn camera (BWC) footage showed that the named officer did not slam the complainant against a wall and did not use force on the complainant during this incident.

The evidence proves that the alleged conduct did not occur.

SUMMARY OF ALLEGATION #6: The officer failed to comply with the Department's Stop Data collection requirement.

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

COMPLAINT DATE: 01/11/2024 COMPLETION DATE: 09/10/2024 PAGE# 5 of 5

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

The named officer stated that he forgot to submit Stop Data for this incident.

Department records showed that the named officer conducted a traffic stop and detention that ultimately led to a citation. Department records indicated that there was no stop data for this incident.

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

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

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

COMPLAINT DATE: 01/15/2024

COMPLETION DATE: 09/03/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to properly investigate a vehicle collision and assault.

SFPD records show that the named officer and other officers responded to an automobile collision scene and spoke to multiple parties involved in the crash and its aftermath. The officers collated the statements into a report. The named officer and other officers investigated allegations of threats with a firearm and an assault. The officers concluded that there was no firearm on scene, and they provided citizen arrest forms for the allegations of assault.

Body camera footage from officers at the scene showed that the named officer arrived at a collision scene where he encountered multiple parties in a verbal argument. The named officer, along with other officers, interviewed all the parties involved and investigated the allegations of the crash, the assaults, and threats with a firearm. The officers received permission to search the vehicle of the person suspected of wielding a firearm. No firearm was found, and officers provided citizen's arrest forms for the allegations of assault. There were no independent witnesses to the alleged assault and both accusers declined to pursue an arrest. The complainant believed the other party was intoxicated but the officer had spoken to this party and did not believe her to be intoxicated.

The named officer properly investigated the incident, overcoming complications of language barriers and multiple family members and friends arriving on the scene, adding to an already confusing situation.

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: 01/15/2024

COMPLETION DATE: 09/03/2024

PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate report because the named officer stated in the report the complainant was at fault for starting a physical altercation. The complainant, however, admitted that she did strike the other person first.

SFPD record show that the named officer recorded the complainant's statements of events in a police report. The named officer wrote a report that reflected all the statements gathered, including that the complainant slapped the other party and was subsequently assaulted by the other party. There is no mention of who is at fault in the report.

Body camera footage showed that the named officer spoke to the complainant. The complainant described the altercation to the named officer and admitted that she slapped another party before the other party punched her. The named officer and other officers also interviewed other parties involved in the altercation and wrote down their statements.

The named officer accurately recorded the complainant's account of what happened. The complainant admitted to striking the other party first. The named officer did not assign blame in the police report. The police report is accurate.

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: 02/01/2024

COMPLETION DATE: 09/08/2024

PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the named officer acted illegally when the officer had him removed from the emergency department of a medical facility and issued him a trespassing citation before the complainant had received medical treatment for a head injury.

The San Francisco Police Department (Department) records, including the officer's body-worn camera footage, showed that the medical facility's security supervisor, at the request of medical staff, had requested that police escort the complainant from the medical facility because the complainant had refused to leave the emergency room, displayed verbally abusive behavior, and had lunged at the staff. The officer displayed exceptional patience despite the complainant's repeated refusal to leave the premises. When the complainant wanted medical professionals to provide clarity regarding whether he was allowed access to the facility, the officer went the extra mile and arranged for a medical professional to speak to the complainant. The body-worn camera footage revealed that the officer de-escalated the situation which resulted in the complainant eventually complying with the officer's order to leave the premises, signing the trespassing citation the officer gave him, and agreeing to be evaluated by medical personnel outside the premises.

Department General Order 5.04, the Arrests by Private Persons policy states as follows in pertinent part: "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 then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report." (DGO 5.04.04(3).)

The evidence clearly demonstrated that the officer was responding to the medical facility's legitimate request to have the complainant escorted off the property due to his refusal to leave. Additionally, the medical facility personnel signed a private person's arrest form asking that the complainant be arrested trespassing. The officer accepted the private person arrest form and appropriately determined that probable cause existed to cite and arrest the complainant for trespassing.

A preponderance of the evidence proves that the alleged conduct occurred, and that the conduct was justified, lawful, and proper.

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

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

COMPLAINT DATE: 02/01/2024

COMPLETION DATE: 09/08/2024

PAGE# 2 of 2

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that the officer improperly issued him a citation for trespassing while the complainant was seeking medical treatment.

Department records, including the incident report, private person's arrest form, and body-worn camera footage, confirmed that the security guard at the medical facility rightly requested police assistance regarding a trespasser. The body-worn camera footage showed that the complainant exhibited hostile behavior and refusal to leave the property despite being asked to do so multiple times. The complainant initially refused to leave the property but, after some time, briefly left the property before immediately returning to the premises. The named officer warned the complainant that he would be cited and arrested if he did not leave. The complainant initially refused the officer's orders and was thereafter handcuffed and escorted off the premises. The complainant eventually cooperated by signing the trespassing citation before being released. The incident report corroborates the officer's account, as captured in the body-worn camera footage, further confirming the need for police intervention in this case.

Department General Order 5.04.03, Arrests by Private Persons, states that arrests by a private person may be made if an officer determines there is probable cause a crime occurred. When receiving an arrest from a private person, the decision to cite or book the suspect shall be made on the basis of eligibility, not the arresting person's preference. When a person is arrested for a misdemeanor or an infraction and it is later determined that he is eligible for a citation release, an officer shall promptly cite and release the person at any time prior to the San Francisco Sheriff Department assuming custody.

The DPA's investigation confirmed that the officer's handling of the situation, including warning the complainant of a potential citation and arrest, as well as the eventual citation arrest, was appropriate and necessary to maintain order and safety. The complainant was not denied medical care as he contended. Medical personnel treated him outside the premises.

A preponderance of the evidence proves that the alleged conduct occurred, and that it was justified, lawful, and proper.

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

COMPLAINT DATE: 02/02/2024

COMPLETION DATE: 09/30/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer arrested her when he should have arrested her husband who was the aggressor and that her husband had assaulted her.

The named officer stated that he reviewed all the available evidence, including witness testimony and photographs and determined that the complainant was the main aggressor in this situation. The named officer stated that the evidence supported the husband's account of what happened.

SFPD documents showed that the complainant was arrested by the named officer. The documents showed that witnesses were interviewed, and photographs were obtained of the alleged assault.

Body camera footage showed that the named officer and other officers spoke to both parties and to witnesses to the altercation. The named officer conferred with his colleagues and reviewed all the accounts of the altercation and the photographs that were taken and determined that the evidence favored the husband's version of events. The named officer made the decision to arrest the complainant.

The named officer made a decision based on the evidence he had available. The named officer had probable cause to arrest the complainant.

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: 02/02/2024

COMPLETION DATE: 09/30/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer wrote and inaccurate report that implicated her as the main aggressor in an altercation.

The named officer stated that he reviewed all the available evidence, including witness testimony and photographs and determined that the complainant was the main aggressor in this situation. The named officer stated that the report was accurate.

SFPD documents showed that the complainant was arrested by the named officer. The documents showed that witnesses were interviewed, and photographs were obtained of the alleged assault.

Body camera footage showed that the named officer and other officers spoke to both parties and to witnesses to the altercation. The named officer conferred with his colleagues and reviewed all the accounts of the altercation and the photographs that were taken and determined that the evidence favored the husband's version of events. The body camera footage matches what is in the police report.

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

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

COMPLAINT DATE: 03/02/2024

COMPLETION DATE: 09/30/2024

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers used unnecessary force against protestors who were being peaceful. The complainants stated that the named officers used baton strikes, pepper spray and pointed firearms without cause.

A named officer stated that he pointed an extended range impact weapon at individuals in the crowd of protestors because they were throwing projectiles, including bottles at police officers. The named officer did not fire the extended range impact weapon.

SFPD records stated that the protestors were trying to break through a police barrier. Warnings were issued to the protestors who did not comply and continued to push through the barrier. Officers used force, including baton strikes, to move the protestors back from the barrier. The documents showed that pepper spray was used on a person who spat at a police officer. All use of force was reported to supervising officers.

Body camera footage showed protestors deliberately pushing a police barrier, trying to force their way through the police line. Officers are seen pushing the protestors back and trying to hold the barrier in place. The footage showed that one of the named officers issued at least three warnings for protestors to get back, despite the warnings, protestors continued to push forward. Protestors were leaning on and trying to push over the barriers. A named officer used baton strikes on the protestors who then moved back. Footage also showed a protestor spitting at an officer. A named officer then used pepper spray on the protestor who flees into the crowd. Projectiles can be seen being thrown by the protestors at officers, multiple officers are seen being hit by projectiles. A named officer points an extended range impact weapon at a couple of protestors, but he can be heard saying he does not have a clear line of sight and does not fire the weapon. Eventually the protestors move away from the barrier.

The evidence showed that the protestors were not acting peaceably, instead they were trying to force their way through a barrier and were actively throwing projectiles at police officers. Officer gave the protestors plenty of warning before force was used. The force used was proportionate and justified for the situation.

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

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

COMPLAINT DATE: 03/08/2024

COMPLETION DATE: 09/03/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant called dispatch and reported a person who insulted him and told another person to let their dog bite him. He said he waited approximately two hours for an officer to respond to his call and alleged that the named officer failed to respond to his call in a timely manner.

The named officer said was dispatched to this call which was a “Priority B” call which he said is a mid-level priority designation. He thought he had just started his shift prior to being dispatched to this call and may have been busy with other various responsibilities at the station as he often is during the start of his shift. He stated that there was no intentional delay in responding to this call for service.

Dispatch records showed that the complainant made a call for service which was designated as a “Priority B” call and the named officer was dispatched approximately fifty-two minutes after the call was received. The records showed that the named officer arrived on scene approximately forty-five minutes after being dispatched.

The evidence showed that the named officer’s conduct did not rise to the level of misconduct. The named officer did not take an unreasonable amount of time to respond to the call based on its priority level.

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

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

COMPLAINT DATE: 03/08/2024

COMPLETION DATE: 09/03/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant advised the named officer that a person insulted him and told another person with a dog to let their dog bite him. He said the person with the dog did not tell it to bite him and he was not bitten. He told the named officer that he wanted to press charges on the person for telling the person with the dog to let it bite him and the named officer told him that no crime occurred. He stated that the named officer failed to make an arrest.

The named officer spoke with the complainant who said he wanted a person arrested for telling another person to let their dog bite him. He told the complainant that what he described did not meet the level of a criminal complaint. He stated that he did not make an arrest in this incident because there was no probable cause to do so as what the complainant described did not meet the elements of criminal threats, (Penal Code 422) or any other public offense.

Body-worn camera footage showed that the complainant told the named officer that a person told another person to let their dog bite him. He said he wanted the person arrested for threatening him and insulting him. The named officer told the complainant that what he described was a verbal disagreement and nobody committed a crime. The complainant disagreed with the named officer. The named officer told the complainant that defamation is not a crime and that what the person said to him did not meet the elements of a criminal threat.

Penal Code Section 422 (Criminal Threats) shows in part that it is a crime to threaten someone with death or great body injury that causes a person to be in reasonable and sustained fear for their own safety or their family's safety.

Department General Order 5.04 states in part, "If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate..."

The evidence did not establish that there was probable cause for criminal threats.

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

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

COMPLAINT DATE: 03/08/2024

COMPLETION DATE: 09/03/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said after he told the named officer that he wanted to press charges on the person for telling the person with the dog to let it bite him, he requested that the named officer make a report regarding the incident. He said the named officer responded to his request for a report by asserting that no crime had occurred during the incident.

The named officer said he did not write a police report because what the complainant described did not constitute a public offense and he did not receive the complainant's private person's arrest. He stated that based on his understanding of Department General Order (DGO) 5.04 Arrests by Private Persons he is not required to write a report if what the person is requesting a private person's arrest for is not a crime to begin with.

Body-worn camera footage showed that the complainant told the named officer that a person told another person to let their dog bite him and insulted him. He said he wanted the person arrested for threatening him with violence and insulting him, and he wanted to file a police report for the incident. The named officer told the complainant that what occurred was a verbal disagreement, that nobody committed a crime and they do not write reports for civil complaints.

DGO 5.04 lists in part that "A private person may arrest for public offenses not committed in the member's presence, and the member is required to receive a person so arrested." It also states in part that the member shall document the incident in a report in the event of no arrest or citation.

Penal Code Section 422 (Criminal Threats) shows that it is a crime to threaten someone with death or great body injury that causes a person to be in reasonable and sustained fear for their own safety or their family's safety.

The evidence showed that the complainant desired to make a private person's arrest for a situation that did not constitute a public offense. The named officer did not accept the arrest and was not required to write an incident report as the issues the complainant requested the person arrested for were not criminal.

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

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

COMPLAINT DATE: 03/08/2024

COMPLETION DATE: 09/30/2024

PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was suffering from mental health issues. She called 9-1-1 while at a police station and requested to be hospitalized. When the named officers and paramedics arrived, she put some of her property on the floor and gave her wallet and other items to the officers. She was transported to a hospital and when she left, her belongings were not returned.

The named officers denied that the complainant gave them property or that they took any of her property. One officer stated that the complainant kept her property with her when she went to the hospital. When asked about items that appeared on the station floor in their body-worn camera footage, the officers stated that the complainant never informed them that the items were hers and they were unaware of what happened to those items. The officer stated that people often discard items in the station lobby and there did not appear to be a connection between the complainant and the items. Another officer said he found some scissors on the ground in the station lobby and disposed of them for safety reasons and that the complainant never mentioned that the scissors belonged to her.

Body-worn camera footage showed that the named officers spoke with the complainant as she waited for medics. She told one officer to take her “sharps” if he wished. The named officer appeared to be unclear what she was talking about. The complainant rambled and yelled about various topics during the incident. The footage did not show the complainant handing any property to the officers. The complainant had a wallet and other items on her person which stayed with her. The footage showed some items on the ground in the station lobby; however, it was unclear if they belonged to anyone. The complainant did not ask the officers to bring any items on the ground with her, nor did she take possession of any items on the ground before she walked out of the lobby with the paramedics.

The evidence showed that the complainant did not give or explicitly identify property to the named officers for safe keeping or processing. Items appeared on the ground in the station lobby and the complainant did not claim any items when she left. The complainant was not detained, and the officers were only there to assist the complainant as she waited for medics. The evidence proves that the alleged conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

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

COMPLAINT DATE: 03/08/2024

COMPLETION DATE: 09/30/2024

PAGE# 1 of 2

FINDING: NF

FINDINGS OF FACT: The complainant went to a police station, asked an officer at the front desk to call her an ambulance because she was suffering from mental health issues, and he refused to do so. She called 9-1-1 and requested an ambulance for herself.

Dispatch records showed that the complainant made a call-for-service regarding her mental health issues and asked to be hospitalized.

DPA sent an identification poll to the district station asking for assistance identifying the officer based on a description of the incident. No officer was identified through the poll. Therefore, there was insufficient information to investigate the complaint.

Body-worn camera footage for the incident did not identify the officer the complainant alleged to have spoken with.

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

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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 that she wanted to report a sexual assault. When the complainant spoke with the named officers, they provided the complainant with a copy of just the CAD number, which she felt did not address her issue.

The named officers stated that they responded to an incident involving a sexual assault. When they arrived on scene, they spoke with the complainant. During their conversation with the complainant, she made multiple incoherent statements. The named officers made multiple attempts to further investigate the incident, but the complainant would frequently go off topic and continued to make incoherent statements. Named officer #2 spoke with the complainant's doctor and the registered nurse that were assisting her. They both stated that the complainant has multiple psychiatric conditions and had been making delusional statements during their entire interaction with her. Named officer #2 stated that there were notes in the Computer Aided Dispatch (CAD) entry for the call that identified the complainant as a known caller who made multiple calls to 911 that were determined to have no merit. The named officers stated that the complainant could not provide further details of the incident, preventing them from conducting a thorough investigation.

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

The evidence showed that despite their best efforts, the named officers were not able to thoroughly investigate the incident due to factors beyond their control.

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

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COMPLETION DATE: 09/30/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant provided a video stating an officer pointed his Extended Range Impact Weapon (ERIW) directly at the face of a civilian and clearly above the waist. He stated SFPD DGO 5.01.08(E)(2)(b) states that an "ERIW officer's point of aim shall be Zone 2 (waist and below)." The exceptions to point at Zone 1 (waist and above) are inapplicable here as the video makes clear.

The officer denied pointing the ERIW at the individual's face. He stated that when the individual complied with his order to get on the ground, the individual kneeling limited his access to Zone 2, so he pointed at the individual's buttock and thigh area. He used an ERIW because the individual was extremely irate and exhibited aggressive behavior. The individual threw an orange traffic cone at the patrol vehicle, and there were numerous other traffic cones on the sidewalk and near the individual that he could have picked up.

The Department of Emergency Management records indicated that officers conducted a self-initiated pedestrian stop on a mentally disturbed person.

The incident report indicated that before the individual entered the roadway and threw an orange traffic cone at officer's patrol vehicle, a witness reported that he heard a commotion outside his shop and saw his customers look frightened. He saw the individual, whom he recognized from prior altercations, holding a wood-cutting board and chasing passersby on the street. The individual threw the cutting board onto his ordering table, picked up the orange traffic cone, and ran into the street while yelling expletives at him. Officers detained the individual and attempted to speak with him, but he was agitated and angry and continued to yell at the witness. Officers determined that the individual was a danger to himself and others and was transported to the hospital on a 72-hour detention.

The body-worn camera footage showed that officers were driving along the roadway when suddenly, an orange traffic cone was thrown in front of the patrol vehicle from seemingly out of nowhere. The officers exited the vehicle, and an individual was seen walking aggressively toward bystanders on the sidewalk, gesturing furiously with his arms. The named officer retrieved his ERIW and pointed it at the individual's upper and lower torso while he was moving around, standing up, and waving his arms. The officer gave commands to the individual, who then kneeled. The officer continued to order him to get on the ground while pointing the ERIW toward Zone 2, the individual's waist and below. At some point, the officer

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ordered the individual to put his hands behind his back, but the individual kept moving, so the ERIW was pointed in Zone 1. The officer lowered the ERIW once his partner was able to handcuff the individual.

The DPA interviewed a subject matter expert (SME) on the use of force and de-escalation. The SME reviewed the BWC footage and concluded that the officer acted within policy. This determination was based on the exception that permits pointing an ERIW in Zone 1. The individual's level of resistance was considered assaultive behavior when he threw an object at the patrol vehicle, and the individual's behavior toward the store owner had been aggressive. The decision to point at Zone 1 was justified by the individual's movements into the street and sidewalk, which made it challenging to aim at his legs. Furthermore, the SME emphasized that the officer's perception can become distorted in high-stress situations. It was explained that what the officer sees and what they perceive may not always align.

According to Department General Order (DGO) 5.01, the San Francisco Police Department's Use of Force policy, the ERIW may be used in accordance with Department training to subdue an aggressive, unarmed subject who poses an imminent threat of serious injury to another person or the officer. The ERIW officer's point of aim shall be Zone 2 (waist and below). The ERIW officer's point of aim may be Zone 1 (waist and above) if:

- i. Zone 2 is unavailable; or
- ii. The ERIW officer is delivering the round from 60 feet; or
- iii. Shots to Zone 2 have been ineffective or in the officer's judgment a shot to zone 2 would be ineffective

Based on the totality of the circumstances, it is evident that, despite the officer's belief that he did not point the ERIW in Zone 1, he did in fact point the ERIW at Zone 1. Nevertheless, pointing in Zone 1 was within policy because the subject was assaulting moving around in the street and sidewalk which made it challenging to point the ERIW solely at the subject's legs. The use of the ERIW resulted in successful compliance from the individual. Furthermore, as the ERIW was merely displayed and not deployed, no force was used, and the display of the ERIW does not meet the criteria for a reportable use of force. Finally, per the SME's analysis, the pointing of the ERIW was, in fact, de-escalation as required when feasible by state law DGO 5.01 because pointing an ERIW was a lower level of force than the use of baton strikes which would have also been a permissible level of force for a non-compliant, assaultive person.

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.21.

CATEGORY OF CONDUCT: ND

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FINDING: PC

FINDINGS OF FACT: The complainant believed the named officer failed to de-escalate the situation and instead aggressively moved to use force (via pointing his ERIW) to gain compliance of the civilian, who was clearly acting in accordance with a mental health disorder.

The named officer stated that he displayed the ERIW and gave clear commands to de-escalate the situation and deter the individual from picking up another traffic cone or object to throw at nearby civilians.

The body-worn camera footage showed the individual's actions before the officer's intervention. The individual, who had thrown an orange traffic cone in front of the moving patrol vehicle, was seen flailing his arms and appearing to be in distress. The officer then displayed an ERIW, and the individual, upon seeing this, complied with the orders to get on his knees for handcuffing. This swift compliance led to the individual's detention without any injury.

The subject matter expert (SME) mentioned that de-escalation doesn't always involve just talking and attributed the individual's compliance to the ERIW, considering it a form of de-escalation. The SME stated that the officer successfully de-escalated the situation according to DGO 5.01, given the speed with which it was handled. The officers had little information about the situation but gained compliance within seconds. The SME clarified that a crisis doesn't always involve a mental health disorder and can include emotional distress. According to the SME, a person in crisis can have a mental health disorder or be in emotional distress, and in this case, the individual was clearly distressed. The SME believed implementing tactics outlined in DGO 5.21, SFPD's policy on responding to Person's in Crisis calls, from the beginning would have been difficult, as the individual was initially aggressive, and the officers needed more information. They had to react quickly and defend themselves due to the initial assault. The SME confirmed that the officer followed the policies outlined in DGOs 5.01 and 5.21 and adequately de-escalated. The SME pointed out that pointing the ERIW was, in fact, de-escalation it was a lower level of force than the use of baton strikes which would have been a permissible level of force.

According to DGO 5.21, the goal is to safely resolve person in crisis incidents without the use of force, whenever possible, and to refer persons in crisis to community mental health service providers or other resources, as appropriate.

Based on the totality of the circumstance, the officer utilized his voice and displayed an ERIW as a de-escalation technique to gain compliance and safely transport the individual to a hospital so he could receive treatment.

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The evidence proves that the named officer's interactions with the subject was consisted with SFPD's crisis intervention training as well DGO 5.01 and was, therefore, proper.

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SUMMARY OF ALLEGATION #1: The officer improperly detained or transported a person.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant reported being arrested illegally to be served a stay-away order.

Department of Emergency Management records revealed that the complainant's former partner reported that the complainant was parked in front of his new partner's job and threatened them with "mace" (pepper spray). The action violated an Emergency Protective Order (EPO).

DPA reviewed the incident report and court records which stated that former partner's girlfriend had an unserved, but valid EPO against the complainant for domestic violence battery for a previous incident. The named officer investigated the alleged criminal threats with pepper spray and the EPO violation by obtaining a statement from the complainant's former partner and his girlfriend and reviewing their documents. The complainant's former partner requested that officers serve the complainant with the EPO, temporary restraining order (TRO), and a Civil Harassment order. The named officer confirmed the complainant's identity and detained her for further investigation. The complainant was transported to the district station pending the domestic violence investigation. Officers searched for video footage of two different domestic violence incidents reported by the complainant's former partner but found none. There was no probable cause to arrest the complainant for a criminal offense, so she was served the EPO, TRO, and Civil Harassment order, issued a Certificate of Release and released from the district station.

Body-worn camera footage not only supports the incident report but also captures the supervising officer's instructions to the named officer. The supervising officer directed the named officer to take the complainant to the station to address and serve the court orders and to further investigate the reported criminal threats.

DGO 5.03, Investigative Detentions, outlines the policies and procedures for investigative detentions. It states that officers must have reasonable suspicion to detain a subject. Furthermore, officers must act professionally, explain the detention as soon as practical, and answer any questions the subject may have regarding the detention.

The evidence confirms that the officers had reasonable suspicion to detain the complainant for an alleged EPO violation and criminal threats even though she was ultimately released.

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Even if this was a de facto arrest, probable cause existed to justify the transportation to the station based on the statements of the complainant's former partner and his girlfriend alone. Notably, probable cause is evaluated based on an objective standard not on the officer's subjective beliefs.

The evidence was sufficient to prove the officers' detention and transportation was out of policy.

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

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant reported being subjected to two searches.

According to the Booking and Detention Manual, officers are required to personally conduct a thorough pat-down search before assuming custody of a prisoner, including during transportation, booking, transferring to the County Jail, processing, or transporting to a medical facility.

Police records and body-worn camera footage indicated that the detaining officer had at a minimum, reasonable suspicion to detain the complainant for making criminal threats with mace and violating an EPO. The officer conducted a transport search before taking the complainant to the district station for further investigation. The complainant was searched again after transport to the district station.

The evidence confirms that the two searches were conducted in accordance with department policy and were not excessive or misconduct. The officer's actions complied with department policy. Regarding the alleged seizure of her person, as discussed in Allegation #1, the officer had reasonable cause to detain the complainant for criminal threats against two people who corroborated each other. The alleged victims' statements justified transporting the complainant to the station for further criminal investigation. Even if this was a de facto arrest, probable cause existed to justify the transportation to the station based on the statements of the complainant's former partner and his girlfriend alone describing the alleged threats. Notably, probable cause is evaluated based on an objective standard not on the officer's subjective beliefs. Therefore, the evidence was insufficient to prove the search and seizures were contrary to policy.

SUMMARY OF ALLEGATION #3: The officer improperly used physical control.

CATEGORY OF CONDUCT: UF

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FINDING: U

FINDINGS OF FACT: The complainant reported experiencing wrist and arm pain due to being handcuffed.

The DPA reviewed the body-worn camera footage from multiple officers. The footage showed the complainant place her hands behind her back to be handcuffed. However, her bulky jacket made it difficult to place the handcuffs on her wrist. The backup officers applied a control hold with slight pressure so she could be handcuffed. Notably, the complainant did not show any signs of discomfort or request any adjustments to the handcuffs from the named officer.

The body-worn camera footage confirms that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officer did not provide the complainant with the incident report number, or his name or star number when requested to do so after the officer responded to a store on report of a fight between a security guard and the complainant.

The Department of Police Accountability reviewed multiple videos provided by the complainant that captured interactions with the security guard and the named officer but none of the videos captured the officer failing to provide name, incident report number, or star number to the complainant. The named officer's vehicle number was clearly visible in the complainant's videos.

The DPA also reviewed the named officer's body-worn camera footage which did not support the complainant's allegation. The body-worn camera showed that the officer spoke with the complainant and provided the incident report number, and his name and star number on the San Francisco Police Department Follow-Up form at the conclusion of the investigation. The officer's uniform displayed his name and star number, none of which were obscured. Additionally, the incident report noted the complainant's insisted on obtaining an incident report, to which the named officer wrote that he provided the complainant with the incident report follow-up form, which included the incident number on it.

Department General Order 2.01 states in pertinent parts, that officers shall maintain a working knowledge of all information required for the proper performance of their duties, as well as, promptly and politely provide their name, star number, and assignment when requested when performing their duties.

After reviewing the evidence submitted by both the complainant and the department, evidence proves that the alleged conduct did not occur.

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

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CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that the officer failed to take action against a security guard at a retail store who assaulted him while he recorded the security guard's aggressive behavior towards a shoplifter.

Department General Order 5.03, the Investigative Detention policy states that probable cause is required to make an arrest. Probable cause is defined as "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." (DGO 5.03.02.G.)

Department General Order 5.04, the Arrests by Private Persons policy states as follows in pertinent part: "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 then advise the individual that they are free to leave. In the event of no arrest or citation, the member shall advise and explain the situation to both parties and shall document the incident in a report." (DGO 5.04.04(3).)

The Department records and body-worn camera footage showed that the named officer complied with both DGO 5.03 and 5.04 when he concluded that probable cause did not exist to arrest the security guard for battery and thereafter wrote an incident report documenting the incident. The DPA reviewed the San Francisco Police Department's Computer Aided Dispatch (CAD) and incident report. These records showed that the named officer responded to a call for service regarding a fight at the store. The store's manager first called regarding a fight between the complainant and the security guard. The manager provided a description of the suspect, identical to the complainant's clothing. The complainant's call for service occurred approximately twelve (12) minutes later.

The named officer's body-worn camera showed that the complainant initially approached the officer though their initial discussion was inaudible. The backup officer's body-worn camera footage captured the conversation and showed that the complainant told the named officer that the security guard threatened him, forcibly attempted to take his phone, twisted his wrist, and pushed him against a counter. The complainant also expressed that he wanted to file assault charges against the security officer. The officer explained that he would need to investigate further by speaking with the security guard. The security guard, in turn, claimed the complainant's interference with his duties and highlighted the store's policy prohibiting recording as indicated by posted signage. The named officer also interviewed a potential witness a person who the security guard removed from the store in a separate incident. Thereafter, the named officer documented in the incident report that he did not make an arrest due to the

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lack of sufficient evidence that a crime of battery (Penal Code § 242) had occurred noting the absence of independent witnesses.

The DPA's investigation found that the officer's conclusion that no battery occurred was reasonable. Since the store is private property, the security guard was within his right to remove the complainant. Furthermore, even if the security guard's contact with complainant was a battery, officers have the discretion not to invoke the criminal process for low level offenses. The officer's conclusion that this was a civil matter was reasonable.

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

SUMMARY OF ALLEGATION #3: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that the officer wrote an inaccurate report because it misrepresented the events, painted the complainant negatively, failed to document his injuries, and omitted the availability of witnesses.

Department Notice 23-102, Report Writing Responsibilities Supervisors, Officers & Police Service Aides, states that preparing factual and thorough incident reports is one of the most important duties of a police officer and PSAs [Public Service Aids]. Thorough investigation(s) memorialized in well-prepared incident reports are essential for follow-up investigations and successful prosecution. Officers and PSAs are responsible for preparing incident reports that are complete and accurate when memorializing an incident. A properly completed incident report creates the foundation for any further legal action.

The DPA reviewed the Department's records. The named officer's body-worn camera footage showed that the officer spoke to the complainant, the security guard, the store manager, and a subject who was previously removed from the store (by their own admission). The complainant reported that the security guard threatened him, twisted his wrist, was so close to his face that spit was seen coming out of his mouth, and pushed the complainant when he recorded the security guard forcibly removing someone from the store. The security guard reported that the complainant put his cell phone in the guard's face as he was removing a shoplifter who threatened to fight him. The security guard told the complainant to leave the store, and that private recording violated the store's policy. The named officer also spoke to the store's manager, who stated that the complainant had interceded in the security guard attempting to detain a shoplifter.

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The incident report articulated the nature of the call and incorporated counter statements made by both the complainant and the security guard. Despite not including the witnesses that the complainant alleged would have supported his facts, the omission would not have likely changed the outcome because the incident was civil, not criminal, in nature.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers demeaned him, questioned his involvement as the victim in a crime and laughed at him. The complainant did not respond to requests for an interview or for further evidence.

The named officers denied the allegation of behaving or speaking inappropriately.

SFPD documents showed that the named officers responded to an incident where the complainant was one of the parties involved. The documents showed the named officers spoke to both parties and witnesses to the incident.

Body worn camera footage showed the named officers speaking to the complainant. The named officer questioned him about what had happened and asked if he knew of any witnesses. The named officers did not laugh at the complainant or demean him. Two other officers are heard laughing about a mix-up with dispatch unrelated to the complainant.

The named officers were professional and conducted a proper investigation. No one laughed at or demeaned the complainant.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide medical treatment.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer failed to provide medical treatment for a wound on his head. The complainant did not respond to requests for further evidence.

The named officer stated that medics were called for the complainant and treated the complainant.

Contemporaneous Department records stated that an ambulance was called for the complainant and the complainant was taken to a hospital for treatment.

Body worn camera footage showed that the named officers called for paramedics within a minute of arriving.

The evidence shows that the complainant was provided medical aid and that the named officers assisted in providing that aid.

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 displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PF

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department is harassing him and his teenage daughter by responding to his residence with guns drawn on multiple occasions due to false reports to 9-1-1. He stated he was informed by officers that an unknown individual was “swatting” his residence by making fake reports to 9-1-1 regarding murder and other acts of violence. The complainant stated that because the police have not arrested anyone, he believes that the police are making up the fact that someone is making false calls to 9-1-1.

A witness officer stated that, unfortunately, “swatting” incidents are somewhat common in the United States and possibly globally. He stated that perpetrators use technology to disguise the origination of 9-1-1 calls, and it is very difficult to trace them back. He stated that the San Francisco Police Department did not fabricate the reports of violence at the complainant’s address.

Department records indicate that numerous calls were placed to 9-1-1 regarding violence at the complainant’s address, all of which were deemed false.

Department of Emergency Management records document that an individual has called 9-1-1 to report violence at the complainant’s residence on multiple occasions.

The evidence shows that an individual or individuals are making false 9-1-1 calls. There is no evidence that the calls originated from the San Francisco Police Department.

The San Francisco Police Department does not have any policies regarding how officers shall respond to Swatting incidents.

The evidence proves that the alleged conduct occurred but was justified by lack of Department policy or procedures; however, DPA recommends that the policy or procedure be added or created.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The anonymous complainant was near a sports venue when they allegedly witnessed and recorded a police officer standing on the rear bumper of a police van while driving multiple blocks through heavy traffic with no activated emergency lights.

DPA could not independently identify the officer based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officer based on a photo of the officer's side view. No officers were identified through the poll and the complainant failed to provide additional requested evidence to help identify the officer. As a result, there was insufficient information to investigate the complaint.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The named officer pulled over an individual for a traffic violation. The complainant was on-scene and spoke with the named officer. The complainant alleged that the named officer was racist and tends to act aggressively towards African Americans.

The named officer recalled both the underlying stop and speaking with the complainant. He explained that he conducted a vehicle stop on the complainant's friend as he observed him run a stop sign in violation of the California Vehicle Code. The named officer denied engaging in racial bias or discrimination at any point throughout the incident and maintained that he does not have a tendency to act aggressively towards African Americans, as alleged.

DPA was unable to contact the complainant to gather additional information as to the allegation against the named officer. DPA, however, located the underlying incident and reviewed the available evidence, such as the named officer's body-worn camera footage (BWC). The BWC footage did not reflect that the named officer knowingly engaged in biased policing or discrimination; nor did it support the contention that he acts aggressively towards African Americans. The named officer remained professional throughout the encounter.

The evidence proves that the alleged conduct did not occur.

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

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CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant went to the district station to complain about the above-mentioned occurrence. The complainant stated that he asked to speak with an African American officer. The named officer on duty did not provide him with one.

DPA obtained documentation prepared by the named officer reflecting the occurrence. The named officer explained that he spoke with the complainant, who was dissatisfied with his encounter with the police and wished to file a complaint. The named officer attempted to have a conversation about the unpleasant encounter. However, the complainant refused to speak with the named officer because of his race. The named officer confirmed that the complainant explicitly requested to either speak with an African American officer or to have one present. The named officer informed him that an African American supervisor was unfortunately not on duty at the time but offered to process his complaint. The complainant refused. The named officer contacted a superior officer, who also attempted to speak with the complainant, to no avail. The named officer and his superior attempted to mitigate the situation and assist the complainant for an extended period of time. The complainant refused. The named officer forwarded DPA the complaint. DPA also obtained a copy of the named officer's BWC footage. The BWC footage was consistent with the documentation he provided to DPA.

The named officer did not have a duty to provide the complainant with an African American officer as one was not on duty. The named officer and his superior attempted to mitigate the situation and aide the complainant. The named officer also properly advised DPA of the complaint.

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 officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that he was physically attacked by an aggressive driver while cycling, and the police failed to arrest the driver.

The named officers stated that the driver was not arrested because the interaction between the complainant and the driver occurred outside their presence and the complainant refused to sign a private person's arrest form. Neither witnesses to the incident nor surveillance footage was located. The complainant had no obvious injuries, and there did not appear to be any damage to his bicycle. Neither of the named officers observed signs of intoxication from the driver.

The Incident Report (authored by the first-named officer) reflected that the first-named officer responded to a report of a vehicle collision when he met with the complainant who stated he had been the victim of a "road rage" incident. The complainant stated he was not injured, refused medical services, and did not request any further police action. The complainant and the named officer left the scene and then several minutes later, the named officer was contacted by paramedics that the complainant and the driver had flagged down. The complainant told the first-named officer that nothing had changed since they last spoke, and he again refused medical services and initially wanted to leave the scene. The driver, however, indicated that he wanted to pursue criminal charges for vandalism against the complainant. The first-named officer detained the complainant and requested additional police units for assistance. The first named officer met with the driver and the second named officer met with the complainant. The parties made contradictory statements and refused to sign private person arrest forms. Ultimately, both were released from the scene.

Body-worn camera (BWC) footage showed that the complainant and the driver provided different accounts of their interaction and vacillated as to whether they each wanted to sign private person arrest forms. One officer went to look for surveillance video and witnesses but was unsuccessful in locating any. Sergeants were called to the scene to assist as both parties had been detained for some time without making final decisions regarding the private person's arrests. Ultimately, one of the sergeants authorized the officers to release both parties.

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Under the Fourth Amendment, arrests by members must be supported by probable cause. “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.” (See Department General Order (“DGO”) 5.03. Arrests by private persons are allowed when a misdemeanor or felony is committed in their presence. In such cases, DGO 5.04 provides the procedures members must follow. In situations where the private person withdraws his request by refusing to cooperate and declining to sign a private person’s arrest form, the member must still complete an incident report. As outlined above, an incident report was properly completed for this case as required.

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

SUMMARY OF ALLEGATIONS #3-4: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant reported that he felt pressured by officers not to press charges against the driver and that officers threatened to arrest him if he pursued a private person’s arrest.

The named officers denied pressuring the complainant. One explained that he advised the complainant that a resolution needed to be found as they could not extend the detention indefinitely. The other stated that he told the complainant it was his right to sign a private person’s form and that once he did so he would place the driver under arrest. The named officers also denied threatening to arrest the complainant if he signed the private person arrest form. Instead, they stated that they advised him that the driver would pursue criminal charges against the complainant if criminal charges were brought against him. They explained that they said this to explain to the complainant what was going to happen and that this was a statement of fact with the intent of being transparent with both parties.

The Incident Report (authored by the first-named officer) reflected that the first-named officer responded to a report of a vehicle collision when he met with the complainant, who stated he had been the victim of a “road rage” incident. The complainant stated he was not injured, refused medical services, and did not request any further police action. The complainant and the named officer left the scene, and then several minutes later the named officer was contacted by paramedics who had been flagged down by the complainant and the driver. The complainant told the first-named officer that nothing had changed since

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they last spoke, and he again refused medical services and initially wanted to leave the scene. The driver, however, indicated that he wanted to pursue criminal charges for vandalism against the complainant. The first-named officer detained the complainant and requested additional police units for assistance. The first named officer met with the driver, and the second named officer met with the complainant. The parties made contradictory statements, and both refused to sign private person arrest forms. Ultimately, both were released from the scene.

Body-worn camera (BWC) footage showed that the complainant and the driver provided different accounts of their interaction and vacillated as to whether they each wanted to sign private person arrest forms. Initially, the complainant indicated that he wanted to press charges against the driver, and the driver wanted to press charges in response. The driver estimated the damage to his vehicle to be worth \$1000 but expressed a willingness to decline filing charges and walk away if the complainant agreed to do so as well. The complainant expressed that he felt pressured not to pursue the arrest and was disappointed that the officers could not simply arrest the driver alone. The officer explained that he couldn't corroborate the stories without independent witnesses or video. The complainant sought additional time to think. The detention was lengthy because of both parties' indecision and two sergeants were called to assist at the scene.

The named officers appeared irritated with both parties due to their indecision and having to re-explain and present their respective versions of the incident multiple times. However, their actions 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 write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant reported visiting a district police station to provide additional details of an incident that had been reported. The named officer told the complainant to write his statement, which would then be added as a supplemental report. After doing so, the complainant left the station. When the complainant later requested the supplemental report, he was told one did not exist. Per the complainant, the named officer failed to add the complainant's statements to the report.

The complainant initially provided the wrong date and later corrected it. However, he couldn't provide the name or star number of the officer he spoke to. The DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

Due to the department's retention policies, the DPA did not request the station surveillance video as the complaint was received more than three months after the complainant filed his report at the district station.

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

SUMMARY OF ALLEGATION #2: 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 partially forwarded 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 engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant, a security guard, reported that as he walked past a retail store in full uniform with his firearm visible, the named officer approached and told him that he was not supposed to carry a firearm in public.

In response, the named officer stated that he approached the complainant to build a positive working relationship and discuss guard card laws in a friendly and supportive manner. He confirmed that the complainant did not violate any laws and that he intended to chat and build a working relationship within the security guard community. The named officer, who holds an active armed security guard card, was familiar with the requirements for armed security guards. Therefore, he took the opportunity to discuss guard card laws, in the hopes of creating a sense of shared experience. The named officer said the interaction was brief, friendly, and lasted one to two minutes. The named officer described his own demeanor as friendly and professional, and said that the conversation with the security guard ended positively with mutual understanding.

The named officer did not activate his body-worn camera.

Given the varying perspectives of the interaction and the fact that the officer's interaction was not recorded, there was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that he never saw the named officer activate his body-worn camera.

The named officer acknowledged that he did not activate his body-worn camera, explaining that the interaction was a brief community engagement that did not lead to detention or arrest. He also stated that the complainant did not violate any laws and cited the Firearms Training Manual and California Penal Code Section 26030(a)(10), which states in relevant part that armed security guards are permitted to carry firearms in public places while on duty, as long as they are doing so within the course and scope of their employment and possess a valid firearm permit.

According to Department General Order 10.11, body-worn camera activation is required under certain circumstances. In this case, as the complainant was not detained or arrested, there was no consensual encounter initiated, and the nature of the interaction was not hostile. Therefore, the officer was not obligated to activate his body-worn camera under the policy. Officers who have brief interactions with community members that are not hostile are not required to activate their body-worn camera.

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 knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the officer only tickets middle-aged women of color.

The named officer's body-worn camera footage was reviewed to view the drivers who were pulled over on the date of the incident. Of the four drivers who were pulled over, only one was a woman (the complainant). In each occurrence, the named officer told the driver that they were being cited for not stopping at the same stop sign.

DPA reviewed the named officer's Stop Data provided by the Department over a three-month period to determine if there was a pattern regarding the perceived race the officer listed for the driver at the time of the traffic stop. The results showed that of the drivers the named officer pulled over, more than half were male, and their race was either White or Asian.

Department General Order 5.17 (II.) (B) states when providing law enforcement services or enforcement, bias policing occurs when law enforcement inappropriately considers characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, socio-economic status, age, cultural group, disability or affiliation with any non-criminal group.

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

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: An anonymous complainant reported that a police officer parked their patrol vehicle in a red zone, presumably to get dinner. They claimed that if the officer was not responding to an emergency, it would be against the law for the patrol vehicle to be parked in a red zone. The complainant provided a photograph of the incident to support their complaint.

The officer did not recall the incident, but after seeing a photograph of his patrol vehicle parked in front of a familiar restaurant, he explained that he sometimes uses the restaurant's bathroom. He denied taking a meal break at the time. He asserted that his specialized equipment justified parking in the red zone to keep the patrol vehicle in sight.

The evidence indicated that he was working and may have briefly parked to use the bathroom. As no one was negatively affected, his actions 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 #1-4: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant, who wished to remain anonymous, stated that officers deployed tear gas in an apartment that overflowed into the street, affecting bystanders requiring them to seek medical attention.

A witness, provided by the complainant, stated he had just finished grocery shopping when he noticed “a large police presence” and “a bunch of streets were closed off.” He stated he got a “secondhand tear gas smoke,” as well as 5-6 other individuals, causing difficulty in breathing, coughing and having teary eyes. While there were plenty of officers around, no warnings were given before tear gas was deployed. Given the wind direction, the witness felt that the officers could have held off on deploying the tear gas. In his opinion, the police “didn’t have a plan,” and that the perimeter was inadequate. He believed the incident involved an elderly man who was refusing to come out of an apartment building.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a person who had pulled a knife on a case manager. The person was reported to have gone back to his room, refusing to come out, prompting numerous units, Crisis Intervention Team (CIT), Hostage Negotiations Team (HNT), and Tactical Unit/SWAT Team (TAC), to respond to the scene. The initial 911 call came in at 8:31 a.m., and the person was taken into custody at 3:36 p.m. – after police officers spent several hours at the scene trying to get the person to voluntarily come out of his room. While the officers were at the scene, the person threatened to kill everyone, including himself, holding a knife to his neck at one point, according to DEM records.

The San Francisco Police Department’s (SFPD) incident report and supplemental reports showed that two uniformed officers initially responded to a four (4) story building with multiple units regarding a subject who had just pulled a knife on a case manager. According to the case manager, she heard a tenant (“suspect”) threatening another tenant, prompting her to intervene. The case manager reported to the responding officers that when she intervened, the suspect threatened to kill her and pulled out a steak knife. The case manager walked back into her office and shut her door. At that point, the suspect returned to his room on the 3rd floor of the building. The case manager wanted to press charges and signed a Private Person’s Arrest form.

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The initial responding officers requested additional units before responding to the suspect's unit. The suspect was asked repeatedly to come out of his room, but he refused, prompting Crisis Intervention Team (CIT), Hostage Negotiations Team (HNT), and Tactical Unit/SWAT Team (TAC), to be called out to the scene. This incident was deemed a critical incident involving a barricaded suspect. After securing a search warrant, less lethal measures were used, and the suspect was subsequently taken into custody.

The use of chemical agents:

Records from the Department of Emergency Management (DEM) showed that the use of chemical agents was initiated at about 3:19 p.m., with the last one being deployed at about 3:23 pm. The suspect was taken into custody at 3:36 p.m., according to DEM records. Prior to the chemical agents being deployed, the suspect threatened to kill everyone, including himself. When the initial chemical agent was deployed, the suspect put a knife to his neck, prompting a can of OC vapor to be deployed. The suspect then threw the OC canister out the window. At this point, PepperBall munitions were delivered into the suspect's unit. After introducing additional chemical agents, the suspect finally opened his door, allowing officers to take him into custody.

According to the incident report and supplement reports, three (3) officers were instructed to use chemical agents. The first officer was instructed to deploy Oleoresin Capsicum (OC) wand under the door. The OC had minimal effects on the suspect, according to the officer's written statement. The second officer then deployed a can of OC Vapor, which did not deploy. The officer then deployed another can of OC Vapor, which the suspect threw out the window. The third officer was then instructed to deliver PepperBalls containing PAVA power into the unit. The suspect continued to refuse to surrender. At this point, the second officer again deployed a can of OC Vapor, prompting the suspect to crawl towards the front door. The suspect was subsequently taken into custody without further incident and was provided on/scene medical attention and then transported to a nearby hospital.

SFPD General Order 8.01, Major and Critical Incident Evaluation and Notification, defines a critical incident as "any incident with a life-threatening situation, a defined terrain objective, and requiring a coordinated tactical response...procedures and guidelines for requesting the Tactical Unit should be followed."

SFPD General Order 8.02, Hostage and Barricaded Suspect, defines a barricaded suspect incident as "a situation where the person who is suspected of committing a criminal offense, intent upon evading arrest, takes up a defensive position in a physical location, most often a structure or a vehicle, that does not allow immediate police access – whether fortified or not – and is refusing or ignoring police orders to exit, and who may be armed with a gun, explosive, or a weapon capable of harming others and presents a deadly hazard to arresting officers."

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SFPD General Order 5.01, Use of Force Policy and Proper Control of a Person, states, in part:

The San Francisco Police Department's highest priority is safeguarding the life, dignity and liberty of all persons. Officers shall demonstrate this principle in their daily interactions with the community they are sworn to protect and serve. The Department is committed to accomplishing this mission with respect and minimal reliance on the use of force by using rapport-building communication, crisis intervention, and de-escalation tactics before resorting to force, whenever feasible.

DGO 5.01.02, Policy, states, in part:

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

DGO 5.01.06, Levels of Force, states, in part:

Officers shall strive to use the minimum amount of force necessary to accomplish their lawful purpose.

A. LOW LEVEL FORCE – Force that creates a minimal risk of injury, including but not limited to, verbal commands, uniformed presence, and control holds.

B. INTERMEDIATE FORCE - Force that creates a significant risk of injury, including but not limited to, personal body weapons, tackling, Oleoresin Capsicum (OC) spray, and impact weapons.

C. DEADLY FORCE - Any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm. Cal. Penal Code § 835a(e)(1).

DGO 5.01.08, Force Options, states, in part:

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C. CHEMICAL AGENTS - Chemical agents, such as OC Spray, are designed to cause irritation and temporarily incapacitate a subject.

1. PURPOSE - Chemical agents can be used to subdue an unarmed attacker or to overcome active resistance (unarmed or armed with a weapon other than a firearm) that is likely to result in injury to either the subject or the officer. In many instances, chemical agents can reduce or eliminate the necessity to use other force options to gain compliance, consistent with Department training.
2. WARNING - Officers shall provide a warning prior to deploying a chemical agent, if feasible:
 - a. Announce a warning to the subject and other officers of the intent to deploy the chemical agent if the subject does not comply with officer commands; and
 - b. Give the subject a reasonable opportunity to voluntarily comply, unless it would pose a risk to the public or the officer or permit the subject to undermine the deployment of the chemical agent.
3. MANDATORY FIRST AID - At the scene or as soon as possible, officers shall administer first aid by:
 - a. Seating the subject or other person(s) exposed to a chemical agent in an upright position, and
 - b. Flushing their eyes out with clean water and ventilate with fresh air.

The evidence established the street where the building is located was shut down, shutting down the eastbound and westbound traffic. Several hours were spent to get the suspect to voluntarily surrender himself, but he refused. Given the totality of the circumstances, the use of chemical agents was within policy. Contrary to the witness's assertion, extensive planning took place prior to the use of chemical agents. The can of OC Vapor that the suspect threw out the window likely exposed the bystanders to the chemical agent.

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 filed a police report against her sibling for making death threats against her. The complainant reported that following their mother's recent passing, her sibling took control of their parents' firearms, prompting the complainant to obtain a temporary restraining order due to fear for her life. The complainant reported that the named officer did not investigate her case, failed to arrest her sibling, and did not collect the guns.

According to court records, a judge issued a temporary restraining order in favor of the complainant against her sibling. The order prohibited the sibling from possessing any firearms, firearm parts, ammunition, or body armor. A court hearing was scheduled for two weeks after the temporary restraining order was issued to review compliance with the firearms restrictions.

The San Francisco Police Department records show that the named officer obtained a statement from the complainant's sibling and made every effort to work with the sibling to ensure compliance with the court order. Despite this, the complainant's sibling chose not to cooperate. As a result, the officer authored an arrest warrant for the complainant's sibling. However, the District Attorney's Office ultimately chose not to file criminal charges against the sibling.

The named officer was not required to further investigate the case once he presented the case to the District Attorney for potential prosecution. The District Attorney's Office has the sole discretion to decide whether to file charges against a person or decline to prosecute. Additionally, the District Attorney's Office could have sent the case back to SFPD for further investigation if it was interested in prosecuting the case. Based upon the records DPA reviewed, the District Attorney's Office chose not to request further police investigation.

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.

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CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant reported that the officer told her that he filed the case with the District Attorney's Office, but it was declined. However, when the complainant visited the District Attorney's Office to check on her case, she was informed that the officer had not filed it and that there would be a record if it were declined.

The DPA reviewed SFPD's chronological investigation report, arrest warrant, and the District Attorney's warrant declination memorandum, signed by the declining Assistant District Attorney. These records confirmed that the officer did, in fact, submit the case to the District Attorney's Office just as he told the complainant he did.

It is unclear what information was exchanged between the complainant and the District Attorney's Office. However, the evidence confirmed that the conduct alleged in the complaint did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/DEM

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

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that officers refused to respond when she called 9-1-1 as retaliation for the complainant having made previous complaints.

The Computer Aided Dispatch report showed that the complainant made a call for service regarding a restraining order violation which was later amended to a “fight no weapon.” The dispatcher could not locate the stay-away order and the complainant was noted to not be very cooperative. The named officers were dispatched while the complainant stayed on the line. The complainant was noted to be rambling, not answering the dispatcher’s questions, and ultimately advised that she would wave down the police. Approximately 8 minutes later the complainant called dispatch again asking where the police were. She was not answering any questions or allowing the dispatcher to speak. Approximately 7 minutes after the second call the named officers commented via radio that they were familiar with the complainant and to have her respond to the district station. The dispatcher called the complainant and left a voicemail with this information.

The named officers both denied retaliating against the complainant. They stated that on the advice and direction of a supervising officer they were advised not to respond to this call as another marked patrol car had just passed the complainant’s location and did not see her or any disturbance in front, nor did anyone flag the car down. One of the named officers explained that they were directed to instead handle other pending calls for service within the district, which they did. They noted that dispatch called the complainant and advised her to report to the district station (approximately 1.5 blocks away) to address her complaint.

Body-worn camera footage was not available.

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

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SUMMARY OF ALLEGATION #1: The officer drove a City vehicle in a grossly negligent or reckless manner.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer blocked a junction with his police vehicle, without turning on his emergency lights. The complainant stated that this prevented traffic proceeding through a green light.

The named officer denied blocking the junction.

There was no other evidence or witnesses to this alleged incident.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant called police to report vandalism to a front window at his home. The complainant alleged that the named officer who returned his telephone call about the matter did so at an inappropriate time and then provided him with incorrect information regarding how to access the suspect's license plate information.

DPA reviewed the Computer Aided Dispatch audio and written summary. These materials showed that the complainant called 9-1-1 to report a broken window at approximately 6:15 pm. He clarified that it was not a break-in attempt. Instead, the complainant explained, this was related to four cars he had recently towed from his driveway. He believed that one of the car owners had broken the front window to his residence. The call for service was assigned a C priority and the San Francisco Police Department did not respond to his call for service until approximately 2:30 a.m. the following morning when the named officer reported having spoken to the complainant.

The named officer stated that he started his shift at 2:00 a.m. that morning and noticed that the complainant's call for service had been pending for over seven hours at that point. Accordingly, he called to check whether the complainant still needed police to respond. The named officer recalled that he apologized for the delay and time of the call and had a pleasant conversation with the complainant. He did not recall the details of what he said or advised. When asked specifically about the complainant's concerns regarding accessing license plate information the named officer stated that he believed anyone could use the website for the towing management system and retrieve information regarding towed vehicles. Even if this information was inaccurate, a mistake does not rise to the level of misconduct.

No body-worn camera footage was available.

While receiving a call at 2:30 am was understandably disturbing to the complainant, it did not rise to the level of misconduct given the fact that the complainant's call for service had not yet been addressed by SFPD. Without a recording of the actual phone call, it is unclear whether there was a misunderstanding or miscommunication.

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

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SUMMARY OF ALLEGATION #1: The officer behaved or 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 on August 26, 2024, in a non-disciplinary manner.

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SUMMARY OF ALLEGATION #1: The officer behaved or 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 8/27/24.

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

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 8/27/24.

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 08/01/2024

COMPLETION DATE: 09/16/2024

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 alleged that his vehicle was towed from a grocery store parking lot without notice and that the officers refused to investigate the matter. Upon contacting the police to report his vehicle as stolen, he found their assistance lacking. The police requested details such as the license plate number or VIN, which the complainant was unable to provide. Initially, he was informed that his vehicle might be at Auto Return, but later, he discovered Golden Gate Tow had towed it. The complainant believes that the officers did not adequately investigate the reason for the tow. He admitted the tags were expired.

The Computer Aided Dispatch (CAD) report showed that three hours after the complainant's vehicle was towed, the complainant reported his vehicle stolen from a store's parking lot. Police officers took a report. The next day, the complainant called 9-1-1 to meet with officers because he was upset his vehicle was towed. A record check revealed that there was no merit to the stolen vehicle report. The store deemed the complainant's vehicle abandoned and requested a private tow. Days later, the complainant requested SFPD's assistance in releasing his vehicle to him. The complainant owed money, and the tow company refused to release his vehicle. Officers advised the complainant that it was a civil issue.

Additionally, the San Francisco Municipal Transportation Agency (SFMTA) records confirmed that the store (a private company) requested Golden Gate Tow to tow the complainant's vehicle.

The store's parking lot displayed multiple signs in the parking lot stating the following:

- Private Property, no trespassing, no loitering.
- Free parking while shopping. Violators will be cited or towed at the owner's expense.
- Two-hour parking for Safeway customers only. All other vehicles will be towed at the vehicle owner's expense. CVC § 22658(a)(1).

The evidence confirmed that the complainant's vehicle was not stolen, SFPD was not involved in towing it, and that the store complied with the private property towing laws. DPA's investigation revealed that Golden Gate Tow would not release the vehicle because the registration tags were expired and due to the fact that the complainant owed money.

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

COMPLAINT DATE: 08/01/2024

COMPLETION DATE: 09/16/2024

PAGE# 2 of 2

DPA understands the financial hardship that vehicle tows can cause for community members. That said, the officers conduct in this matter was proper. The officers investigated the matter and properly concluded that Golden Gate Tow did not commit a crime when they towed the vehicle.

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

COMPLAINT DATE: 07/20/2024

COMPLETION DATE:9/8/2024

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: 08/06/2024

COMPLETION DATE: 09/17/2024 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 stated his car was illegally towed. The complainant went to a local police station to file a report, but the officer behind the glass in the lobby refused to take his report. A general physical description was provided by the complainant, but they were unable to provide the officer's name or star number.

Because 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.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated he went to another local police station to file a report regarding the same incident. The complainant stated that a similar result happened when he spoke to the officer behind the glass in the lobby. A general physical description was provided by the complainant, but they were unable to provide the officer's name or star number.

Because 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.

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

COMPLAINT DATE: 08/14/2024

COMPLETION DATE: 9/8/2024

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: 08/22/2024

COMPLETION DATE:9/17/2024

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: 08/23/2024 COMPLETION DATE: 09/17/2024 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 he observed unknown officers fail to address “biker gangs,” in the streets as well as an alleged assault of an individual.

The complainant did not wish to be contacted, and did not provide additional, or sufficient information for DPA to identify the specific incident or involved officers for said date, despite DPA running several queries.

Thus, without more, DPA was unable to identify the exact occurrence or otherwise make a finding. Despite not being able to locate a specific occurrence on the date of incident, it should be noted that the San Francisco Police Department is aware of the overarching issue involving the bikers and has recently begun adopting and implementing new tactics as a part of their plan to address the activity.

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

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

COMPLAINT DATE: 08/26/2024

COMPLETION DATE: 09/17/2024

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:

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

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

COMPLAINT DATE: 08/28/2024

COMPLETION DATE: 09/17/2024 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant parked his vehicle along a curb and was confronted by officers who asked him to roll his window down and he refused to do so. The complainant said that the named officer issued him a parking ticket and damaged his vehicle by forcing the ticket through the top of the window area rather than leaving the ticket on the vehicle's windshield.

The complainant submitted video footage with his complaint; however, the footage did not capture the action of the ticket being forced through the top of the vehicle's window.

Body-worn camera footage showed the complainant seated in his vehicle as the named officer prepared a parking ticket. The complainant did not lower his driver's side window during the incident. The named officer showed the complainant the ticket through the window and slipped it through a slight gap at the top of the window as the window was not entirely up. The ticket entered the interior of the vehicle without issue.

The evidence showed that that the complainant was inside the vehicle and did not put the window down to receive the parking ticket. The named officer did not apply any force to the window or any other part of the vehicle and there was no evidence of any vehicle damage as a result of slipping the ticket through the gap.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 09/04/2024

COMPLETION DATE: 09/17/24

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raised matters that were not rationally within the Department of Police Accountability (DPA) jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: This complaint raised matters that were not rationally within the Department of Police Accountability (DPA) jurisdiction.

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

COMPLAINT DATE: 09/04/2024

COMPLETION DATE: 09/17/24 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raised matters that were outside of the Department of Police Accountability (DPA) jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-1

FINDINGS OF FACT: This complaint raised matters that were outside of the Department of Police Accountability (DPA) jurisdiction.

This complaint has been referred to:

The Office of the San Francisco Public Defender
555 7th Street
San Francisco, CA 94103

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

COMPLAINT DATE: 09/07/2024 COMPLETION DATE: 09/10/2024 PAGE 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SSFPD

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

South San Francisco Police Department
P.O. Box 711
South San Francisco, CA 94083

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

COMPLAINT DATE: 04/22/2024

COMPLETION DATE: 09/18/2024

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she was using one BART card with her friend to cross the gate at the airport when the named officer spotted them. The officer told her and her friend to cross back and scan their cards again, which they did. While waiting for her friend, she saw other people do the same thing. She spoke to the officer, who responded, "Can't get everyone," and did not ask the other people to cross again. Then the complainant said to the officer, "You can only tell people to go back if they're Mexican?" She said the officer agreed and said, "Yes, that's what you are." The complainant alleged that the officer did not hold everyone accountable equally and agreed with the discrimination.

The named officer stated that he did not recall interacting or conversing with the complainant or letting people fare evade. He did not recall the said statement or agree with it with anyone.

The DPA interviewed the complainant's friend as a witness, who confirmed that they used a transit card for two people to cross the gate and were told to cross again by the named officer. He said the officer saw another couple doing the same thing but did not do anything about it. Then the complainant said, "So you only get Mexicans, huh?" and the officer responded, "Yes."

The Department had no record of this incident, and no citation was issued as a result.

No security camera video or body-worn camera captured the incident.

The evidence proves that although the complainant and the friend both stated that the named officer did not hold other people accountable for fare evasion and made a statement agreeing with the discrimination, the named officer did not recall the incident. The friend is not an independent witness, and no independent evidence of the incident. The evidence fails to prove or disprove that the alleged conduct occurred.

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

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

COMPLAINT DATE: 04/22/2024

COMPLETION DATE: 09/18/2024

PAGE# 2 of 2

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant alleged that the named officer racially profiled her and her friend and only told them to go back and cross again because of their race.

The named officer did not recall the interaction or conversation with the complainant or letting anyone fare evade. He denied that race is a factor in telling passengers to cross the gate again. He explained that he does not racially profile and advises all fare evaders to talk to a BART agent.

The witness also believed that the officer was racist.

The Department had no record of this incident, and no citation was issued as a result.

No security camera video or body-worn camera captured the incident.

The evidence proves that although the complainant and the witness both believed that they were told to go back and cross again because of their race, the named officer did not recall the incident. The friend is not an independent witness, and no independent evidence of the incident. The evidence fails to prove or disprove that the alleged conduct occurred.

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

COMPLAINT DATE: 05/21/2024 COMPLETION DATE: 09/08/2024 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that her rental car was broken into and that her luggage was stolen. She and her spouse went to a district police station, where they interacted with the named officer. The officer advised them to file a report online, but they advised the officer that the 9-1-1 operator instructed them to make the report in person. The complainant reported that the officer reacted by scoffing, rolling his eyes, and sighing while taking their information.

DPA interviewed the complainant's spouse who also reported that the officer was dismissive when they reported an auto burglary.

The officer reported that he presented different options for reporting auto burglary reports and generated a report as they requested. He maintained that he acted professionally and exhibited no signs of frustration during the interaction. He also stated that neither the complainant nor her spouse expressed dissatisfaction or concern about his behavior during their encounter.

Department records confirmed that the officer prepared an incident report. However, no body-worn camera footage was available.

The allegation could not be proven by a preponderance of the evidence. Dismissive and discourteous behavior can be subjective. Given that the complainant and her husband had a different version of events than the named officer, without additional, objective evidence, such as body-worn camera footage or an independent witness, the allegation could not be proven or disproven.

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

COMPLAINT DATE: 05/21/2024 COMPLETION DATE: 09/08/2024 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that she and her spouse were not given the option to have fingerprints taken from the rental car, contrary to what is stated on the San Francisco Police Department (SFPD) website.

The officer could not recall if they had discussed fingerprinting the rental car during their interaction but claimed that if they had asked him to fingerprint the vehicle, he would have done so provided there were any surfaces from which a latent fingerprint could be obtained. He explained that smashed windows often leave no surfaces to process fingerprints.

The SFPD website's Auto Burglary page provides information for reporting a vehicle break-in including various ways to file a report. It also states that the reporting party can have their vehicle fingerprinted.

The incident report reflected that the complainant's rented vehicle had its window smashed and several items stolen from inside. The specific stolen items were listed with descriptions and values in the report. Despite mentioning surveillance cameras in the area, no footage was provided to the officer.

The SFPD website informs victims of auto burglaries that they can get obtain a police report and have fingerprints taken if they go to the station. The website language is unclear as to whether officers should offer to fingerprint the vehicle, if they find a feasible surface to obtain prints, absent a request from the victim. Nevertheless, if there was a usable surface for prints, it would be reasonable to expect that the officer request that it be done. Based on the incident report, there may not have been a feasible surface for fingerprint processing given that it was a smash and grab burglary. However, given that the officer did not recall whether he discussed fingerprinting the vehicle with the complainant and her husband, and there is no body worn camera or other objective evidence capturing the conversation, the evidence is insufficient to prove or disprove that the officer committed misconduct based on the information he gave, or should have given, about fingerprinting.

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