

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

COMPLAINT DATE: 10/21/2019

COMPLETION DATE: 01/09/2025

PAGE# 1 of 5

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The Department of Police Accountability (DPA) received multiple complaints about a use of force that resulted in great bodily injury. The DPA's investigation included interviews of involved parties and witnesses; examination of documents, body-worn-camera footage (BWC), and audio recordings from the San Francisco Police Department (SFPD); surveillance-camera footage, dispatch records, and court transcripts. The DPA also reviewed an SFPD after-action report for the incident.

A witness called 911 to report that a man was "dragging her by her neck." The caller gave descriptions of the two, including the color of their garments, skin color and hairstyle. The caller also told dispatch that the man was verbally threatening the woman. The DPA reviewed audio recordings of the 911 call and confirmed the details provided by the caller. The Computer Aided Dispatch (CAD) report showed a slightly different interpretation of the call. The dispatcher typed that the man "choked" the woman. The DPA attempted to interview the caller, but she refused to speak to the DPA. During court testimony, the caller stated that she saw a man who was "irate" and yelling at a woman about his cell phone. She also testified that the man was grabbing at the woman and, at one point, had his right arm around the woman's head and neck area. She called 911 but did not stay in the area to witness the police interaction.

Named Officers #1 and #2 responded to the 911 call in a marked patrol vehicle. They observed a man and a woman matching the description given by the caller. BWC showed that Named Officer #1 exited the vehicle and immediately approached the couple while Officer #2 placed the vehicle in park and exited. The couple appeared to be facing each other in proximity but there were no apparent signs of distress. Named Officer #1 told the complainant to "come over here" while he walked toward the complainant. Officer #1 then initiated physical contact with the complainant ordered him to "face the wall". Officer #1 and the complainant appeared to wrestle with each other. Named Officer #2 grabbed the complainant and called for assistance on the radio while opening his expandable baton. Named Officer #1 was still wrestling with the subject when Named Officer #2 struck the complainant with a baton several times. The officers ordered the complainant on the ground while the complainant yelled that he did not do anything. The two officers had the complainant on the ground when Named Officer #3 arrived. Named Officer #3 assisted the two other officers in physically controlling the complainant until he was in handcuffs.

An SFPD supervisor arrived after the man was handcuffed and performed a preliminary use-of-force investigation. The use-of-force evaluation stated that the officer injured the man by using an impact weapon. The reason given for using force was to effect a lawful arrest, to overcome resistance, in defense

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

COMPLAINT DATE: 10/21/2019

COMPLETION DATE: 01/09/2025

PAGE# 2 of 5

of others or in self-defense, and to gain compliance with a lawful order. The evaluator did not determine whether the force was in policy and forwarded it for further investigation.

The DPA attempted to interview the complainant and gain access to his medical records. The DPA was unable to locate the complainant until he attended a court hearing. After the court hearing, the complainant stated he did not wish to be interviewed or release his medical information. An incident report mentioned that the complainant had abrasions on his shins and a complaint of pain to his hand. In a civil lawsuit, the complainant claimed he sustained a “broken leg which required surgery; a severely broken wrist which required surgery to place metal pins in his wrist to hold the bone together; a large gaping laceration to his other leg requiring stitches among other injuries, both physical and mental.”

The DPA attempted to interview the woman involved in the altercation, but she did not agree to an interview. Officers interviewed her at the scene, and she said that the two had been drinking alcohol with friends and that she had lost her wallet. They were upset about losing the wallet, but at no time was there any physical violence. An officer wrote that there were no signs of injuries on the woman.

Named Officer #1 stated that when he arrived, he saw a female witness screaming and pointing in the direction of the complainant. The female was backed up against a vehicle by a male suspect matching the description in the 911 call. They were yelling. Based on the totality of the circumstances, Named Officer #1 felt it was necessary to get them separated, and detain the complainant to do a pat-down search for weapons. During Named Officer #1’s initial physical control, the suspect fought back and became assaultive. Named Officer #2 arrived to assist, but Named Officer #1 did not witness his actions. Eventually the officers were able to subdue the suspect and place him in handcuffs. The DPA was unable to interview Named Officer #1 because he was unavailable and is no longer with the department.

Named Officer #2 made consistent statements about the incident in interviews with the DPA, criminal investigators, and during court testimony. He stated that he first attempted to control the complainant by grabbing him but that was unsuccessful. Named Officer #2 then used his baton to attempt to gain compliance. Named Officer #2 struck the complainant multiple times. The complainant began kicking and flailing his legs. Named Officer #2 struck the complainant several more times until the complainant stopped kicking.

Named Officer #3 stated that he arrived on scene and observed two officers fighting with a suspect. Named Officer #3 used physical control, and the suspect was eventually subdued.

A full review conducted by the SFPD Field Tactics Force Options Unit stated that Named Officer #2 acted in accordance with his training to overcome the complainant’s resistance. The complainant assaulted Named Officer #2’s partner. Named Officer #2 began with a low level of force and found that it was ineffective. After continued assault, Named Officer #2 transitioned to intermediate force. Named Officer #2 then lowered his level of force when the complainant became compliant. “The test for use of

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

COMPLAINT DATE: 10/21/2019

COMPLETION DATE: 01/09/2025

PAGE# 3 of 5

force is not perfection, or the lowest force, but reasonable force proportional to the totality of circumstances.”

Department General Order 5.01, Use of Force, states, “When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance based on the totality of the circumstances known to or perceived by the officer at the time.” The general order further states that “an impact weapon may be used in accordance with Department training to administer strikes to non-vital areas of the body, which can subdue an assaultive subject who is actively resisting and poses a threat to the safety of officers or others... When using an impact weapon, an officer shall, if feasible: a. Announce a warning to the subject of the intent to use the impact weapon if the subject does not comply with officer's commands; and b. Give the subject a reasonable opportunity to voluntarily comply, except that officers need not do so where it would pose a risk to the public or the officer or permit the subject to undermine the use of the impact weapon.”

The named officers were aware that the complainant was suspected of a violent crime, and they were able to identify the suspect based on a specific description. The named officers had the authority to detain and investigate the complainant. After the initial physical contact by Named Officer #1 (which is discussed in another allegation), the complainant became resistive and assaultive. Named Officers #1 and #2 failed to subdue the complainant with physical control. Named Officer #2 deployed a baton on the complainant's legs as an intermediate level of force to overcome the complainant's assaultive behavior. After several strikes of the baton, the complainant continued to kick out at Named Officer #2. Named Officer #2 continued to strike the complainant until the complainant ceased to kick. At that point, Named Officer #2 deescalated his level of force to put the complainant in handcuffs. Named Officer #2 struck the complainant in the legs, which are not sensitive areas that could lead to fatal force, and he stopped using the baton once the complainant ceased his assaultive behavior. Named Officer #2's force was justified. Named Officer #3 arrived while the other two named officers were struggling to handcuff the complainant and was also justified in using physical control.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IE

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

COMPLAINT DATE: 10/21/2019

COMPLETION DATE: 01/09/2025

PAGE# 4 of 5

FINDINGS OF FACT: The facts stated above are incorporated into this allegation.

Named Officer #1 made initial physical contact with the complainant, which led to resistance, assault, and an intermediate use of force that led to the complainant's injuries.

In interviews with criminal investigators and in testimony in court, Named Officer #1 stated that the only information he received before approaching the complainant was from dispatch, that a man was choking a woman. Named Officer #1 stated that he and his partner did not discuss a tactical plan before arriving at the scene. When he arrived at the scene, a woman was shouting and pointing in the direction of the suspect. Named Officer #1 approached the complainant and told him to "come here." Named Officer #1 testified that he did not witness the complainant choking anyone, but it appeared he had her pinned to the car and she was not free to leave. Named Officer #1 knew he had to investigate further. The complainant did not follow Named Officer #1's command and he placed his right hand on the complainant to control him. After the physical contact, the fight escalated until the complainant was subdued.

A full review conducted by the SFPD Field Tactics Force Options Unit stated that "officers were dispatched to a possible physical domestic violence incident that included "choking," which on its face is a life-threatening assault in progress...and that it would be lawful to detain him (with force if necessary) to investigate." Named Officer #1 "had difficulty discerning the distinction between an exigent and urgent circumstance. Exigency exists when there is a need for immediate action to preserve human life. Urgency exists when there is a dangerous situation with the potential to become exigent. The broadcast by dispatch indicated exigency but upon arrival, the intensity of the situation had lessened in urgency. Slowing down, coordinating with other officers, and being ready to act if the situation changes and requires it would have been appropriate."

Department General Order 5.01, Use of Force states:

B. ESTABLISH COMMUNICATION. Communication with non-compliant subjects is often most effective when officers establish rapport, use the proper voice intonation, ask questions and provide advice to defuse conflict and achieve voluntary compliance before resorting to force options.

C. DE-ESCALATION. Officers shall, when feasible, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance. Officers shall when feasible, attempt to understand and consider the possible reasons why a subject may be noncompliant or resisting arrest. A subject may not be capable of understanding the situation because of a medical condition; mental, physical, or hearing impairment; language barrier;

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

COMPLAINT DATE: 10/21/2019

COMPLETION DATE: 01/09/2025

PAGE# 5 of 5

drug interaction; or emotional crisis, and have no criminal intent. These situations may not make the subject any less dangerous, but understanding a subject's situation may enable officers to calm the subject and allow officers to use de-escalation techniques while maintaining public and officer safety. Officers who act to deescalate 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.

When Named Officer #1 grabbed the complainant, it caused a series of reactions that led to the complainant's injuries. The baton strikes by Named Officer #2 caused the injuries, and those strikes were already determined as proper and justified; however, the first physical contact may not have been proper. Named Officer #1 did not discuss tactics with his partner or take time to analyze the situation. Named Officer #1 gave very quick orders and did not give the complainant any chance to comply before initiating physical contact.

The DPA was unable to interview Named Officer #1 to ask him further about his training and this situation. Since Named Officer #1 is no longer with the department, the DPA cannot interview him and could not determine whether his conduct was improper or not.

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

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 1 of 11

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 the officers had no reason to detain him because he had done nothing wrong. The complainant stated the officers told him he was detained for littering. The complainant denied that he littered, saying that when the officer grabbed him, he dropped the canned coffee beverage he had just purchased at a store.

Named Officer #1 stated he was on patrol with Named Officer #2 when he observed a subject walk in front of their vehicle in a crosswalk, which he recognized from an incident two days prior. The subject had fled from officers during that incident. The officers observed the subject continue walking down the street. The subject drank an energy drink, took a last gulp, and threw his can on the ground. Officer #1 and Officer #2 decided to stop him for the littering violation and make contact with him to identify him.

Named Officer #2 stated he and Named Officer #1 were on patrol and saw an individual who had fled from them two days prior. He observed the subject throw an item on the ground in violation of Penal Code section 374(a). The officers decided to stop the subject for littering and identify him.

Department records, including the Computer Aided Dispatch (CAD), the Incident Report (IR) authored by Named Officer #1, and photographs of the beverage corroborated the named officers' account of the incident.

Body-worn camera (BWC) evidence from the encounter corroborated the officers' reported purpose for detaining the complainant. BWC footage from the encounter did not corroborate what the complainant told investigators took place.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity. Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and that the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.

The named officers reported they observed the complainant and documented that he closely resembled a person who had fled from them two days earlier. As the officers watched the complainant to confirm he

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 2 of 11

was the man who had run from them previously, the complainant threw an item of trash on to the sidewalk, a citable offense under California Penal Code section 374(a). The named officers conducted a lawful detention of the complainant.

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

SUMMARY OF ALLEGATION #3: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that one of the officers jumped out of the patrol vehicle, immediately grabbed the complainant, and pushed him toward the police vehicle. The officer told the complainant he would punch him in the face if he moved. The complainant was unable to identify the officer.

The named officer stated he approached the complainant to detain him for a littering violation but did not grab, push, or shove the complainant. The officer told the complainant to come towards the police vehicle. The officer grabbed a piece of the complainant's jacket and guided the complainant to the patrol vehicle. The complainant acted strangely and kept putting his hands in his pockets, so he directed the complainant to sit on the curb. While the complainant was seated, the officer returned to his patrol vehicle to run the complainant's name as he had no identification. A warrant check revealed the complainant had an outstanding felony arrest warrant from another jurisdiction. The complainant then stood up and tried to run to avoid being detained. The officer's partner placed the complainant in a bear hug to prevent him from escaping, and the officer jumped out of the patrol vehicle to assist his partner in gaining control of the complainant, which resulted in the use of force.

The named officer told the complainant he had a warrant for his arrest. The officer stated he did not recall telling the complainant he would punch him in the face but did recall giving the complainant orders to put his hands behind his back and telling the complainant he was going to get punched as he was actively resisting to avoid being taken into custody. The complainant eventually complied once they landed on the ground. The officer stated he told the complainant he would get punched as a warning, with a consequence being that if he continued to resist, he would get punched as a form of force. Verbal persuasion or verbal warning is the first step in the Use of Force continuum. The named officer

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 3 of 11

acknowledged he threatened to punch the complainant because he was actively resisting and had an outstanding felony arrest warrant.

The named officer's partner stated he used repeated verbal commands telling the complainant to put his hands behind his back, acting quickly as the complainant attempted to flee. The complainant eventually complied. The partner did not recall what commands the named officer gave, and he did not remember the named officer telling the complainant he would be punched in the face if he moved. The partner was not able to give a warning as things escalated quickly due to the complainant's unexpected movement. The partner stated he injured his back during the incident and was transported to the hospital shortly after the complainant was taken into custody.

Body-worn camera (BWC) footage captures the named officer telling the complainant during the physical struggle, "You're gonna get punched, you're gonna get punched, you're gonna get punched, dude. Put your hand behind your back. Put your hand behind your back. Put your hands behind your back, dude. You're gonna get punched, dude, if you keep moving." The named officer tells the complainant he is going to get punched but does not tell him he is going to punch him in the face. The BWC shows the named officer did not grab or push the complainant into the patrol vehicle as the complainant alleged.

Department General Order (DGO) 5.01, revised 01/12/22, Section 5.01.03 B, states that officers should use the minimum amount of force necessary. DGO 5.01.04 A1 and 2 states that an officer may use reasonable force to effect a lawful arrest, detention, or search, as well as to overcome resistance or to prevent escape. DGO 5.01.04 C states that when encountering a non-compliant subject, an officer shall, when feasible, use de-escalation tactics in an effort to reduce the need or degree of force. DGO 5.01.05 C describes active resistance as physically evasive movements to defeat an officer's attempt to control. DGO 5.01.07 B states that physical controls, such as control holds, takedowns, and strikes with personal body weapons, are designed to gain compliance and control over uncooperative or resistant subjects.

The named officer initially detained the complainant for littering and discovered the complainant had an outstanding no-bail felony arrest warrant from another jurisdiction. The complainant initially was compliant and sat on the curb but then abruptly attempted to evade detention and arrest by running from officers. While engaged in a physical struggle with the complainant to effect an arrest, the named officer verbally threatened to use force by telling the complainant he was going to punch him to gain compliance, which was effective. Under the circumstances presented, the officer's verbal threats to use force to gain compliance were justified.

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: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 4 of 11

SUMMARY OF ALLEGATION 4: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that one of the officers jumped out of the patrol vehicle, immediately grabbed the complainant, and pushed him toward the police vehicle. The officer told the complainant he would punch him in the face if he moved. The complainant was unable to identify the officer.

The named officer denied the allegations. He described his initial demeanor with the complainant as professional and cordial, even though the complainant had a pocketknife in his right front pocket.

The body-worn camera (BWC) footage corroborates the officer's statements. The BWC video evidence shows that the officer did not display any threatening, intimidating, or harassing behavior during the interaction with the complainant.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant said that when he was detained, the officers took him to the ground even though he was not resisting. He does not remember how he went to the ground. He woke up on the ground, face down on his stomach, and he was bleeding from his head. The complainant said he did not try to fight or wrestle with the officers. That was the last thing he remembered. The complainant

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 5 of 11

also said when he stood up to leave, the Asian officer was in front of him and told him to "sit back down." The complainant said he told the officer, "No," and said he had no right to stop him. He does not know which officer jumped on his back and which one grabbed him. His hands went directly behind his back because they grabbed his coat. The complainant stated he was transported to the hospital and was told he sustained a crushed disk in his neck, which required surgery to repair.

Named Officer #1 stated after he detained the complainant, he asked him his name and date of birth. He noticed the complainant was looking around, left and right. He had a hard time focusing on answering questions. He kept asking why he was being stopped. He told the complainant he was being stopped for littering several times. The officer believed the complainant was exhibiting signs of fight or flight based on his actions, and he seemed extremely nervous and kept putting his hands in his pockets. Officer #1 said he seated the complainant on the ground to have better control over him if he decided to run.

Officer #1 said he took the complainant's information and ran his name in the patrol vehicle. Officer #2 was standing less than a foot away from the complainant while he ran the complainant's information. The records check showed a no-bail felony warrant for his arrest. Before he could get out of the patrol car to tell Officer #2 what was going on, the complainant stood up and ran. Officer #2 was able to bear hug the complainant and take control of him. He only made it a few feet. Officer #1 said he grabbed the complainant by his shoulders, trying to get control of one hand, and grabbed the complainant's hood to restrain him. All three tripped because of the curb and landed on the sidewalk. He did not do a leg sweep or takedown because he did not have enough time. The curb did that for them. While on the ground, he told the complainant he had a warrant for his arrest. The complainant continued to argue and resist, and they were finally able to get him under arrest and place him in handcuffs for his warrant.

Officer #1 stated it was necessary to use force because the complainant tried to flee and was actively resisting arrest. The complainant continued to resist on the ground. After the complainant was handcuffed, he observed the complainant had a small bump on his head. Officer #1 stated he reported the Use of Force to his supervisor, who conducted a Supervisory Use of Force Evaluation. An ambulance was requested and arrived on the scene. Initially, the complainant refused medical attention and asked to be taken to jail. The ambulance was sent away but returned shortly after at the request of a sergeant. The complainant was transported to the hospital.

Officer #1 stated the complainant did not lose consciousness at any time. Officer #1 said he attempted to de-escalate by taking a knife from the complainant's person and having him sit on the curb. He thought that by having the complainant sit down and relax, they could conduct things in a safer manner. It is better when they are seated as it gives police time to react if they stand up and try to run. Officer #1 said the complainant was not handcuffed initially as he was not under arrest at the time of the initial detention and was only stopped for littering. During the physical altercation, he gave the complainant orders to put his

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 6 of 11

hands behind his back. He eventually complied once they landed on the ground. The contact lasted less than a minute.

Named Officer #2 said he was standing over the complainant while Officer #1 was running the complainant's name. He saw the complainant look towards the street, and then he tried to flee. He told the complainant he was not free to leave, placed him in a control hold with both arms around the complainant, and continued to give verbal commands. He said he could feel the complainant's legs and arms continue kicking as he guided the complainant, turning him to the right side. He heard Officer #1 inform the complainant he had a warrant for his arrest. The complainant eventually submitted to the arrest, and they were able to handcuff him. Officer #2 said the use of force was for a lawful purpose: to overcome resistance and prevent escape. The complainant attempted to flee and was kicking his legs and arms.

Officer #2 stated he used the least amount of force to accomplish his purpose. He reported his use of force to his sergeant on the scene. Officer #2 also said he did not observe any loss of consciousness by the complainant.

The incident report documented the contact and detention of the complainant. The named officers reported they observed the complainant on the street and recognized him as a person whom they observed recklessly riding a bicycle on the sidewalk and fled from them two days earlier. As the officers watched him confirm he was the man who ran from them previously, the complainant threw an item of trash onto the sidewalk, a citable offense under California Penal Code Section 374(a). The officers exited the police car, activated their Body Worn Cameras (BWC), and prepared to contact and detain the complainant for the observed crime. The complainant initially vocally opposed the stop but submitted to the officers and provided information about his identity to them. Officers wrote in their report that they intended to cite the complainant for the observed citable littering offense.

The complainant gave officers a full name and date of birth but seemed extremely nervous and unable to focus on Officer #1's instructions to keep his hands out of his pockets. Both officers observed that the complainant had a knife clipped to the inside of his rear pocket. For officer safety, Officer #1 directed the complainant to sit on the curb next to the police car's front passenger tire. Officer #2 stood watch over the now-seated but still-detained complainant as Officer #1 went back to the police car to perform a wants and warrant check of the complainant.

Officer #1 documented in the incident report that it was then that he discovered the complainant had a "no bail" felony warrant for his arrest. Almost simultaneous to this discovery, the complainant, who was not handcuffed at this point, jumped to his feet, grabbed the bumper of the car as if to gain momentum, and tried to run from the officers. Officer #2 quickly reacted to the complainant's effort to stand and run, grabbed him around the waist, and held on to him to prevent him from fleeing. Officer #1 also reacted to

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 7 of 11

the complainant's sudden effort to run and quickly exited the passenger side of the patrol car to help Officer #2, who struggled to hold on to the complainant. Officer #1 stopped the complainant's struggle with Officer #2 when he grabbed the complainant and took him to the ground. The complainant was then handcuffed and placed under arrest.

The complainant was later confirmed to have multiple felony fugitive warrant entries under other names from various out-of-state jurisdictions. The report documents that although the complainant initially declined medical attention, SFPD transported him in custody to San Francisco General Hospital out of caution. Officers told medical staff what took place, and because of an abrasion on his forehead and his complaint of some head pain, doctors ordered a computed tomography (CT) and magnetic resonance imaging (MRI) scan to rule out any trauma-related head or neck injury. At the time, the complainant complained of numbness in his right hand.

BWC footage from the encounter corroborated the officers' reported purpose for detaining the complainant, their repeated requests to him to stop reaching in his pockets, and their request that he sit on the curb because he would not comply with their instructions to keep his hands out of his pockets.

Officer #2's BWC footage also clearly captured that the complainant sat on the curb by the police car for approximately 45 seconds before he stood and tried to run from officers. Officer #1's BWC captured that Officer #2 struggled to stop and hold on to the complainant, and then Officer #1 grabbed at the complainant to take him to the ground. Both BWCs captured the officers' quick reactions to the complainant's effort to escape and documented those 35 seconds after he stood and tried to run, officers had him back on the ground and in handcuffs. Importantly, BWC footage showed that once the complainant was on the ground, officers used only sufficient force to hold him and apply handcuffs. The BWC also shows the complainant was alert and oriented throughout the contact. The complainant did not suffer any loss of consciousness and was arguing and conversing with officers before and during the contact and after he was taken to the ground. The BWC footage from the encounter did not corroborate the complainant's account.

Department records, including the Use of Force Log and the Supervisory Use of Force Evaluation, were reviewed. The officers' use of force was determined to be in compliance with Department policy per DGO 5.01.

DPA obtained the complainant's medical records. Scans revealed no acute bone or ligament injury to the cervical spine (neck area).

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 8 of 11

Notably, doctors observed "[n]o acute intracranial abnormality, [n]o acute cervical fracture, [n]o acute facial fractures," or any acute injury connected to the use of force by officers. An MRI scan also documented "[n]o evidence for acute traumatic osseous (bone) or soft tissue cervical injury." Because the primary medical conditions were associated with the observed degenerative changes in his spine that had occurred over time, doctors were able to rule out that his condition, which required surgery, was likely not caused by his interaction with police. On the date of arrest while at the hospital, medical records reflect that the complainant told medical staff that he was [at SFGH] because of " ... running from police," that he "fell down and hit his head," and that he was experiencing numbness in his right hand (fingers).

DPA obtained a letter from the San Francisco District Attorney's Office (SFDA) declining to file criminal charges against either officer.

Department General Order (DGO) 5.01, revised 01/12/22, Section 5.01.03 B, states that officers should use the minimum amount of force necessary. DGO 5.01.04 A1 and 2 states that an officer may use reasonable force to effect a lawful arrest, detention, or search, as well as to overcome resistance or to prevent escape. DGO 5.01.04 C states that when encountering a non-compliant subject, an officer shall, when feasible, use de-escalation tactics in an effort to reduce the need or degree of force. DGO 5.01.05 C describes active resistance as physically evasive movements to defeat an officer's attempt to control. DGO 5.01.07 B states that physical controls, such as control holds, takedowns, and strikes with personal body weapons, are designed to gain compliance and control over uncooperative or resistant subjects.

The reviewed evidence supports the conclusion that the officers' use of force and the degree of force employed were reasonable and warranted.

The named officers rightfully focused on the complainant based on their belief he was the same individual who had run from them days earlier. Then, they observed the complainant commit a crime (littering) in their presence. Because the complainant was non-compliant with the request made by officers to keep his hands out of his pockets where he had a knife, for officer safety, the named officers were within their rights when they told the complainant to sit on the curb.

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 9 of 11

During this time, Officer #1 discovered a "no bail" felony warrant issued for the complainant, which changed the encounter and created the probable cause for arresting the complainant. The complainant attempted to flee from the officers' control, which necessitated and justified the officers' use of physical force to re-take the complainant and arrest him for the no-bail warrant. Given that he ran from police, it was reasonable for either officer to pursue the complainant and then use physical force, using control holds and takedowns, to overtake the complainant and stop his flight by forcing him to the ground. The complainant's conduct also enabled the named officers to arrest him for the crime of resisting lawful arrest, a misdemeanor committed in their presence, a violation of California Penal Code section 148(a).

The complainant was transported to San Francisco General Hospital (SFGH) because he complained of pain afterward. However, the pain and/or later diagnosed injury caused by the officers' use of force was not an unreasonable consequence given the reasonable force used by officers to overcome his resistance to arrest and effort to escape.

A preponderance of the evidence established that the named officers did not use unnecessary or excessive force on the complainant.

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

SUMMARY OF ALLEGATION #7: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated an officer used profanity when speaking to him, but he could not identify the officer.

Body-worn camera (BWC) footage showed that the named officer used profanity toward the complainant, just not as described by the complainant. Instead, the BWC showed that the named officer used a profane word when speaking to the complainant when ordering him to keep his hands out of his pockets. The complainant did not mention the use of this profane word during his interview.

The named officer stated he did not recall using profanity toward the complainant. When advised that his body-worn camera (BWC) captured him using a profane word when speaking to the complainant, the named officer stated that at the time, the complainant was having a hard time following instructions and kept putting his hands in his pockets. Officers had just recovered a knife from his pant pocket. He said that if he had used profanity, it would have been a form of trying to get the complainant's attention,

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 10 of 11

emphasizing that he should not put his hands in his pockets because it is very dangerous for a police officer. The named officer said his profanity was not intentional, but it was a high-stress moment.

Department General Order 2.01 General Rules of Conduct Rule 14 states that when performing their duties, members shall "Treat the public with courtesy and respect and not use harsh, profane or uncivil language."

Based on the totality of the circumstances, the officer's conduct did not rise to a level of misconduct.

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

SUMMARY OF ALLEGATION #8: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated an officer used profanity when speaking to him, but he could not identify the officer.

The named officer denied he used profanity toward the complainant.

Body-worn camera (BWC) footage showed that the named officer did not use any profanity toward the complainant.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATION #9: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: IE

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

COMPLAINT DATE: 02/14/2023

COMPLETION DATE: 01/14/25 PAGE# 11 of 11

FINDINGS OF FACT: DPA's investigation determined that the named officer made inappropriate comments during a verbal interaction with a male bystander during the incident.

The named officer stated he recalled telling the bystander to back up because he was getting too close but did not recall making the inappropriate comment when speaking to the bystander. The officer said the bystander was borderline interrupting their investigation, detention, and arrest. He said it was a vulnerable time for the officers because they were on the ground. The officer stated the person was closing the distance between them, and he viewed the bystander as a threat. The named officer said he wanted to stand up and talk to the bystander to ensure the bystander understood not to get closer to the officers.

The BWC captures the named officer making an inappropriate comment to the male bystander during a verbal interaction. Specifically, the bystander accused the officers of beating up the complainant. The officer responded, "All I see is a loser with no life. Get the hell out of here."

Department General Order 2.01 General Rules of Conduct Rule 14 states that when performing their duties, members shall "Treat the public with courtesy and respect and not use harsh, profane or uncivil language."

Based on the totality of the circumstances, the officer's conduct did not rise to a level of misconduct.

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

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

COMPLAINT DATE: 02/07/2024

COMPLETION DATE: 01/02/25 PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that he retrieved his air rifle from storage and entered an unoccupied, fenced area to discharge cartridges, to ensure it was safe for travel. The complainant further reported that a police officer detained him but did not arrest him because he had not committed a crime. Nevertheless, the officer confiscated his legally owned air rifle and issued him a property receipt.

The officer stated that he obtained a statement from the 911 caller, a groundskeeper on Treasure Island, who showed him a photo of the complainant holding what appeared to be an automatic rifle. The complainant was in an open area with no concealment. The officer, being alone, attempted to gain a tactical advantage by positioning himself at the skate park behind concrete barricades while waiting for backup. The officer pointed his department-issued rifle at the complainant, but when the complainant stood up, he lost sight of him. Backup officers then detained the complainant.

The officer determined that the complainant had committed an infraction by using a replica firearm that lacked the required bright-colored markings. The replica firearm was not marked with an orange tip or a green trigger guard, as specified in California Senate Bill (SB)199. Additionally, the complainant was discharging it in a public area, approximately two blocks from a vocational school and one block from a high school.

Based on his knowledge and experience with replica firearms and their color regulations, the officer decided not to cite the complainant but to seize the air rifle for safekeeping due to its close proximity to schools. He issued a Certificate of Release, provided a property receipt, and advised the complainant against discharging a replica firearm on the island.

The Computer Aided Dispatch (CAD) showed multiple units responded to the scene for an “A-Priority” call regarding the report a man with a gun at a skate park. The witness took a picture of the complainant with the air rifle and showed the officer.

Police records and multiple body-worn camera footage corroborated the officer’s statement. After reviewing the evidence, the DPA concluded that the named officer’s seizure of the air rifle was lawful because he could have arrested the complainant for displaying an imitation firearm in public (Pen. Code, §§16700, 20170(a),) and seized the air rifle as evidence. Notably, it is well-settled that Fourth Amendment questions are analyzed using an objective standard and an officer’s subjective intent is irrelevant. (*Ashcroft v. al-Kidd* (2011) 563 U.S. 731; *Whren v. United States* (517 U.S. 804, 816.) Since

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

COMPLAINT DATE: 02/07/2024

COMPLETION DATE: 01/02/25 PAGE# 2 of 4

the officer could have arrested the complainant, the seizure of the air rifle did not run afoul of the Fourth Amendment. Moreover, the San Francisco Police Department's General Order 6.15 (Property Processing) permits officers to seize property for safekeeping just as the named officer did in this matter.

Therefore, it was proper conduct for the named officer to seize the air rifle.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that when he visited the property room with his receipt to retrieve his air rifle, they refused to give it to him.

The named officer stated that he complied with Department General Order 6.15 and properly processed the complainant's air rifle. He issued the complainant a receipt and booked the air rifle at the station for safekeeping. The air rifle was not evidence, because the complainant was not arrested for a crime. The air rifle also was not found property. The officer assumed that the complainant could retrieve the air rifle at property control with the property receipt. No evidence was presented demonstrated that the named officer refused to return the air rifle to complainant.

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

SUMMARY OF ALLEGATION #3: The officer failed to properly process property.

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: The complainant reported that he was issued a property receipt to reclaim his air rifle, which had been confiscated. When he visited the property room to retrieve the item, the staff denied his request and directed him to the Investigations Unit for a release. He proceeded to Investigations,

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

COMPLAINT DATE: 02/07/2024

COMPLETION DATE: 01/02/25

PAGE# 3 of 4

hoping to resolve the issue and obtain his property. However, they also declined to release the air rifle, justifying their decision by referencing penal code provisions that the complainant believed were outdated or expired in San Francisco. Throughout this experience, the complainant remained adamant about his right to have his property returned.

DPA concluded SFPD's alleged untimely return of the complainant's pellet gun should be designated a policy failure because DGO 6.15, which has not been updated since 1994, does not contain procedures for releasing property booked for safekeeping in the possession of Property Control Division. Notably, DGO 6.15.11(a)-(c) only sets forth the procedures for releasing property at the station level, not for items booked for safekeeping in the possession of Property Control Division. Under DGO 6.15.11(b), a lieutenant's approval is required if patrol wants to return an item to a person, but it only applies at the station level and does not give guidance on whether station lieutenant's approval is required when property booked for safekeeping should be released to its owner once it leaves the station and does not relate to an ongoing criminal investigation.

Although SFPD had no records regarding who specifically denied the complainant's property return request, DPA has concluded it was likely that someone in the Property Control Division referred the complainant to General Work, assuming a lieutenant needed to sign a release, whereas an unidentified person at General Work believed that the Property Control Division should release the pellet gun because the seizure did not involve a crime, and no investigator was assigned.

To ensure the prompt return of property for safekeeping, DPA recommends that DGO 6.15 be updated as follows:

- 1) Provide guidance on when officers may seize and book property for safekeeping.
- 2) Provide guidance on when property booked, including property booked for safekeeping, must be released to its owner at both the station level and at Property Control Division including identifying the members authorized to release the property.
- 3) Conform DGO 6.15 to the EvidenceOnQ system.

DPA recommended to SFPD to make the above changes to DGO 6.15 to ensure property is promptly returned to community members particularly when no crime was documented by SFPD.

SUMMARY OF ALLEGATION #4: The officer failed to properly process property.

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

COMPLAINT DATE: 02/07/2024

COMPLETION DATE: 01/02/25 PAGE# 4 of 4

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant reported that he was issued a property receipt to reclaim his air rifle, which had been confiscated. When he visited the property room to retrieve the item, the staff denied his request and directed him to the Investigations Unit for a release. He proceeded to Investigations, hoping to resolve the issue and obtain his property. However, a male from the Investigations Unit contacted him and declined to release the air rifle, justifying the decision by referencing penal code provisions that the complainant believed were outdated or expired in San Francisco.

DPA was unable to identify the person in the Investigations Unit who called complainant and refused to return his air rifle. The Officer-In-Charge of the Investigations Unit at the time the complainant asked for his air rifle back investigated the matter and was unable to locate documentation regarding the complainant inquiring for the return of his air rifle though such inquiries are ordinarily documented. DPA also conducted an ID Poll which requires the officer-in-charge to query the appropriate unit and identify the involved officer, if possible. The ID Poll was met with negative results.

Because DPA was unable to identify the specific member of the Investigations Unit who declined to return the air rifle to complainant, the DPA was unable to make a finding as to that officer. Therefore, the DPA issued no findings on this allegation.

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 1 of 11

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant and co-complainant stated that a man who lived close to their units exposed his genitalia to their minor daughters in the hallway. The complainant and co-complainant went to a district police station to report the incident. Officers took their statements, and the case was eventually assigned to the named officer. The complainant and co-complainant believed the named officer did not properly investigate the case. They alleged that he failed to contact witnesses and other victims of the man's inappropriate conduct.

The named officer stated he started his investigation by reading the incident report and working with the involved parties. He contacted the complainants to let them know he was assigned to the case and how the investigation would proceed. He also arranged for forensic interviews of the minor victims. The named officer said he contacted the prior victims of the suspect. One of them, who worked as a receptionist across from the complainant's apartment building, told him the suspect would sometimes come out to the sidewalk and sit on a chair, wearing shorts down to his knees. She said she saw the suspect repeatedly rub his genitalia and, after that, pull up his pants. She said such an incident happened many times on different occasions. The named officer said the female victim and other women working in her building had filed a restraining order against the suspect, but a judge denied it. The named officer said he tried to obtain video footage of the incident, but there was none. He recalled the complainants providing him with some video footage, but the recordings were not for the reported incident. The named officer said that after his investigation, he prepared an arrest warrant charging the suspect with public nuisance, which the District Attorney (DA) and the court approved. He brought the approved warrant to the Warrant Bureau, where it was entered into the National Crime Information Center (NCIC) database. After that, he sent out a crime bulletin to inform officers that the suspect had an outstanding arrest warrant. The named officer said he later learned the suspect had moved to another state and lived with his sister. He then alerted the local authorities having jurisdiction over the suspect's location and gave them a copy of the crime bulletin.

The named officer's Chronological Investigation Report appeared consistent with his statement to the Department of Police Accountability (DPA). The report documented that he interviewed the complainants the day the case was assigned to him and that he was present during the forensic interviews of the minor victims. The complainants provided him with information about three persons who were prior victims of the suspect. He called them and was able to interview one of them, leaving voice messages for the two others he could not reach. He called the suspect twice with negative results. As he continued his investigation, he also reviewed an incident report wherein a female victim of the suspect reported that she

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 2 of 11

saw him sitting on a folding chair on the sidewalk, rubbing his genitalia and exposing his genitals. The named officer tried to contact the victim with negative results.

The Chronological Investigation Report further documented that the DA's office approved the arrest warrant, charging the suspect with the crime of public nuisance (372 PC). After a judge reviewed the warrant and eventually signed it, the named officer took it to the Central Warrant Bureau for processing. He also prepared a crime bulletin for the suspect and distributed it to nine Bay Area counties, alerting them of the suspect's outstanding arrest warrant. When the named officer learned that the suspect had moved to another state, he contacted the local sheriff's office in that state and provided them with a copy of the crime bulletin.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: One of the complainants said the named officer exhibited condescending and dismissive behavior. She said the named officer refused to believe what the children said about the incident and thought that the crime of indecent exposure (314 PC) did not occur. She said the named officer asked for corroborative evidence such as video footage to prove that the crime happened beyond a reasonable doubt, which she did not have.

The named officer stated that he talked to the complainant professionally with understanding and empathy. He said he needed to be objective. He explained how the investigation would be conducted and told her that the whole thing would not always end up how she expected it to. He told her he had to base his investigation on the facts of the case and where the facts would lead him.

DPA obtained the audio recording of one of the named officer's phone conversations with the complainant. The recording was consistent with his statement to the Department of Police Accountability (DPA). It showed that he tried to relay his fact-based, unbiased assessment of the case to the complainant. The recording indicated that at some point in their conversation, he explained to the complainant that statements alone do not constitute evidence. He told her they needed further corroborative evidence to prove the crime occurred beyond a reasonable doubt. The complainant seemed to agree but noted that the matter should be left for the court to find out. The named officer replied that if the DA believed there was enough for the case to move forward based on the statements alone, he would comply and proceed with it. He explained to the complainant that all he was doing was gathering the facts and evidence of the case

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 3 of 11

and that if there were probable cause for the issuance of an arrest warrant, he would present one to the DA. He added that it is up to the DA to approve and issue the warrant or deny it. He told her he was trying to give her all the necessary information and did not want to make promises about the outcome of his investigation. He explained to her that he was trying to move forward with his investigation. He stated he wanted her to know all the possibilities so she would not be disheartened in the future if everything did not meet her expectations.

Though DPA understands the frustrations of concerned adults regarding what happened to the minor victims, the recording did not show the named officer exhibiting condescending or dismissive behavior. However, the named officer did make statements that potentially reflect a misunderstanding of the law and criminal procedure. Generally, statements are evidence in an investigation. Out-of-court statements are hearsay and may not be admitted into evidence unless they meet specific exemptions or exceptions. Additionally, the named officer appeared to focus on whether the perpetrator was inside of his own home. The complainants correctly pointed out that some potentially applicable Penal Code sections do not require that a subject be in public. These erroneous or incomplete statements do not rise to the level of misconduct.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: One of the complainants stated that during a debrief meeting after the minor victims were interviewed at the Child and Adolescent Support, Advocacy and Resource Center (CASARC), the named officer exhibited similar condescending and dismissive behavior. She recalled the officer saying that there was no crime to charge against the suspect despite hearing the minor victims' statements, was focused on irrelevant details of the incident, and claimed that there was nothing to support an indecent exposure charge because there was no indication that the suspect intended to arouse the victims with his behavior. She stated the officer attempted to steer away from the investigation by encouraging them to undergo therapeutic self-help measures. She said the officer treated the incident as a community problem rather than a sex crime against young victims. She said the officer tried to make her feel like she should be grateful to him for having CASARC interviewed the minor victims. Lastly, she

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 4 of 11

stated that the officer felt annoyed when they discussed the elements of the crimes being considered in the meeting.

The conversation was not documented in any recording or report.

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

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 5 of 11

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant and co-complainant said that during the arrest warrant application, the named officer refused to include the indecent exposure (314 PC) charge in his affidavit and sought an arrest warrant only on the public nuisance charge (372 PC). The complainant and co-complainant said this resulted in the warrant being downgraded to a misdemeanor warrant that did not reflect a sex offense and had a very low bail. She said that the named officer deliberately downgraded the warrant so that the San Francisco Police Department (SFPD) would not do anything to complete the arrest.

During its investigation, DPA reviewed all recordings and written reports obtained that were associated with the incident. DPA also interviewed the named officer and the Assistant District Attorney (ADA) assigned to the case.

The named officer stated that it was never his intention to downgrade the arrest warrant. He said that after his investigation, he researched the applicable charge and completed the arrest warrant paperwork against the suspect. He forwarded the warrant to the ADA assigned, who reviewed and approved it. He stated that after its approval, he took the warrant to court, where a judge reviewed and signed it. He said he recommended charging the suspect with a crime of public nuisance (section 372 of the California Penal Code) because after looking at the CalCrim instructions and discussing the case with the ADA, he began to think that the suspect's genitalia was likely fake based on the available evidence. With such information, he was uncomfortable completing the arrest warrant without knowing if it was real or not. The named officer said he and the ADA conferred several times. He recalled them discussing the possibility of charging the suspect with indecent exposure. After such discussions, he recommended charging the suspect with 372 PC, which the ADA agreed to and approved. He said it was agreed in the discussions not to bring an indecent exposure charge.

The ADA assigned stated that he and the named officer conferred about the case on more than one occasion. He said the named officer sought a DA warrant against the suspect for violating section 372 of the California Penal Code by presenting the warrant and its corresponding affidavit. He stated that he and the named officer agreed to seek an arrest warrant for public nuisance.

The DA's office has the authority to approve or disapprove an arrest warrant application. While DPA acknowledges the stress that these incidents caused the complainants, the named officer had a duty to seek

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 6 of 11

a warrant for an offense he felt could be proven. The named officer discussed this with the ADA assigned to the case. Because the named officer must submit an affidavit under penalty of perjury, he must have a good faith belief that he had probable cause for the offense for which he sought a warrant. Even had the named officer sought a warrant for indecent exposure (Penal Code section 314) the arrest warrant would have been for a misdemeanor.

There are many ways in which the complainants validly feel that they were not prioritized and that the actions of the SFPD resulted in their matter being a relatively low priority. Though the named officer did not violate any Department rules or procedures, DPA passed along the complainants' concerns over policy and how they were treated to the appropriate division of SFPD.

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: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 7 of 11

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: One of the complainants said she experienced the same dismissive and disturbing treatment from the named officer regarding another case involving the same suspect and her other child. She said the named officer discouraged her from pursuing the case and asked for evidence other than what her daughter had told her. She felt that what her daughter said had no value and that it was her responsibility to prove her daughter's statement was true. She said the named officer refused to consider her daughter's statement and was hesitant to schedule her daughter for a forensic interview. She said when she told him that he should not have talked in such a way to a sexual assault victim, he responded by telling her that she was not the victim. She said she should have been treated like a victim since she was the mother of the actual victim.

The named officer said he talked to the complainant by phone and in person several times. He recalled the complainant being emotional or upset during their initial phone conversation. He did not know if she was upset by what he said or because of the overall subject matter they discussed. He said he wanted to tell the complainant the hard truths and things she did not likely want to hear. He said he did not mean to be rude, argumentative, or dismissive but rather to give her an accurate assessment of her case and allow her to make an informed decision. The named officer said he never discouraged her from pursuing her case. He said that as the assignment officer, it was part of his job to assess the case critically and provide feedback on how the investigation would proceed, including difficulties they may encounter. He said he could not recall telling the complainant that her daughter's statement to police was not evidence. He said that as an investigator, he takes the initial complaint or allegation and develops a road map for obtaining corroborative evidence.

The named officer's Chronological Investigation Report confirmed that he and the complainant talked on a few occasions about her case. One of those was when he formally conducted a recorded interview with her. The chronological report showed the named officer coordinated with the complainant and the agency concerned for the minor victim's forensic interview, which occurred eight days after being assigned with the case.

DPA obtained a copy of the complainant's recorded interview. The recording was consistent with the statement the named officer had provided to DPA. The recording did not show that the named officer discouraged the complainant from pursuing the case, undervalued her child's statement, said to her that she was not the victim when she claimed she was, or hesitated to schedule her child for a forensic interview.

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 8 of 11

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: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 9 of 11

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: One of the complainants stated that on a separate occasion, she and the named officer talked about her daughter's case that the officer was investigating. She recalled it was the first conversation she had with the officer. She stated that the officer exhibited similar dismissive behavior and disturbing treatment described above. She added that the officer seemed not interested in having the suspect arrested even though a warrant for his arrest was already out or issued.

The conversation was documented in the named officer's Chronological of Investigation but was not recorded.

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

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 10 of 11

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: In the investigation of their respective cases, the named officers prepared arrest warrants against the suspect, which were duly approved by the court. The warrants then became enforceable for service after they were entered into the system. The complainants alleged that the SFPD failed to serve the warrants timely against the suspect, causing them to live momentarily elsewhere pending the suspect's arrest to avoid similar incidents from happening to their children. The complainants said such unreasonable delay gave the suspect an opportunity to evade arrest by moving out to another state.

Department General Order 6.18, Warrant Arrests, establishes policies regarding making warrant checks of citizens and provides guidelines for the execution of infraction, misdemeanor, and felony warrants. It requires officers to conduct warrant checks on a person detained before booking or issuing a citation. The policy also requires officers to conduct verification of persons detained pursuant to a warrant to ensure that the warrant is valid and the identity of the person subject to the warrant is confirmed before effecting an arrest. The policy, however, does not state how and when an arrest warrant, particularly those resulting from cases investigated by the Special Victims Unit (SVU), be served. It does not indicate who is in charge of handling and serving it, nor does it provide a reasonable timeframe for an officer to effect service. It also does not specify other acts that the officer needs to do after successfully or unsuccessfully serving the warrant.

DPA concluded SFPD's alleged failure to timely serve the arrest warrant on the suspect should be considered a policy failure because DGO 6.18, which has not been updated since 1994, does not outline adequate procedures or mechanisms on how an arrest warrant, specifically one resulting from an SVU investigation, be served. Moreover, the perusal of SFPD's current policies revealed nothing that addresses such an issue or scenario. To avoid similar situations from reoccurring and ensure the timely service of arrest warrants, DPA recommends SFPD to come up with such a policy, or that DGO 6.18 be updated with the addition of the following:

1. Provide guidance as to who is in charge or responsible regarding arrest warrant service borne out of SVU investigations.
2. Provide guidance on when and how the officer serving the warrant should perform his duty.
3. Provide guidance on what the officer should do once the warrant is served.

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

COMPLAINT DATE: 02/28/2024

COMPLETION DATE: 1/28/2025

PAGE# 11 of 11

4. Provide guidance on how the aggrieved party is notified after service of the warrant.

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

COMPLAINT DATE: 03/22/2024

COMPLETION DATE: 01/07/25

PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant reported that while he attended a parade and distributed campaign memorabilia, a member of a local politician's security detail who had allegedly previously harassed him, approached him. He did not recognize this individual and continued distributing American flags and pens featuring a humorous political image. The complainant reported that suddenly a police officer grabbed his arm, tackled him, handcuffed him, and denied him access to water.

DPA reviewed documents, body-worn camera footage, and conducted interviews in the course of its investigation. The named officer provided a different version of what transpired than the complainant. The named officer said that the parade event organizer informed him that the complainant was being disruptive and requested that officers remove him from the parade line. Thereafter, the named officer ordered the complainant to leave but the complainant disregarded his commands and moved into a defensive posture. Backup officers at the scene assisted the named officer in handcuffing the complainant. When the complainant resisted, the named officer applied a leg sweep to take the complainant to the ground. The named officer believed his level of force was reasonable and appropriate given the large number of bystanders nearby. The leg sweep allowed him to arrest the complainant quickly and with minimal injury. The officer noted that the parade attendees cheered when the police removed the complainant from the scene.

Body-worn camera footage showed that the parade organizer walked toward the complainant, stopped him, and directed him off the parade route by pointing a finger in the direction the complainant was to move. As the named officer approached and attempted to speak with the complainant, the complainant ignored the officer and continued walking along the parade route. The named officer grabbed the complainant by his arm and officers aided in attempting to handcuff him. The complainant resisted the arrest, and the named officer did a leg sweep to take the complainant to the ground as the complainant. The complainant was subsequently handcuffed and arrested.

Department records showed that the complainant's actions prevented the parade from starting because he walked on the parade route. The San Francisco Police Department (SFPD) Incident Report and the Computer Aided Dispatch (CAD) corroborated the officer's statement regarding the arrest. The complainant was arrested for violating San Francisco Police Code section 374, which prohibits individuals from disrupting a parade or participating in it unless the sponsor has designated them as a participant. (SF Police Code, § 374.) The parade organizer signed the Citizen's Arrest Form, and the complainant was transported to the district station to be cited and released.

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

COMPLAINT DATE: 03/22/2024

COMPLETION DATE: 01/07/25

PAGE# 2 of 4

Department General Order 5.01.04 (A) (2), in its relevant part, states that officers may use objectively reasonable force options in the performance of their duties to overcome resistance or to prevent escape.

The DPA's investigation showed that the officer had probable cause to arrest the complainant for disrupting a parade in violation of SF Police Code section 374 and appropriately arrested the complainant using reasonable force. The officer did a leg sweep because the complainant resisted arrest as confirmed by the officers' body-worn camera footage.

The evidence proves that the officer's use of force was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer failed to provide medical treatment.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant alleged that he did not receive medical treatment for an injury he sustained due to the named officer's use of force.

The named officer reported that the complainant had a visible injury to his shoulder and reported his use of force to his superior officer. The named officer noted the abrasion and offered the complainant medical attention, which the complainant declined.

Body-worn camera footage showed that the complainant had an abrasion on his shoulder but did not complain of pain. A medical assessment was done once the complainant was transferred to the district station. The complainant was observed signing the medical assessment confirming that he did not need medical attention.

SFPD records were requested for the complainant's medical evaluation. The Medical Screen Form showed that the complainant was medically screened, and his signature on the document acknowledged that it occurred.

In summation, DPA's investigation showed that the complainant declined medical treatment and did not complain of pain to the named officer. Therefore, the officer's actions complied with the SFPD's policies and procedures.

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

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

COMPLAINT DATE: 03/22/2024

COMPLETION DATE: 01/07/25

PAGE# 3 of 4

SUMMARY OF ALLEGATION #3: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant reported that he was arrested and that his personal belongings were taken and not returned when he was released from the district station.

The named officer responded to the parade as a transporting officer. The officer received the complainant's property and placed it inside the transporting van and drove the complainant and his property to the district station. While removing the complainant's bulk property, the named officer left a portion of the property inside the front of the vehicle on the passenger side. Upon being informed of this oversight, the officer attempted to locate the missing property but could not recover it.

The station keeper reported that the complainant's property was too large to be inventoried, so it was stored in a room until he was cited and release from custody. The complainant was provided his cart upon release. He briefly looked inside, and he left without incident. The station keeper did not receive the brown paper bag with the complainant's other property from the named officer, and the complainant did not return to the station that day inquiring about lost property.

The body-worn camera (BWC) footage of the incident revealed that the officer approached the complainant and the detaining officers while carrying a large brown paper bag. A detaining officer took the complainant's keys and other personal belongings from his pockets and placed them in the bag. The BWC footage then showed that the named officer placed the bag containing the complainant's personal effects into the front compartment of the transport van. The BWC footage showed that upon arrival at a district station, the complainant's bulk property was removed from the rear of the van but that the named officer left the brown paper bag, containing complainant's personal items, inside the transport vehicle after escorting the complainant and his bulk property into the district station. The BWC footage also corroborates the station keeper's statement.

SFPD records indicate that the station keeper did not receive all the complainant's belongings. After the officer dropped the complainant and some of his property off at the district station, he returned to the parade with the complainant's property still in his vehicle's front compartment.

Department General Order 6.15, concerning Property Processing, outlines the following important points:

1. The member who first receives or takes possession of property is responsible for it until the item is officially processed for identification at either the district station or the Property Control Section.

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

COMPLAINT DATE: 03/22/2024

COMPLETION DATE: 01/07/25

PAGE# 4 of 4

2. When receiving property for identification from an individual (including an arrestee), a Property Receipt must be completed in duplicate. The original form should be given to the individual, while the copy is retained by the member.
3. If the Property Receipt is not issued, the reason must be documented in the incident report.

The DPA's investigation confirmed that the officer was negligent when he left the paper bag containing the complainant's property inside the transport van inside instead of giving it to the station keeper for processing. Thereafter, the complainant's property was lost.

A preponderance of the evidence proves that the named officer's conduct violated DGO 6.15 which requires officers to responsibly handle an arrestee's property.

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

COMPLAINT DATE: 04/11/2024

COMPLETION DATE: 01/02/25

PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant reported that the officer was discourteous during his client's arrest.

The officer named in the incident denied the allegation. He explained that the complainant's client (hereafter "subject") was suspected of having assaulted someone with a knife, a serious and violent offense. Due to the serious nature of the crime, the officer detained the subject inside a store. The officer noted that the subject was significantly larger than he was and was possibly armed, which made the officer concerned for the safety of the store personnel. When he detained the subject, the officer was alone. The subject refused to comply with the officer's repeated commands and the officer withdrew his baton. The officer said that his anxiety about the situation increased because a bystander in the doorway. The officer recalled using profanity to command the subject to comply with his orders but that the subject remained defiant.

Body-worn camera footage confirmed that the officer used profanity during the incident when the subject ignored the officer and his commands. The officer's used profanity when he muttered under his breath when the complainant's client did not respond to the officer's attempts to get the subject's attention. The officer used profanity a second time after the officer issued ten orders for the subject to sit on the ground and the subject did not comply. The officer used profanity a third time during a struggle when the subject resisted the named officer's attempt to detain and arrest him.

Department General Order 2.01.03, Rule (8), sets forth the policy regarding public courtesy, and states that officers are expected to adhere to the principles of procedural justice and integrate them into their professional work environment. These principles include providing community members with a voice, ensuring fair and impartial treatment, demonstrating respect, and offering a trustworthy process.

Officers are expected to be courteous to the public. In this incident, the officer had information that the subject committed an assault and may have been armed with a deadly weapon. Therefore, the officer needed to take immediate action to detain the subject who was uncooperative with the officer. The officer's use of profanity was reactionary, occurring in a high-stress situation where the officer was alone and of a much smaller stature than the armed subject, and the subject was non-compliant. Although the use of profanity was unnecessary, its use appeared to be a stress reaction and did not rise to the level of misconduct under the totality of the circumstances.

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

COMPLAINT DATE: 04/11/2024

COMPLETION DATE: 01/02/25

PAGE# 2 of 3

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant reported that during his client's arrest, the officer used excessive force, and unnecessarily escalated the situation, and did not deescalate as required.

The officer named in the incident denied the allegation. He explained that when he arrived in the store to detain the subject, he was concerned because the subject appeared angry and under the influence, and his eyes darted toward the store personnel. He stated that there was no time to establish rapport, as he had to give lawful orders to detain and handcuff the subject quickly to keep bystanders safe and check for weapons. When the subject raised his hands, the officer was able to see the front of his waist but not the back. When the officer attempted to grab the subject's hand, the subject pulled away. The officer then struck him multiple times with a baton, but the subject continued to resist. At the last strike, the client tried to grab the baton. The officer put the baton away and grabbed the subject. Eventually, the officer gained control of the subject until backup arrived.

Department records showed that a Supervisory Use of Force Evaluation was completed by the supervising officer and found the use of force reasonable and within Department policy.

The body-worn camera footage showed the subject inside the store, standing with his back to the officer. While holding his baton, the officer instructed the subject to sit on the ground, but he refused and said, "No, I haven't done anything wrong." The officer then called for backup and issued approximately eleven commands for nearly two minutes in an attempt to gain compliance. The officer struck the subject with a baton, but the subject blocked the baton strikes with his hand. Acknowledging the baton's lack of effectiveness, the officer holstered the baton and physically restrained the client until backup arrived to assist with the complainant's client.

DPA interviewed a Use of Force Subject Matter Expert (SME). The SME concluded that the officer acted in accordance with Department General Order (DGO) 5.01, the Department's Use of Force policy, under the totality of the circumstances. The SME reported that from a safe distance at the door, the officer employed de-escalation strategies, issuing commands without rushing in. Despite the officer's attempts to detain the subject, he was met with verbal non-compliance. Faced with a potential threat to public safety and the risk of the subject fleeing, the officer made a necessary decision to detain and employ force. Having identified a criminal act committed by the subject, the officer had legitimate grounds to detain the

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

COMPLAINT DATE: 04/11/2024

COMPLETION DATE: 01/02/25

PAGE# 3 of 3

subject. The officer repeated his verbal directives, yet the subject refused to comply. Specifically, the subject refused to approach or sit down as instructed. As described by the officer, an aggressive movement from the complainant's client further escalated the situation. Therefore, the use of a personal body weapon became essential for the officer's self-protection and to establish necessary distance. The continued non-compliance, coupled with the complainant's client's aggressive behavior and his larger size compared to the officer, justified the deployment of the baton.

DGO 5.01 states that officers may use reasonable force options to carry out their duties, including making lawful arrests, detaining individuals, conducting searches, overcoming resistance, preventing escape, and ensuring compliance with lawful orders. Furthermore, officers are required to use the minimum amount of force necessary to achieve their lawful objectives.

Authorized methods include physical control holds, takedowns, and strikes using personal body weapons to gain compliance or control over uncooperative or resistant subjects when necessary. Additionally, the policy emphasizes that when encountering a non-compliant or armed subject, officers should, when feasible, employ de-escalation strategies and techniques.

The DPA's investigation confirmed that the officer's use of force was appropriate and proportional to both the seriousness of the offense and the level of resistance from the complainant's client. It is important to note that de-escalation is only required when it is feasible. Here, due to the fact that the officer was alone and attempting to detain a much larger, potentially armed, subject, the named officer de-escalated to the extent it was feasible when he gave commands from a distance and provided the subject a reasonable time to comply, before rushing in. Due to the threat level, it was essential to gain control of the subject quickly. Once the subject did not comply multiple times, it was appropriate for the officer to use baton strikes to gain physical control of the subject. The evidence demonstrated by a preponderance that the named officer's conduct was proper.

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

COMPLAINT DATE: 04/18/2024 COMPLETION DATE: 01/28/25 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer was rude and aggressive towards him. The officer is also accused of mocking the complainant

The named officer stated that she was trying to get information from the complainant as they were dealing with a suspect with a potential weapon and the complainant possibly had important information that could help officers. The officer stated she did not mock the complainant but has a minor speech impediment that happened to occur while talking to the complainant.

SFPD documents showed that the named officer interacted with the complainant. The documents state that the complainant was uncooperative and aggressive towards officers.

Body-camera footage showed the named officer interacting with the complainant. The named officer began the interaction with impatience and belittling the complainant's decisions. The named officer continuously raises her voice at the complainant before walking away claiming he was not willing to assist. Later in the footage the named officer can be heard mimicking the complainant when he stutters over his words. Footage shows that named officer smiling directly after mimicking the complainant.

The evidence showed that the named officer behaved and spoke to the complainant in an inappropriate manner.

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

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

CATEGORY OF CONDUCT: UF

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

COMPLAINT DATE: 04/18/2024 COMPLETION DATE: 01/28/25 PAGE# 2 of 5

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer unnecessarily pushed him in the chest.

The named officer stated that she pushed the complainant because he was approaching her from behind in an aggressive manner. The named officer believed the push was necessary for her own protection.

SFPD documentation stated that the named officer pushed the complainant because he was approaching her aggressively.

Body camera footage only caught the end of the push. The footage showed the named officer pushing the complainant and forcing him back onto the sidewalk. Both the complainant and the named officer then walk away from each other. The footage does not capture what happened leading up to the push.

The complainant and the named officer's give different accounts of what happened. There is no independent evidence to show what caused the push. The push did occur, but it is unclear if the push was necessary or not.

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

SUMMARY OF ALLEGATIONS #3-5 The officers failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

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

COMPLAINT DATE: 04/18/2024 COMPLETION DATE: 01/28/25 PAGE# 3 of 5

FINDINGS OF FACT: The complainant stated that the named officers failed to write a report for a crime he was reporting.

The named officers stated that a report was written for the incident the complainant was reporting.

SFPD documents showed that a report was written by officers about the complainant's incident on the same day that the complainant reported it.

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

SUMMARY OF ALLEGATIONS #6-7: The officers failed to initiate or process a personnel complaint.

CATEGORY OF CONDUCT: ND

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officers failed to take his complaint against another officer.

The first named officer stated that the complainant was trying to file a criminal complaint against the other officer. The named officer stated that she did not believe the complainant's complaint to be credible and did not take a report. The named officer did not believe she need to file a civilian complaint form as she believed the allegations were criminal complaints.

The second officer stated that the complainant was not trying to file a complaint against the officer for wrongdoing but was just wanting what had happened to be recorded in a police report. The named officer stated that a report for the original incident had already been written which recorded what the complainant was telling her.

SFPD documents do not have any record of the interaction between the complainant and the named officers.

Body camera footage showed the named officers speaking to the complainant. The complainant attempts

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

COMPLAINT DATE: 04/18/2024 COMPLETION DATE: 01/28/25 PAGE# 4 of 5

to recount the entire incident to the named officer but is interrupted on multiple occasions by the named officers. The complainant becomes visibly upset and angry and walks out of the station while shouting at the officers. When one of the officers stated that the complainant did not want to file charges the complainant comes back and stated clearly that he wanted to file charges against an officer. The named officers tell the complainant to go away before turning around and walking back into the station without taking a report or providing any information to the complainant on how he can file a complaint.

Department General Order 2.04 states:

- It is the policy of the San Francisco Police Department ("SFPD") to encourage everyone to bring forward complaints regarding inadequate police service or official misconduct by officers, and receive such complaints with courtesy and without delay.
- It is the policy of the SFPD to accept all complaints of official misconduct regardless of source (e.g. juvenile, anonymous, third party, etc.), whether received electronically, by letter, telephone, or in person.

It was the duty of the named officers to take the complaint from the complainant and send it to the appropriate place to be investigated.

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: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 1 of 10

SUMMARY OF ALLEGATIONS #1-3: The officers detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant, a live-stream viewer on a religious protester's streaming channel, observed the named officers ordering a protester to the ground at gunpoint as he sat in front of a church. The complainant stated that the protester is a well-known religious protester who has been "swatted" (pranked) on multiple occasions in the past. He noted that the named officers should have known it was a "swatting" call and should not have used their weapons to force the protester to the ground.

The Department of Police Accountability (DPA) attempted to interview the protester, but the protester failed to respond.

Named officer #1 stated she responded to a Priority "A" call for service regarding a man with a gun sitting outside a church. She said that dispatch broadcast his description as a large man wearing a red religious-style robe, armed with a black 9-millimeter handgun. She stated she observed the protester who matched the description upon arrival. Officer #1 stated the protester was ordered to lay on the ground and she subsequently moved toward the protester with her gun in the low ready position (pointing downward) until the protester was detained and handcuffed by other officers. Officer #1 stated she was not aware this was a "swatting" call, and she acted within Department policy, specifically Department General Order (DGO) 5.01.04 Considerations Governing All Uses of Force. In addition, she stated that named officers #2-3 satisfied DGO 5.01.04 as the force used was an objectively reasonable force to affect the subject's detention.

Named officer #2 stated he responded to a call for service regarding a red-robed man (protester) with a gun in front of a church. He noted that dispatch relayed that the protester was armed with a black 9-millimeter handgun. Officer #2 stated that upon arrival at the church, he observed the protester, who matched the description of the armed suspect, and ordered him to the ground. He said he approached the protester with his firearm in the low-ready position. He stated that once on the ground, the protester screamed that it was a "swatting" call. The protester was placed in handcuffs and detained. Officer #2 said a gun was not found on the protester. However, Officer #2 takes all calls with firearms seriously, which is why he exhibited his firearm. Officer #2 stated he had not had prior contact with the protester and was not aware that the call for service was a "swatting" call. Officer #2 said he acted according to his training and did not violate Department policy by exhibiting his firearm.

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 2 of 10

Named officer #3 stated he responded to a call for service regarding a man with a gun in front of a church. He noted that dispatch described the individual as a man wearing a religious red robe armed with a black 9-millimeter handgun. Officer #3 stated that he observed the protester matching the suspect's description upon arrival on the scene. He said he initiated a high-risk pedestrian stop due to the nature of the call and pointed his firearm at the protester as he was ordered to the ground. Officer #3 stated he pointed his handgun at the protester because he received information from dispatch that the protester was armed with a gun. Officer #3 said he did not have prior contact with the protester or receive information that this was a "swatting" call. He reported his use of force (pointing his weapon) to the supervising officer, who found that the force was reasonable and was within Department policy. Officer #3 denied violating Department policy and maintained that his actions were consistent with his training.

Department records show that a person representing himself to be an employee of the church (Reporting Party) called 9-1-1 and reported a male (protester) in distinct religious clothing was sitting outside a church, threatening church staff with a black 9-millimeter gun. The Reporting Party provided his name, phone number, and detailed description of the protester's gun to dispatch, who then relayed the information to responding officers. Upon arrival, the named officers observed the protester, who matched the broadcast description and ordered him to the ground at gunpoint. The protester complied and was immediately placed into two sets of handcuffs at the protester's request, as he was a large individual.

The report noted that the protester was likely filming himself on his phone, and before going to the ground, he tilted the phone in the direction where he was going to lie down. The protester began yelling at officers that he was the victim of a "swatting" call. Officers informed the protester that he was detained due to a report that he was armed with a gun. An officer conducted a cursory pat search with negative results. The protester, who was noted as verbally aggressive towards officers, informed the officers that he was the victim of "swatting" calls on multiple occasions. While the protester was detained, officers investigated to determine the legitimacy of the 9-1-1 call. Officers discovered through their on-scene investigation that the protester had a negative history with the church in a different city. In addition, officers were informed that dispatch received numerous calls from individuals watching the protester's livestream. Officers also unsuccessfully attempted to contact a detective from a different jurisdiction and spoke with several church staff members on the scene and on the phone. While still on-scene, officers discovered the phone number attached to the 9-1-1 call, which had previously prank-called the church shortly before this incident. Officers located and photographed but did not search the protester's van parked nearby.

After officers concluded their on-scene investigation, the protester was issued a verbal trespass warning and released from the scene. Upon his release, the protester advised an officer that his take-down at gunpoint garnered 1400 additional viewers to his live stream, which earned him nearly \$500. The protester then told an officer, "I appreciate your work." The reporting officer noted that based on the comments by the protester involving viewership and monetary gain, he believed further investigation would be necessary to determine if the protester was involved in the "swatting" call.

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 3 of 10

The Supervisory Use of Force Evaluation Form completed by the supervising officer found that all force used by officers (firearm pointing and firearm exhibiting) was reasonable and within Department policy.

Body-worn camera footage and surveillance footage showed a protester sitting on a stool in front of a church. He had a sign disparaging the church and was facing his phone propped on a tripod, presumably live streaming to viewers. The protester was the sole individual sitting in front of the church and appeared to be a large male, wearing a distinct red religious-style robe matching the description provided by the Reporting Party. Upon arrival, the named officers ordered the protester to the ground at gunpoint. Officers #1-2 exhibited their firearms but did not point them directly at the protester. Named officer #3 pointed his firearm at the protester, but only until the other officers gained physical control of the protester. The protester was extremely verbally abusive toward the officers and requested that he be placed in two handcuffs to accommodate his size: the officers complied with his request. The handcuffed protester was then sat on his stool while officers investigated the incident, which included officers interviewing church staff, calling church security at the church headquarters, reviewing video surveillance footage, reviewing documentation/bulletins kept on the protester provided by the church, reviewing call logs, searching law enforcement databases, attempting to contact a detective from another jurisdiction, communicating with dispatch regarding the multiple calls from live-stream viewers, and locating and photographing the protester's vehicle. Body-worn camera footage showed officers unhandcuffing and releasing the protester with a verbal trespass warning. Upon his release, the protester happily thanked an officer for what had just occurred and shared that he had gained many viewers for his live stream, resulting in substantial financial gain.

Department General Order 5.01 states in the relevant part that "An officer may draw, exhibit, or point a firearm in the line of duty when an objectively reasonable officer, based on the totality of the circumstances, would believe there is a specific and articulable threat of serious bodily injury or death, or that the situation may escalate to justify the use of deadly force."

The named officers acted within Department policy by conducting a high-risk pedestrian stop on the protester, who was reported to be armed. The Reporting Party, purporting to be a church member, provided dispatch with specific information, lending validity to the report. The Reporting Party described a uniquely identifiable individual wearing a red religious-style robe sitting in front of a church armed with a black 9-millimeter gun. The protester matched the description. Although this call for service may have been a false report or a "swatting" call, the named officers' actions were consistent with their training and permitted by Department policy.

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

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 4 of 10

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant, a live-stream viewer on a religious protester's streaming channel, observed the named officers ordering a protester to the ground at gunpoint as he sat in front of a church. The complainant stated that the protester is a well-known religious protester who has been "swatted" on multiple occasions in the past. He noted that the named officers violently handled the protester when they placed him in handcuffs. The complainant stated that the officers should have known it was a "swatting" call and not treated the protester like a criminal.

The DPA attempted to interview the protester, but the protester failed to respond.

The named officers stated they responded to a call for service regarding a man with a gun and only used the lowest level of force when they placed him into handcuffs without incident.

Department records show that a person representing himself to be an employee of the church (Reporting Party) called 9-1-1 and reported a male (protester) in distinct religious clothing was sitting outside a church, threatening church staff with a black 9-millimeter gun. The Reporting Party provided his name, phone number, and detailed description of the protester's gun to dispatch, who then relayed the information to responding officers. Upon arrival, the named officers observed the protester, who matched the broadcast description and ordered him to the ground at gunpoint. The protester complied and was immediately placed into two sets of handcuffs at the protester's request, as he was a large individual.

The report noted that the protester was likely filming himself on his phone, and before going to the ground, he tilted the phone in the direction where he was going to lie down. The protester began yelling at officers that he was the victim of a "swatting" call. Officers informed the protester that he was detained due to a report that he was armed with a gun. An officer conducted a cursory pat search with negative results. The protester, who was noted as verbally aggressive towards officers, informed the officers that he was the victim of "swatting" calls on multiple occasions. While the protester was detained, officers investigated to determine the legitimacy of the 9-1-1 call. Officers discovered through their on-scene investigation that the protester had a negative history with the church in a different city. In addition, officers were informed that dispatch received numerous calls from individuals watching the protester's livestream. Officers also unsuccessfully attempted to contact a detective from a different jurisdiction and spoke with several church staff members on the scene and on the phone. While still on-scene, officers discovered the phone number attached to the 9-1-1 call, which had previously prank-called the church shortly before this incident. Officers located and photographed but did not search the protester's van parked nearby.

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 5 of 10

After officers concluded their on-scene investigation, the protester was issued a verbal trespass warning and released from the scene. Upon his release, the protester advised an officer that his take-down at gunpoint garnered 1400 additional viewers to his live stream, which earned him nearly \$500. The protester then told an officer, "I appreciate your work." The reporting officer noted that based on the comments by the protester involving viewership and monetary gain, he believed further investigation would be necessary to determine if the protester was involved in the "swatting" call.

The Supervisory Use of Force Evaluation Form completed by the supervising officer found that all force used by officers (firearm pointing and firearm exhibiting) was reasonable and within Department policy. No other force was reported.

Body-worn camera footage and surveillance footage showed the named officers place the protester into two sets of handcuffs without incident. The footage did not show the named officers using unnecessary force; the force used was minimal as the protester complied with the officers' verbal commands.

Department General Order 5.01 states in the relevant part that "Officers may use objectively reasonable force options in the performance of their duties . . . to effect a lawful detention."

The named officers used the lowest level of force to place the protester into handcuffs as he was compliant with verbal commands. Evidence does not support that the named officers used more force than necessary to meet their objective.

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

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant, a live-stream viewer on the protester's streaming channel, stated the protester was a victim of a "swatting" call and was unnecessarily handcuffed by officers for a prolonged period.

The Department of Police Accountability (DPA) attempted to interview the protester, but the protester failed to respond.

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 6 of 10

The named officers stated they responded to a call for service regarding a male wearing a red religious robe armed with a handgun. They noted that the protester was placed in two sets of handcuffs at the protester's request, as he was a large individual. The named officers acknowledged that the protester was handcuffed for the duration of their on-scene investigation, which included, but was not limited to, interviewing witnesses on scene and by phone, communicating with dispatch, and reviewing video surveillance footage.

Witness officer #1, who supervised the scene, stated that the named officers did not violate Department policy because the protester was handcuffed correctly for the duration of his detention, physical control was maintained by two officers who stood with the protester, the protester was not transported to any facility, and he was released from the scene at the most efficient time practical considering all factors. The witness officer stated factors to consider were a 9-1-1 call regarding a firearm, a history of threats to this specific religious institution, the protester was a known suspect with a possible violent arrest record concerning this religious institution, the protester was live-streaming the event online, and additional protesters arrived on scene and began filming.

Witness officer #2, another supervising officer, stated that she did not believe the named officers violated Department policy by maintaining handcuffs on the protester for the duration of the on-scene investigation. She said she expected her officers to perform a thorough and timely investigation as required in Department General Order 2.01. She stated that this incident required officers to speak to four reportees, review surveillance footage, and work with dispatch to contact the 9-1-1 caller. Witness officer #2 stated that the investigatory tasks took time and were well documented in the incident report.

Department records show that a person representing himself to be an employee of the church (Reporting Party) called 9-1-1 and reported a male (protester) in distinct religious clothing was sitting outside a church, threatening church staff with a black 9-millimeter gun. The Reporting Party provided his name, phone number, and detailed description of the protester's gun to dispatch, who then relayed the information to responding officers. Upon arrival, the named officers observed the protester, who matched the broadcast description and ordered him to the ground at gunpoint. The protester complied and was immediately placed into two sets of handcuffs at the protester's request, as he was a large individual.

The report noted that the protester was likely filming himself on his phone, and before going to the ground, he tilted the phone in the direction where he was going to lie down. The protester began yelling at officers that he was the victim of a "swatting" call. Officers informed the protester that he was detained due to a report that he was armed with a gun. An officer conducted a cursory pat search with negative results. The protester, who was noted as verbally aggressive towards officers, informed the officers that he was the victim of "swatting" calls on multiple occasions. While the protester was detained, officers investigated to determine the legitimacy of the 9-1-1 call. Officers discovered through their on-scene investigation that the protester had a negative history with the church in a different city. In addition,

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 7 of 10

officers were informed that dispatch received numerous calls from individuals watching the protester's livestream. Officers also unsuccessfully attempted to contact a detective from a different jurisdiction and spoke with several church staff members on the scene and on the phone. While still on-scene, officers discovered the phone number attached to the 9-1-1 call, which had previously prank-called the church shortly before this incident. Officers located and photographed but did not search the protester's van parked nearby.

After officers concluded their on-scene investigation, the protester was issued a verbal trespass warning and released from the scene. Upon his release, the protester advised an officer that his take-down at gunpoint garnered 1400 additional viewers to his live stream, which earned him nearly \$500. The protester then told an officer, "I appreciate your work." The reporting officer noted that based on the comments by the protester involving viewership and monetary gain, he believed further investigation would be necessary to determine if the protester was involved in the "swatting" call.

Body-worn camera footage and surveillance footage showed a protester sitting on a stool in front of a church. He had a sign disparaging the church and was facing his phone propped on a tripod, presumably live-streaming to viewers. The protester was the sole individual sitting in front of the church and appeared to be a large male, wearing a distinct red religious-style robe matching the description provided by the Reporting Party. Upon arrival, the named officers ordered the protester to the ground at gunpoint. Officers #1-2 exhibited their firearms but did not point them directly at the protester. Named officer #3 pointed his firearm at the protester but only until the other officers gained physical control of the protester. The protester was extremely verbally abusive toward the officers and requested that he be placed in two handcuffs to accommodate his size: the officers complied with his request. The handcuffed protester was then sat on his stool while officers investigated the incident, which included officers interviewing church staff, calling church security at the church headquarters, reviewing video surveillance footage, reviewing documentation/bulletins kept on the protester provided by the church, reviewing call logs, searching law enforcement databases, attempting to contact a detective from another jurisdiction, communicating with dispatch regarding the multiple calls from live-stream viewers, and locating and photographing the protester's vehicle. Body-worn camera footage showed officers unhandcuffing and releasing the protester with a verbal trespass warning. Upon his release, the protester happily thanked an officer for what had just occurred and shared that he had gained a significant number of viewers for his live stream, resulting in substantial financial gain.

The named officers did not violate Department policy by leaving the protester in handcuffs while they conducted an on-scene investigation. They removed the handcuffs as soon as their investigation concluded.

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

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 8 of 10

SUMMARY OF ALLEGATION #8: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers searched a protester's vehicle without permission.

The named officer stated he conducted a plain-view search of the protester's vehicle. He stated the search was lawful because the vehicle was parked on a public street, which allowed him to legally look through the windows to the interior. The officer denied entering or touching the vehicle and indicated that no contraband was found.

Department records show that a person representing himself to be an employee of the church (Reporting Party) called 9-1-1 and reported a male (protester) in distinct religious clothing was sitting outside a church, threatening church staff with a black 9-millimeter gun. The Reporting Party provided his name, phone number, and detailed description of the protester's gun to dispatch, who then relayed the information to responding officers. Upon arrival, the named officers observed the protester, who matched the broadcast description and ordered him to the ground at gunpoint. The protester complied and was immediately placed into two sets of handcuffs at the protester's request, as he was a large individual.

The report noted that the protester was likely filming himself on his phone, and before going to the ground, he tilted the phone in the direction where he was going to lie down. The protester began yelling at officers that he was the victim of a "swatting" call. Officers informed the protester that he was detained due to a report that he was armed with a gun. An officer conducted a cursory pat search with negative results. The protester, who was noted as verbally aggressive towards officers, informed the officers that he was the victim of "swatting" calls on multiple occasions. While the protester was detained, officers investigated to determine the legitimacy of the 9-1-1 call. Officers discovered through their on-scene investigation that the protester had a negative history with the church in a different city. In addition, officers were informed that dispatch received numerous calls from individuals watching the protester's livestream. Officers also unsuccessfully attempted to contact a detective from a different jurisdiction and spoke with several church staff members on the scene and on the phone. While still on-scene, officers discovered the phone number attached to the 9-1-1 call, which had previously prank-called the church shortly before this incident. Officers located and photographed but did not search the protester's van parked nearby.

After officers concluded their on-scene investigation, the protester was issued a verbal trespass warning and released from the scene. Upon his release, the protester advised an officer that his take-down at

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 9 of 10

gunpoint garnered 1400 additional viewers to his live stream, which earned him nearly \$500. The protester then told an officer, "I appreciate your work." The reporting officer noted that based on the comments by the protester involving viewership and monetary gain, he believed further investigation would be necessary to determine if the protester was involved in the "swatting" call.

Body-worn camera footage does not show any officer entering the protester's vehicle or conducting anything other than a plain-view search.

The plain view doctrine, developed over time by case law, allows law enforcement officers to seize property without a warrant if its criminality is immediately apparent and the officer had lawful access to the property. Because the protester's vehicle was parked on a public street, the named officer had the right to peer through the window and visually search the interior of the vehicle.

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

SUMMARY OF ALLEGATION #9: The officer behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant, a live-stream viewer on a religious protester's streaming channel, stated that the named officer moved the protester's phone to prevent the police interaction from being live-streamed.

The named officer stated that when officers contacted the protester, he shouted multiple times, "Watch my phone!" She said she moved the tripod that held the phone as it was near officers who were in the process of detaining and searching the protester. She stated she assumed the protester had a genuine concern for his property and moved it to safeguard his property. The named officer said she did not have information that the complainant was live-streaming at the time she moved the phone, and, therefore, it was not her intention to prevent the protester from live-streaming.

Department records show that a person representing himself to be an employee of the church (Reporting Party) called 9-1-1 and reported a male (protester) in distinct religious clothing was sitting outside a church, threatening church staff with a black 9-millimeter gun. The Reporting Party provided his name, phone number, and detailed description of the protester's gun to dispatch, who then relayed the information to responding officers. Upon arrival, the named officers observed the protester, who matched

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

COMPLAINT DATE: 04/23/2024

COMPLETION DATE: 01/09/25 PAGE# 10 of 10

the broadcast description and ordered him to the ground at gunpoint. The protester complied and was immediately placed into two sets of handcuffs at the protester's request, as he was a large individual.

The report noted that the protester was likely filming himself on his phone, and before going to the ground, he tilted the phone in the direction where he was going to lie down. The protester began yelling at officers that he was the victim of a "swatting" call. Officers informed the protester that he was detained due to a report that he was armed with a gun. An officer conducted a cursory pat search with negative results. The protester, who was noted as verbally aggressive towards officers, informed the officers that he was the victim of "swatting" calls on multiple occasions. While the protester was detained, officers investigated to determine the legitimacy of the 9-1-1 call. Officers discovered through their on-scene investigation that the protester had a negative history with the church in a different city. In addition, officers were informed that dispatch received numerous calls from individuals watching the protester's livestream. Officers also unsuccessfully attempted to contact a detective from a different jurisdiction and spoke with several church staff members on the scene and on the phone. While still on-scene, officers discovered the phone number attached to the 9-1-1 call, which had previously prank-called the church shortly before this incident. Officers located and photographed but did not search the protester's van parked nearby.

After officers concluded their on-scene investigation, the protester was issued a verbal trespass warning and released from the scene. Upon his release, the protester advised an officer that his take-down at gunpoint garnered 1400 additional viewers to his live stream, which earned him nearly \$500. The protester then told an officer, "I appreciate your work." The reporting officer noted that based on the comments by the protester involving viewership and monetary gain, he believed further investigation would be necessary to determine if the protester was involved in the "swatting" call.

Body-worn camera footage showed officers placing the protester in handcuffs on the ground in very close proximity to a tripod holding a phone. The footage showed the named officer moving the tripod as well as a stool and sign a few feet away, allowing more room for the officers to handcuff and search the protester.

Evidence supports that the named officer moved the protester's phone to avoid damaging it.

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

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

COMPLAINT DATE: 05/13/2024

COMPLETION DATE: 01/09/25

PAGE# 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant participated in a protest and reported that officers pushed her back into the crowd, as well as used their batons against her neck. To support her claims, she submitted a video of Officer #1's interaction with her, which demonstrated the contact she experienced. The complainant stated that she suffered from psychological trauma, back spasms, and muscle inflammation as a result of the officers' use of force.

Officer #1 denied the allegation and explained that when the contact occurred, the crowd atmosphere had escalated to a hostile level. He observed his captain surrounded by the crowd and a protester assaulting the captain. Recognizing the urgency of the situation, Officer #1 moved to assist the captain who was surrounded by a volatile group of protesters. He explained that protesters were pushing between the officers on the sidewalk to cut them off and divide their squad. As the protesters pushed against the officers, the officers responded by pushing back. Officer #1 stated that he braced himself against the crowd's surge and pushed them back while trying to locate his captain over the sea of people. He held his baton flat between both thumbs but did not use it to strike anyone. He said that the force he used was reasonable and noted that the complainant did not appear to be injured and did not request medical attention.

Officer #2 denied the allegation, explaining that a group of protesters pushed their captain which led her squad to take measures to defend the captain's safety. She observed the protesters forming a wall and linking their arms to create a united front. In response, she pushed the complainant and other protesters with her hand because they disobeyed her lawful order to move back. Officer #2 stated that while the officers had their batons drawn, they did not strike anyone. Rather, the batons were used to push the protesters back. She asserted that the force used was necessary, minimal, and reasonable. The complainant did not appear to be injured and did not require medical attention.

The complainant submitted a copy of her medical records. A physical examination by the attending physician revealed that the complainant's breast region had skin changes and reported tenderness but were not swollen or bleeding. The examiner also noted that the complainant was experiencing post-traumatic stress disorder and anxiety/depression due to the officers pushing, touching, and hurting her breasts. The complainant was prescribed pain medication and referred to physical therapy for her physical ailments.

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

COMPLAINT DATE: 05/13/2024

COMPLETION DATE: 01/09/25

PAGE# 2 of 4

DPA obtained Officer #1's body-worn camera (BWC) footage of the incident. The BWC footage showed Officer #1 and several other officers approaching the crowd. At some point, the complainant stood in between the officers and protesters who interlocked their arms, which prevented the officers from advancing forward. The officers were directly in front of the complainant and pushed her back as she was counter-pushed into them by the crowd. The force used appeared to be a common and approved crowd control method utilized by officers to create distance and manage the scene. Their use of force appeared to be necessary, not excessive, and the complainant did not appear to be injured.

Department General Order 5.01, the Use of Force policy, states, in part:

PROPORTIONALITY - When determining the appropriate level of force, officers shall, when feasible, balance the severity of the offense committed and the level of resistance, based on the totality of the circumstances known to or perceived by the officer at the time, with the level of force used and its likely injury outcome.

REASONABLE FORCE. Force that would be objectively reasonable “from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.” (Cal. Penal Code § 835a(a)(4).)

The DPA’s investigation confirmed that the protest scene became heightened and chaotic, with some officers outnumbered and encircled by protesters. Protesters refused to move and remained near the officers despite having been repeatedly ordered to move back. As such, it was necessary for the officers to control the crowd and protect their fellow officers from harm. Shoving the complainant to the side so that the officers could get to their captain, whom protesters were surrounding, was reasonable and was within Department policy.

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

SUMMARY OF ALLEGATION #3: The officer improperly touched an adult in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

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

COMPLAINT DATE: 05/13/2024

COMPLETION DATE: 01/09/25 PAGE# 3 of 4

FINDINGS OF FACT: The complainant reported that her breasts were grabbed aggressively by the officer as he pushed her into the crowd of protestors.

The officer denied the allegation, explaining that he and other officers formed a line in an attempt to retrieve their captain who was alone and had been swarmed by protestors. The complainant and her colleagues stood between the officers and the protestors and were being pushed into the officers by the protestors. The officer stated that he was unaware of the complainant's gender during the incident, and their interaction lasted approximately 30 seconds. During those 30 seconds, the officer, well over six feet tall, attempted to look out and over the crowd to locate his captain. After the crowd of protestors moved to listen to speakers, the officer heard a person, whom he believed to be the complainant, speak on a podium and stated that a San Francisco Police Department (SFPD) officer grabbed her breasts. The officer believed this person to be the complainant based on their distinctive-rimmed glasses and unusual hair color. The officer then wrote an incident report to memorialize what had occurred in the event that he was the officer the person on the podium had accused of an inappropriate touching.

The complainant provided video footage from a media publication, which depicted the officer's hands pushing the complainant's chest; this was also corroborated by the officer's body-worn camera (BWC) footage. The complainant's video helped to demonstrate that the officer was not directing his attention toward the complainant at the time but was instead looking over her and the crowd in search of his captain, seemingly supporting his version of the events. Additionally, the gender of the complainant was not clear from the officer's vantage point and the complainant's clothing. The interaction, which lasted only a few seconds, occurred when protestors pushed the complainant into the officer, prompting the officer to push back in order to maintain distance.

Department General Order 2.01, "General Rules of Conduct", states, in part:

Misconduct - Members/employees shall conduct themselves, both on and off-duty, in a manner that reflects favorably on the Department. Unprofessional conduct is conduct that brings the Department into disrepute, reflects discredit upon the member/organization, or impairs the operation or efficiency of the Department or personnel.

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

CROWD CONTROL TACTICS. Crowd control tactics shall not be affected by the content of opinions alone being expressed, nor by the race, sex, sexual orientation, physical disabilities, appearance or affiliations of the participants.

The DPA's investigation revealed that the complainant intentionally positioned herself between the protestors and officers amidst a tumultuous protest. In an effort to create space, the officer pushed her in

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

COMPLAINT DATE: 05/13/2024

COMPLETION DATE: 01/09/25

PAGE# 4 of 4

the chest area. While the complainant interpreted this action as a deliberate sexual advance, the evidence clearly indicated that there was no intention behind the push to engage her sexually.

After a thorough review of all available evidence, the DPA concluded that the allegation against that the officer touched the complainant in a sexual manner is unfounded.

SUMMARY OF ALLEGATION #: This complaint was partially referred to the San Francisco Police Department.

CATEGORY OF CONDUCT: IO-1

FINDING: IO-1

FINDINGS OF FACT: This complaint was partially referred to the San Francisco Police Department.

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

COMPLAINT DATE: 06/12/2024

COMPLETION DATE: 01/28/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was wrongfully cited for riding her electric wheelchair in the bike lane. She further stated that the officers yelled at her from their squad car to get on the sidewalk. She kept riding down the roadway against oncoming traffic; the officers pulled in front of her and cut her off in the bike lane. The officers issued her a citation and told her it was not safe for her to ride her electric wheelchair in the bike lane.

Department records confirmed that the complainant was issued a citation, and the named officers informed her that she could not ride her electric scooter in the roadway and that she needed to be on the sidewalk.

It appeared from body-worn camera (BWC) that the complainant was riding an electric wheelchair with six wheels. Named officer #2 wrote the complainant a citation and informed her that there were plenty of areas of the street that were wheelchair accessible. Named officer #2 then advised the complainant that if she would be at fault if a collision occurred.

Operators of motorized quadricycles are treated as pedestrians under California Vehicle Code 467. The complainant was cited for being a pedestrian in the roadway in violation of California Vehicle Code 21954 ("Every pedestrian upon a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway so near as to constitute an immediate hazard").

The Department of Police Accountability (DPA) determined that it was reasonable for officers to consider the complainant's device a motorized quadricycle and therefore treated the complainant as a pedestrian under CVC 467.

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

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

COMPLAINT DATE: 06/20/2024

COMPLETION DATE: 01/28/25 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The officers used unnecessary force to effect an arrest during a traffic stop. The complainant reported that he was stopped for running a red light while on his scooter. The complainant complied with the traffic stop but motioned to the officers that he needed to leave in order to make a delivery and asked that they mail him the citation, given that they had his information. The complainant said he did not attempt to leave the scene, yet officers tackled him to the ground.

The Department of Police Accountability interviewed the officers in response to the complaint. The officers reported that they stopped the complainant for multiple traffic infractions while riding his scooter. The officers said that initially, the complainant was cooperative but that he grew increasingly agitated as he waited for the citation to be written. When the complainant decided to leave the scene without receiving the citation, Officer #1 stopped the complainant from fleeing by grabbing him by his jacket. Officer #2 aided in taking down the complainant and subsequently handcuffing him. Both officers noted that the complainant resisted their attempt to handcuff him by moving his arms and attempting to stand.

The body-worn camera footage showed that the officers conducted a traffic stop involving a scooter. While waiting for Officer #2 to complete the citation, the complainant grew impatient. The complainant requested that the citation be mailed to him, walked toward his scooter, and attempted to leave the scene. In response, Officer #2 physically intervened, and grabbed the complainant from behind with support from Officer #1, who assisted in the takedown, control hold, and handcuffing. The complainant flailed his arms and body to resist their effort to handcuff him. The officers also encountered difficulty attempting to handcuff the complainant due to his puffy jacket and backpack that also contained contents and put pressure on his back. Officer #1 denied using force on the complainant's neck and head area. However, he noted that the backpack the complainant wore likely caused the pressure the complainant felt in those areas. During the interaction, the complainant reported neck pain to Officer #1 while being handcuffed but declined medical evaluation at the scene. He was ultimately cited and left without further incident. The DPA interviewed subject matter experts from the San Francisco Police Department regarding the Department's training in the use of force and defensive tactics. The experts reviewed Department records, body-worn camera footage, and the officers' interview transcripts. After the review, the experts concluded that the use of force was within the department's policy.

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

COMPLAINT DATE: 06/20/2024

COMPLETION DATE: 01/28/25 PAGE# 2 of 2

Department records showed that the complainant was stopped for multiple infractions in which officers needed to use force to handcuff the complainant due to his resistance. Both officers reported their use of force and were interviewed by their sergeant regarding their use of force, which was deemed proper. The reason for the officer's use of force was, to effect a lawful arrest, detention, or search, to overcome resistance or to prevent escape, and to gain compliance with a lawful order.

Department General Order 5.01.04 (A) which states in part, that officers may use objectively reasonable force options in the performance of their duties, in the following circumstances:

1. To effect a lawful arrest, detention, or search.
2. To overcome resistance or to prevent escape.

The DPA investigation revealed, that the complainant was under arrest and was not able to leave the scene until he received his citation. The complainant attempted to leave the scene and was then grabbed and brought to the ground to be handcuffed by the officers. Any force that was used was to gain control of the complainant who fled and then resisted arrest.

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

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

COMPLAINT DATE: 06/20/2024

COMPLETION DATE: 01/07/25 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer improperly touched an adult in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant was arrested and transported to a district station for booking. Before the transport, a female officer searched the complainant incident to arrest. A male officer searched the complainant when she was booked at the district station. The complainant alleged that the named officer grabbed her buttocks and brushed against her breast with the front of his hand while conducting the search.

The named officer denied the allegation and said that he had performed a final search of the complainant at the district station. This search included a pat-down of the complainant's chest, arms, legs, and pockets, as well as a scan with a metal detector. The officer said he followed San Francisco Police Department (SFPD) procedures for searching women in custody and was careful to avoid unnecessary contact with specific areas of the complainant's anatomy as he was trained to do in the Academy. When the complainant expressed concern about the search, the officer informed her that she could file a complaint if she believed the search was improper.

DPA reviewed SFPD records as part of the investigation. The search in question was captured on the station's surveillance and showed no improper conduct. The search involved a brief pat-down of the complainant's chest and backside in a non-intrusive manner consistent with mandatory department procedures. Additionally, DPA's investigation revealed that no woman officer was available to search complainant. The only woman officer on duty aside from the transporting officer was out on an unrelated call for service at the time the complainant underwent a booking search.

A witness officer, who was present during the search, was interviewed and confirmed that the search was appropriately conducted after reviewing the station's footage.

The SFPD Booking and Detention Manual, Section 4, Transportation and Searches of Prisoners and Facilities, states that officers shall personally conduct a thorough pat-down search before assuming custody of a prisoner, e.g., transporting to the district station, booking, transferring to the County Jail, processing, or transporting to a medical facility, as searches are designed to ensure that arrestees do not bring weapons or contraband into a detention facility (see Penal Code Section 4030).

There is no SFPD policy stating that only female officers are permitted to conduct searches on female detainees. Furthermore, the station video confirms that the behavior alleged in the complaint did not occur, and the search conducted by the named officer was proper and within established guidelines.

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

COMPLAINT DATE: 06/20/2024

COMPLETION DATE: 01/07/25 PAGE# 2 of 2

The evidence proves that the conduct alleged did not occur. Therefore, DPA deemed the sexual touching allegation to be unfounded.

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

COMPLAINT DATE: 06/24/2024 COMPLETION DATE: 01/07/25 PAGE# 1 of 5

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he had a criminal protective order (CPO) against him from his wife two years ago that was terminated last year after the court dismissed the case. However, in a recent incident with his wife, he was arrested for violating the CPO. He believed it was a premeditated arrest because the named officer did not look at the documents he provided. He believed that he was arrested in the recent incident based on previous arrests.

The named officer stated that she located an active CPO on file against the complainant during the investigation. She admitted that the complainant had provided two documents to her, and she had read both. However, she stated that none of the documents contained any official seals, signatures, or markings to validate their authenticity or accept them as official documents. In addition, the named officer stated that she contacted the ID Bureau and confirmed that the CPO was valid and that there was no termination paperwork on file. She also allowed the complainant to contact his attorney on the scene. However, he was unable to reach him during the late hour.

Department records indicate that the complainant provided two documents on the scene. The incident report shows that the named officer contacted the ID Bureau, which confirmed that the CPO was still active. The complainant was eventually placed under arrest for violating Penal Code 273.6(a). The Department also provided the CPO, which indicates that the complainant must not come within 150 yards of his wife, and the order was active during the time of the incident.

The complainant provided several documents to the DPA, including the two documents that he showed the named officer. The two documents do not include any court seals or judge signatures. However, two other official court documents he provided showed that his previous case was dismissed, and the CPO was terminated. However, the document was not filed until two days after he was arrested.

Body-worn camera footage showed that the complainant was in the same apartment with his wife when the incident happened. It shows that the named officer was reviewing the documents the complainant provided carefully, but the footage did not capture what documents she was reading. It also shows that the named officer was on the phone with the ID Bureau.

California Penal Code section 273.6(a) states, "Any intentional and knowing violation of a protective order...is a misdemeanor punishable by a fine ...or imprisonment in a county jail for not more than one year..."

San Francisco Police Department General Order (DGO) 6.09.03 defines, "domestic violence means abuse

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

COMPLAINT DATE: 06/24/2024 COMPLETION DATE: 01/07/25 PAGE# 2 of 5

committed against an adult...” and “Abuse means...to violate the terms of a domestic violence protective order issued under the Domestic Violence Prevention Act.”

The evidence collected shows that although the complainant was able to provide official court documents that show that the CPO was dismissed to the DPA, the documents he provided to the officers on the scene did not show any official court seals or markings. Besides, the information available to the officers at the time of the incident shows that the CPO was still active. Therefore, the officer had probable cause to arrest the complainant for violating PC sec. 273.6(a) for violating the terms of a protective order.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that racial discrimination was in play for his arrest.

The named officer denied racially discriminating against the complainant. She stated that she made a mandated arrest for the violation of a restraining order, which was mandated by law and DGO 6.09. She explained that race or ethnicity played absolutely no role in the arrest.

Department records indicate that the arrest was made because the complainant violated an active CPO against him, which means he violated PC sec. 273.6(a).

Body-worn camera footage shows that the named officer spoke with the involved parties and checked the complainant’s paperwork and ID Bureau before making the arrest.

The evidence proves that the named officer arrested the complainant because of a violation of an active restraining order by being within 150 yards of his wife.

The evidence proves that the conduct alleged did not occur.

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

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

COMPLAINT DATE: 06/24/2024 COMPLETION DATE: 01/07/25 PAGE# 3 of 5

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer laughed and patted him on the back after arresting him when they were at the station, which he felt was inappropriate.

The named officer denied doing that and said she treated the complainant respectfully and professionally throughout the interaction.

Department records did not capture their interaction inside the police station.

Body-worn camera footage showed that the named officer spoke with the complainant professionally, calmly, and patiently throughout the interaction. It did not capture the named officer laughing and patting the complainant on the back while he was inside the police station.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the arresting officer decided to arrest him after speaking with her supervisor, the named officer. He said it was a bad judgment on the named officer.

The named officer confirmed that the arresting officer called him and informed him about the domestic

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

COMPLAINT DATE: 06/24/2024 COMPLETION DATE: 01/07/25 PAGE# 4 of 5

violence incident. He instructed the arresting officer to verify the validity of the restraining order with the ID Bureau and obtain a physical copy of the order. He also instructed the arresting officer to review the documents provided by the complainant for any seals, signatures, or other official markings. After completing due diligence in verifying the order's validity and ensuring none of the documents presented were official documents that overrode the order's validity, he determined probable cause to arrest the complainant for violating PC sec. 273.6.

The department record records that the arresting officer contacted the named officer regarding the validity of the order and received approval from the named officer to arrest the complainant.

Body-worn camera footage captured the arresting officer on the phone with the named officer but did not capture the entire conversation.

The evidence proves that the arresting officer had probable cause to arrest the complainant based on the evidence they gathered at the time and that the named officer properly supervised the arresting officer.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged that the Northern Station targeted him.

The station representative stated that after reviewing the case, he determined that the officers' actions were correct and that there was absolutely no merit to the complainant being targeted. The representative said that the officers utilized appropriate resources to verify the complainant's documentation, while the complainant did not provide any official documents to them. The representative stated that the officers conducted a thorough investigation and treated the complainant professionally and courteously.

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

COMPLAINT DATE: 06/24/2024 COMPLETION DATE: 01/07/25 PAGE# 5 of 5

Department records detail the reasons for the arrest.

Body-worn camera footage corroborates the incident report and statements of the involved parties.

The evidence shows that the officers' arrest of the complainant was justifiable, given the information they gathered on the scene and the insufficient document provided by the complainant. The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/Superior Court of California, County of San Francisco

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

Superior Court of San Francisco
Administrative Offices
Civic Center Courthouse
400 McAllister St. Room 205
San Francisco, CA 94102

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

COMPLAINT DATE: 07/09/2024 COMPLETION DATE: 01/09/25 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that a man carried a car bumper and scratched her leg. She approached his vehicle and got into a verbal confrontation with a woman who witnessed what happened. The complainant stated that the woman called 911 and told the dispatcher that the complainant was a man when she was not. The complainant said that when the officers came, they did not listen to her story, talked to her in a derogatory way, and did not take her statement or sympathize with her. She added that the officers misgendered her as a male.

Named officer #1 stated that he listened to the complainant's statement when he arrived on the scene. However, every time he asked for clarifying questions, the complainant screamed at him and did not answer the questions. He stated that the complainant referred to herself as female and provided a photo ID which noted her as a female. He referred to the complainant as she or her during all communication. The named officer denied talking to her in a derogatory way or not sympathizing with her.

Named Officer #2 stated that his interaction with the complainant was minimal and denied speaking to her in a derogatory way or misgendering her. He said that during the investigation, the complainant did not give him any specific pronouns or gender verbiage.

Department records indicate that the officers referred to the complainant as a female in the police report and did accept her statement. Stop data shows that Officer #1 perceived the complainant as a transgendered female.

Body-worn camera footage captured that the woman, in a confrontation with the complainant, told officers that the complainant might be transgender because the complainant hit her like a man. In addition, the footage showed that no officers referred to the complainant as a male. It shows that Officer #1 attempted to ask the complainant for clarifying questions, but the complainant soon became agitated and annoyed and yelled at the officer. The officer then requested another officer to speak with the complainant. No officers on the scene spoke with the complainant in a derogatory tone.

The evidence proves that although the woman involved said the complainant might be transgender because she hit like a man, officers on the scene did not misgender the complainant nor spoke with her in a derogatory way. The officers listened to her story and took her statement professionally.

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

COMPLAINT DATE: 07/09/2024 COMPLETION DATE: 01/09/25 PAGE# 2 of 3

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

SUMMARY OF ALLEGATION #3: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that she was cited even though the other woman initiated the physical contact.

The named officer stated that the woman involved wished to press charges against the complainant for battery. The woman told the officer that she was involved in a car accident, not involving the complainant. However, the complainant became aggressive with the witness. The woman then started to record the complainant. The complainant then lunged toward the woman, tried to grab the woman's phone, and struck her on the head.

The named officer interviewed the witness, who told them the complainant opened the door to his vehicle. He observed the woman recording the complainant, and the complainant called the woman a "bitch". Then, the complainant started swinging her arms towards the woman and hit her in the head. The officer stated that a video captured by the woman showed that the two were arguing, and then the complainant lunged towards the woman and appeared to be attempting to take her phone.

The officer added that video footage from the location showed that the complainant was never struck or contacted by any piece of debris. However, she went and opened the witness' vehicle door. Shortly after, the woman came into the camera frame and had a verbal altercation with the complainant. The complainant lunged towards the woman, appearing to assault her or to take her phone. The woman attempted to punch the complainant back but missed.

Department records indicate that the complainant initiated physical contact with the woman. The record shows that the woman signed a citizen's arrest form against the complainant, which includes details from the videos obtained and a witness' statement. The record also reveals that the complainant was cited for Penal Code section 242.

San Francisco Police Department (SFPD) provided videos they obtained from the scene, which showed

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

COMPLAINT DATE: 07/09/2024 COMPLETION DATE: 01/09/25 PAGE# 3 of 3

that the witness had carried the car bumper but had not hit or scratched the complainant. However, moments later, the complainant approached the witness and attempted to open his car door. The other woman intervened, telling the complainant not to be aggressive. The complainant responded with swearing words and appeared to hit the woman's phone out of her hand.

California Penal Code section 242 states, "A battery is any willful and unlawful use of force or violence upon the person of another."

Body-worn camera footage showed that the officers took statements from both sides, interviewed witnesses, and obtained video evidence on the scene before issuing the complainant a citation.

The evidence collected proves that the officer issued a battery citation based on the parties' statements, witness statements, and scene videos. The officer had probable cause to believe that the complainant initiated the physical altercation against the woman and, therefore, issued the complainant a citation for battery.

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

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

COMPLAINT DATE: 07/09/2024

COMPLETION DATE: 01/09/25

PAGE# 1 of 4

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that she spoke with an unknown officer over the telephone at a district station and felt the officer undermined her and did not want to listen to the complainant. The complainant did not get the officer's name or star number and was unable to identify the officer she spoke to over the phone. The only description provided by the complainant was that the officer was male.

Because the complainant could not identify the specific officer involved in the interaction, DPA sent an Officer Identification Poll (ID Poll) to the district station. An ID poll describes the incident and asks the captain and/or members of the station to 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 station roster was obtained, but DPA was unable to identify the officer involved.

The identity of the alleged officer could not be established.

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

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

COMPLAINT DATE: 07/09/2024

COMPLETION DATE: 01/09/25

PAGE# 2 of 4

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant walked to the station and spoke to an Asian male officer at the window. The complainant did not obtain the officer's name or star number. The officer involved looked at the complainant in a disbelieving manner when she tried to tell her story.

Because the complainant could not identify the specific officer involved in the interaction, DPA sent an Officer Identification Poll (ID Poll) to the district station. An ID poll describes the incident and asks the captain and/or members of the station to 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 station roster was obtained, but DPA was unable to identify the officer involved.

The identity of the alleged officer could not be established.

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

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

COMPLAINT DATE: 07/09/2024

COMPLETION DATE: 01/09/25

PAGE# 3 of 4

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that she spoke with an unknown officer over the telephone at a district station about a potential crime, and the officer said, "I can't do anything about that." The complainant was unable to tell the officer her whole story. The complainant did not get the officer's name or star number and was unable to identify the officer she spoke to over the phone. The only description provided by the complainant was that the officer was male.

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

The station roster was obtained, but DPA was unable to identify the officer involved.

The identity of the alleged officer could not be established.

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

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

CATEGORY OF CONDUCT: ND

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

COMPLAINT DATE: 07/09/2024

COMPLETION DATE: 01/09/25

PAGE# 4 of 4

FINDING: NF

FINDINGS OF FACT: The complainant walked to the station and spoke to an Asian male officer at the window. The officer was unable to help the complainant and did not do anything. The complainant did not obtain the officer's name or star number.

Because the complainant could not identify the specific officer involved in the interaction, DPA sent an Officer Identification Poll (ID Poll) to the district station. An ID poll describes the incident and asks the captain and/or members of the station to 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 station roster was obtained, but DPA was unable to identify the officer involved.

The identity of the alleged officer could not be established.

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

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

COMPLAINT DATE: 07/22/2024 COMPLETION DATE: 01/07/25 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said the officer "gaslighted" him when he told the complainant the next time something like this happens, he should get away from the location of the assault and immediately call the police. The complainant stated the officer "grinned" at him.

The named officer acknowledged he told the complainant that if this type of incident happens again, walk a block away, get away from the area, and call the police immediately. His intent in making the comment was to be helpful and let the complainant know that they can have all parties present to get their side, investigate for evidence of a crime, and obtain any exculpatory information as officers are required to do. In this instance, the complainant went home and called dispatch to report the assault hours later from a different location on the other side of the district where the incident occurred, and the business was now closed. The named officer stated he was unable to ask the security guard about what happened and get the guard's side of the story. He has heard the term "gaslight" but is not entirely sure he understands what "gaslighting" is. The named officer described his demeanor toward the complainant as friendly and professional.

The body-worn camera (BWC) evidence corroborates the named officer's account of the incident. The officer acted professionally and courteously toward the complainant.

Department policy requires officers to treat members of the public with courtesy and respect. There is no evidence supporting the allegation that the named officer engaged in inappropriate behavior and/or comments when interacting with the complainant. DPA recognizes the complainant took offense at the officer's comments, but the conduct complained of does not give rise to a level of improper conduct

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

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

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

COMPLAINT DATE: 07/22/2024 COMPLETION DATE: 01/07/25 PAGE# 2 of 3

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said the officer came to take a report but did not write one.

The named officer stated he responded to a "C priority" call for service regarding an assault/battery incident that took place earlier in the day. When he arrived at the location, the complainant was not there, and he had to request dispatch to call the complainant to come down and meet him. The complainant identified himself as "Mr.". The complainant said many things and spoke in a disjointed manner. The officer had difficulty getting the complainant to focus on the reason he called the police. He read the Computer Aided Dispatch (CAD) comments about the reporting party (RP) rambling, not making sense, claiming he was famous, and not giving actual details about what happened. The officer said he evaluated the complainant to make sure he was okay and safe and to see if he could take a police report. The officer decided that even though the complainant might be in a state of intoxication, altered mental state, or a combination of both, it did not rise to the level where the complainant could not take care of himself and would require any medical assistance. He also looked at how the complainant spoke to him. He displayed disorganized thoughts but did not believe it rose to the level where he would have to ask mental health evaluation questions. The complainant did not look like he was a threat to other people, he was not a threat to himself, and he was not gravely disabled. He seemed more uncooperative and possibly altered in some mental fashion.

The named officer said that while speaking to the complainant, he remembered a call for service earlier in the day because the complainant was making statements about a specific retail business and mentioned being pushed out of doors or doors being closed on him or security guards chasing him. There were two "A" priority incidents back-to-back at the same business a couple of hours before the complainant made the call for service. He asked the complainant if he was there. The complainant told him that all the incidents at the business were not the incidents that he was talking about. The officer tried to find out if the complainant was a part of the prior call for service as the store was closed, and he could not tie the complainant to the earlier incidents. The officer said he tried to take a report, but the complainant refused to provide identification when asked. He asked the complainant twice to provide his identification. The complainant responded by gesturing with his arms/hands in a kind of shoving or scooping motion - gesturing to the officer to go back to his patrol vehicle and said, "You may leave." The complainant made the statement each time he asked for his identification. The officer said he understood this to mean that he should leave. The officer stated that he could only take a report if he had detained the complainant. The complainant was not detained, and he did not have grounds to detain him. The complainant left, and he went to another call. The contact lasted between 5 and 7 minutes. The officer said he tried to take a report, but officers can't compel someone to make a report if they don't want to.

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

COMPLAINT DATE: 07/22/2024 COMPLETION DATE: 01/07/25 PAGE# 3 of 3

The body-worn camera (BWC) footage corroborated the named officer's account of the interaction. The BWC captures the complainant saying to the named officer, "You're excused." He repeated the words a second time. The complainant walks away, then stops for a moment, turns back around, says to the named officer, "Now you're on notice," and then leaves.

The CAD printout shows this was a "C priority 240 Assault/battery" call. The comments on the CAD indicate the RP was "240'd" earlier on Market and 9th. The RP was rambling about being famous, not giving any details about what happened other than that it was near [business name]. Someone chased him out of the store and closed the door on him, insisting on meeting with the police. The RP refused to give the apartment number. The CAD shows that the call was created at 17:51:45.

The CAD audio also corroborates that the named officer responded to the location and requested dispatch notify the RP that he was on the scene.

Department General Orders and DN 23-102 state, "While on duty, members shall make all required reports of crimes or incidents requiring police attention."

The evidence shows that the officer responded to the scene and asked appropriate questions as he attempted to investigate the incident. When asked for his ID, the complainant refused to provide it and then told the officer twice, "You're excused." The officer could not take a report because the complainant dismissed the officer and would not provide his ID for a report to be prepared.

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

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

COMPLAINT DATE: 08/08/2024 COMPLETION DATE: 01/09/25 PAGE# 1of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was chased by a group of people early morning while he was jogging. He ran into the police station and asked for help. However, an officer held his hand up and said, "I can't help you. I'm busy this morning." The officer also prevented him from going to the reception area. The complainant said there was a female officer behind the glass. However, both officers seemed surprised that the complainant was there and did not help him.

Named officer #1 stated he told the complainant he could not help him at that moment because he was busy watching an arrestee. He held out his hands to prevent the complainant from entering the lobby and coming into contact with the person under arrest. He added that the station lobby is a small area, and the prisoner's safety was his responsibility. The officer then asked named officer #2 to help the complainant.

Named officer #2 said she was also handling her duties as a station keeper dealing with the same custody who was on the lobby bench. She then requested a third officer to assist the complainant who provided the complainant with a form to fill out.

No Department records captured the interaction between the complainant and the officers.

The station lobby video shows that the complainant walked hastily into the station and started speaking with named officer #1. The officer put his left hand toward the complainant at the station lobby entrance and held his right hand up toward a prisoner lying on the bench inside the lobby. The video shows a small station lobby that could hardly fit more than two people standing 6 feet apart. A female officer came out of the station and briefly spoke with the complainant. Then, another male officer came out and gave the complainant some paperwork before the complainant left.

On the balance of probability, the evidence shows that the officers were indeed dealing with a prisoner when the complainant walked into the station. Instead of helping the complainant themselves, they communicated with him that they were not available and requested another officer to assist.

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

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

COMPLAINT DATE: 08/08/2024 COMPLETION DATE: 01/09/25 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that two officers came in from outside while he was at the station and asked if they could help him. However, one of the officers brushed him off and answered the complainant with an unhelpful response. The complainant could not provide any further details of the officer.

The station lobby video was reviewed, but no officer could be identified acting as the complainant described.

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

There were no witnesses at the time of the incident.

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

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

COMPLAINT DATE: 08/08/2024 COMPLETION DATE: 01/28/25 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that three officers came through her gate, walked up the stairs, and shined through their home with flashlights when she and her roommate did not make any 9-1-1 calls. Her roommate spoke with the officers at the door. Once the officers found there were no calls for service, they left. The complainant did not witness the incident but refused to provide the roommate's contact information. She stated that officers trespassed into her home and that officers responding to the wrong address could be dangerous.

All three officers confirmed that they responded to the address for a trespassing call for service because it was the address provided by Dispatch. Named officer #1 stated that officers did not forcibly break through any gate but turned a handle on the gate to open it. The officer denied entering the complainant's residence. Officer #2 stated that officers working at night use their flashlights as a safety tool to view their surroundings and that no trespassing took place. Officer #3 stated that she did not recall the gate being locked and did not enter the residence. She confirmed that she used her flashlights to illuminate her surroundings and ensure her safety and the safety of others.

Computer-aided dispatch (CAD) indicates that the complainant's address was displayed as the location of the trespassing incident, which the three officers responded to around 5 a.m.

Google images show that the complainant's front gate opens to a staircase that leads to the mailbox and front entrance of the house.

The evidence proves that although officers responded to the complainant's residence, it was the location address provided by dispatch. The evidence also shows that the officers did not trespass into the complainant's residence but were in the front area leading up to it. The officers were illuminating the surroundings since it was dark outside.

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

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

CATEGORY OF CONDUCT:

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

COMPLAINT DATE: 08/08/2024 COMPLETION DATE: 01/28/25 PAGE# 2 of 2

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

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

COMPLAINT DATE: 08/26/2024

COMPLETION DATE: 01/09/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that officers at a district police station are not enforcing public nudity law pursuant to California Penal Code section 314. The complainant submitted several photographs of naked adult males taken on specified dates. The complainant said she did not report her observations to the police and said she stopped reporting such incidents in 2022, because the Department was doing nothing. The complainant stated the subjects are "heterosexual" males who are exhibitionists and are sexually aroused and posing with tourists.

A representative of the Department stated that the station works daily to ensure that violations of the law, including violations of 314 P.C. and 154 M.P.C., are enforced and that incidents involving public nudity are addressed. The representative stated that he was the Acting Captain of the district station on one of the dates. He was unfamiliar with and did not recall any calls for service regarding public nudity. Without a specific CAD number to review, he cannot determine what course of action would have been appropriate for the incident. The representative stated that on another date provided by the complainant, he was at a department-sponsored event outside of San Francisco and was not at the station. The representative reiterated that without a reference to a call for service to review, he could not determine what course of action would have been appropriate for the incidents described in the complaint.

Penal Code section 314 states, "Every person who willfully and lewdly, either: 1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or, 2. Procures, counsels, or assists any person so to expose himself or take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor."

By her admission, the complainant did not report any of the incidents complained about to the police, which is the basis for the complaint. As there were no calls for service, no department records existed. Penal Code section 314 is a misdemeanor crime. The alleged crimes were not reported. Thus, the Department cannot be held responsible for failure to take appropriate enforcement action as it did not know of the incidents and had no notice that any crimes had been committed.

The evidence proves that the acts alleged in the complaint did not occur or that the officer named in the complaint was not involved in them.

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

COMPLAINT DATE: 08/29/2024

COMPLETION DATE: 01/28/2025

PAGE# 1 of 4

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

CATEGORY OF CONDUCT: UA

FINDING: PC

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

The named officer stated that he responded to the report of a person (the complainant) threatening to shoot the reporting party. When he arrived on scene, the named officer observed the complainant sitting in the driver's seat of a vehicle matching the description provided by Dispatch. The named officer stated that he intended to detain the complainant immediately upon his arrival because the complainant had threatened to shoot somebody and possibly had a firearm in his possession.

Department records indicated that this call went out as an A-Priority "221," meaning "person with a gun." Dispatch advised responding officers that the reporting party stated that the complainant had threatened him with a gun, but the reporting party did not actually see a gun. Dispatch provided responding officers with a description of the complainant and the complainant's vehicle.

The named officer's body-worn camera (BWC) footage was consistent with his description of the events.

Evidence showed that the named officer had reasonable suspicion to detain the complainant because he and his vehicle matched the description of the person that had reportedly threatened the reporting party with a gun.

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

SUMMARY OF ALLEGATIONS #2-4: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

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

COMPLAINT DATE: 08/29/2024

COMPLETION DATE: 01/28/2025

PAGE# 2 of 4

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers used excessive force on him when they pulled his arms behind him.

The named officers stated that they responded to the report of a person (the complainant) threatening to shoot the reporting party. When the named officers arrived on scene, they observed the complainant sitting in the driver's seat of a vehicle matching the description provided by Dispatch. One of the named officers briefly spoke to the reporting party, who pointed out the complainant as the person who had threatened to shoot him. The named officers ordered the complainant to exit the vehicle, but the complainant refused, locked his doors, and rolled up his window. When one of the named officers reached into the rear driver's side window to unlock the vehicle, the complainant attempted to roll up the window and grabbed the named officer's hand. The named officers took control of the complainant's wrists from the rear driver's side window as they attempted to unlock the vehicle and extract the complainant. As the named officers controlled the complainant's wrists, the complainant repeatedly yelled "Ouch!" The named officers stated that they needed to control the complainant's wrists so that he could not reach for a firearm on his person or inside the vehicle. The named officers de-escalated their force when they unlocked the driver's door, removed the complainant from the vehicle, and handcuffed him.

The named officers' body-worn camera (BWC) footage was consistent with their description of the events. The complainant refused to comply with the named officers' multiple orders to exit his vehicle, and the complainant actively resisted by rolling up his rear window and grabbing one of the named officers as he attempted to reach into the window to unlock the vehicle. BWC footage showed that the named officers used control holds on the complainant's wrists as they attempted to unlock the door and extract the complainant from his vehicle.

Department records indicated that the named officers reported their force to a supervisor on scene and documented using twist lock control holds in their incident reports. Records indicated that a supervisor conducted use of force evaluations for each named officer and determined that their use of force was within policy.

Department General Order 5.01, Use of Force, allows officers to use reasonable force to effect a lawful arrest, to overcome resistance or to prevent escape, and to gain compliance with a lawful order. Physical control holds and takedowns are authorized to gain compliance of and/or gain control over uncooperative or resistant subjects when necessary.

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

COMPLAINT DATE: 08/29/2024

COMPLETION DATE: 01/28/2025

PAGE# 3 of 4

The named officers had reasonable suspicion to detain the complainant. The complainant actively resisted when he failed to comply with lawful orders, refused to exit his vehicle, and physically resisted the named officers when they attempted to unlock his vehicle and control his hands. The evidence showed that the named officers used reasonable force to overcome the complainant's resistance and detain him.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer searched his vehicle without a warrant.

The named officer stated that he conducted a quick protective sweep of the complainant's vehicle for weapons that could have been within the complainant's reach.

The named officer's body-worn camera (BWC) footage showed that an officer asked the complainant if he had any weapons in his car, and the complainant said "no." The named officer told the complainant that they were going to search his car for weapons, and the complainant said, "You do whatever you want, no weapons." All the officers on scene agreed that the named officer should do a sweep of the complainant's car for weapons, and they reminded the named officer that he was to search only for weapons and only in the areas where the complainant could reach. BWC footage showed that the complainant protested the named officer's search, stating that he could not search his property without a warrant. The named officer searched the passenger compartment of the complainant's car for a little less than 3 minutes before telling the other officers that the car was clear.

Department records confirmed that the named officer conducted a protective sweep of the complainant's vehicle for weapons.

Department Notice 21-001, Warrantless Searches of Vehicles, outlined the recognized exceptions to the warrant requirement, including protective searches. The policy states that where there is a "lawful

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

COMPLAINT DATE: 08/29/2024

COMPLETION DATE: 01/28/2025

PAGE# 4 of 4

detention of an occupant in the vehicle” and “reason to believe there is a weapon or item that could be used as a weapon inside the vehicle,” an officer may search “the passenger compartment of the vehicle where weapons might be hidden.”

Police officers in may search the passenger compartment of an automobile, limited to those areas in which a weapon may be placed or hidden, if the officer possesses a reasonable belief based on specific and articulable facts that, taken together with the rational inferences from those facts, reasonably warrant the officer in believing that the suspect is dangerous and may gain immediate control of weapons. (*People v. Bush* (2001) 88 Cal.App.4th 1048; (*People v. Franklin* (1985) 171 Cal.App.3d 627; (Pen. Code, §833.5.)

Here, the named officer searched only the passenger compartment of the vehicle, and only for weapons. The reporting party had already identified the complainant as the person who had threatened to shoot him. Therefore, the evidence showed that the named officer conducted a lawful protective search of the complainant’s vehicle for weapons.

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

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

COMPLAINT DATE: 08/30/2024

COMPLETION DATE: 01/09/25

PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was issued a citation without cause. The officer told the complainant he was enforcing the law and that he failed to yield to a pedestrian.

The witness, who is the complainant's wife, stated that the officer stopped their car and told her husband he did not stop for the person in the crosswalk. Her husband said he did not see the person, and the officer asked her husband whether he saw the person in the unicorn costume.

The body-worn camera (BWC) footage captures the named officer sitting on a marked SFPD motorcycle parked on the street just before the pedestrian crosswalk. A sergeant wearing a unicorn costume with a red mane step into the crosswalk and begins to walk. The complainant's vehicle, traveling in the far-left lane, proceeds through the crosswalk without yielding to the pedestrian. The named officer immediately starts his motorcycle, activates his lights and siren, and conducts a traffic stop on the complainant's vehicle. The officer uses the public address audio system to get the complainant's attention and tells the complainant that when there are flashing lights behind you, you're supposed to move to the right. The complainant then pulls over and stops his vehicle. The officer approaches the vehicle on the passenger side, identifies himself, and tells the complainant that you must yield to a pedestrian crossing the street. The complainant said he did not see the pedestrian. The officer asks the complainant if he saw the person in the unicorn outfit. The officer cited the complainant for failing to yield to a pedestrian. He further explains that the Department began enforcement in the area about two weeks prior. The complainant appears angry but eventually accepts the citation.

Department records obtained by DPA document that police officers participated in a High-Visibility Traffic Enforcement operation at the location over the last six months as part of the City's Vision Zero program to catch drivers who fail to yield to pedestrians entering crosswalks.

California Vehicle Code section 21950(a) states, "The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter."

The BWC captured the complainant, who admitted to the officer, "I did not see any pedestrian." The officer correctly cited the complainant for violating CVC Section 21950(a) Failure to Yield to a Pedestrian. The BWC is outcome-determinative.

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

COMPLAINT DATE: 08/30/2024

COMPLETION DATE: 01/09/25

PAGE# 2 of 2

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer set him up to issue a citation for failing to yield to a pedestrian and that officers should not do that.

DGO 9.01.02 POLICY states, "Traffic enforcement is a responsibility of the San Francisco Police Department and is an important assignment for uniformed personnel. In partnership with the City and County of San Francisco's Vision Zero efforts, the goal of the Department's traffic enforcement program is to make San Francisco streets safer for all by reducing traffic crashes. The Department pursues this shared goal by enforcing traffic laws, facilitating traffic flow, and easing parking congestion. When actively enforcing traffic laws, members should prioritize enforcing violations that directly impact public safety consistent with the above shared goal."

BWC shows that the named officer was on a pre-planned traffic enforcement operation. The complainant is captured on camera, admitting to the traffic violation.

Department records obtained by DPA document that police officers participated in a High-Visibility Traffic Enforcement operation at the location over the last six months as part of the City's Vision Zero program to catch drivers who fail to yield to pedestrians entering crosswalks.

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: 9/4/2024 COMPLETION DATE: 01/02/25 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1#4: The officers failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was an uninvolved bystander who witnessed part of a mental health detention. The complainant reported that officers used excessive force to detain the subject. The complainant said several officers piled on top of the subject whose face was pushed down into the concrete. The subject screamed for the officers to get off of them. The complainant recorded a portion of the incident with her cellular telephone.

The complainant's cell phone video captured a distressed person lying face down on the sidewalk. The subject was handcuffed, while several officers stood and knelt beside the person. Shortly thereafter, the subject was rolled over and sat up. The 17-minute video continued until an ambulance arrived on scene and the subject was placed inside in a gurney.

The Department of Emergency Management's Computer Aided-Dispatch (CAD) showed police received two separate priority calls regarding a distressed subject brandishing a very large machete.

DPA reviewed the body-worn camera footage, the incident report, and supervisory use of force evaluation. The body-worn camera footage reveals that prior to the detention, the subject had exhibited erratic behavior: walking around outside and yelling with a machete. Officer #1 ordered the subject to stop. The subject ignored the commands but dropped a foot-long machete before the subject fled up the street. Officer #1 safely retrieved the machete and maintained a secure distance from the subject until backup arrived.

When Officer #3 arrived, he attempted to handcuff the subject, but the subject physically resisted and slid to the ground. Officer #2 and Officer #1 rolled the subject onto their stomach to apply handcuffs, while Officers #3 and #4 crossed the subject's legs behind them. The footage shows that the subject posed a risk of escape, resisted detention, and needed medical attention. Notably, no excessive force was used; the

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

COMPLAINT DATE: 9/4/2024 COMPLETION DATE: 01/02/25 PAGE# 2 of 2

officers did not pile on top of the subject, nor did they press the subject's face into the concrete. Instead, Officer #1 held their leg, and Officer #2 executed a control hold maneuver to secure the handcuffs.

Department General Order (DGO) 5.01.04, states in parts, that officers may use objectively reasonable force options in the performance of their duties, in the following circumstances:

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

DGO 5.01.05, Levels of Resistance, defines a subject's actions as "Active Resistance" when they use physically evasive movements to evade an officer's attempts to establish control. This includes actions such as bracing, tensing, running away, or verbally or physically signaling an intention to avoid being taken into custody. Possible force options for officers include pain compliance control holds, takedowns, and techniques designed to direct movement or immobilize a subject.

The DPA's investigation revealed that the officers used reasonable force to detain the subject. The officers detained the subject for a mental health evaluation after the officers saw the subject waving a machete on a public street in a threatening manner which caused an innocent pedestrian to flee the area. The complainant only witnessed and recorded the conclusion of the incident when the officers were handcuffing the resisting subject. Additionally, the complainant was unaware of two prior emergency calls regarding the subject wielding a machete that necessitated the officers' response. The complainant also mentioned that the subject needed medical attention which was ultimately provided once the officers cleared the way for medical personnel to respond to the scene safely.

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

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

COMPLAINT DATE: 09/10/2024

COMPLETION DATE: 01/07/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated he was stopped by the named officer on the Bay Area Rapid Transit (BART) platform because his father walked through the fare gate behind him without paying. The complainant stated that the officer confronted him about the fare evasion. The complainant said he did not want to speak to the named officer due to his neurodivergence and bipolar disorder. He informed the officer that she should only speak to his father. The complainant stated that despite telling the officer he did not want to speak to her, she persisted and continuously asked him, "Why?" He said his father eventually paid the BART fare, and neither was cited for fare evasion.

The named officer stated she observed the complainant and another person enter the BART turnstile together utilizing one Clipper car, which is called "tailgating." She was in full uniform, standing within ten feet of the turnstile. She asked the complainant if he had another Clipper card and informed them they needed one to exit. The person behind the complainant informed her that he had never taken BART before, and she told him, "It's no big deal," and to go to the BART agent for help, which he did. The next thing she heard was the complainant, who stated, "I don't like the police." She was unsure she heard him correctly as the BART platform was loud due to air trains and airplane noise. She asked him to repeat what he said as she was puzzled by his statement. She stated the complainant said, "Your presence here is causing my stress level to go up." The officer apologized and informed him that she was only doing her job. She stated she walked away as she wanted to give the complainant space. She was surprised by the complainant's comments as the interaction lasted less than two minutes. She denied repeatedly asking the complainant "why." In addition, the officer stated that not only was she helpful in directing the complainant and the other party on how to obtain another Clipper card, but she could also have legally detained both parties and issued fare evasion citations, which she did not do.

BART Ordinance 2017-2 requires all BART riders to maintain proof of payment while riding BART.

California Penal Code §640 states that evading payment of a fare system is an infraction. The third offense is a misdemeanor.

Department General Order 5.03 states, in relevant part, that an officer may detain an individual if there is reasonable suspicion that the individual being detained was involved in criminal conduct.

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

COMPLAINT DATE: 09/10/2024

COMPLETION DATE: 01/07/25 PAGE# 2 of 2

Although the named officer did not detain the complainant or his father for fare evasion, she would have been able to do so based on the undisputed act. Although the complainant was annoyed, the named officer did not violate Department policy by attempting to speak to the complainant about the act of fare evasion.

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

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

COMPLAINT DATE: 09/11/2024

COMPLETION DATE: 01/14/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he was riding his bicycle on the street when an officer in a marked vehicle yelled at him for no reason using the vehicle's PA system. He approached the officer and asked what law he had violated. The complainant said the officer was rude during their interaction. The complainant asked the officer why he took issue with him and not the multiple people nearby that were walking directly into traffic. The officer told him that jaywalking is already legal and that it was his fault for voting for it to be decriminalized.

Department records show the named officer and his partner were on a passing call running license plates in the area when the alleged incident occurred.

The named officer stated that he and his partner were assisting Department of Public Works (DPW) personnel when they were in the said area. He said he never had direct contact with anyone but recalled a group of bicyclists speeding toward a marked crosswalk. The named officer said the crosswalk had numerous visually impaired individuals who were actively walking in the crosswalk using their canes and service dogs. Concerned about a possible collision, he used his vehicle's PA system and told the bicyclists to watch out for the pedestrians crossing the street. The named officer stated there was no yelling. He said he used a conversational tone to advise the bicyclists to watch out for the crossing pedestrians. He recalled an individual on a rented bicycle approaching their vehicle. He did not know if it was the complainant. He told the person his concerns about people crossing the crosswalk. He explained that the laws regarding pedestrians had changed and that jaywalking was no longer an automatic violation of the California Vehicle Code. He said the contact was brief, without incident or conversation about voting for or against the law on jaywalking.

The named officer's partner stated that he could not recall the incident.

No additional evidence was identified. The officer's announcement would not have required activation of their body-worn camera (BWC). Without any independent witnesses or recordings of the interaction, DPA is unable to determine whether the officer's tone and comments fell within or outside of Department rules and regulations.

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

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

COMPLAINT DATE: 09/19/2024

COMPLETION DATE: 01/21/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that he called the SFPD non-emergency line at 2:00 AM to report a group of people loitering, yelling, drinking open bottles of liquor, and smoking drugs directly outside his apartment window for two hours. He stated that officers arrived, made contact with the group, but allowed them to continue their activity on the public sidewalk for several more hours.

The officers explained that they did not take action because they could not establish probable cause that a crime had occurred, nor could they rule out the possibility that this was a “bias by proxy” situation. They also noted that when the officers arrived on scene, the individuals outside the apartment building were not committing any offenses. The officers did not observe noise or loitering violations. Additionally, the officers said that they attempted to contact the caller for further information, but the call went to voicemail.

Department records indicated that the officers responded to the scene twice. The first response occurred when the group was no longer present. During the second visit, the officers briefly spoke to the individuals to check on their well-being but noted that they did not observe any illegal activity.

The DPA’s investigation revealed that the officers did not take enforcement action because they did not observe any violations of the law. Additionally, the officers made efforts to reach out to the complainant for further details about their concerns, but the complainant did not answer the telephone nor respond to their call.

According to Department General Order 5.17, SFPD’s bias-free policing policy, “[b]ias by proxy occurs when individuals call the police and make false or ill-informed claims of misconduct about persons they dislike or are biased against based on explicit racial and identity profiling or implicit bias. When the police act on a request for service rooted in implicit or explicit bias, they risk perpetuating the caller’s bias. Members should use their critical decision-making skills drawing upon their training to assess whether there is criminal conduct.” Here, the officers’ concern that this was a bias by proxy situation was reasonable and could not be dispelled because they were unable to get ahold of the complainant who called the police and the people of color outside the building were not loitering, talking loudly, or engaging in illegal behavior when the officers’ arrived on scene. Not taking enforcement action was, therefore, a sensible decision.

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

COMPLAINT DATE: 09/19/2024

COMPLETION DATE: 01/21/25 PAGE# 2 of 2

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

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant reported that A female officer who answered the phone at a district police station was rude when he explained the reason for his call concerning noise and loitering. He felt that the officer treated him as if he were being unreasonable, stating that she made him feel like a "Karen." She reportedly responded, "Oh well, maybe in a small town, they will do something." The officer also told the complainant that she would not argue with him before hanging up the phone.

DPA was unable to independently identify the officer based solely on information provided by the complainant. A no finding outcome occurs when DPA cannot complete an investigation because the officer cannot be reasonably be identified.

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

COMPLAINT DATE: 09/23/2024

COMPLETION DATE: 01/02/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

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 12/30/24.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/San Francisco State University Police Department

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

San Francisco State University Police Department
1600 Holloway Avenue
San Francisco, CA 94132

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

COMPLAINT DATE: 09/25/2024 COMPLETION DATE: 01/28/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer was unprofessional and spoke to him inappropriately by asking if he could tell her vehicle was a police car.

SFPD documents showed the named officer was on scene at a report of a suspected arson.

Body camera footage showed that the named officer was dealing with a suspected arson when the complainant started honking his vehicle horn behind the officer's car. The named officer approached the complainant, who asked in a confrontational manner if the officer could park in the traffic lane with no lights on. The named officer did ask the complainant if he could see that her vehicle was a police vehicle and explained that she was engaged in an investigation.

California Vehicle Code Section 27001 allows drivers to honk their horns only when reasonably necessary to insure safe operation of a vehicle.

The evidence showed that the named officer did interact with the complainant, but the statements made by the named officers did not rise to the level of misconduct. Additionally, the officer exercised discretion by refraining from issuing a citation for honking a horn when there was no reasonable safety concern.

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

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

COMPLAINT DATE: 09/25/2024 COMPLETION DATE: 01/28/25 PAGE# 2 of 2

SUMMARY OF ALLEGATION #2: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer parked in a lane of traffic without lights on, causing an obstruction.

SFPD documents showed that the named officer was responding to a report of a suspected arson alongside the fire department.

Body-worn camera footage showed the named officer was engaged in the investigation of a suspected arson along with two fire engines. The two fire engines and the police vehicle were all parked in lane one of a three-lane road. The officer's car was stopped directly behind a large fire truck. One of the fire engines had its emergency lights on but the other fire engine and the police vehicle did not. This was during the day, with plenty of natural light. Body camera footage also shows that firefighters and the named officer were out of their vehicles, in clear view of motorists, dealing with a burned car.

There is no requirement for an officer to activate emergency lights in this 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: 09/26/2024 COMPLETION DATE: 01/09/25 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 went to the station to add more information to an existing police report. However, the officer at the reception desk told him it was impossible because the case was closed. He provided a description of the officer but could not identify the officer by name or badge number.

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

There were no witnesses at the time of the incident, and video was no longer available.

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

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

COMPLAINT DATE: 10/07/2024 COMPLETION DATE: 01/14/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer at a station refused to help him and told him he was too busy. The complainant also stated that officers shined a light in his eyes and told him they would return to him, but they did not come back.

No SFPD records could be found for this complaint.

No body camera footage or other video footage could be found for this complaint.

No witnesses were identified.

An identification poll was issued but did not identify any officers involved.

Equipment logs from the closest stations show that the vehicle identified by the complainant was not signed out by officers from those stations.

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

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

COMPLAINT DATE: 10/08/2024

COMPLETION DATE: 01/09/2025 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the officer driving patrol vehicle #120 drove and parked improperly.

The named officer stated that he was driving patrol vehicle #120 on the date of the alleged incident, but he did not recall driving his patrol vehicle in the manner alleged by the complainant. The named officer said it would have been impossible for him to be at the location of the alleged incident at the time indicated by the complainant because he was at a traffic stop a few minutes prior at another location.

Department records indicated that the named officer was driving patrol vehicle #120 on the date and time of the alleged incident. Department records confirmed that the named officer had cleared a traffic stop approximately 3 minutes and 11 seconds before the alleged incident.

A map of driving directions showed that it would have taken the named officer approximately 8 minutes to get from the location of the traffic stop to the location of the alleged incident.

The evidence showed that the named officer could not have been present for the alleged incident.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 10/10/2024

COMPLETION DATE: 01/09/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

FINDINGS OF FACT: The complainant stated that she believed her attorney filed a complaint on her behalf. She said the previous owner of the house she was currently renting was trespassing in her home thinking it was still his house. Officers came and said there was no crime; however, the man kept coming back and harassing them. She said no police report had been written.

The DPA contacted the complainant upon mediation request and the complainant requested a withdrawal of the complaint.

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

COMPLAINT DATE: 10/14/2024 COMPLETION DATE: 01/21/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer ran a stop sign and followed his car closely and drove through an intersection without stopping or yielding.

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

There were no witnesses at the time of the incident.

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

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

COMPLAINT DATE: 10/18/2024

COMPLETION DATE: 01/28/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated officers towed his vehicle, which was parked on the sidewalk in front of the shelter house where he lived. The officers told him to contact the named officer regarding the circumstances surrounding the tow of his vehicle. The complainant stated he wanted to get his tools from the car and get the car back, if possible. The complainant said he talked to the named officer once but never heard from him again.

The named officer stated that he had never spoken to the complainant throughout the course of his investigation. He recalled updating a person claiming to be the vehicle's owner about his investigation, but that person was not the complainant.

The incident report documented an instance of reckless driving and evading a police officer. Officers saw the vehicle parked in a red zone in violation of traffic laws. As the officers were about to make contact, the car suddenly swerved into the traffic lane, nearly hitting their vehicle. The officers followed the car, which traveled at a high rate of speed, darting in and out of traffic. At some point, the officers saw that the vehicle's headlights were turned off and that it drove through a red light. Unfortunately, the officers were not able to catch up.

The supplemental incident report documented that the named officer sent a Department-wide email for the seizure of the car with instructions to tow it but not to arrest the driver. A day after the email was sent out, officers located the car and towed it. They also placed a hold on the vehicle for the Department's traffic division. Additionally, the incident report and Auto Return records show that the complainant was not the vehicle's registered owner. The complainant had recently purchased the vehicle from someone on the internet.

The complainant's contact with the named officer was never recorded or documented in a report. There were also no independent witnesses identified.

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

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

COMPLAINT DATE: 10/22/2024

COMPLETION DATE: 01/28/25 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a physical fight with another person inside a building. While waiting outside for the police, another person came up to him and kicked him in the chest and head. He provided a statement to officers and told at least one officer that he was also kicked by a person outside the building where the original fight happened. He later reviewed the incident report and saw that it failed to mention anything about him being kicked by a person when he was outside.

An incident report was created which included a statement from the complainant regarding the fight. The report did not document that the complainant commented that he was kicked in the chest and head when standing outside.

The named officer said he took the complainant's statement toward the end of this incident and the complainant did not mention anything about being kicked. He said sometimes suspects and victims bring up things that happened in the past or are not relevant. He wanted to speak with the complainant about what happened. When he spoke with the complainant at the end of the incident the complainant did not mention being kicked in the head. He said he did not put the complainant's comment about being kicked in the head in the report because the complainant did not bring it up when he provided his full statement at the end.

Body-worn camera footage showed that the complainant spoke to the named officer and another officer about a fight that occurred inside a building. Before giving his statement, the complainant commented to officers that he had at one point been kicked by a different person, but that the person was not at the scene. When the complainant provided his statement to the named officer toward the end of the on-scene investigation, he did not mention being kicked outside the building after the initial fight.

Department Notice 23-103 Report Writing Responsibilities Supervisors, Officers & Police Service Aides states in part that officers are responsible for preparing incident reports that are complete and accurate when memorializing an incident.

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

COMPLAINT DATE: 10/22/2024

COMPLETION DATE: 01/28/25 PAGE# 2 of 3

The evidence showed that the complainant made a comment about being kicked when he initially met with the named officer. The complainant later provided a statement to the named officer about the fight that occurred inside the building, but did not mention being kicked by another person outside the building after the initial fight ended. A report was authored for the incident which included statements and details of the investigation but omitted the complainant's comment about being kicked. The officer stated that he believed the complainant was referencing a prior unrelated incident. While it would have been advisable for the officer to seek clarification and document the complainant's statement about being kicked, the officer's omission did not rise to the level of constitute misconduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant was involved in a physical fight at a building. Officers responded to the scene and an incident report was made. The complainant said he obtained a copy of the report and it documented that officers spoke with staff at the incident location who were unable to show officers the security footage. The complainant said it was unacceptable that the officers could not obtain the surveillance footage and that they should have made an effort to obtain it.

Body-worn camera (BWC) footage for the incident showed that the named officer contacted staff in the building to inquire about and obtain surveillance footage that may have captured the fight. The footage showed that the managing staff member explained that the surveillance system was brand new, and he was unfamiliar with how to access the footage. The named officer and managing staff member attempted to access the footage but were unable to. The staff member explained he could be reached later to address getting the footage.

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

COMPLAINT DATE: 10/22/2024

COMPLETION DATE: 01/28/25 PAGE# 3 of 3

Department Bulletin 19-140 Booking Recording Device Evidence and Written Statements states in part that members are required to check crime scenes and scenes of police action for video and/or audio recording device evidence.

The evidence showed that the named officer inquired into locating and obtaining the security footage of the incident. A managing staff member at the building did not know how to access the surveillance footage and was unable to assist with obtaining it at that time.

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

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

COMPLAINT DATE: 10/25/2024

COMPLETION DATE: 01/28/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer who was involved in her criminal cases was harassing her.

The complainant provided the DPA with the name of an officer which did not match the name of any sworn member of the San Francisco Police Department. The DPA reviewed the complainant's open criminal cases and attempted to contact the complainant's defense attorney to identify the involved officer without success.

The officer could not reasonably be identified.

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

COMPLAINT DATE: 10/28/2024

COMPLETION DATE: 01/28/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: UF

FINDINGS OF FACT: The complainant stated that the named officer misrepresented her statement and inaccurately blamed her for a traffic collision in an incident report.

The named officer's body-worn camera (BWC) footage showed that the named officer took the complainant's statement at the scene. The named officer asked the complainant multiple clarifying questions and repeated the complainant's statement back to her. The named officer also took the other party's statement at the scene, which conflicted with the complainant's statement only as to causation. The named officer contacted a potential witness to the incident, who stated that she did not actually see the collision occur. The named officer acknowledged the parties' conflicting statements and stated that it would be up to the insurance companies to determine who was at fault for the collision.

Department records indicated that the named officer documented both the complainant and the other party's statements in a traffic collision report. The statements as documented in the report were materially consistent with the BWC footage. The named officer wrote in the report that based on the parties' statements, the collision "possibly" occurred due to the complainant being in violation of a California Vehicle Code section. The officer properly and thoroughly investigated the incident and documented the conflicting statements.

The evidence indicated that the named officer did not make any material misrepresentations in his traffic collision report.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 11/1/2024

COMPLETION DATE: 01/07/25 PAGE# 1of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: The complainant stated that he was asleep in his apartment when he believed a neighbor entered and stole some money. Two other neighbors reported to the complainant that they saw an individual enter his apartment. A few days later the complainant met with the police to report the incident. The complainant filed a complaint with the Department of Police Accountability (DPA) because he feared that the matter would not be investigated by the San Francisco Police Department (SFPD).

The DPA sent an Identification Poll to General Work. SFPD Legal reported back that General Work advised that this was not their case and recommended the Identification Poll be sent to the Burglary Unit. SFPD Legal forwarded the Identification Poll to the Burglary Unit the same day. Thereafter, SFPD Legal returned the Identification Poll completed by the Burglary Unit. The ID Poll reflected that officers had been polled, but they were unable to identify the officers involved in reviewing the case and determining whether or not to assign the case for further investigation.

Department Notice 22-040 states, “Effective 3/5/22, the District Station Investigations Teams (SIT) transitioned to Investigations Bureau, General Work Detail.... The General Work Detail will continue to investigate incidents that were previously handled by SIT...”

Department Bulletin 18-027 states, “The Burglary Unit is responsible for the investigation of particular burglary cases. While the Burglary Unit may not handle every burglary case, members of the Burglary Unit will review all burglary reports. The purpose of this bulletin is to identify the case criteria for the Burglary Unit, the case criteria which will remain at the Station Level (SIT) and the protocol for notifications of the Burglary Unit during business and non-business hours... The Burglary Unit investigates...Burglary series, including auto burglaries, which include multiple districts or jurisdictions.” Department Notice 20-107 reads, “It is the policy of the Department to diligently investigate crimes in order to arrest and prosecute those responsible. However, the Department must manage its resources in a reasonable, effective, and efficient manner. Therefore, the Investigations Bureau Lieutenants and the Station Investigation Team (SIT) Lieutenants shall review and evaluate each incident report that falls under their investigative jurisdiction prior to assigning cases to an Investigator.”

The DPA found that the police report was not assigned to General Work Detail or Burglary. No current policy or procedure document dictates who decides how cases are assigned for investigation and by what criteria.

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

COMPLAINT DATE: 11/1/2024

COMPLETION DATE: 01/07/25 PAGE# 2of 2

The evidence proves that the alleged conduct occurred, but the Department policy or procedures do not provide clear instructions to officers. The DPA recommends that the policy or procedure be changed or modified.

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

COMPLAINT DATE: 11/5/2024

COMPLETION DATE: 01/07/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

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

COMPLAINT DATE: 11/05/24 COMPLETION DATE: 01/9/25 PAGE# 1 of 1

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

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: 11/07/2024

COMPLETION DATE: 01/07/25

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer inappropriately accessed a database or confidential information

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that she attended a virtual Homeowners Association (HOA) meeting where a neighbor informed attendees his relative was a San Francisco Police Officer who discovered personal information about the complainant's brother. The complainant could not provide the name of the officer; however, she believed that the officer inappropriately accessed her brother's personal information through a law enforcement database.

The San Francisco Police Department could not locate any Department computer queries on the complainant's brother's name within two months prior to the information being disclosed at the virtual HOA meeting.

The identity of the alleged officer could not be established.

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

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

CATEGORY OF CONDUCT:

FINDING: Referral/ISD

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

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

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

COMPLAINT DATE: 11/22/2024 COMPLETION DATE: 01/28/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer issued her a citation and was rude and aggressive towards her. The complainant did not want to be contacted and did not provide further information.

An identification poll was sent to the commanding officer of the relevant station. The poll came back negative as the officer involved could not be identified with the details provided.

There is no other evidence available.

No findings are made when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 11/26/2024

COMPLETION DATE: 01/07/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The anonymous complainant stated in their online submission that San Francisco Police officers failed to consider the safety of the people parked in an apartment building parking lot. The officers were parked in a way that blocked the parking lot exit. The complainant requested not to be contacted for further information.

Department records showed two calls-for-service for this location at the given time. One was A Priority, and the other was B Priority. Records confirmed that the named officers responded to investigate an aggravated assault.

Body-worn camera (BWC) showed the named officers parked in front of an apartment building at the address of the assault call. BWC showed two entrances to the parking area for the building. The named officers parked in an open area in front of the building, away from the opening of a covered parking lot, apparently leaving sufficient room for cars to go around the police vehicles if necessary. As cars came up the driveway, officers asked apartment security if they should move their vehicles and were told that residents could go around.

BWC showed vehicles moving in and out of the parking area while officers investigated the reported crime. It was unclear from the complainant's online narrative if they were concerned about another part of the parking area not visible in the BWC footage.

The named officers parked at the location of a call to which they were dispatched, apparently with an attempt to allow other vehicle traffic to pass their location.

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

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

COMPLAINT DATE: 12/04/2024 COMPLETION DATE: 01/09/25 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 reported that he visited a district police station multiple times seeking help regarding a past incident. He explained that he requested assistance in obtaining the phone number of his public defender or the contact information for the other party's attorney. However, an officer informed him that he would need to go to the birthplace of that person to find the information. The complainant noted that the officer did not provide any assistance.

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

There were no witnesses at the time of the incident.

DPA was unable to make findings in this matter. No finding outcomes occur when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 12/04/2024

COMPLETION DATE: 01/28/2025 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

COMPLAINT DATE: 12/08/2024

COMPLETION DATE: 01/07/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1

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

San Francisco Police Department
General Work
850 Bryant Street, Room 140
San Francisco, CA 94103

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

COMPLAINT DATE: 12/10/2024 COMPLETION DATE: 01/09/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF/W

FINDINGS OF FACT: The complainant stated he was riding a bicycle and was pulled over by an officer for a yellow light violation. The complainant questioned whether the officer had justification for pulling him over.

The complainant requested a withdrawal of the complaint.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

FINDINGS OF FACT: The complainant stated that the officer told him he was legally required to yield to them during a yellow light. He does not know if this is true and feels this was a poor use of valuable police time. The complainant stated that the officer should have been clearer about what he did wrong.

The complainant requested a withdrawal of the complaint.

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

COMPLAINT DATE: 12/11/24 COMPLETION DATE: 01/28/25 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: 12/13/2024 COMPLETION DATE: 01/28/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer drove past him in a reckless manner with no lights or sirens on. The complainant could not provide a description of the driver or any identifying numbers from the police vehicle.

There were no SFPD documents that could be found in relation to this incident.

There was no surveillance footage found in relation to this incident.

An identification poll was sent out, but no officer was identified as having been involved in this incident.

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

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

COMPLAINT DATE: 12/06/2024

COMPLETION DATE: 01/07/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

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

COMPLAINT DATE: 12/17/2023

COMPLETION DATE: 01/07/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The anonymous complainant who wished not to be contacted stated that two unknown officers were rude at a hospital when they refused to help with a door. In addition, the complainant stated the two officers were slouching, engaged on their phones, and smirking at people. The complainant did not provide the officers' names or star numbers.

The Department of Police Accountability (DPA) could not investigate because the anonymous complainant indicated a future date. The anonymous complainant did not provide DPA with contact information and stated that they did not wish to be contacted. Therefore, DPA was unable to clarify the date with the complainant.

The identities of the alleged officers could not be established.

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

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

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

COMPLAINT DATE: 12/17/2023

COMPLETION DATE: 01/07/25 PAGE# 2 of 2

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The anonymous complainant who wished not to be contacted stated that an officer unlawfully parked their patrol vehicle in an area restricted to ambulance parking.

The complainant provided a photograph of the vehicle; however, the Department of Police Accountability (DPA) was unable to conduct an investigation because the anonymous complainant indicated that the incident took place on a future date. The anonymous complainant did not provide DPA with contact information and indicated that they did not wish to be contacted and therefore DPA was unable to clarify the date with the complainant.

The identities of the alleged officers could not be established.

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

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

COMPLAINT DATE: 12/19/2024 COMPLETION DATE: 01/14/2025 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/UCSF

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

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

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

COMPLAINT DATE: 12/24/2024

COMPLETION DATE: 01/09/25

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 declined to be interviewed by DPA. In a written narrative, the complainant stated he went to a district police station to file a police report and was told by an unknown officer that he could not file one at the station. The officer gave him a sheet that looked identical to the one he lifted in front of the window.

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

The station roster was obtained, but DPA was unable to identify the officer involved.

The identity of the alleged officer could not be established.

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

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

COMPLAINT DATE: 12/18/2024

COMPLETION DATE: 01/09/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

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

CATEGORY OF CONDUCT:

FINDING: Referral/HSA

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

Public Administrator
Human Services Administration

170 Otis Street
San Francisco, CA 94103

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

COMPLAINT DATE: 12/27/2024

COMPLETION DATE: 01/07/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complaint raises matters outside the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-1/ CHP

FINDINGS OF FACT: The complaint raises matters outside the Department of Police Accountability'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: 12/27/2024

COMPLETION DATE: 01/07/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

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

COMPLAINT DATE: 12/27/2024

COMPLETION DATE: 01/09/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: This complaint raises matters not rationally within the Department of Police Accountability's jurisdiction.

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

COMPLAINT DATE: 12/30/2024

COMPLETION DATE: 01/09/2025 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to investigate when he reported that he heard his nieces calling for help in his apartment building.

The named officers' body-worn camera (BWC) footage showed that the named officers spoke with the complainant for approximately 34 minutes. The named officers asked the complainant questions about what he was hearing and about his relationship with his family. The complainant told the named officers that he had been hearing his nieces' voices calling for help in his building for the last month. The complainant said that his nieces lived with his sister and brother-in-law approximately 90 miles away from San Francisco, and he had not seen them in two years. The complainant told the named officers that he had called the police in the jurisdiction where his sister lived, and the police checked on his nieces and told him that they were okay, but he did not believe them. The complainant said that he tried to contact his sister, but she told him to leave her alone. The complainant showed the named officers a video from a camera on his door with audio that sounded like a group of children squealing and laughing. The named officers asked the complainant what he would like them to do, and the complainant told them he wanted them to do an investigation in his building. The named officers told the complainant that he had not shown them anything that indicated there was a crime or evidence that indicated his family was in danger.

Communications records indicated that the complainant called 911 at least 10 times within a two-month period regarding the same issue.

Videos provided by the complainant showed a view of the complainant's hallway and nothing more. The audio in both videos sounded like a group of children squealing and laughing outside, which echoed in the complainant's hallway.

An overhead map of the complainant's address showed an elementary school with a large playground and play yard directly to the north of the complainant's building, and a large athletic court and play yard directly to the west of the complainant's building.

The evidence indicated that the named officers were patient and professional during their interaction with the complainant, and the named officers spoke to the complainant at length. The named officers viewed

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

COMPLAINT DATE: 12/30/2024

COMPLETION DATE: 01/09/2025 PAGE# 2 of 2

the complainant's video and asked him questions and appropriately determined that there was no evidence of a crime.

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

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

COMPLAINT DATE: 12/31/2024

COMPLETION DATE: 01/09/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO/1

FINDING: Referral/DEM

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

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

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

COMPLAINT DATE: 01/03/2025

COMPLETION DATE: 01/07/25 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: 01/03/2025

COMPLETION DATE: 01/28/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant reported that she called the non-emergency number to report her bike stolen, but no officers responded to take her report.

However, according to the Computer Aided Dispatch (CAD) records, officers did respond to the scene and attempted to contact the complainant by phone. She did not answer, so the officers left the scene. When the complainant called back to check on the status of the officers' response, it was discovered that the initial dispatcher had incorrectly entered her phone number.

The DPA's investigation confirmed that the officers were not negligent in their duties as they were given an incorrect contact number.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/DEM

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

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

COMPLAINT DATE: 01/06/25

COMPLETION DATE: 01/09/25 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:

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

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

COMPLAINT DATE: 01/08/2025

COMPLETION DATE: 01/28/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

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: 01/08/2025

COMPLETION DATE: 01/28/2025

PAGE 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant lodged an online complaint stating that several San Francisco Police Department vehicles were speeding down a specific street in disregard of people in the community and placed several lives in danger. The complainant did not provide any specific identifiers which would aide DPA in identifying the officers and did not wish to be contacted further.

DPA ran several queries with the limited information provided. However, DPA was unable to locate such an incident or otherwise identify any of the alleged officers involved. Therefore, DPA was unable to make a finding as to what, if anything, had occurred.

The officer cannot reasonably be identified.

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

COMPLAINT DATE: 01/09/2025

COMPLETION DATE: 01/28/2025

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raises matters not rationally within Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: IO-2

FINDINGS OF FACT: The complainant raises matters not rationally within Department of Police Accountability's jurisdiction.

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

COMPLAINT DATE: 01/13/2025

COMPLETION DATE: 01/31/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that he had \$165 in cash when he was arrested and that when he was released from jail his money was not returned to him.

Department records showed that the named officer was not on duty at the time of the incident nor was the officer involved in the incident. Records obtained from the San Francisco Sheriff's Office show that the complainant was booked with \$165 in cash and that he signed the property receipt.

The DPA's investigation confirmed that the named officer was not involved in the incident.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFSO - IA

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

San Francisco Sheriff's Department
Internal Affairs Division
25 Van Ness, Room 350
San Francisco, CA 94102

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

COMPLAINT DATE: 01/13/25

COMPLETION DATE: 01/28/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/OCME

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

Office of the Chief Medical Examiner
1 Newhall Street
San Francisco, CA 94124

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

COMPLAINT DATE: 01/13/2025

COMPLETION DATE: 01/28/25 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: 01/15/2025

COMPLETION DATE: 01/28/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

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