

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

COMPLAINT DATE: 02/01/2024

COMPLETION DATE: 03/06/25 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1: The named officer failed to receive a private person arrest (citizen arrest).

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that a security guard hit him on the left side of his face with a baton, and the officer refused to let him press charges.

The named officer explained that he observed and heard the sounds of people in an argument while on patrol and pulled over to investigate. The complainant approached and said that a security guard hit him in the face with a baton and that he wanted to press charges. The named officer spoke with the security guard, who said that the complainant was harassing him, threatening him, and getting in his face as he tried to clear trespassers from an area outside a federal building. The security guard opened his baton in preparation for defending himself while the complainant was in his face. The named officer said that the complainant admitted that he threatened the security guard. The officer acknowledged that the complainant reported being a victim, however, the officer said that he did not observe any injuries to the complainant's face. The named officer said in his experience, persons intentionally hit by an impact weapon like a baton would have visible injuries, experience pain, and frequently require medical attention. The named officer stated that he believed that any contact may have been incidental, and a Citizen's Arrest (C.A.) would have been inappropriate. The named officer told the complainant that, based on the totality of the incident, the security guard had acted in self-defense. He further explained that, because the security guard was responding to a threat during the course of his duties, his actions in self-defense were an exception for charging a someone with aggravated assault/Assault with a deadly weapon.

Department Emergency Management (DEM) records showed that the named officer responded to a call regarding a fight with no weapon.

Body-worn camera (BWC) showed that the named officer obtained a statement from the complainant and the security guard. The security guard told the named officer that while he was doing his normal rounds clearing the perimeter of the building, the complainant threatened to kick his ass. The security guard then pulled out his baton. The security guard wasn't sure if the baton contacted the complainant. The complainant told the named officer that the security guard hit him in the face with his baton. BWC displayed that the named officer asked the complainant if he had threatened the security guard, and he said yes.

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Department records confirmed that the complainant complained of pain; however, after the Medics arrived, he refused treatment. The named officer determined that the security guard acted in self-defense and within his scope of work. The security guard signed the Citizens Arrest (CA) form, and the complainant was placed under arrest with the approval of a sergeant.

DPA attempted to contact the complainant various times to conduct an interview, however, we were unsuccessful. DPA also requested surveillance footage, but to date, there has been no response.

DGO 5.04.03 section 2 and 3 says, "Arrest by private persons may be made in the following circumstances (see Penal Code 837 for further) A misdemeanor or felony committed in the presence of a private person. A felony has been committed and the private person has reasonable cause to believe the subject committed the felony." Note, A private person may arrest for public offenses not committed in the member's presence, and the member is required to receive a person so arrested. ... Note: ... in any case, a report shall be written.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant reported that the officer did not include all relevant information she had provided about her missing teenage daughter in the initial incident report, which delayed the investigation, and frustratingly required her to repeat her concerns to other officers. She reported that the named officer did not recognize in his report that the child had special needs and was at-risk.

To start, the Department of Police Accountability (DPA) commends the complainant for reporting her concerns because her complaint highlights the importance of law enforcement ensuring that its policies, procedures, and training on locating missing persons are up-to-date particularly as they relate to missing youth and other vulnerable people. The DPA investigated this matter and concluded that it should be deemed a policy failure, rather than misconduct, due to the outdated missing persons policy, set forth in Department General Order (DGO) 6.10, which has not been updated since 1999. The policy failure summary is discussed in the section of this report.

Turning to the completeness and accuracy of the named officer's incident report, DPA reviewed the report and noted that it detailed several important investigative steps the officer undertook after he responded to the complainant's residence after reporting her missing daughter. Specifically, he booked a photograph of a known associate of the juvenile, searched the area, contacted the Medical Examiner's Office, the hospital, juvenile probation, and the Department Operations Center (DOC), all of which yielded negative results.

Regarding the allegation that the named officer omitted important information, the DPA reviewed the named officer's body-worn camera footage and noted that the named officer omitted some of the minor's current mental health symptoms that the complainant provided. However, the officer did accurately document in his incident report that the minor was suicidal in the past which was the most critical fact. Notably, when DPA interviewed the named officer, he reviewed his body-worn camera and credibly stated that he did not hear the complainant provide the additional details which was plausible given that he was rushed and multi-tasking at the time. Moreover, any details officer did not include in his initial report were included in a supplemental report that same day due to the complainant's persistent and commendable efforts.

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Although the named officer did not state in his incident report that the complainant was worried her daughter was being groomed by a fellow minor and was concerned she was vulnerable to trafficking, he did correctly include in the report that the complainant was worried that the girl was susceptible to influence by a male minor she was found with the day before, which captured the essence of her concerns. Moreover, the complainant did not provide the officer with any evidence supporting her fears that her daughter was being groomed though she said she saw sexual and other concerning messages from the male minor that were apparently not preserved or reported to law enforcement at the time she saw them. Finally, any details the named officer omitted were captured by a fellow officer in a supplemental report that same day.

DPA's investigation revealed that although the named officer could have fleshed out his report with more detail, he was invested in looking for the minor and ensured the search was continued until her daughter was found with the boy in question unharmed two days later in a different county. Although the named officer did not book a coded letter the minor wrote, a fellow officer did the same day. In fairness to the officer, the letter was difficult to follow and his conclusion that its significance was not immediate apparent was genuine particularly since the mother had to provide officers with another document to help de-code the letter at a later point.

During this investigation, the named officer expressed genuine remorse for not adding the details the complainant identified that he learned from this incident and stated that he will incorporate the lessons he learned into future missing youth investigations. He further added that he will teach subordinate officers these lessons as he has been newly promoted to sergeant. The DPA determined he was not intentionally careless or uncaring and that he just made unfortunate mistakes due to the outdated policy, inadequate training, and that his actions did not rise to the level of misconduct.

The evidence was insufficient to prove the officer committed misconduct considering the significant policy failures discussed below.

SUMMARY OF ALLEGATION #2-5: The SFPD and the officers failed to comply with Department General Order or Department Notice.

CATEGORY OF CONDUCT: ND

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FINDING: PF

FINDINGS OF FACT: The complainant reported that the officers denied her request to issue an Ebony Alert and did not follow appropriate procedures for identifying and prioritizing missing, at-risk youth.

San Francisco Police Department Notice 24-057, Legislative Updates, states that Government Code § 8594.14, Ebony Alert: Missing Black Youth, authorizes a law enforcement agency to request that the CHP activate an "Ebony Alert" for missing Black youth, including young women and girls who are reported missing under unexplained, suspicious circumstances, are high (at) risk, developmentally disabled or cognitively impaired, or have been abducted.

The officers stated that they were aware of the Ebony Alert through their own knowledge and information from a department bulletin. However, the San Francisco Police Department did not provide training on who is responsible for notifying the California Highway Patrol (CHP) to issue an Ebony Alert, nor did they clarify when this notification should occur.

Department records showed that the officers did not issue an Ebony Alert.

Department Notice 24-057 informed officers that they have the authority to request the activation of an Ebony Alert by the CHP. However, the officers did not receive the necessary training or guidance on the circumstances under which such requests should be made or who was responsible for making them. Furthermore, Department General Order 6.10, which governs Missing Persons, outlines the protocols for accepting reports, conducting inquiries, preparing incident reports, and determining when immediate searches are warranted. Yet, it is noteworthy that this essential policy has remained unchanged since September 13, 1999.

The DPA's investigation concluded that all involved officers acted in good faith and that any missteps in the investigation were the product of an outdated missing persons policy. Specifically, DGO 6.10 does not adequately delineate the respective responsibilities of patrol officers, patrol supervisors, and the SVU – Missing Persons Unit (MPU) as it should. Most significantly, DGO 6.10 does not contain a checklist of tasks the patrol officers must complete within the first 24-hours of a missing person's report, nor does it require school notifications or that a BOLO (a police instruction to be on the lookout for a missing person or an all-points bulletin) be issued without delay of a missing youth report, all of which are duties mandated by state law.

The morass of federal and state laws regarding missing persons, and related mandated notifications, are too complex for patrol officers to reasonably be expected to distill and know off-hand. It is incumbent on SFPD's Policy and Legal Units to ensure that policies regarding missing persons, especially missing

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youth and other vulnerable persons, are up-to-date and timely developed and issued to ensure that members are equipped for success in investigating and locating missing youth.

DPA is aware that DGO 6.10 is currently undergoing a major overhaul and will be enacted soon. In light of this matter, and other complaints, DPA has recommended that DGO 6.10 be updated to include important legislative updates as well as POST (Police Officers Standards and Training) recommendations, to ensure that missing person reports, including missing youth, are properly prioritized. These recommendations are as follows:

- 1.) Specify the members that are responsible for contacting CHP for the issuance of Ebony Alerts and ensure those members are trained on the criteria for seeking Ebony Alerts.
- 2.) Clearly define the respective roles and responsibilities of patrol officers, patrol supervisors, and the Missing Persons Unit, when a missing person report is made, including missing youth.
- 3.) Ensure that DGO 6.10 incorporates Penal Code §14211(a) which requires police departments to prioritize missing persons over property crimes.
- 4.) Draft a checklist for patrol officers to follow in the first 24 hours of a missing person report as required by Penal Code § 13519.07.
- 5.) The checklist described in #4 should direct officers to properly complete secondary codes, such as “human trafficking” to ensure that incident reports of this nature are properly routed to the Missing Persons Unit for a priority response. A supervising investigatory officer stressed the importance of patrol officers including the appropriate secondary codes on incident reports so that cases involving at-risk youth get immediately assigned to investigation. Additional training on this point should be provided as well.
- 6.) SFPD should add the following language to the missing persons policy: “Officers should never consider any case routine. Officers should assume the missing person is in immediate danger or at risk until the facts contradict that assumption.” (See CA POST Missing Persons Investigation Guidelines and Curriculum, May 2021, at p. xiii.)
- 7.) SFPD should include direction on the state law requirement to notify schools about missing students. (Education Code § 49068.5.)
- 8.) SFPD should additionally ensure that members are directed to use the California Department of Justice “Emergency School Notification Missing or Abducted Child Alert”.

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- 9.) SFPD should provide guidance to officers on the importance of updating DOC if new information about the missing youth is discovered. (See expired SFPD Department Bulletin 19-115.)
- 10.) SFPD should develop criteria for officers to engage with SFPD Media Relations to help locate missing persons, prioritizing at-risk youth.
- 11.) The policy should include language requiring officers to broadcast a BOLO (Be On Look-Out) notification via dispatch if the person is under 21 years of age or if there is evidence that the missing person is at risk, without delay. (Penal Code §14211(a).)

The preponderance of the evidence shows that the alleged conduct occurred as a result of a policy failure.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant, a caregiver to her ill husband, filed a complaint regarding an interaction between her and her neighbor which led to her arrest. The complainant stated that her husband had a terminal disease, was recovering from a surgical procedure, and could not fully care for himself. Her husband was at risk for falling, which prevented her from leaving the home for long periods of time. On the date in question, the complainant felt he was stable enough for her to temporarily leave the residence to pick up his medicine. She instructed him to remain on the couch while she was gone. While the complainant was gone, her neighbor knocked on their door, upset because they had left their bike in the shared hallway, blocking the neighbor's access to her door. Her husband attempted to answer the door but fell to the ground in the process. When the complainant returned, she observed her husband trying to climb back onto the couch from the ground. Her husband informed her what had occurred.

The complainant, upset and angry that he had fallen, knocked on her neighbor's door to explain how ill he was and to tell her not to knock on the door again if she is not home. The neighbor opened the door and then quickly tried to close it to evade speaking with the complainant. The complainant put her foot in the doorway to prevent her from closing it. A verbal argument ensued whereby the neighbor called the complainant a "psycho," and the complainant responded that "she would show her psycho," if she did not leave her husband alone. The complainant stated that she heard the door cracking when she was trying to open it. The neighbor contacted the police alleging that the complainant threatened her and vandalized her door.

The named officer responded to the scene with another officer. The named officer spoke with the neighbor who informed him complainant banged on her door and yelled at her because her husband had fallen. The neighbor attempted to shut the door, but the complainant rammed her foot into the door. This prevented the neighbor from closing the door. The complainant threatened her life. The neighbor informed the officers that she was finally able to shut her door but that the complainant continued to bang on the door, causing damage to the door. The named officer stated that the neighbor wanted to press charges against the complainant for the threats and the damage to the door. The named officer believed that based on the visible damage to the door and the statement provided by the neighbor, probable cause existed to arrest the complainant for criminal threats and vandalism. The named officer consulted with his sergeant who approved the arrest.

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The complainant thereafter exited the residence, and the officers positively identified her and initiated the arrest. The named officer mirandized the complainant who told her side of the story, consistent with her statement provided to DPA above. The complainant informed the named officer that she confronted the neighbor to tell her not to mess with her husband and the neighbor did not wish to speak to her and tried to shut the door. The complainant used her foot to prevent her from closing the door. She denied the threats. After speaking with her, the named officer stated that it confirmed his decision to arrest her as she admitted to confronting the victim and forcedly pushing open the door.

DPA obtained the named officer's body-worn camera (BWC) footage of the incident. The footage corroborated the named officer's statement regarding incident. The footage also reflected that a handyman was on-scene fixing the neighbor's door.

The evidence supported that the named officer was within his discretion to arrest the complainant as the probable cause had been established that she vandalized the door and threatened the neighbor.

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

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SUMMARY OF ALLEGATIONS #2-3: The officers applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant felt the named officers handcuffed her quickly and unnecessarily.

The named officers confirmed that as soon as she exited the residence, they positively identified her and immediately began to handcuff her as she was being placed under arrest. The named officers emphasized the nature of the arrest and felt that due to these circumstances she needed to be handcuffed immediately. The named officers stated that it would have not been safe to speak to her before placing her in handcuffs. It is common practice for officers to handcuff an individual once they decided that a crime had occurred, and they intend to effect an arrest.

The named officers' BWC footage showed the complainant exiting the building's door and the named officers immediately approached her, identified her, and began handcuffing her.

As the named officers stated, while not necessarily "required," it is common practice for officers to place an individual into handcuffs when they have probable cause to believe a crime occurred. The named officers properly exercised their discretion when decided to quickly place her in handcuffs.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: PF

FINDINGS OF FACT: The facts above are hereby incorporated by reference. The complainant also believed that the named officers failed to secure proper care for her ailing husband and failed to allow her a meaningful opportunity to secure proper care for him following her removal from the home. The complainant stated that she repeatedly attempted to inform the named officers that due to her husband's medical condition and his recent procedure, he could not adequately care for himself and relied on her for certain daily tasks as his caregiver. She also repeatedly emphasized to them that he is a major fall-risk, and even if he can momentarily get up, he often falls if he is without assistance.

She expressed to the named officers that due to swelling in his brain, at times, he does not understand what is occurring and warned them that is the type of person who will say he is "okay," when is not. Before her removal from the home, she and the named officers spoke with her husband who, as she expected, told them that he would be "okay." He demonstrated to the named offices that he could get up off the sofa and walk with his cane. She stated, however, that he does not have an issue with getting up, but that he eventually falls. She stated that named officer #2 said "he is fine," and proceeded to take her to jail without a meaningful plan in place for his care. Before leaving the residence, the complainant screamed to a next-door neighbor to watch him, but the neighbor declined due to his own physical limitations. She made sure he had access to a phone.

While she was in jail, her husband never answered the phone which caused her to worry. She stated that she repeatedly called the non-emergency line to request a well-being check for her husband. She believed that someone at the jail may have contacted Adult Protective Services (APS) regarding the situation and that another neighbor also called the police to check on him. A few days later, she was informed by Dispatch that he was found unresponsive lying on the floor and was taken to the hospital and admitted to the Intensive Care Unit.

The named officers denied the allegation and believed they fulfilled their duties and responsibilities with respect to her husband when removing the complainant from the home. The named officers stated that they spoke with the husband, who informed them that he would be okay and that he would call 911 or the hospital if necessary. The named officers emphasized that he demonstrated to them that he could stand up and walk, that the complainant did not have legal power of attorney over his medical decisions, and that

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he declined needing any medical attention at the moment. The named officers repeatedly emphasized that the complainant's husband did not appear to need "immediate medical attention," at which point they would have contacted medics for further evaluation. Overall, they felt they showed concern, assessed whether he needed immediate medical care, and made sure he had the means to call someone in the event he needed help.

The evidence, such as the Computer Aided Dispatch records (CAD) and BWC footage, reflected the following: when the named officers responded on-scene, the reporting party informed them of what had occurred. Relevant to this allegation, she informed the named officers that when the complainant's husband opened the door, he was lying on the floor. Prior to contacting the complainant, the named officers had a brief discussion about potential concerns of arresting her and leaving behind the husband due to his condition. Named officer #2, in return, emphasized that he was already left alone by the complainant and that he is not "a child," which would have triggered a possible notification to Child Protective Services.

When the named officers contacted the complainant to conduct the arrest, the complainant, at length, informed the officers of her husband's ailments and disabilities, such as the fact he had cancer, had recently undergone brain surgery, and that he could not care for himself as he continuously falls. She also emphasized to the officers that he would likely tell them he was okay and would not want to go to the hospital. She told them that because he does not like to ask for help, he will often get up and fall. She emphasized that despite what he says, he would not be "okay" for an extended period without aide.

Early in the incident, named officer #2 briefly checked on her husband who informed him that, "he did not need anything at that moment." The complainant acknowledged to the named officer that he did not "need anything right that second," and questioned them as to what they do with someone who gets left behind and cannot use the bathroom by themselves. Named officer #1 assured her that they would make sure he has a phone to call someone. However, the complainant attested he had no one nearby to call. The named officers informed her that if he needs assistance, he can contact 911. The complainant appeared puzzled by the response and demanded the named officers to pause to figure out how to take care of him. She emphasized that when she left for a few hours, he tried to answer the door and had fallen.

Named officer #1 then spoke with the husband who the footage showed lying on the sofa. Named officer #1 informed the husband that the complainant would be going to jail and inquired whether he needed immediate medical care or if he could contact someone if something were to happen. The husband informed the named officer that when he gets up to walk around, he tends to get off balance due to his medical conditions. The named officer followed up and asked whether he would be okay if she leaves and if they need to call the hospital. The husband declined. The named officer told the husband that she could

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be in jail for several days and whether he has a cellphone or someone he could call if something happened. The husband did not readily know who he could call but stated that he perhaps he could call the hospital and have them send someone. The complainant attempted to have a neighbor keep an eye on her husband, however, the neighbor declined due to his own physical limitations. The named officers allowed the complainant to say goodbye to her husband before being transported to the county jail.

The complainant asked her husband to demonstrate for the officers whether he could get up and walk. The BWC footage showed her husband get off the couch slowly and walk towards them with his cane. The complainant appeared to panic, and her husband assured her that he would make it until she got back from the jail. They attempted to make a plan. As the named officers escorted the complainant out of the residence, the complainant screamed for aide for her husband. It appeared that a handyman on-scene said he would check on him.

The complainant was in jail for several days and her husband was not answering the phone. Several individuals, including the complainant, repeatedly called Dispatch to request a well-being check on her husband. Dispatch sent the Fire Department to check on her husband. The husband did not answer the door or the phone. The Fire Department requested a ladder so they could look into the window and attempt contact. The evidence suggested that the husband was seen laying on the couch at the time. Thereafter, the complainant continued to contact Dispatch to request well-being checks on her husband and to follow-up on the past calls. During this period, an unknown individual contacted APS for aide. APS requested their own well-being check on her husband. APS eventually went to the scene to conduct their own investigation. The husband did not answer the door, or the phone, and APS contacted Dispatch again, requesting aide. The Fire Department responded again and then summoned for medics as the complainant's husband was found in an altered mental state lying on the ground. The complainant's husband was transported to the hospital. Dispatch informed the complainant of such.

Through its investigation, DPA learned that SFPD did not have a written policy or practice in place for when officers arrest a caregiver and remove them from the home leaving behind an otherwise vulnerable and/or dependent adult. Short of requiring "immediate medical attention," as the named officers repeatedly emphasized, the named officers could not locate or point DPA to a specific policy or guidelines on what officers should do in a circumstance such as the one here: where an individual may not need "immediate medical care," but is a known fall-risk and requires some level of care that is provided by the arrestee. The named officers could not recall whether they had ever utilized APS or another community resource when removing a caregiver from a home, outside suspected fraud or elder abuse. The named officers also highlighted that they have not been trained to contact APS or another community resource when confronted with a situation as such where "immediate medical care," may not be warranted, but an individual's caregiver, whom they rely on, is removed from the home.

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The current SFPD policies only discuss utilizing APS when suspected elder abuse or fraud exist. There is no mention or suggestion to contact APS in a situation as the one here. However, neighboring jurisdictions have adopted written policies - outside abuse investigations - to ensure that dependent or vulnerable adults are not left without appropriate care in the event a caregiver is arrested or otherwise prevented from providing care due to actions by the police departments.

DPA therefore recommends that SFPD adopt a policy to provide the named officers with guidelines as to what to do when removing a caregiver from the home and leaving behind a dependent or vulnerable adult. DPA understands that the officers *here* utilized their discretion and felt that because he did not need "immediate medical care," declined going to the hospital, and that he had access to a phone, they fulfilled any duty they had to ensure he would be okay. However, as the evidence demonstrated, her husband was a *known* fall risk, and had the named officers been provided with a resource such as APS, who eventually got involved, the outcome of the current situation could likely have been avoided.

Additionally, utilizing APS and or another community resource would have taken any burden off the named officers, as non-medical professionals, to be the deciding factor in determining whether an individual truly needed aide. Moreover, having APS or another community resource involved at the inception of this case could have also saved the city countless resources. The complainant contacted dispatch several times. The fire department responded to the scene several times, and when APS was finally notified, they had their own difficulty in contacting the husband and gaining access to the unit requiring more resources. DPA understands that when dealing with an adult who has autonomy and declines medical care may leave officers in a tricky situation; however, allowing APS to step in for the officers and use their expert judgement and opinions would have better suited the individuals in this case and any in the future. It was not until APS got involved in the matter that they were able to locate the husband- in an altered mental state- and transport him to the hospital.

The evidence proves that the alleged conduct occurred but was justified by Department policy or procedures; however, DPA recommends that the policy or procedure be changed or modified to reflect the above.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant said two K-9 officers were rude and disrespectful when the complainant asked the officers to stop their K-9 dogs from barking at his dog as he walked by on the sidewalk. The complainant said one of the officers made fun of the complainant and asked the complainant if the complainant knew anything about working dogs. The complainant said the second officer rolled his eyes, had an expression on his face, and asked the complainant, "What do you want to say?"

Named Officer #1 stated that department records confirm he was on duty on the incident date, but the named officer did not recall any interaction with the complainant.

Named Officer #2 is unavailable to be questioned about the incident as the officer is on extended leave.

There is no evidence, such as a body-worn camera, to corroborate or refute the different accounts.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer who responded to the scene yelled at the at him and his partner, told them to shut the fuck up and downplayed the entire incident.

The named officer stated that while enroute to the incident, dispatch said that a person was brandishing a knife. The named officer advised that there were two males outside the bar and the suspect who brandished the knife was inside the bar. The named officer stated that he was trying to gather a statement regarding the alleged crime; however, he could not establish the elements of brandishing or a criminal threat. He said that a male exited the bar and advised that he was involved in the incident and handed the named officer the folding knife. He then told the named officer that he had intervened in an altercation between the complainant and his partner. He was unable to elaborate as to any direct evidence of a crime that he witnessed. The named officer said that the person with the knife was intoxicated, did not want to be part of the investigation, and wanted to leave. The person with the knife was not arrested as the named officer could not establish probable cause of brandishing or any criminal threats. The named officer said that the complainant and his partner were uncooperative and refused to provide their information. He further stated that if either of the crimes had occurred, he would have needed them to sign a Citizen's Arrest.

The named officer said that he did not tell the complainant's partner to shut the fuck up. The named officer further stated that he did not downplay the incident. He said that he did raise his voice to gain control of the incident; however, he did not yell at the complainants.

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

The body-worn camera (BWC) did not show that the officers behaved or spoke inappropriately to any of the parties involved in the encounter. The footage did show that there was a heated exchange with the initial officers that arrived on scene; however, the complainant was emotional while he tried to explain that he had been stabbed before. The officers attempted to gain control of the scene and did, at times, raise

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their voices. It should be noted that the footage showed that the complainant told his partner, “it’s fine, let’s go home” and then left.

DPA found that the complainant told his partner, “let’s go home,” and told the officers never mind as they walked away from the scene. It was determined that the encounter between the complainant, co-complainant, and the named officer was reasonable and did not display that the named officer behaved or spoke inappropriately. While the named officer acknowledged that he raised his voice, it did not rise the level of misconduct.

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

SUMMARY OF ALLEGATIONS #2-3: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant said that named officers who were on the scene did nothing and treated the complainants differently than they treated the suspect.

The named officer #1 said he treated everyone the same. Named officer #1 also stated that the biased policing or discrimination allegation was false, and he was offended. Named Officer #2 said that he was trained to identify biased policing, and he did not knowingly engage in any biased behavior.

The evidence showed that the complainant and co-complainant had no factual basis to conclude that the officers knowingly showed bias toward them during the encounter.

The evidence proves that the conduct alleged did not occur.

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

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CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The named officers who were on the scene did nothing and treated the complainants differently than they treated the suspect.

The named officer is no longer with the San Francisco Police Department and is not subject to discipline.

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

SUMMARY OF ALLEGATION #5: The complaint raises matters outside the DPA's jurisdiction.

CATEGORY OF CONDUCT:

FINDING: Referral/DEM

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC(S)

FINDINGS OF FACT: The complainant reported that despite calling for police assistance, the responding officer focused on past incidents and made the complainant feel like a criminal rather than addressing the current domestic violence situation.

The named officer denied dissuading the complainant from proceeding with the investigation or speaking to the complainant inappropriately. He stated that after listening to the complainant's statement, he asked her why the violations of the stay-away order continued. He clarified that his goal was to understand how the husband gained access to her residence, not to deter her from filing a report about the stay-away order violation. The officer recalled a prior incident of domestic violence involving the complainant and her husband, during which she had misled the police.

The Computer Aided Dispatch (CAD) did not categorize the incident as domestic violence incident, but as a fight with no weapons. The complainant reported to Dispatch that her husband had a stay-away order and took her keys. She was afraid he would return. The complainant provided the dispatcher her husband's information and informed them that he left the apartment.

Court records showed that the complainant had a valid stay away order against her husband.

The body-worn camera footage confirmed that the officer's investigation and questioning focused on a past incident involving the complainant and her husband. The named officer accused the complainant of violating her own restraining order by letting him in on a previous occasion. The named officer also asked, "why does his keep happening?" Additionally, the footage revealed that when the complainant asked for an incident report, the officer replied, "Well, just because you want something doesn't mean it happens." Additionally, the officer continued to question how the complainant's husband had entered the apartment, even as she explained that she did not know.

Department General Order 2.01.03, General Rules of Conduct, states in part that officers 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. Honesty, credibility, even temperament, and sound judgment are essential to the performance of a member's duties. Any breach of peace, neglect of duty, misconduct, or any conduct by a member/employee that tends to

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subvert the order, efficiency, or discipline of the Department shall be considered misconduct. Additionally, any conduct that brings discredit upon the Department or any member or is prejudicial to the efficiency and discipline of the Department, even if not specifically defined or set forth in Department policies and procedures, shall be considered misconduct.

The DPA's investigation revealed that the officer did not treat the complainant as a victim of domestic violence (DV) and questioned her credibility due to a prior incident. Additionally, the footage from the officer's body-worn camera showed inappropriate behavior toward the complainant, resulting in the premature end of the interaction and a violation of the Department's policies on domestic violence and general conduct.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC(S)

FINDINGS OF FACT: The complainant reported that she called 911 to document an ongoing issue with her husband, who had been violating a stay-away order and making threats. The complainant stated that she was left feeling frustrated that the officer refused to take a report or document the incident, leaving her feeling victimized and unsafe.

The officer denied refusing to take the complainant's report, explaining that the conversation was cut short when the complainant closed the door on him, preventing him from obtaining the necessary information to file a report. He stated that his follow-up questions to the complainant's initial statement were to determine her credibility. He acknowledged that he did not request to view the stay-away order, obtain the complainant's husband's name, or attempt to locate or view the building's surveillance video.

The body-worn camera footage revealed that the complainant provided a statement to the officer. She reported that her husband had violated a stay-away order, stolen her keys, and threatened her with violence when she mentioned calling the police. She specifically requested an incident report. Despite this, the officer did not request a copy of the stay-away order or ask for the complainant's husband's name. Instead, he inquired why the stay-away violations continued and repeatedly questioned how the complainant's husband managed to gain entry into the apartment. The complainant denied knowing how he got into the building, even though she was aware of the method he used to enter her apartment.

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Eventually, she closed the door on the officer after he informed her that it was not her decision whether a report would be written and told her, erroneously, that she was violating the restraining order by allowing her husband into her residence.

Court records confirmed that the complainant has an active stay away order against her husband.

Department General Order 6.09.02 states, in relevant part, that the first officers on the scene play a crucial role in protecting victims and making sure offenders are held accountable, whether the suspect is present or not. A thorough investigation and documentation of any past incidents can help with prosecution, even if the victim or witnesses don't testify. Officers are reminded not to let factors like the relationship between the suspect and victim, financial concerns, or the victim's emotional state affect their decisions. This helps ensure that each case is handled fairly and with full attention to detail.

Additionally, Department General Order 6.09.04 states, in relevant part, that officers must establish the relationship between the suspect and victim, record the victim's statement, and gather information about any past violence or violations of court orders. It's important to write up incident reports for all domestic violence-related incidents, including threats or violations of protective orders, and code them correctly. Officers must enforce any court-issued protective orders, like stay-away orders, and verify they are in place. If a violation occurs, officers are required to arrest the suspect and uphold the protection order. These steps are essential to ensuring a successful outcome for the case.

The DPA's investigation revealed that while the initial call did not identify the incident as domestic violence, the subsequent interview with the complainant revealed critical details of such an occurrence, along with a violation of a stay-away order. Unfortunately, the officer focused on a prior incident and was discourteous, which negatively impacted the thoroughness of the investigation. In this incident, the officer was mandated to conduct a comprehensive and impartial investigation and prepare a detailed incident report. The footage from the body-worn camera further substantiates that a proper investigation and incident report would have been completed had the officer approached the situation without bias.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IE

FINDINGS OF FACT: The complainant was working an event in the city and observed a group of officers approach, what she described as, a “clearly inebriated individual.” She stated that the named officer walked over to the individual and yelled at him to get up and move. The individual slowly got up. However, she observed the named officer continue to yell, curse at him, and then unnecessarily shove him twice causing him to fall down a staircase to the ground.

The named officer stated that on the date in question, he served as a squad leader to several other officers working the event. A supervisor informed the named officer that the event was over for the day and to begin dispersing the crowds. Accordingly, pursuant to Department policy, the squads entered a “platoon,” comprised of a large group of officers who formed a scrimmage line and provided the crowds with the required dispersal orders.

However, the named officer stated that he observed an inebriated male sitting on the ground, speaking with officers, and refusing to get up and comply with the dispersal orders. The named officer stated that due to the difficulty in moving this individual, the squad was falling behind in the scrimmage line. The named officer emphasized that in order for the scrimmage line to work, they must remain together. The named officer, as a squad leader, decided to intervene and check if the male was okay. They picked the male up by his right arm and ordered him to leave. He stated that the man got up, went down about three stairs, and began to walk away. At this time, the named officer was pleased with this interaction as he did not want to have to arrest anyone during the event and felt he was coherent enough to care for himself. Shortly thereafter, the named officer observed the male turn around towards the officers, pause, and curse at them, as they walked towards him. The named officer became fearful for the safety of the public and other officers as he now believed the male’s inhibitions were demonstrably low. The scrimmage line continued, and the named officer positioned himself directly in front of him and approached him closely to impress upon him the need for him to leave or be arrested. The male did not leave. The named officer stated that the male then “sized him up,” and leaned his shoulder into him. The named officer quickly realized that he did not like where the situation was heading and pushed the male to create distance

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between them and remove him from his personal space. The named officer admitted that he initially closed the gap between the two as a tactic to impress upon the male that he needed to comply with their dispersal orders; however, due to the male's surprising persistent behavior, the named officer felt he needed to now create a gap between them for safety.

To his surprise, he believed that the male had not moved much and observed his right shoulder coming back towards him and shoved him again for safety as he believed the male could injure him. The male then fell to the ground which also surprised the named officer. Due to his narrow scope of vision, the named officer did not realize until after the fact that another officer had pulled the male while he pushed him, which he believes may have caused him to fall to the ground. The named officer went over to the male and inquired whether he needed medical aide. His supervisor responded to the scene and took over communication with the male.

The named officer demonstrated knowledge regarding the department's policies on the use of force and de-escalation techniques. The named officer believed that his actions in pushing the individual, both times, complied with the governing use of force policy. He explained that gave the male a lawful order to disperse the area, that verbal communication was not effective, and used the least amount of force necessary to achieve his objective in getting him to leave. He also highlighted that when he shoved him the second time, he was reasonably unaware that the male was holding onto a pole which may have also justified the reason he did not move after the first shove. The named officer stated that his actions were not barbaric, or excessive, and that he did not intend to cause him to fall. In this situation, the named officer emphasized that they did not have adequate time to continue to try and communicate with the male as they needed to remain in the scrimmage line and move forward. The named officer stated that his actions complied with department policy.

DPA obtained several officer's body-worn camera (BWC) footage which captured a small portion of the incident. The BWC footage showed the male holding onto a structure while officers, including the named officer, closed in on him. The footage captured the named officer go within close proximity of the individual in what appeared to be him telling him to leave. The footage showed the individual move his elbow slightly into the named officer at which point the named officer used one hand to shove the individual. The individual remained holding onto the structure. Another officer began to remove his hand from the structure meanwhile the named officer shoved him again which caused him to fall to the ground. The footage does not reflect that the named officer pushed the individual down a flight of stairs. Considering not wanting to record first amendment activity, such as the activity taking place at this event, applicable department policy did not require for officers to activate their cameras barring certain circumstances. Thus, existing BWC footage did not capture relevant facts that are necessary for DPA to

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determine whether the named officer's behavior in shoving the individual was in compliant within policy or not. The footage did not capture the individual's behavior and demeanor when he was sitting on the ground allegedly refusing to comply with the officers. The footage also did not capture what, if anything, the named officer said to him when he first approached him. The footage also did not capture the manner in which the individual may have been trying to get up and how the officers handled him. The footage also did not capture whether the individual was cursing at the officers and what, if anything, the officers said in response. Additionally, the additional footage DPA obtained, such as the complainant's video recording and surveillance footage also did not capture the beginning of the incident which gave rise to the use of force. Thus, without being able to factually analyze all the relevant facts that led the officer to resort to the use of force, DPA is unable, by a preponderance of the evidence, to make a finding.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The above facts are hereby incorporated by reference. The complainant also complained of the named officer's overall behavior towards the male. She felt that his initial approach of yelling and screaming at the clearly inebriated individual was inappropriate.

The named officer could not recall whether he yelled or cursed at the individual. As mentioned above, DPA does not have evidence showing the initial encounter between the named officer and the individual. Thus, DPA is unable to determine, by a preponderance of the evidence, whether the named officer had in fact cursed and yelled at him and whether those actions were inappropriate.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: After the complainant observed the named officer's conduct towards the male, she stated that she intervened and told him not to touch the male again and requested his badge number. She stated that the named officer inappropriately walked within two inches of her body to "provide" her with the number. The named officer instructed her to leave. The complainant informed him that she worked there and showed him her wristband. The named officer, she stated, responded by asking her, why, if she worked there, did she not help the male earlier. The complainant felt that his conduct towards her was unacceptable as she felt he tried to intimidate her as a witness to the incident, was antagonistic, and that he inappropriately misplaced the burden to aide the male on her.

The named officer observed a few bystanders nearby and recalled his interaction with the complainant. He explained that right after the male fell, he heard someone yelling profanities at him, later determined to be the complainant. The named officer attempted to ignore her. However, she then repeatedly asked for his star number. He stated that although he knew he was required to provide it to her upon request, he wanted to stand in the scrimmage line and ignore her, but she continued to talk. At that point, the named officer decided to provide her with the number in hopes she would cease yelling and riling everyone up. As he approached her, he observed that she had her phone extended out with her arms out in front of her, recording. He believed that he appropriately went up to her phone and loudly stated his star number and directed her to leave. He had not really realized how close he got to her phone when doing so. The named officer also stated that he meant to put his face in the recording and his not chest as the video footage demonstrated. The named officer admitted to being a "little aggravated" when he approached her as she had said derogatory things to him.

The named officer stated that he did not intend to intimidate the complainant when he got that close to her and did not really feel that his actions could have intimidated her given the way she spoke. Looking back on the incident, the named officer stated that he may have stood a little further away from the complainant when providing his star number.

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Additionally, the named officer admitted to asking the complainant why she did not help the male if she worked there. The named officer explained that had she had been doing job as an event employee, she could have called for assistance for the clearly inebriated male, which would have avoided the entire police interaction with the male. The named officer repeatedly emphasized that point to explain his comments and admitted that he was displeased to learn that she worked there and did not do her job and create a situation that could have been avoided. The named officer believed his comments made her more upset, which was not his intention.

The named officer did not directly state that he felt his actions with the complainant were overall appropriate. However, he repeatedly reiterated that his goal was to give her the star number to get her to be quiet and stop inciting people.

The BWC footage as well as the video footage provided by the complainant showed that the complainant shouted about what she believed to be unnecessary shoves by the named officer. The complainant shouted for the named officer to keep his hands off the male and that his behavior was antagonistic and unnecessary. The complainant cursed at the named officer and indicated that she did not care about his status as he held a higher rank.

The complainant requested his badge number, and the footage captured the named officer turning around and begin to walk towards the complainant. The footage showed the named officer go extremely close to the complainant, nearly touching her phone with his chest and reciting his badge number. The complainant appeared to get more upset and instructed the named officer to get out of her face and not to touch her. The named officer informed her that the area was closed off, to which she responded that she worked there. The named officer, appearing aggravated, inquired why then, did she not help the male when he needed her help. The complainant thereafter spoke with a superior officer on scene and complained about the named officer's behavior and his invasion of her personal space to intimidate her.

Department General Order 2.01, General Rules of Conduct, requires "members to understand and follow principles of Procedural Justice and incorporate them into their professional work environment. These principles include giving members of the community a voice (opportunity to speak), fair/impartial treatment, respect, and providing a trustworthy process. When acting in the performance of their duties, members shall . . . treat the public with courtesy and respect and not direct discourteous or profane language at members of the public . . . and when requested, the member shall promptly and *politely* provide their name, star number, and assignment."

The evidence showed that the named officer's behavior in communicating with the complainant was inappropriate, intimidating, and violated DGO 2.01. DPA understands that the complainant had in fact,

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shouted and cursed at the named officer; however, the complainant had a right to express herself in this manner, particularly when she was complaining about the officer's conduct towards the male. Officers, especially those who hold a higher rank, such as the named officer here, have a duty to hold themselves to a higher standard and treat the public, even in the face of adversary, with courtesy and respect. Peering over the complainant and coming very close to her face in an admitted agitated state was unprofessional and could reasonably be interpreted as done to intimidate a bystander, as the complainant perceived. Additionally, the named officer evidently failed to provide his star number "politely," as the DGO requires. Moreover, DPA finds that it was also inappropriate for the officer to improperly place the burden on the complainant to "aide the man," and essentially blame her for the subsequent interaction with the police officers. The named officer did not know how long she had been there, what the man's state was when she first observed him, and whether she had any duty to aid the man pursuant to her employment there. The named officer acted in an accusatory manner and should not have blamed the complainant for his actions.

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

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant alleged that the named officer misrepresented the truth when he informed his superior officer what had occurred between himself and the male.

The named officer did not believe he spoke with the superior officer about the details of what had occurred.

As mentioned above, considering not wanting to record first amendment activity, such as the activity taking place at this event, applicable department policy did not require for officers to activate their cameras barring certain circumstances. Additionally, consistent with Department policy and procedure, the named officer documented in a report the reasons he did not activate his BWC during the interaction

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with the male and the complainant. Moreover, the superior officer's footage did not reflect such a conversation.

DPA was unable to determine whether a conversation as such occurred between the named officer and his superior officer.

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that they learned of what they believed to be unlawful acts occurring at an event in the city, including, but not limited to, public nudity. The complainant alleged that in response to such unlawful acts, the police department failed to take any action. The complainant could not identify any of the allegedly involved officers. DPA located news articles where the complainant may have obtained his information, which also did not identify any specific officers.

DPA interviewed an officer who served as an Event Commander tasked with overseeing certain functions at the event. The Event Commander stated that he was not made aware of any such actions as described by the complainant. Any such conduct, however, should have been communicated to the organizers, who held permits and had the right to request an arrest or eject individuals from the event. Additionally, the Event Commander stated that there was not sufficient information provided by the complainant to determine whether any of the described acts violated the law. He stated that absent any identifiable request for an arrest to be made, the complaint was unsupported. Additionally, he did not have personal knowledge of the acts as described by the complainant and, to his knowledge, on the day in question, no one had reported such acts.

Without additional evidence, DPA is unable to make a finding as to whether the Department or its officers failed to take any required action. The complainant could not identify any specific involved officers, the Event Commander was unaware of anyone reporting such conduct on said date, and DPA could not determine whether attendees were in violation of any laws. Therefore, DPA was also unable to determine whether any SFPD officers observed such violations and failed to take subsequent action.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant reported that the officer made at least two misleading statements during a presentation to a city task force. Although the complainant was not present at the meeting, he watched it on television.

The named officer denied the allegation, stating that he did not prepare the information he presented to the task force and did not knowingly make any misleading statements.

The DPA interviewed the officer who was originally scheduled to present the information to the task force. This officer confirmed that neither he nor the named officer prepared the information that was presented to the task force.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant, a taxi driver, stated that he was outside an auditorium waiting for a concert to end. The complainant said that he was staged in the red zone and alleged that the named officer was rude and instructed him to move his taxi from the red zone and to park across the street where he would also be illegally parked.

An officer identification poll was sent to the district stations near the incident and identified the named officer.

The named officer recalled interacting with the complainant while he was parked outside the Auditorium. The named officer said that he treated the complainant with the utmost respect and professionalism. During his interaction, the named officer asked the complainant to move his taxi and explained that he was parked in a red zone and several hundred concertgoers were about to leave the venue.

The body-worn camera (BWC) was very short and only caught part of the encounter. The BWC recording captured the complainant as he informed the named officer that, yes, he was in the red zone; however, there were other people double-parked, and he asked the named officer if they were going to do anything about that. The named officer said yes, reacted professionally, and did not make any rude comments toward the complainant. The named officer said he would deal with other illegally parked cars and gave no indication he was asking the complainant to do anything illegal.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer failed to provide his name as requested. The complainant supplied the DPA with the named officer's star number.

The named officer confirmed that he heard the complainant ask for his name and star number. He verbally provided his star number and name, spelling it so that the complainant could write it down.

Body Worn Camera (BWC) did not capture the complainant asking the named officer for his name and star number.

While there is no audio record of the conversation, the complainant did obtain the star number, indicating that the officer provided it either visually or verbally.

There is insufficient evidence to prove whether the named officer provided his name on request.

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that a group of protestors were loudly spewing what she believed to be hate speech towards the attendees. The complainant believed that their actions violated several laws as they were disturbing the peace and harassing the vulnerable community for several hours. The complainant stated she flagged down an officer in hopes he would stop the protestors unlawful behavior. The officer listened to her concerns. However, the officer explained that there was nothing he could do, citing their right to free speech. Additionally, the complainant felt that the officer's behavior was consistent with the overall insensitivity of the Department towards the vulnerable community which the complainant belonged to.

DPA was unable to determine the identity of the officer in question. However, DPA interviewed an Event Commander who was responsible for overseeing several functions at the event. The Event Commander explained that in preparation for the event, the event organizers as well as the Department were all aware for the potential of protests and were counseled accordingly. He stated that it was also made clear that freedom of speech was protected under the First Amendment of the Constitution. The Event Commander also explained that there were certain protocols in place to address protests that disrupted or impeded the parade (one of the festivities of the event). However, he was not notified of any such occurrence.

The Event Commander was unable to determine whether the conduct as described by the complainant violated the law. He emphasized that he understands that the complainant felt that the individuals chanting the speech violated the Penal Code. However, the law clearly states that "vulgar, profane, rude, abusive, or disrespectful" words themselves cannot result in disturbing the peace pursuant to the First Amendment. Based on the current information provided and without speaking to the officer who observed the conduct, he was unable to determine whether the conduct violated the law. He explained that any complaint would had to have been made at the event, allowing for an evaluation of the conduct to determine criminal activity. Absent any criminal activity, freedom of speech is allowed in public and protected under the law.

Here, the Event Commander was not made aware of any such conduct and furthermore is unaware who the officer was that they spoke to. Per the events protocol with the Department, he does not believe the event organizers complained about this or requested police assistance.

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Additionally, the Event Commander disagreed with the complainant's contention that the Department is insensitive towards the community and stated that the Department continually supports an inclusive environment.

Without being able to identify the officer to determine what he had observed his reasoning for not taking any action, DPA was unable to make a finding in this matter.

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant also stated that officers observed the protestors' behavior and laughed at it, inappropriately. The complainant did not identify the officers.

The Event Commander was not aware of any incident during this event that related to the above allegation.

There was no additional evidence located or provided pertaining to this complaint.

Without additional evidence, DPA was unable to identify the officers involved in the alleged conduct.

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SUMMARY OF ALLEGATIONS #1-2: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers opened the doors to his vehicle without cause.

Named Officer #1 stated he opened the driver's door to the complainant's vehicle to check on the complainant and wake him up. Named Officer #2 said he could "barely" hear the complainant through his rolled-up windows, so he opened the rear driver's side door to the complainant's vehicle to establish communication.

The named officers' body-worn camera (BWC) footage showed that the complainant was asleep in his vehicle, which was parked facing the wrong direction in a marked "No Parking" zone with diagonal markings and barriers. Named Officer #1 knocked on the complainant's window, woke him up, and asked the complainant to open his door. The complainant made hand motions and appeared to be speaking, but he did not open his door. Named Officer #1 opened the driver's door to the complainant's vehicle and the complainant quickly closed it. Named Officer #1 repeatedly asked the complainant to roll down his window, open his door, and provide physical identification, but the complainant refused, stating that he was in fear for his safety. BWC footage showed that the named officers were having difficulty communicating with the complainant. BWC footage showed that Named Officer #2 stepped in and opened the rear driver's side door to the complainant's vehicle after the complainant continued to refuse to comply with Named Officer #1's orders.

Department records indicated that the named officers were dispatched to an A-Priority wellbeing check for a male passed out inside a car, which was running and parked on the wrong side of the road, blocking a bicycle lane.

Evidence showed that the named officers were justified in opening the doors to the complainant's vehicle. The named officers had reasonable suspicion to detain the complainant for a traffic infraction, and the complainant failed to comply with lawful orders to roll down his window, open his door, and provide physical identification. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer was aggressive and made him feel like a criminal.

The named officer stated that he was not aggressive and did not intend to scare the complainant. The named officer stated that he was genuinely trying to help the complainant and make sure that he was safe.

The named officer's body-worn camera (BWC) footage showed that the named officer attempted to communicate with the complainant and asked him to roll down his window and open his door so that he could make sure he was ok.

The evidence indicated that the named officer was patient and professional during his interaction with the complainant.

The evidence proves that the alleged conduct did not occur.

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

CATEGORY OF CONDUCT: CUO

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer was aggressive and made him feel like a criminal.

The named officer stated that he believed his behavior and statements to the complainant were appropriate, stating that he "had to bring the level up a little bit so [the complainant would] understand the severity of the actions." The named officer did not articulate what "the severity of the actions" were. The named officer asserted that the complainant was never detained during this incident and that the complainant was free to leave during the entirety of the incident, even when the named officer had his

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door open. The named officer stated that he was not aggressive towards the complainant but that he was only matching the complainant's "high level of defensiveness."

The named officer's trainee stated that he was "surprised" by the named officer's conduct and said that he would not have yelled at the complainant.

The named officer's body-worn camera (BWC) footage showed that the named officer stood back as the named officer's trainee attempted to get the complainant to roll down his window, open his door, and provide physical identification. When the complainant refused to comply, the named officer stepped in and asked the complainant why he wouldn't open his door. The complainant replied that he was concerned for his safety. The named officer used profanity and told the complainant that if he didn't open his door, the named officer was going to break the window, drag the complainant out, and throw him on the ground. The named officer then opened the rear driver's side door to the complainant's vehicle, threatened to pepper spray the complainant, and screamed at him as the complainant repeatedly yelled that he was scared. The named officer again used profanity, told the complainant to leave, and slammed the vehicle door closed.

Department General Order 2.01, General Rules of Conduct, states that "when acting in the performance of their duties, members/employees shall . . . treat the public with courtesy and respect and not direct discourteous or profane language at members of the public."

Evidence showed that the named officer had an aggressive tone of voice, used profanity, and threatened to use physical force on the complainant after the complainant had expressed fear for his safety.

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

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

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: Through the course of DPA's investigation, it was discovered that the named officer inappropriately escalated this incident by threatening to use physical force on the complainant that would have been unjustified.

The named officer stated he would have been justified in using physical force on the complainant "to effect an arrest." The named officer said he did not plan on using force on the complainant and explained that he threatened to use force so that the complainant understood "the severity of the actions." The named officer said he intended to convey to the complainant that they were "stopping" him for a reason and that the complainant needed to give them information so they could "move forward with this investigation." The named officer also asserted that the complainant was never detained and was free to leave throughout this interaction.

A witness officer stated he did not see any reason to use force on the complainant because he was not resisting.

Department records indicated that this incident began when a 911 caller reported that the complainant was passed out in a running vehicle, and the officers were dispatched to conduct a "wellbeing check."

Department General Order 5.01, Use of Force Policy, states that "officers shall, when feasible, employ de-escalation strategies and techniques to mitigate the need to use a higher level of force and to increase the likelihood of a peaceful resolution." Additionally, "officers shall, when feasible attempt to build rapport and consider the possible reasons why a subject may be noncompliant." The policy defines "de-escalation" as "the process of using strategies and techniques intended to decrease the intensity of the situation.

Evidence showed that the named officer failed to use de-escalation techniques with a passively noncompliant subject who repeatedly expressed that he was "scared." Instead, the named officer decided to threaten the complainant with physical force that would not have been justified.

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

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

CATEGORY OF CONDUCT: ND

FINDING: IC/S

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

The named officer stated that he did not submit Stop Data because there was no detention or search during this incident, so stop data entry was not required.

The named officer's body-worn camera (BWC) footage showed that the named officer positioned his vehicle behind the complainant's vehicle with activated emergency lights. A backup unit arrived and originally parked directly in front of the complainant's vehicle with activated emergency lights. The named officer ordered the complainant to produce identification, opened the complainant's door, and told the complainant that he was "being stopped for" parking facing the wrong direction. Additionally, another officer threatened to use physical force on the complainant if he did not open his door.

Department Notice 20-141, Stop Data Collection System (SDCS), states in part: "members shall submit data for all stops, including, but not limited to pedestrian, bicycle and vehicle stops." A "stop" is defined as any detention or any interaction in which the officer conducts a search.

Evidence showed that both a detention and a search occurred during this incident, and the named officer failed to enter stop data as required.

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

SUMMARY OF ALLEGATIONS #7-8: The officers failed to take required action.

CATEGORY OF CONDUCT: ND

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FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers did not intervene in the other officers' improper conduct.

Named Officer #1 stated that he was a backup officer during this incident, and he perceived the other officers' conduct as appropriate at the time.

Named Officer #2 was no longer employed by the Department at the time of this investigation.

The named officers' body-worn camera (BWC) footage showed that the named officers arrived after the first unit had already arrived. The named officers stood back as the other officers spoke to the complainant. The named officers were only within earshot of the complainant and the other officers during a small portion of the interaction.

The evidence indicated that the named officers could not have reasonably intervened during this incident based on the information they had at the time.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer lied when he attempted to get her to come out of her house by telling her he was there for a noise complaint, when in fact he was there to serve a warrant. She stated she did not open the door.

The named officer stated he went to the complainant's residence to follow up on an investigative lead, resulting in a search warrant. He stated he told the complainant that he was there for a noise complaint as a ruse because he did not know how many residents occupied the apartment, and he did not want evidence destroyed.

Department records show that the named officer attempted to make contact with the complainant; however, he was unsuccessful.

There are no Department policies or laws prohibiting officers from using a ruse. In this case, it was a tactical decision. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer unlawfully obtained her DNA. She stated she wanted to speak to an attorney first.

The named officer stated he had a valid search warrant for the complainant's DNA relating to a hate crime. He stated the warrant was signed by a judge and was, therefore, valid. He also stated that he did not question the complainant; consequently, she did not have the right to have an attorney present.

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Department records documented that the named officer responded to the complainant's residence to serve a search warrant for her DNA. The record showed that the named officer(s) were in possession of a valid search warrant signed by a judge. When officers approached the complainant, the complainant fled a short distance. Once the complainant was apprehended, she lay on the ground and began to yell. She actively resisted by trying to pull away and pull her arms to her body. She then became physically aggressive by attempting to kick two officers. The complainant was subsequently placed in handcuffs and advised she was detained regarding an investigation of a hate crime and that they had a warrant for her DNA, allowing them to swab her mouth. The complainant initially refused. However, an officer explained to her several times that if she did not comply, the warrant authorized them to conduct a forced blood draw. The complainant calmed down, and an officer was able to obtain a cheek swab. The complainant was issued a Certificate of Release and a copy of the search warrant.

Court records document a valid search warrant, signed by a judge, for the complainant's DNA.

Body-worn camera footage showed the named officer obtain a DNA sample from the complainant against her wishes. The footage showed the named officer informing the complainant that he had a valid search warrant for her DNA. The complainant was uncooperative and demanded an attorney. The named officer informed the complainant that if she did not comply, he was authorized by a judge to obtain a forced blood draw. The complainant eventually complied and was subsequently released. She was issued a Certificate of Release and a copy of the warrant.

The named officer was in possession of a valid search warrant signed by a judge, and therefore, she was required to submit to a DNA sample without the right to have an attorney present. Had the complainant been questioned by the officers, she would have had the right to have an attorney present.

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

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

CATEGORY OF CONDUCT: UF

FINDING: PC

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FINDINGS OF FACT: The complainant stated the named officers used excessive force when they placed her into handcuffs.

Named officer #1 stated the complainant actively fled the scene upon approach. He said he detained the complainant one-half a block away and grabbed ahold of her. He stated she lay on the sidewalk and began to yell and scream and that she actively resisted, became assaultive by kicking in his direction, and pulled her arms to her body. He also stated that she tried to kick named officer #2. Named officer #1 denied using force on the complainant.

Named officer #2 stated that named officer #1, who was wearing a visible SFPD outer garment with his name and star number, had contacted the complainant at her residence. He stated that, at that time, he and another officer were in their vehicle. Named officer #2 said he heard named officer #1 announce that he was the police and was contacting her regarding an investigation. He noted the complainant ran a half block, and once apprehended by named officer #1, she became physically evasive, signaling an intention to avoid being detained. He stated the complainant was aggressive and combative by actively kicking as he and another officer approached named officer #1 and the complainant. He said he did not use force on the complainant or observe any officer using force.

Department records document that the named officer responded to the complainant's residence to serve a search warrant for her DNA. The record showed that the named officer(s) had a valid search warrant signed by a judge. When officers approached the complainant, the complainant fled a short distance. Once the complainant was apprehended, she lay on the ground and began to yell. She actively resisted by trying to pull away and pull her arms to her body. She then became physically aggressive by attempting to kick two officers. The complainant was subsequently placed in handcuffs and advised she was detained regarding an investigation of a hate crime and that they had a warrant for her DNA, allowing them to swab her mouth. The complainant initially refused. However, an officer explained to her several times that if she did not comply, the warrant gave them the authorization to conduct a forced blood draw. The complainant calmed down, and an officer was able to obtain a cheek swab. The complainant was issued a Certificate of Release and a copy of the search warrant.

Court records document a valid search warrant, signed by a judge, for the complainant's DNA.

The body-worn camera footage corroborated the named officers' statements and the Department records.

The named officers used minimal force to apprehend the complainant. She attempted to evade lawful detention and became physically aggressive towards the officers. The officers used restraint with the complainant and did not employ force when force could have been used within Department policy.

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

SUMMARY OF ALLEGATION #5: The officer improperly used physical control.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer improperly placed tight handcuffs on her wrists.

The named officer denied placing tight handcuffs on the complainant. He stated that because she had actively fled a lawful detention and because she had become physically assaultive, he had put her in handcuffs to prevent injury to all parties. He stated he did not hear the complainant state the handcuffs were too tight but only heard her shout that she was handcuffed.

The department records document that the named officer responded to the complainant's residence to serve a search warrant for her DNA. The record showed that the named officer(s) had a valid search warrant signed by a judge. When officers approached the complainant, the complainant fled a short distance. Once the complainant was apprehended, she lay on the ground and began to yell. She actively resisted by trying to pull away and pull her arms to her body. She then became physically aggressive by attempting to kick two officers. The complainant was subsequently placed in handcuffs and advised she was detained regarding an investigation of a hate crime and that they had a warrant for her DNA, allowing them to swab her mouth. The complainant initially refused. However, an officer explained to her several times that if she did not comply, the warrant gave them the authorization to conduct a forced blood draw. The complainant calmed down, and an officer was able to obtain a cheek swab. The complainant was issued a Certificate of Release and a copy of the search warrant.

The body-worn camera footage corroborated the named officer's statement. The complainant did not complain that her handcuffs were too tight.

Evidence does not show that the named officer placed tight handcuffs on the complainant.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer made fun of her by telling her she ran fast.

The named officer denied making an inappropriate comment. He stated that after the complainant ran a half block away and upon apprehension, she informed the named officer that she had a disability. The named officer commented that the complainant ran fast.

The department records document that the named officer responded to the complainant's residence to serve a search warrant for her DNA. The record showed that the named officer(s) had a valid search warrant signed by a judge. When officers approached the complainant, the complainant fled a short distance. Once the complainant was apprehended, she lay on the ground and began to yell. She actively resisted by trying to pull away and pull her arms to her body. She then became physically aggressive by attempting to kick two officers. The complainant was subsequently placed in handcuffs and advised she was detained regarding an investigation of a hate crime and that they had a warrant for her DNA, allowing them to swab her mouth. The complainant initially refused. However, an officer explained to her several times that if she did not comply, the warrant gave them the authorization to conduct a forced blood draw. The complainant calmed down, and an officer was able to obtain a cheek swab. The complainant was issued a Certificate of Release and a copy of the search warrant.

Body-worn camera footage showed the complainant running away from the named officer, approximately one-half block. Once apprehended, the complainant became physically aggressive and resistive. The complainant told the named officer that she had a disability. The named officer responded by telling the complainant that she ran fast. The footage showed all officers respectfully treating the complainant, and the comment made by the named officer was not inappropriate in the context in which it was said.

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

SUMMARY OF ALLEGATIONS #7-8: The officers behaved or spoke inappropriately.

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CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated the named officers made fun of her by telling her she ran fast.

The named officers denied making any inappropriate statements.

The department records document that the named officer responded to the complainant's residence to serve a search warrant for her DNA. The record showed that the named officer(s) had a valid search warrant signed by a judge. When officers approached the complainant, the complainant fled a short distance. Once the complainant was apprehended, she lay on the ground and began to yell. She actively resisted by trying to pull away and pull her arms to her body. She then became physically aggressive by attempting to kick two officers. The complainant was subsequently placed in handcuffs and advised she was detained regarding an investigation of a hate crime and that they had a warrant for her DNA, allowing them to swab her mouth. The complainant initially refused. However, an officer explained to her several times that if she did not comply, the warrant gave them the authorization to conduct a forced blood draw. The complainant calmed down, and an officer was able to obtain a cheek swab. The complainant was issued a Certificate of Release and a copy of the search warrant.

Body-worn camera footage did not show the named officers make any comments regarding how fast she ran.

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

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

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant, a vendor, reported that he was arrested for no reason and his merchandise was seized.

San Francisco Police Department records indicate that the named officers carried out an undercover investigation into the complainant's sale of counterfeit items at the request of a counterfeit expert. The expert provided an affidavit that provided the basis for the investigation. Officer #2 purchased counterfeit merchandise that was confirmed by the counterfeit expert and Officer #1 witnessed the purchase. Based on the transaction, the complainant was arrested, and his merchandise was seized for further investigation.

Court records showed that a judge reduced the complainant's charge of selling counterfeit merchandise to a misdemeanor and dismissed the case.

The Department of Police Accountability requested the officers' body-worn camera footage to evaluate the events leading up to the complainant's arrest, but no footage for the events prior to the arrest existed. Notably, SFPD policy does not require undercover officers to wear body-worn camera's. Officer #2 had no body-worn camera when she purchased the alleged counterfeit items from complainant. Additionally, plainclothes officers not serving in an undercover capacity are only required to activate their body-worn camera when they take enforcement action. Therefore, Officer #1's body-camera was only activated when the arrest occurred because he was in plainclothes. Thus, the only body-worn camera footage that existed was of the complainant's arrest when they took enforcement action, and not the events that lead up to the complainant's arrest.

Without the officers' body-worn camera footage of the sale of the alleged counterfeit merchandise, or other objective evidence, there was insufficient evidence to either prove or disprove that the complainant's arrest was lawful.

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SUMMARY OF ALLEGATIONS #1-2: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers surrounded his house, told him they had received a report of shots fired inside the home, and ordered him to come out. The complainant stated that he refused to go outside and spoke to the officers through his window. The complainant stated that officers kicked in his front door and entered his house without a warrant.

The named officers decided to respond to this call when they heard Dispatch advise officers that the reporting party heard a gunshot coming from the complainant's residence while on the phone with the dispatcher. The named officers arrived on scene and learned that responding officers had heard a female scream inside the complainant's residence when they arrived and had not heard from her again. The named officers learned that officers had responded to domestic violence calls at the complainant's residence in the past and that they knew a female and several young children also lived in the home. Officers on scene spoke to the complainant through the window and explained that they needed to check on the welfare of the other residents. Officers on scene repeatedly asked the complainant to show them that the other residents were uninjured by allowing them to come to the window, but the complainant refused and aggressively yelled and cursed at the officers. The named officers acknowledged that they were the supervisors at this scene and jointly made the decision to force entry into the complainant's residence. The named officers stated that based on the nature of the call, the aggression coming from the complainant, the complainant's refusal to allow the officers to check on the other residents, and the fact that multiple officers had reported hearing a female scream once and had not heard from her since, the named officers determined that there was an exigency to enter the residence to check on the welfare of the female and children inside. The named officers established an entry team and forced entry into the complainant's home. Once the named officers verified that nobody was injured inside the residence, they immediately exited and discontinued their search.

A witness officer confirmed that he heard a "distress scream" coming from a female inside the complainant's residence when he arrived on scene. The witness officer said that he was concerned that maybe the female had been shot. The witness officer confirmed that he did not hear the female voice again after the initial scream, and officers were unable to check on her or make visual or verbal contact with her or the children inside the residence because the complainant refused to cooperate.

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The named officers' body-worn camera (BWC) videos were consistent with the statements they provided to DPA. Several BWC videos from responding officers captured a loud, high-pitched scream coming from inside the complainant's residence while the officers stood outside.

Department records indicated that a neighbor called police to report that she heard a male and female arguing inside the complainant's residence, that she believed she had heard a gunshot coming from the residence earlier that day, and that she thought she heard another gunshot while she was on the phone with the dispatcher.

The "emergency aid exception" to the Fourth Amendment's warrant requirement allows police officers to enter a residence without a warrant if they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with such injury. The need to protect or preserve life or avoid serious injury justifies what would otherwise be illegal absent an exigency or emergency. (*People v. Troyer* (2011) 51 Cal. 4th 599; *Rayburn v. Huff* (2012) 565 U.S. 469; *Kentucky v. King* (2011) 563 U.S. 452.)

Evidence showed that the named officers acted properly when they decided to force entry into the complainant's residence based on their reasonable belief that an occupant of the residence was seriously injured.

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

SUMMARY OF ALLEGATION #3: The officer detained a person at gunpoint without justification.

CATEGORY OF CONDUCT: UF

FINDING: U

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FINDINGS OF FACT: The complainant stated that the named officer pointed a firearm at him while he came down the stairs with his child in his arms.

The named officer stated that he was the first officer to enter the complainant's residence and held a shield in his left hand and his firearm drawn in his right hand. The named officer held his firearm at a downward angle and was resting it next to the shield. The named officer had his firearm drawn because there had reportedly been shots fired in the home, and he believed the complainant could have a firearm inside. The named officer said that when he entered the home, he covered the living room and staircase as the other officers cleared the kitchen on the first floor. The named officer observed the complainant coming very quickly down the first three steps holding one of his children in his arms. The complainant yelled at the named officer and said something like, "Why do you have a gun pointed at my kids?" The named officer stated that he did not intend to point his firearm at the complainant or his child, and he did not believe the muzzle of his firearm covered any portion of the complainant or his child. The named officer said that he would have reported it if he had pointed his firearm at anyone.

A witness supervisor who stood next to the named officer as the complainant came down the stairs stated that he did not recall seeing the named officer point his firearm at the complainant. Although BWC footage showed that the witness supervisor lowered the named officer's firearm with his left hand as the complainant came down the stairs, the witness supervisor did not remember doing so but speculated that he did it for "muzzle discipline." The witness supervisor said that if he had observed anyone pointing their firearms at people on scene, he would have documented it.

Body-worn camera (BWC) footage from this incident showed the named officer holding a shield in his left hand and a firearm in his right hand. The firearm appeared to be pointed forward as the named officer stood facing the staircase inside the residence. The complainant suddenly stepped down the first several stairs holding a child in front of him in his arms. The complainant yelled at the named officer to put his gun away, and a witness supervisor lowered the named officer's firearm and said, "He has a kid in his arms." Although multiple perspectives were captured on BWC, it was unclear from the videos whether the muzzle of the named officer's firearm ever crossed any portion of the complainant or his child.

Department General Order 5.01 (published on 12/04/23 and effective on the date of this incident) states, "For the purposes of this order, pointing a firearm occurs whenever an officer, with the muzzle of their drawn firearm, covers any portion of a person." The policy requires officers to "document and articulate their justification for pointing their firearm in the corresponding report" and requires supervisors to "complete a corresponding Use of Force Supervisory evaluation."

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The witness supervisor's statement along with the named officer's documentation of drawing and exhibiting his firearm established that a preponderance of evidence indicates that the named officer did not point his firearm at the complainant or his child.

The evidence proves that the alleged conduct did not occur.

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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 he believed the police were targeting him.

Witness officers stated that the complainant was not being targeted or surveilled for any reason. Witness officers stated that they were answering a call for service, and they would not have responded to the complainant's residence if nobody had called the police.

Department records indicated that a neighbor had called police to report that she heard a male and female arguing inside the complainant's residence, that she believed she had heard a gunshot coming from the residence earlier that day, and that she thought she heard another gunshot while she was on the phone with the dispatcher. Department records indicated that the responding officers spoke with the neighbor and documented her statement in an incident report.

Evidence showed that the officers who responded to this incident did so in response to a call for service and were not targeting the complainant.

The evidence proves that the alleged conduct did not occur.

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

COMPLAINT DATE: 9/25/2024 COMPLETION DATE: 03/27/25 PAGE# 1 of 2

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 the victim of a sexual assault. The complainant stated that her incident report contained a clerical inaccuracy regarding the timing of something that occurred during the incident. The complainant stated that she informed the named officer, but the officer failed to update her report to correct an incorrect time that was put in the original report.

The named officer stated that he updated the report and included the new detail that the complainant wanted to add.

SFPD records showed that the named officer updated the report and added the new information that the complainant provided to him.

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 named officer asked her to use inappropriate language in her communication with the suspect in her case.

The named officer stated he did not remember the specifics of the conversation with the complainant as it had been 5 years since he conducted the investigation. The named officer stated that it is not unusual to ask victims to use colloquial language instead of medical jargon to facilitate a more natural conversation during pretext calls and text messages to suspects. The named officer stated that there is usually a

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

COMPLAINT DATE: 9/25/2024 COMPLETION DATE: 03/27/25 PAGE# 2 of 2

conversation between the investigator and the victim about the use of language and what they are comfortable using and if they are comfortable attempting a pretext call or text.

There are no documents or recordings related to this allegation. There is no objective evidence related to the allegation.

There are no specific department policies related to the particular use of language when organizing a pretext call or text message.

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

SUMMARY OF ALLEGATION #3: The officer failed to provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant stated that the named officer failed to introduce herself when she came to take a report from the complainant.

The named officer has resigned and is no longer subject to an investigation.

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: 09/26/2024

COMPLETION DATE: 03/03/25 PAGE# 1 of 3

SUMMARY OF ALLEGATION #1: The officer drove improperly.

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: In an online complaint, the complainant stated they were a “pedestrian” crossing a street. It was quite dark, and a police patrol vehicle was speeding about 50 mph southbound towards a stop sign. The complainant said they waved their hands at the vehicle to get its attention because they were in its path. The vehicle braked at the last moment, and they realized it was a police cruiser (no sirens or lights flashing). The complainant stated they commented to the officer driving, “Hey, that wasn’t safe coming at me so fast.” The officer rolled down his window and ordered the complainant to get out of the way because he was on an emergency call. The complainant asked the officer why his sirens or lights weren’t on and why he was going so fast in a residential neighborhood. The officer dismissed the complainant and ordered the complainant out of the way. The complainant said that another pedestrian was walking her dog across the street, yelled at the officer that he was unsafe, and asked him to stop giving the complainant a hard time. The officer proceeded to argue with her. The complainant told the officer they would take down his car number and issue a complaint.

The complainant did not respond to DPA’s requests for an interview.

DPA received a second online complaint from someone who wished to be anonymous and did not want to be contacted. The anonymous complainant stated that an SUV was accelerating down a street without its headlights. The anonymous complainant stated they were in the south crosswalk part way and noticed a man stepping into the crosswalk on the north side (in the path of the SUV, which was very hard to see). About three steps into the crosswalk, the man noticed and froze. He also started waving his arms to make sure the SUV saw them. As the vehicle got to the intersection and was in view of the streetlight, the car became recognizable as a police car. The SUV did a hard brake a little from the sidewalk and then slightly lurched again toward the man on the sidewalk. They both started yelling as the pedestrian got out of the way. The police officer didn't apologize, didn't seem to notice his headlights weren't on, and was bullying the man, telling him to move on and that he was going to a call.

The named officer denied that he drove improperly. The named officer stated that he was driving the patrol vehicle on the date of the alleged incident. The officer was en route to a call of a theft/fight or possible robbery at a retail store. The officer did not recall the exact speed but estimated it was

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

COMPLAINT DATE: 09/26/2024

COMPLETION DATE: 03/03/25 PAGE# 2 of 3

approximately 25 mph. His lights and sirens were not on because he was not driving "Code 3'." The officer stated he observed someone in the crosswalk as he approached it, walking in the eastbound direction. The person saw him driving, stopped near the middle of the crosswalk (not directly in front of the officer), and raised their hands. The officer said he stopped before the crosswalk line and told them he was responding to a theft in progress. He also said, "I was nowhere near close to hitting you." The officer remembered a person walking her dog across the street and he told her that he was responding to a call for service and that he was acting in the performance of his duties. The officer stated that the allegation that he was driving 50 mph was false. He said perhaps it appeared he was driving fast due to his coming downhill and being dark out, which can obstruct vision and depth perception. The officer stated that he came nowhere near hitting the pedestrian in the crosswalk because they were already more than halfway across the street, and he stopped behind the limit line.

Department records indicated that the named officer was driving the patrol vehicle on the date and time of the alleged incident. Department records confirmed that the named officer was en route to an "A" priority call for service of a 418/Fight No Weapon.

Although the complainants have given initial accounts, one was given anonymously, and the other complainant declined to participate in the investigation. There is no evidence, such as body-worn camera video footage, to corroborate or refute the different accounts.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: In two separate online complaints, the complainants alleged that the named officer behaved or spoke inappropriately and acted unprofessionally. The officer was dismissive when he rolled down his window and ordered one of the complainants to get out of the way because he was heading to a call. The officer argued with the second complainant, who was walking her dog when challenged about his unsafe driving, and the officer yelled at the complainant when the complainant said he was going to file a complaint and sped off.

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COMPLAINT SUMMARY REPORT**

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COMPLETION DATE: 03/03/25 PAGE# 3 of 3

The named officer denied that he engaged in any inappropriate behavior or comments. The officer stated he observed someone walking in the eastbound direction in the crosswalk as he approached it. The person saw him driving, stopped near the middle of the crosswalk (not directly in front of the officer), and raised their hands. The officer said he stopped before the crosswalk line and told them, "I was responding to a theft in progress," and commented, "I was nowhere near close to hitting you." The officer did not recall everything he said but stated he was relevant and professional.

The named officer said he remembered someone walking her dog across the street. He told her he was responding to a call for service and was acting in the performance of his duties.

The officer stated he might have unintentionally come off as dismissive because the pedestrians were making false accusations, and he was eager to continue to his destination and stop a crime in progress. The officer said he probably told them to continue walking because they were in a crosswalk and needed to proceed to the sidewalk, not berate an officer during the performance of his duties.

The officer stated he did not argue but responded and said he was driving to a high-priority call for service and that they were unaware of the gravity/details of the situation. The officer stated that he may have raised his voice when the complainant told him they were going to file a complaint because he responded by telling them his star number and that they were free to file the complaint. His voice may have been raised because they were almost across the street.

There is no evidence, such as body-worn camera video footage, to corroborate or refute the different accounts.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 09/27/2024

COMPLETION DATE: 03/25/25

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 she was parked in a loading zone waiting to pick up her child from school. An officer in uniform driving an SFPD vehicle #331 used his PA system to tell her to move her vehicle. The officer took a photo of her car. However, the complainant said a sign showed she could pick up passengers between 2 and 4 pm, so she was not violating traffic law. The complainant did not know the name or badge number of the officer.

The complainant provided a picture of the police vehicle with the identifying number. The complainant did not have a picture of the officer.

The named officer confirmed he was assigned the vehicle when the complainant said the incident occurred. He stated that at 0800 hours, he drove the vehicle to a hospital to conduct an arrest custody watch. He said he did not drive the car again until he was relieved at midnight. He said he was at the hospital conducting the arrest custody watch at the time the alleged incident occurred. He denied any interaction with the complainant.

Department records showed that the named officer worked overtime from 0800 to midnight at the hospital.

The complainant and the named officer have given different accounts. The complainant's account is supported by a picture of the marked police vehicle involved in the incident. The named officer's account is supported by records documenting his location elsewhere during the incident. As such, it is not possible to rebut or confirm either account.

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

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

COMPLAINT DATE: 10/02/2024

COMPLETION DATE: 03/25/25 PAGE# 1 of 2

SUMMARY OF ALLEGATIONS #1-6: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers unlawfully evicted him from his business.

The landlord stated that the complainant did not have a lease and moved into her commercial property without permission. She also stated that the complainant changed the locks.

Department records indicate that the complainant informed officers that the landlord illegally broke into his place of business and stole his personal property. The complainant reported that the landlord was in possession of a gun. The complainant showed officers text messages as evidence of a lease. Officers explained to the complainant numerous times that the text messages were not a lease. The landlord reported that the complainant discarded all of her personal belongings that were stored in the property and changed the locks. The landlord informed the officers that she had the locks changed so the complainant could not make entry. The complainant demanded that the officers allow him back inside and that if they did not he was going to call the fire department and have them force entry. Officers advised the complainant that this was a civil matter and that if he committed any criminal acts such as vandalism, he would be arrested.

Body-worn camera footage showed officers speak with the complainant who accused the landlord of illegally evicting him from a commercial store front for which he had a lease. In addition, the complainant alleged that the landlord stole items from the property. The complainant was unable to show a valid lease and insisted that text messages between him and the landlord should suffice. The officers spoke with the landlord who denied entering into a lease with the complainant and only allowed him access to the building to view the property. The footage does not show the complainant produce a written lease but only showed a string of text messages to the officers. Officers asked the complainant repeatedly to tell them what items were stolen; however, the complainant kept insisting that there was a valid lease and never provided the requested information. Officers informed the complainant that they would provide him with a report number and that he could follow up with a list of missing property. The complainant was warned that if he vandalized the property, changed the locks, or entered the property, he would be arrested.

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COMPLAINT SUMMARY REPORT**

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The complainant was unable to show that he had lease and therefore legal authorization to enter the landlord's property. Therefore, evidence shows that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/08/2024

COMPLETION DATE: 03/25/25 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant called 9-1-1 for police assistance to deal with an individual illegally parking and blocking his driveway. The complainant said that the police never arrived.

Department records recorded five calls for service from the complainant on the same day. Three calls occurred around the same time in the morning, and two calls happened around the same time in the afternoon. Documents showed that Named Officers #1 and #2 responded to the scene in the morning. The offending vehicle was moved to a legal parking spot, and a 72-hour enforcement notice was placed on it. Documents show that Named Officer #3 attended the scene in the afternoon, but the offending vehicle had gone on his arrival.

The evidence shows that the named officers did attend the scene and took appropriate enforcement action.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 10/24/2024 COMPLETION DATE: 03/11/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer laughed at her when she tried to file a complaint at a police station. The complainant did not provide any further details upon request.

The named officer stated that he was not on duty at the time of the alleged incident and that he is not assigned to the District Station that the complainant cited.

SFPD documents showed that the named officer was not on duty on the date provided by the complainant and that the named officer does not report to the station named by the complainant.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officer threatened to arrest her for trying to file a police report. The complainant did not provide further details on request.

Department records showed that the named officer was working at the District Station where the complainant stated the alleged actions took place. The named officer stated that he does not remember any interaction with the complainant and stated that he rarely worked at the front of the station.

There was no other evidence or video footage available to confirm the complainant's allegation. There are no other witnesses to this alleged interaction. The evidence fails to prove or disprove that the alleged conduct occurred.

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

COMPLAINT DATE: 10/28/2024 COMPLETION DATE: 03/25/25 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he posted a photo of a firearm on the internet, which prompted the officers to conduct an unexpected search and seizure of his house. He said he was diagnosed with epilepsy, and his doctor told him that if he was to be arrested, an ambulance should be called, and he should be handcuffed in front. He said the officers on the scene handcuffed him behind his back, causing him to have a seizure while in cuffs. He complained that this aggravated his medical problems since the time of the incident. The complainant agreed to sign a medical release form for the DPA to obtain his medical record but never returned it to the DPA.

Department records indicate that a search was conducted at the complainant's residence, and the complainant was detained during the search. The record documented that the complainant had a seizure and was assessed by San Francisco Fire Department medics on the scene.

Body-worn camera footage shows that when the named officer first put handcuffs on the complainant, the complainant complied and was able to put his hands behind his back without any issues. Later, he told the officer he could not feel his hand anymore, and the named officer requested medics for him. Then, he told the officers that he had been diagnosed with epilepsy before and thought officers would have a different detention procedure. The named officer then put an additional pair of handcuffs on him to loosen him up. Another officer offered for the complainant to sit down. The complainant appeared to have a seizure after and fell on his side. Medics came and transferred him to an ambulance. While he was on the gurney, a senior officer asked the medics whether the complainant had a seizure. The medics responded that the complainant was pretending to have one.

No San Francisco Police Department (SFPD) training material or policies state that subjects with any medical condition need to be handcuffed from the front.

The evidence collected proves that the named officer was very attentive to the needs of the complainant by offering to loosen his handcuffs, requesting an ambulance, allowing him to sit down, and eventually sending him on an ambulance. There were no policies that required officers to handcuff subjects in front based on their medical condition and no evidence showing the complainant actually had a seizure.

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

SUMMARY OF ALLEGATIONS #2-3: The officers intentionally damaged property.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the police caused unnecessary damage to his house, including broken doors and sewer lines.

Department records document that SFPD responded to the complainant's residence for a high-risk search warrant. During the search, the team encountered three locked doors that needed to be breached. The two named officers breached the doors and took photos of the damage.

Body-worn camera footage shows that officers announced themselves on the loudspeaker upon arriving outside the residence and told the residents to come out. The residents were warned that if they refused, they would be subject to police activities such as use of force or damage to property. When the residents came out, the officers asked for their house keys, which they complied with. Officers were able to open some doors but not three of them. In order to gain entry, officers knocked, announced themselves as SFPD, and attempted to open them with the keys provided. Breaching through the doors was their last resort to be able to get into the rooms to conduct a thorough search.

Body-worn camera footage did not capture any officers tampering with the complainant's sewer system.

There were no policies forbidding officers from breaching doors to gain entry into houses, but there were policies requiring officers to document the damage they caused after breaching doors.

The evidence proves that in order for the officers to gain entry into the residence to conduct a warranted search, they had to breach the doors after multiple reasonable attempts to open them without causing damages. There was no evidence showing that officers on the scene tampered with the sewer system. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 10/28/2024 COMPLETION DATE: 03/25/25 PAGE# 3 of 3

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant alleged that the named officer unnecessarily seized two BB guns.

Department records indicate that the complainant had a search condition and had been posting firearm images on social media. The records also show that the court issued a valid search warrant, and the named officer seized four black replica firearms after the search.

Body-worn camera captured that officers located these black firearms that resemble real firearms and seized them as evidence for further investigation. It captured a witness officer explaining to the complainant that the reason police were there was because he flashed firearms on social media. The guns they found in the house looked real, so officers still needed to take action and seize them.

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: 10/31/2024

COMPLETION DATE: 03/06/2025

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was using his wheelchair on the sidewalk when he encountered garbage obstructing his path. He was unable to get past, so he called 9-1-1, was transferred to the non-emergency division, and was told that officers would respond to his location when they could. The complainant stated that no one responded to his location.

The named officers stated that they began their response to the scene approximately 30 minutes after their shift began. Upon arrival, they did not immediately locate the complainant. Shortly after arrival they were called to respond to a higher priority call. When they arrived back at the original location the sidewalk was clear, and they did not locate the complainant. They asked Dispatch to call the complainant back to see whether he still needed police assistance, but the call from Dispatch to the complainant went to voicemail.

DPA obtained a copy of the corresponding Computer Aided Dispatch (CAD) record. The CAD was consistent with the statements the named officers provided to DPA.

There was no body-worn camera footage to review.

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

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

COMPLAINT DATE: 11/3/2024 COMPLETION DATE: 03/18/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported as follows: On the date in question, she was sitting inside of a vehicle she purchased parked on a roadside. Earlier in the day, the complainant had spoken to the seller about making payments for the balance due and had arranged to make the payment. Later that day, the complainant was contacted by police because the seller had accused her of stealing the car. When officers arrived, they informed the complainant that the vehicle was reported stolen and that she would have to remove her belongings so that the vehicle could be returned to its owner. The complainant complied and exited the vehicle but had a sudden medical emergency requiring medical care. The complainant opted to have the Department of Public Works temporarily store her belongings, but alleged she was unable to retrieve her belongings because, according to the complainant, the officers failed to issue her a property receipt.

The named officer's body-worn camera footage was reviewed. The footage showed officers responded to a call about a stolen vehicle. Upon further investigation, the named officers determined that the complainant unknowingly occupied a vehicle that was reported stolen. To return the vehicle to its owner, the named officers advised the complainant that they would need to remove her belongings. The named officers offered the complainant the opportunity to take and store her own belongings or, alternatively, the Department of Public Works (DPW) could pick it up and store it for her. The complainant opted to have the DPW store her belongings. The officers contacted the DPW and requested that the complainant's items be picked up and stored at their facility. The remainder of the video footage showed the officers removing the items from the vehicle and waiting for the DPW to arrive. The incident report indicated that a DPW employee picked up and stored the complainant's property. The DPW independently confirmed that the complainant's belongings were picked up and stored at their storage facility temporarily, but items were never retrieved by the owner, the complainant.

The protocol for Processing Property Consistent with DPW's "Bag and Tag" Policy is in Department Notice 24-114. The policy states that members should contact DPW to respond to the scene and DPW will then process the property and document their actions in accordance with DPW Procedures 16.05.08 (Removal and Temporary Storage of personal items Collected from Public Property). Furthermore, the issuance of property receipts is outlined in Department General Order 6.15. which states, "When taking or receiving Property for Identification from a person (including an arrestee), complete a Property Receipt

**SAN FRANCISCO DEPARTMENT OF POLICE ACCOUNTABILITY
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(SFPD 315) in duplicate. Give the person the original and keep the copy. If the form is not issued, state the reason in the incident report. (DGO 6.15.III.A.1.)

The investigation showed that the complainant was cited and released at the scene. The officers did not take nor receive the complainant's property for safekeeping, but rather at the complainant's request, took temporary custody of the complainant's property until DPW arrived at the scene to properly bag and store the items at their storage facility. The officers did not issue a property receipt, because the policy did not require them to do so.

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

Dominic Orlando #1907

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

CATEGORY OF CONDUCT:

FINDING: NF

FINDINGS OF FACT: The officer has left the Department and is therefore no longer subject to discipline.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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COMPLAINT DATE: 11/19/2024

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she had a restraining order against the father of her children. He came to a community event where she was working, looking for her and yelling at her co-workers. She stated the named officer showed up but failed to arrest the person for violating the court order.

Named Officer #1 said the restraining order prohibited the subject from a distance of one hundred yards from the complainant but allowed him to have brief and peaceful contact in writing. In his investigation, he determined that the person did not violate the order. He said the restrained party attempted to contact the complainant regarding their children in a peaceful manner. He also could not confirm if the subject violated the distance limitation and other terms in the restraining order but observed him to be calm and cooperative. He said he did not receive any information that the subject threatened the complainant before they arrived at the scene.

Named Officer #2 said he acted as a cover officer during the contact. He recalled the subject attempting to contact the complainant about their children. He recalled his partner talking to the complainant, conducting a record check on the subject, and verifying the restraining order. He said his partner determined the subject did not violate the court order, so no arrest was made.

The corresponding Computer Aided Dispatch (CAD) of the incident showed that the named officers responded to the complainant's call for assistance. They ran a records check on the subject, confirmed the existence of the restraining order, and determined that he could contact the complainant concerning their children.

The restraining order showed the complainant had legal custody of the children and that the subject had no visitation rights unless both agreed in writing for parenting time or unless ordered by the court. The order further required him to stay at least one hundred yards away and not to contact the complainant except for brief and peaceful interaction regarding their children, which had to be in writing.

DPA obtained the Body-worn camera (BWC) footage of the incident. Named Officer #1's footage showed that he and his partner found the subject standing calmly on the sidewalk and willing to talk. At some point, Named Officer #1 spoke to the complainant who told him that she went into a bathroom to avoid the subject. She was unsure if he was within one hundred yards but said that he did not come close to her. When asked what she wanted out of the situation, she said she wanted him to leave and never

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return. The footage showed that Named Officer #1 verified the restraining order, talked to the person, and apprised him of the terms and conditions of the order. In his investigation, Named Officer #1 believed the subject was not within distance limitation and did not violate the order since it allowed him to have peaceful contact with the complainant. Towards the end of the encounter, Named Officer #1 advised him to leave. The subject understood the officer's explanation and voluntarily left the scene. Additionally, Named Officer #1 confirmed from the complainant that both had previously agreed informally in front of a mediator that the subject could spend time with the children on Sundays.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant said that after the incident at the community event, the subject went to her mother's house. The complainant said her mother also had a restraining order that prohibited the subject from contacting her mother and being within fifty yards of her house. The complainant said the responding officers failed to arrest the subject, who violated the court order. She said he later returned after the officers had left and attacked her mother, severely injuring her.

Named Officer #1 said she contacted the subject, who was standing across the street from the complainant's mother's home. She recalled him saying he attempted to contact the complainant about their children and that the complainant was playing games. The subject said that he and the complainant agreed that he would see his children every other weekend. He said it was his weekend with the children, but the complainant tried to change the date to one where he had work. Named Officer #1 said the subject learned that the children were at the complainant's mother's house and that the complainant refused to have them spend time with him in his house located a few blocks away. Hence, he stood across the street and called out to the children, but the complainant's mother did not allow them to come down to see him. Named Officer #1 talked to the complainant's mother, and based on the statements of both parties, she thought the restraining order was already expired or no longer active. She then advised her to get a new restraining order. Named Officer #1 said that at some point, the complainant's mother mentioned that the subject refused to be served with the restraining order.

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Named Officer #2 stated that he talked to the complainant's mother and determined, based on her statements, that no crime had occurred and that there was no currently served restraining order against the subject.

The CAD of the incident indicated that the complainant's mother had an unserved restraining order against the subject.

The mother's 911 call recording showed that the operator or call taker advised her that the subject was not served with the restraining order. She replied that the subject avoided getting served and refused to receive the document.

The Department of Police Accountability (DPA) obtained the BWC footage of the incident. The footage appeared consistent with the named officers' statements to DPA and the foregoing Department records. The footage showed the complainant's mother telling the officers that the subject was not served with the restraining order. She stated she did not want him arrested, but did not want him near or around her house.

The evidence showed the officers had no probable cause to make an arrest. SFPD officers are not responsible for serving civil restraining orders. At the time of this incident, the subject had not been served with the five-year restraining order granted by a court in favor of the complainant's mother. SFPD officers are trained that a subject must be served with a valid restraining order before an arrest may be made for violating such an order.

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

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

COMPLAINT DATE: 11/29/2024 COMPLETION DATE: 03/04/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that police responded after she called to complain about her neighbor making noise. The officers knocked on the neighbor's door, but the person who answered said the neighbor was sleeping. The complainant stated that the officers should have forced the person to wake the neighbor up so they could talk to him.

The named officers stated that they responded to the complainant's building and knocked on her neighbor's door, where they were met with a woman who advised that she was a caretaker. She said the neighbor was currently sleeping. The officers heard no noise coming from the neighbor's unit. The complainant requested that the officers go inside and remove the neighbor by either taking him to jail or evicting him. The officers explained to the complainant that they could not enter his residence, advised that any evictions would be the landlord's responsibility, and offered tips and suggestions for dealing with noise issues.

The Computer-Aided Dispatch (CAD) report documented that the complainant reported being harassed by another tenant who had been banging on the walls all night and that police had responded to the same subject the day before. The named officers arrived on the scene and noted that they provided the complainant with suggestions on addressing noisy neighbors and offered to document the incident. However, the complainant became uncooperative and requested no further action.

Body-worn camera footage (BWC) was consistent with the named officers' accounts.

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: 12/03/2024

COMPLETION DATE: 03/25/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant has had ongoing issues with a relative and reported that when the officers responded to the complainant's home, they did not properly investigate the call for service.

The Department of Police Accountability (DPA) was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 12/10/2024

COMPLETION DATE: 03/25/2025

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated she was assaulted while leaving work. Witnesses intervened, and the complainant called 9-1-1. The named officer responded to the scene and asked the complainant whether she wanted to press charges. The complainant told him that she needed some time to decide, but she felt it was improper that the named officer did not call one of the witnesses on the phone during his initial investigation.

The named officer stated that the complainant was asked multiple times (between himself and his partner) whether she wanted to press charges. She initially said she did, but then changed her answer, asking if other courses of action were available. The named officer stated that he did not recall the complainant telling him that she needed time to decide on this issue. The named officer stated that the complainant informed him about a witness to the incident who was no longer on scene, but whose name and contact information she took down. The named officer told the complainant that the witness would need to be physically present on scene for him to interview. He stated that without the witness being physically present, he could not verify their identity or credibility in relation to the incident.

Department records showed that the named officer and his partner responded to an assault and battery call for service. The complainant reported that she had been pushed to the ground. Later, the suspect was detained on a mental health hold. The incident report indicated that the complainant stated that the suspect had pulled her by her hair and thrown her to the ground. The complainant refused medical attention and did not want to press charges but pointed out the suspect who was later placed on a mental health hold.

Body-worn camera footage (BWC) showed that the complainant stated she had contact information for a witness who had to leave. The named officer explained that they would need to talk to the witness in person, but that the complainant's statement was sufficient.

The evidence showed that the named officer took appropriate investigative steps during this incident.

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

COMPLAINT DATE: 12/10/2024

COMPLETION DATE: 03/25/2025

PAGE# 2 of 2

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: 12/10/2024

COMPLETION DATE: 03/25/2025

PAGE# 3 of 3

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that after the incident, she emailed a superior officer, advising that she wanted to press charges. The complaint stated that this named officer incorrectly told her that her case was closed and could not be reopened with the Department.

The named officer stated that he was not on scene during this incident and was not the supervisor of the officers involved. The named officer stated that he did not know how the complainant obtained his name or email address. The named officer stated that he responded to the complainant's email and told her that he reviewed her report and noted that at the scene she stated she did not want to seek criminal prosecution, so the officers concluded the incident with a mental health detention for the suspect. The named officer advised the complainant that she could seek a civil stay away order or contact the District Attorney's office to press charges, but that the Department could not reopen the case to press charges. The named officer explained to DPA that because the complainant did not seek criminal charges on scene, the officers did not obtain a citizen's arrest request form and criminal charges could not be sought. The named officer stated that because this was a cold misdemeanor that happened outside of the officers' presence, no investigating unit was assigned to the case, and no follow up was conducted.

The evidence indicated that the named officer properly responded to the complainant's email.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 12/11/2024 COMPLETION DATE: 03/25/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant, a rideshare driver, stated that she had dropped off a passenger and was stopped at a red light when her cell phone network went down, and she tried to turn off and reset her phone. She then heard an officer use a loudspeaker to tell her, "If you stop fooling around with that phone you can pull up." The complainant stated that the officer had no right to tell her to get off the phone over the loudspeaker and that she had the right to do whatever she wanted in her car. The officer did not activate his lights or sirens and did not pull the complainant over.

The named officer stated that he had no recollection of the incident but noted that, according to the complainant's account, she violated the California Vehicle Code by using a cell phone while driving.

There were no Department records or body-worn camera footage available.

The complainant may have violated the vehicle code. However, even if she was using a hands-free method to interact with her cell phone, the actions of the named officer did not rise to a level of misconduct.

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

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

COMPLAINT DATE: 12/11/2024

COMPLETION DATE: 03/03/25 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 two SFPD black-and-white marked SUVs with four officers in each vehicle drove past him and looked at him. The complainant could not identify the officers and did not get the license plate or vehicle number of the two vehicles that drove past him.

Because the complainant could not identify the specific officers involved in the interaction, DPA sent an ID Poll to the district station. An ID poll describes the incident and asks that the Captain and/or members of the station review the incident description and identify officer(s) that were involved. The ID poll came back with negative results. Therefore, there was insufficient information to identify the officers. The identity of the officers involved 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: 12/17/2024

COMPLETION DATE: 03/04/25

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 he filed two reports at the police station. However, he provided numbers inconsistent with the San Francisco Police Department Incident Report numbering, and he was unable to identify the officers with whom he filed the reports.

Because the complainant could not identify the specific officer involved in the interaction, the Department of Police Accountability (DPA) sent an 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) that were involved. The ID Poll came back with negative results.

The DPA was unable to obtain district station footage as the complaint extended well past the time frame within which surveillance footage is maintained.

The DPA could not locate the two incidents referred to by the complainant in the police database. The identity of the alleged officer(s) 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: 12/18/2024

COMPLETION DATE: 03/11/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and the named officers, the complaint was mediated and resolved in a non-disciplinary manner on 3/6/25.

SUMMARY OF ALLEGATION #3: 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: 12/20/2024

COMPLETION DATE: 03/13/25

PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that officers illegally entered and searched their residence. The complainant said the search was related to a person on probation who did not actually live at the residence.

Records showed that a person on probation with a warrantless search condition was registered as living at the complainant's address. Before entering the residence, officers confirmed that the suspect had a warrantless search condition of his person, property, vehicle, and residence. The incident report showed that items belonging to the suspect, including mail, medication, and a passport, were located during the search. Some of the items showed the suspect lived at the address. Body-worn camera footage showed that named officers conducted a search of the residence and recovered personal items belonging to the person on probation with the warrantless search condition.

The suspect's registered address and indicia recovered at the residence indicate that the person on probation lived at the complainant's address. Additionally, the officers confirmed that the search condition was still active before lawfully entering the residence.

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: 12/22/2024 COMPLETION DATE: 03/13/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he observed an individual smoking drugs and blocking an emergency exit door to the building where he lives. He felt this was a safety issue and called for police service. The complainant noticed that the individual was still there a few hours later and called police dispatch again. Dispatch advised the complainant that an officer had already responded, and the call had been cleared. The respondent stated that shortly thereafter an officer called him and told him that he had responded and determined he was not going to relocate the individual outside the building.

The named officer stated that he responded to both calls for service. During the first response the named officer stated he observed two individuals sitting in front of a doorway underneath a tarp. It was raining heavily, he did not observe drug use, and the sidewalk was not blocked. The named officer stated that he asked the individuals whether they needed assistance to which they replied they did not. He asked them to keep the area clean and to pack up and move along once the rain subsided. He stated that the door the individuals were in front of was a Fire Department pump room and not a general entrance to the building. He stated that due to the fact that he did not observe any criminal activity, the heavy rainfall at the time of the initial contact, the high probability that the door was not accessible to the general public, and the expectation of providing safety with respect he decided that their safety and dignity justified allowing them to occupy the space in front of the door until the downpour subsided. The named officer stated that during the second response, only one of the individuals remained and was packing up his belongings.

The Computer Aided Dispatch reports showed that the named officer responded to both calls for service, approximately two hours apart. During the second call the named officer reported that the subject was moving along.

The complainant provided three photographs of the area outside his building. The first two photos included some unidentifiable debris on the sidewalk, but did not include any individuals, so it was not possible to link the items to any specific person. The third photo captured signs on what appeared to be a utility door. These signs reflected a Fire Department drain was behind the door, that it was private

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

COMPLAINT DATE: 12/22/2024 COMPLETION DATE: 03/13/25 PAGE# 2 of 2

property, there should be no trespassing, and indicated that the door should not be blocked at any time. Violators were noted to be towed away at the vehicle owner's expense.

Body-worn camera footage showed that the named officer contacted an individual sitting outside of a building, advised him that he had been receiving calls about him, and requested that he relocate. The individual agreed, packed up his belongings, and left the area. The named officer called the complainant back on the phone and advised him that the individual packed up his belongings and left. He also said that it had been raining earlier, and he wasn't going to force the person to move when it was raining.

Department General Order 5.03 provides that "everyone has the right to use the public streets and public places so long as they do not engage in criminal activity. Factors such as the person's . . . dress, disheveled or impoverished appearance, or socio-economic status do not justify even a brief detention, a request for identification, or an order to move on, nor do general complaints from residents. . ."

Department Bulletin 23-202 directs officers to comply with a federal injunction against enforcing Penal Code 647(e) (sitting, lying, or sleeping on public property) against involuntarily homeless individuals.

The named officer stated he did not observe criminal activity. There is no allegation that the individuals had trespassed inside the building, and the blocking was not done by a vehicle that could be towed.

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

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

COMPLAINT DATE: 01/01/2025 COMPLETION DATE: 03/25/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant submitted an online complaint stating that several officers detained him and asked him questions for no reasons after he was leaving a mall. The complainant did not respond to DPA's interview requests nor provide any further details of the officers.

The DPA has conducted multiple computer queries but was unable to locate any incidents at the time and location the complainant provided.

There were no witnesses at the time of the incident.

The DPA is unable to further investigate this incident because the complainant failed to provide additional requested evidence.

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

COMPLAINT DATE: 01/05/2025

COMPLETION DATE: 03/06/25 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: 01/10/2025

COMPLETION DATE: 03/06/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: M

FINDINGS OF FACT: By mutual agreement of the complainant and a representative for San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on 3/3/25.

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

COMPLAINT DATE: 01/21/2025 COMPLETION DATE: 03/27/25 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 reported that while riding a bike in Golden Gate Park, he was struck by an undercover officer who laughed and fled the scene.

The Department of Police Accountability (DPA) was unable to independently identify the officers based solely on information provided by the complainant. DPA sent an identification poll to the district station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 01/22/2025

COMPLETION DATE: 03/25/25 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 said an officer stopped him illegally and failed to issue a citation.

DPA was unable to independently identify the officer based solely on information provided by the complainant. DPA sent an identification poll to the District Station asking for assistance identifying the officers based on a description of the incident. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 01/22/2025

COMPLETION DATE: 03/27/25 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: 01/22/2025

COMPLETION DATE: 03/27/25 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: 01/19/2025

COMPLETION DATE: 03/13/25 PAGE# 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to promptly respond to a scene.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he called the police to report a trespasser. He stated the police never responded.

Department records indicate that the named officers were dispatched to the complainant's residence. The Computer Aided Dispatch (CAD) record showed that the officers were delayed and later responded to the complainant's address.

The named officers stated they were dispatched to the complainant's address; however, they advised Dispatch that there would be a slight delay. When they arrived, they found the gate to the building locked, and they were not provided any instructions on how to enter the building. The named officers stated they called the complainant but were unable to make contact with him.

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

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

COMPLAINT DATE: 01/28/2025

COMPLETION DATE: 03/18/2025 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated officers ignored or failed to stop loud fireworks in their neighborhood.

A witness officer stated that upon arrival at the scene, he saw large industrial-sized fireworks being set off at the intersection, exploding within the street or just past the rooftops of buildings. The sparks landed on the roofs, vehicles, sidewalks, and pedestrians. The block was thickened with smoke with only ten feet of visibility. The event caused vehicular traffic, and large cardboard piles were on fire. In two of the cardboard piles, he saw flames under a traffic control post, and embers floated into the air, landing on the side of the roof of nearby buildings. He saw approximately 250 to 300 people standing on the street. The captain stated that what was taking place was an unlawful assembly. He repeatedly ordered the crowd to leave or disperse and warned them that those who remained would be subjected to arrest. He said that squads of officers cleared the intersection and restored traffic flow. He recalled extinguishing fires with extinguishers until San Francisco Fire Department personnel arrived and soaked the piles of debris with water. He said it took them two hours to clear everything because people refused to comply with orders and remained on the street lighting fireworks. He ordered his officers to employ de-escalation unless safety was compromised.

DPA obtained the corresponding incident report. The incident report was consistent with the statement the witness officer provided to DPA. DPA also obtained the body-worn camera (BWC) videos of the incident. The videos appeared consistent with the incident report and the witness's statement that was provided to DPA. The videos showed officers at the scene using adequate control, tolerance, and timing to pacify the situation. The officers properly de-escalated the situation, resulting in no use of force or injuries. The videos further showed a large crowd of people and fireworks being ignited at different locations within the immediate radius of the officers.

The evidence showed that it was reasonably challenging for the officers to stop the crowd from setting off fireworks and disperse the crowd in a short amount of time. However, officers took action and were able to eventually disperse the crowd. 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: 02/06/2025

COMPLETION DATE: 03/13/25

PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant called the 311 Customer Service Center and left a voicemail. In the voicemail, she said her boyfriend was unlawfully detained outside a theatre.

Attempts to contact the complainant to obtain further information have been unsuccessful.

No Department records are related to the complainant's or the boyfriend's name. No Department records are related to the theatre at or around the time of the 3-1-1 call.

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 behaved or spoke inappropriately.

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant mentioned in the 3-1-1 message that officers made inappropriate comments toward her.

Attempts to contact the complainant to obtain further information have been unsuccessful.

No Department records are related to the complainant's or the boyfriend's name. No department records are related to the theatre at or around the time of the 31--1 call.

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: 02/06/2025

COMPLETION DATE: 03/13/25

PAGE# 2 of 3

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant mentioned in the 3-1-1 message that officers threatened her.

Attempts to contact the complainant to obtain further information have been unsuccessful.

No Department records are related to the complainant's or the boyfriend's name. No Department records are related to the theatre at or around the time of the 3-1-1 call.

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 provide his or her name or star number.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant mentioned in the 3-1-1 message that officers failed to provide their names or star numbers when requested.

Attempts to contact the complainant to obtain further information have been unsuccessful.

No Department records are related to the complainant's or the boyfriend's name. No Department records are related to the theatre at or around the time of the 3-1-1 call.

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: 02/06/2025

COMPLETION DATE: 03/13/25

PAGE# 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant mentioned in the 3-1-1 message that officers failed to let the complainant see her boyfriend when officers took him to the police station.

Attempts to contact the complainant to obtain further information have been unsuccessful.

No Department records are related to the complainant's or the boyfriend's name. No Department records are related to the theatre at or around the time of the 3-1-1 call.

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: 02/06/2025

COMPLETION DATE: 03/04/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: In 2021, the anonymous complainant called 311 and left a message stating that the named officer, a permit officer, should be fired. The message was recently passed to the Department of Police Accountability for resolution.

The complainant provided an associated address. The building manager at the address stated that no one at that location had complained about a police officer.

Department records showed that the named officer retired in March 2022.

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

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

COMPLAINT DATE: 2/6/2025 COMPLETION DATE: 03/20/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION # 1: The officer illegally seized property

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant stated that an officer took a laptop from him without reason. The complainant did not respond to efforts to reach him at the address given.

The DPA searched Department records for the complainant's name, the address given for the incident and the time and date given for the incident. There were no records associated with the complainant on the date and time given and there were no records of an incident as described by the complainant. There was insufficient information to identify the officer for the DPA to conduct further investigation.

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

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

COMPLAINT DATE: 02/06/25

COMPLETION DATE: 03/03/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/OCEIA

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

Executive Director
Community Ambassador Program
Office of Civic Engagement and Immigrant Affairs
Community.ambassadors@sfgov.org

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/03/25

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 anonymous complainant stated that an officer had failed to take a complaint and had ignored the complaint. The complainant supplied no contact information and no identification information of the involved officer.

There was insufficient information to identify the officer for the DPA to conduct further investigation.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 2/6/2025 DATE OF COMPLETION: 03/11/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFPD MISSION STATION

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

San Francisco Police Department
Mission Station
630 Valencia Street
San Francisco, CA 94110

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

COMPLAINT DATE: 02/10/2025 COMPLETION DATE: 03/06/25 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 reported that she called a district police station to seek information for her friend, who had been sexually assaulted. However, the individual she spoke with on the telephone seemingly lacked empathy and compassion for her friend's situation. The complainant believed that the officer's attitude reflected a deep-seated bias that discourages victims from seeking help. She explained that this bias reinforces the cycle of abuse by making victims feel that seeking assistance is futile. Although the incident occurred outside the Department's jurisdiction, the complainant had hoped for more guidance than what the individual she spoke with provided in the call. Unfortunately, she did not obtain the name or badge number of the person with whom she spoke.

Telephone calls at the district police station are not recorded or logged.

Because the complainant did not identify a specific officer, DPA sent an identification poll to the district station. An identification poll asks officers and supervising officers to review an incident description to identify the officer(s) involved in the interaction. No officers were identified through the poll. Therefore, there was insufficient information to investigate the complaint.

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

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

COMPLAINT DATE: 02/06/25

COMPLETION DATE: 03/03/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: IO-1/Traffic Company

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

San Francisco Police Department
Traffic Company
1995 Evans Avenue
San Francisco, CA 94124

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

COMPLAINT DATE: 02/12/2025

COMPLETION DATE: 03/04/2025 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
Attn: Lt. Liza Springer #1901

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

COMPLAINT DATE: 02/13/2025

COMPLETION DATE: 03/25/25

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant filed an online complaint form where he said he had been assaulted by three employees of a street security business. He said he called 9-1-1, and the named officers responded to the scene but failed to take an incident report. The complainant did not respond to further requests for information.

Four Computer-Aided Dispatch [CAD] records were discovered recording 9-1-1 calls from the complainant. The first CAD described a verbal altercation between the complainant and the three employees. Officers responded to the scene, but all parties were gone. The officers tried calling the complainant, but he did not answer. The second CAD occurred just after officers left the scene. The complainant called to say he saw the officers at the scene but did not answer his phone quickly enough. He requested that officers return to the scene. The second CAD shows that officers returned to the scene. The complainant was not at the scene, and officers called the complainant three times. The complainant did not answer. The third CAD occurred the next day when the complainant called to report that the employees were taking his belongings. The named officers responded to the third CAD. The CAD records that they met with the complainant, but the complainant requested no further police action. The fourth CAD occurs about two hours after the third CAD. It records the complainant's request for the police to reattend to take a report. The complainant then called back a while later to cancel his request.

Body-worn camera footage shows that the complainant told the named officers that the three employees had his property. Named Officer #2 speaks with the other parties, who deny having the complainant's property. They stated that the police took the property in a previous arrest a day or two days ago. The footage showed no property in the possession of the employees. Officer #2 told the complainant what the employees had said, and the complainant changed his account to having property taken by unknown people (not the three employees) while he was in the nearby parkette. Officer #2 queried the account change and asked the complainant how the officer could help him. The complainant said, "We are done here." The officers then left.

The evidence shows that the complainant had a habit of calling 9-1-1 but not making himself available when officers attended. When the named officers did speak to the complainant, the complainant provided conflicting accounts of what occurred and ultimately terminated the contact with the officer before they could ascertain if an incident report was warranted or collect details to produce an incident report.

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

COMPLAINT DATE: 02/13/2025

COMPLETION DATE: 03/25/25

PAGE# 2 of 2

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: 02/15/2025

COMPLETION DATE: 03/27/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant said their spouse went missing, and they called the police to conduct a wellness check at their former residence. Officers conducted a wellness check, and the named officer later advised the complainant that their spouse was not missing, they would be closing the missing person file and would not investigate further.

Dispatch records showed that a wellness check was completed at the residence and officers advised dispatch that the reported missing person no longer lives at the residence.

An incident report showed that the complainant reported their business and common law partner missing. Officers responded to the address and the current residents of the home told officers that the person the complainant reported as missing no longer lived there and that they purchased the home from him. The named officer contacted the complainant and advised them of this information and the complainant became angry and refused to believe the information. The report also documented that the complainant's former partner emailed a member of the San Francisco Police Department and advised he had moved. The member emailed the complainant's former partner who replied and said he was not missing, was no longer in a relationship with the complainant, and had sold his home and moved.

Body-worn camera footage showed officers responded to the address the complainant provided to conduct a wellness check, and the occupants of the residence advised that they purchased the home from the complainant's former partner, and he no longer lived there.

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: 02/18/25

COMPLETION DATE: 03/18/25

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 he witnessed a police car parked in a bike line. The complainant did not obtain the vehicle's number and/or license plate.

Based on the limited information provided by the complainant, the officer could not be identified.

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

COMPLAINT DATE: 02/20/2025

COMPLETION DATE: 03/06/25

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: 02/06/2025

COMPLETION DATE: 03/04/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO/1

FINDING: Referral/Central Station

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

SFPD Central Station
766 Vallejo Street
San Francisco, CA 94133

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/04/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO/1

FINDING: Referral/Central Station

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

SFPD Tenderloin Station
301 Eddy Street
San Francisco, CA 94102

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/25/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant contacted the San Francisco 311 Customer Service Center. The complainant said he had found a purse containing a large sum of money, a key, and a receipt, which he turned in at his local police station in 2021. The complainant said these items were not included in the case inventory, and he wanted to claim the items for himself. The 311 service only passed this complaint to the Department of Police Accountability very recently. The complainant has declined to participate in the investigation further.

Department records show that the named officer received the property found by the complainant in 2021. The officer wrote an incident report to document the property received. The property listed in the report includes the amount of money described by the complainant, a key, and two receipts.

A court order, signed by a judge in 2022, orders SFPD to return the found US currency to the complainant.

A Supplemental Incident Report and a Property Release Form show that the money was released to the complainant in 2022.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/03/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that police never responded to their residence to take a burglary report.

DPA obtained the corresponding CAD to the incident in question. The CAD showed that SFPD were not dispatched, and the complainant stated they would call back at a later date.

No additional witnesses were identified.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 02/24/2025

COMPLETION DATE: 03/06/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFPD

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

San Francisco Police Department
Richmond Station
461-6th Avenue
San Francisco, CA 94118

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

COMPLAINT DATE: 02/24/2025

COMPLETION DATE: 03/06/25 PAGE# 1 of 1

UNKNOWN OFFICER

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: An anonymous complainant alleged that he placed a call to a police station and the individual who answered did not listen to the complainant or hear him out.

The complaint was referred to the Department of Police Accountability (DPA) from a separate agency and did not include any contact information for the complainant. The individual who answered the phone was not identified.

There is insufficient information for DPA to conduct an investigation.

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

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

COMPLAINT DATE: 02/20/2025

COMPLETION DATE: 03/06/25

PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The 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: 02/26/2025

COMPLETION DATE: 03/27/2025

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was rear-ended by a vehicle as she was riding her bicycle. The complainant said that she asked the named officer to cite the driver of the vehicle, and the named officer failed to do so.

Body-worn camera (BWC) footage from this incident showed that the complainant did not ask the named officer or any of the other officers on-scene to cite the driver of the vehicle. The named officer asked the complainant twice what she would like the officers to do, and both times the complainant told the named officer that she wanted to exchange information with the driver. The named officer collected information and took statements from both parties, who each indicated that the other intentionally caused the collision. The named officer explained that he would document the collision in a report and that it would contain the driver's information for insurance purposes. The named officer provided the complainant with a follow-up form and case number.

Department records indicated that the named officer documented the collision and both parties' statements in a report. The report indicated that the driver of the vehicle was at fault for the collision and that the named officer did not cite the driver.

Department General Order 9.01, Traffic Enforcement, states that officers have discretion on when and whether to enforce traffic laws. The policy also states that an officer must possess specific qualifications to issue a citation at the scene of a traffic collision, and that the officer must have reasonable cause to believe a traffic violation had occurred.

Evidence showed that the named officer appropriately used discretion when he decided not to issue a citation during this incident.

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.

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

COMPLAINT DATE: 02/26/2025

COMPLETION DATE: 03/27/2025

PAGE# 2 of 2

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer improperly told her to “share the road” at the end of their interaction.

Body-worn camera (BWC) footage from this incident did not show the named officer telling the complainant to “share the road,” although the named officer went to tell the complainant she could leave after he had already de-activated his BWC. BWC showed that the named officer told the other party in the collision, “We try to remind everybody to drive with due caution.”

Evidence showed that the named officer likely did say something like “share the road” to the complainant at the end of their interaction given that the named officer made a similar comment to the other party. Regardless, reminding the parties of a traffic collision to drive with caution and share the road was appropriate and fully within the scope of the named officer’s duties.

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: 02/28/2025

COMPLETION DATE: 03/25/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/U.S. Park Police

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

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

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/13/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: An anonymous complainant called the 311 Customer Service Center and left a message complaining that police activity was blocking the regular route of a MUNI bus.

The message provided insufficient information for investigation. No incidents matching the description in the complaint were found.

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: 02/06/2025

COMPLETION DATE: 03/13/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: An anonymous complainant called the 311 Customer Service Center and left a message complaining that an officer failed to attend a 911 call for service. The complaint was only recently forwarded to the Department of Police Accountability.

The message provided insufficient information for investigation. No 911 phone matching the description in the complaint was found.

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: 02/06/2025

COMPLETION DATE: 03/13/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: UA

FINDING: UF

FINDINGS OF FACT: An anonymous complainant called the 311 Customer Service Center and left a message complaining that officers were blocking pedestrians from crossing a street.

The message provided insufficient information for investigation. No incidents matching the description in the complaint were found.

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: 02/06/25

COMPLETION DATE: 03/03/25

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: 03/03/2025

COMPLETION DATE: 03/06/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFSD

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

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

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

COMPLAINT DATE: 03/04/2025

COMPLETION DATE: 03/13/25 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: 03/5/25

COMPLETION DATE: 03/18/25

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/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: 03/07/2025

COMPLETION DATE: 03/11/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to carry required equipment.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he saw a photograph online of the named officer in uniform at an event with other public officials. The officer was wearing his belt and firearm holster but was not equipped with a firearm. The complainant said that the officer was improperly representing law enforcement by failing to carry his firearm.

The complainant submitted a photograph of the named officer standing with other public officials at a large event forum, without a firearm in his holster.

Online social media posts by the San Francisco Police Department and a government official showed that the named officer had attended a hands-on, active attacker-response training exercise at a stadium with other public officials and first responders. The photograph the complainant submitted appeared to be one photograph that had been posted online. A video of the event released publicly showed that the named officer and other officials had red tape stuck on their right shoulders. Such a mark on an officer's uniform is indicative of being cleared of weapons – a mandatory safety precaution for attendees.

The evidence showed that the named officer was attending a training exercise. For safety reasons, the named officer was not allowed to carry his service weapon during the training.

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

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

COMPLAINT DATE: 03/07/2025

COMPLETION DATE: 03/27/25 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 said people were let into his residence and did unwanted things to his face and body. He called a police station and spoke to the named officer regarding the situation. The complainant alleged that the named officer told him that they would not help him.

Department records showed that on the day in question, the named officer was not working at the station the complainant alleged he called.

The information the complainant detailed lacked credibility.

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/25/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO/1

FINDING: IO-1

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

Tenderloin District Station
301 Eddy Street
San Francisco, CA 94102

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

COMPLAINT DATE: 02/06/2025

COMPLETION DATE: 03/25/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT: IO/1

FINDING: IO-1

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

Tenderloin District Station
301 Eddy Street
San Francisco, CA 94102

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

COMPLAINT DATE: 03/20/2025 COMPLETION DATE: 03/27/25 PAGE# 1 of 1

SFPD

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: 03/20/2025

COMPLETION DATE: 03/27/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFPD

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

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