

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

COMPLAINT DATE: 04/27/2023

COMPLETION DATE: 05/05/2025

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant and another individual were in a verbal altercation that escalated to a physical altercation and theft. The officer accepted the complainant's private person's arrest and arrested the individual for taking her cell phone. However, the complainant denied touching and hitting the individual but was still issued a citation for battery.

The officer stated that he did not witness the battery or theft. He accepted the private person's arrest from both parties based on their viewpoint and what they believed occurred. He stated that the complainant refused to answer any direct question with an answer and failed to fully describe the incident which is consistent with behaviors of someone who did not want the true details of an event to be made evident. He stated that both parties were acting erratically, and he offered to mediate the situation between the two, but ultimately, they wanted each other arrested, so the citations were completed.

Police records and the body-worn camera showed that the officer and his partner conducted a thorough and complete investigation. They obtained statements from the complainant and the individual. The complainant did not show the officers her cell phone footage of the incident in its entirety. The individual alleged the complainant hit him, and then he grabbed her cell phone so she would stop recording him, while the complainant alleged that he took her phone. The complainant admitted that she did not fear for her safety and did not believe the individual intended to keep her phone. Both the complainant and the individual wanted to make a private person's arrest against each other. The officer accepted the private person's arrest from the parties, explained the terms of the citations, and completed the citations.

The complainant submitted photos and videos of the incident. The cellphone footage that the complainant provided was edited and the surveillance video was not available to the officer at the time of the incident.

Department General Order 5.04.01 establishes policies regarding a member's obligation to receive a subject arrested by a private person and procedures regarding the arrest or release of the subject. More specifically, DGO 5.04.03 states that a private person may be arrested for public offenses not committed in the member's presence, and the member is required to receive a person so arrested if there is probable cause that a crime occurred.

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The DPA's investigation confirmed that the officer acted within department policy. The body-worn camera specifically showed both parties wishing to make a private person arrest against each other and the officer receiving the requests, issuing a citation, and releasing the parties at the scene.

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: IC/S

FINDINGS OF FACT: The complainant believed the officer was rude and condescending, and he accused the complainant of antagonizing the individual who took her cell phone.

The officer denied the complainant's allegations, stating that he believed the complainant and the other individual were each treated fairly and respectfully. He stated that some of his comments were taken out of context, and he was not being rude but asking clarifying questions.

The officer's body-worn camera (BWC) showed the officer continuously interrupting the complainant while she attempted to explain what happened and respond to the officer's questions. He admonished her and insinuated that she was behaving rudely toward others.

Department General Order 2.01, in parts, states that members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language.

Although the officer denied the allegation, his body-worn camera confirms that he behaved and spoke inappropriately to the complainant.

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

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SUMMARY OF ALLEGATION #3: The officer's discourteous behavior or statements were related to ethnicity or race.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant believed the officer's comments to her were aimed to attack the complainant's integrity and ethnicity and not for the investigation of the incident.

The officer believed he treated the complainant courteously and respectfully. He believed the complainant was aggressive toward people with darker skin complexion and recalled asking the complainant not to interact with others, believing it would cause more chaos.

The body-worn camera (BWC) footage showed no evidence that the officer made comments about the complainant as a result of her race or ethnicity. However, the BWC confirmed that the complainant's comments and behavior toward the other individual were racially motivated.

Department General Order 5.17, Bias-Free Policing Policy, is the guiding principle of the San Francisco Police Department in its commitment to treating all people with dignity, fairness, and respect.

Although the complainant perceived the incident as a personal attack on her integrity, race, and identity, the officer's comments towards the complainant were based on her behavior, not her ethnicity or race. He attempted to illuminate areas where he believed the complainant may have exhibited a racial bias toward the other individual, which escalated the incident.

The evidence proves that the conduct alleged did not occur.

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IO-1 REFERRAL

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

CATEGORY OF CONDUCT:

FINDING: IO-1

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

Urban Alchemy
1035 Market Street, Ste 150
San Francisco, CA 94103

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: According to the complainant, he was hanging outside with friends, as he does on a daily basis, near his vehicle when the group was suddenly surrounded by several police vehicles and officers. The complainant thought the officers were there just to bother the group but instead the officers detained the complainant, everyone around him, and the complainant's vehicle. The complainant believed that he was wrongfully arrested by the named officer.

The named officer denied the complainant's allegations and indicated that the complainant is a narcotics salesman and is regularly found selling narcotics in the area where his vehicle was parked on the date of his arrest. The named officer said that several community members have complained about the same type of criminal activity the complainant had been engaged in which prompted the named officer to conduct an investigation. Through his investigation, the named officer found reasonable suspicion to detain and investigate the complainant and his vehicle. Specifically, the named officer developed probable cause while conducting a field investigation on the day of the complainant's arrest. The named officer and a team of officers observed several violations of the California Health and Safety Code and Penal Code as well as issues that impact the community's quality of life. As a result, the complainant was arrested.

The DPA reviewed body-worn camera footage from ten officers as well as the incident report which corroborated the officer's statement. The footage showed in plain view, narcotics, narcotic paraphernalia for sale like an open-air drug market.

Under the Fourth Amendment, arrests must be supported by probable cause. According to Department General Order 5.03, probable cause to arrest requires a set of specific facts that would lead a reasonable person to objectively believe and strongly suspect that a crime was committed by the person to be arrested.

Based on the totality of the evidence, the DPA concluded that the named officer had probable cause to arrest the complainant. The evidence proves that the alleged conduct occurred, and the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #2-3: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The officers seized and searched the complainant's vehicle after he was arrested. While in custody, the complainant learned that his vehicle had been moved to an impound lot. After being released from police custody, the complainant went to the impound lot to retrieve his personal items and was informed that the vehicle was going to be auctioned for sale. The complainant alleged the officers' searched, seized and sold his vehicle illegally.

Officer #1 denied the complainant's allegations stating he had probable cause to search and seize the complainant's vehicle based on the results of the criminal investigation and the firearm located in the complainant's vehicle.

Officer #2 denied the complainant's allegations stating that probable cause was established based on their investigation and evidence obtained at the scene. After the search of the vehicle was completed, officers located narcotics, narcotics paraphernalia, and evidence of sales of marijuana. Those items were collected and marked as property for safekeeping or evidence as outlined in the incident report.

The body-worn camera footage showed that the named officers moved in to detain several individuals that were located either inside or near the complainant's vehicle. The officers observed the passenger, who was on parole with a search condition, discard a weapon into the van in plain view. This gave the officers probable cause to search the vehicle. The footage showed that when the officers approached the complainant's vehicle, the door was open and narcotics, narcotic paraphernalia, and marijuana were visible in plain sight. Once the complainant was removed from the vehicle, a preliminary search of the vehicle was conducted, and a firearm was located on the floor. The vehicle was then safely moved to a safe location so a thorough search could be conducted. The body-worn camera footage captured the entire search of the vehicle after it had been relocated. Items were identified by Officer #1 and Officer #2 as property for safekeeping and others were identified as evidence.

The incident report and court records showed that an individual that was observed entering or near the complainant's vehicle had a search condition which allowed the officers to search with or without a

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warrant and with or without probable cause. Additionally, the incident report outlined which items were seized from the vehicle and booked as evidence or non-evidence.

The tow records showed that the complainant's vehicle was towed to the impound lot following his arrest. There were no holds placed on the vehicle by the officers. The tow records showed that the impound lot informed the complainant they were unable to release the vehicle to him because the vehicle did not have current registration two weeks after receiving the vehicle. The vehicle was at the impound lot for approximately one month until it was eventually sold at auction.

Department Notice 21-001 advises officers that there are a number of exceptions to the Fourth Amendment's warrant requirement when it comes to a search of a motor vehicle and items within it. The following is a brief summary of recognized exceptions to the warrant requirement.

- **Probation or parole search:**
 - Must verify search condition prior to search.
 - Search is reasonable as long as it is not arbitrary, capricious, or harassing.
- **Probable cause search:** Commonly known and the "automobile exception" or "vehicle exception."
 - If members have probable cause to believe the vehicle contains contraband or evidence of a crime and a magistrate would sign a search warrant, it is legal to search the vehicle without a warrant.
 - Vehicle must be lawfully accessible and in a public place.
 - Scope depends on items members are searching for.
 - If a member is unsure of whether probable cause exists, best practice is to obtain a search warrant.
- **Seizure of item in plain view**
 - Members may seize evidence in plain view if: (1) members have a lawful vantage point; (2) members have probable cause to believe the item is evidence of a crime; and (3) members have lawful access to the evidence.

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- Members have a lawful vantage point if they did not violate a subject's Fourth Amendment rights by getting into the position to see the item.
- Members have lawful access to the evidence if the vehicle is parked in a public area or place where the subject has no reasonable expectation of privacy.
- **Protective search**
 - Commonly known as a "vehicle frisk."
 - Requires (1) lawful detention of an occupant in the vehicle and (2) reason to believe there is a weapon or item that could be used as a weapon in the vehicle.
 - The scope of the search is the passenger compartment of the vehicle where weapons might be hidden. Do not search the trunk of the vehicle
- **Vehicle inventory**
 - Permitted if it was reasonably necessary to tow the vehicle under the circumstances and the search was conducted according to standard procedure or established routine.
 - Purpose is: (1) to protect owner's property and secure valuable items; (2) protect the Department from claims of loss and damage; and (3) protect members from potential danger.

Department General Order 9.06 gives officers permission to tow a vehicle driven by, in the control of, a person arrested and taken into custody when the vehicle is needed for evidence.

Department General Order 6.15, Property Processing, states that the member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section. Property for identification is divided into two types either:

- (a) Evidence – which is property (except narcotics) or money that is related or possibly related to a crime (see DGO 6.02 Physical Evidence) or,
- (b) Non-evidence – which is property or money not apparently related to a crime.

When officers are taking or receiving property for identification from a person (including an arrestee), they are to complete a property receipt and give the owner the original and maintain the copy.

Although the complainant believed the search, seizure and sale of the van were unlawful, the incident report, body-worn camera footage, and court records confirmed that officers had probable cause to search

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and seize the complainant's vehicle. Additionally, tow records confirmed that the sale of his vehicle was based on the complainant failing to provide the impound lot with the current vehicle registration.

The evidence proves that the officers alleged conduct occurred, but those actions were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer failed to properly care for, process, or book property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that sometime after he was released from police custody, he went to the impound lot where his vehicle had been transferred. Upon gaining access to the vehicle, he found that the property inside of the vehicle including his money, had been removed. The complainant believed that the officer had taken his property and money because the complainant was not given a property receipt.

The officer denied the complainant's allegation stating that a property receipt was issued to the complainant for the complainant's property and money.

The DPA confirmed that a property receipt had been prepared for the complainant, and the property receipt was also signed by the complainant under the section identified as "received from". The property receipt indicated that officers received cash as well as a cell phone from the complainant. The incident report showed that the officer determined that the complainant's currency was proceeds from illicit narcotics sales and was seized. Additionally, the complainant's cell phone was seized as evidence. The incident report indicated a property receipt was issued for both items.

According to Department General Order 6.15, Property Processing, when officers are taking or receiving property for identification from a person (including an arrestee), they are to complete a property receipt and give the owner the original and maintain the copy.

The investigation showed that a property receipt was prepared and signed by the complainant. The other items found such as the narcotics and firearms as previously mentioned were seized as evidence. In those cases, a property receipt is not provided for items seized as evidence.

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Therefore, the evidence showed that the conduct alleged occurred, but the conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that while he was at the station, he overheard someone tell the officers to turn off their body-worn cameras.

The named officer confirmed that he reminded officers to turn off their body-worn cameras while they were at the station as described by the complainant. According to the named officer, he had instructed officers to turn off their body-worn cameras because they were in a secure police facility and they were no longer conducting searches or interacting with the public. The named officer reiterated that the officers' body-worn cameras were activated while they conducted the vehicle search.

Department General Order 10.11.03.C outlines the authorized uses of body-worn cameras and states the following:

All on-scene members equipped with a BWC shall activate their BWC equipment to record in the following circumstances:

1. Detentions and arrests
2. Consensual encounters where the member suspects that the member of the public may have knowledge of criminal activity as a suspect, witness, or victim, except as noted in Section 10.11.03, D.
3. 5150 evaluations

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4. Traffic and pedestrian stops
5. Vehicle pursuits
6. Foot pursuits
7. Uses of force
8. When serving a search or arrest warrant
9. Conducting any of the following searches on one's person and/or property:
 - a. Incident to an arrest
 - b. Cursory
 - c. Probable cause
 - d. Probation/parole
 - e. Consent
 - f. Vehicles
10. Transportation of arrestees and detainees
11. During any encounter with a member of the public that becomes hostile
12. In any situation when the recording would be valuable for evidentiary purposes
13. Only in situations that serve a law enforcement purpose

Additionally, the Department Bulletin (DB 23-045) Activation of Body Worn Cameras states that members shall turn the BWC off completely while in private areas of police facilities, including but not limited to locker rooms, restrooms, or other areas where they will not be in contact with members of the public who may be the suspect, witness, or victim of a crime.

The investigation showed that the named officer did remind officers to deactivate their body-worn cameras while in the secured area of the police facility, away from the public, and not conducting a search nor investigation. Based on the investigation and evidence available, the officer's conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #6: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: IE

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FINDINGS OF FACT: The complainant reported that the officer obtained his DNA swab without a search warrant and made him sign a paper authorizing the DNA sample without allowing him to first read it.

The named officer denied the complainant's allegation stating that the complainant gave him permission to collect his DNA. The named officer stated that a DNA collection was conducted to eliminate possible DNA contamination and to establish a known DNA profile in comparison with the evidence found at the crime scene in which a firearm was in the complainant's vehicle. The named officer described walking up to the complainant with the swab and the complainant voluntarily opened his mouth and allowed the named officer to conduct the oral swab. Once the swab was completed, the named officer had the complainant sign the Biological Evidence Collection form to attest the swab had been completed. In that moment, the named officer said that the complainant protested signing the form and doing the swab. Because the complainant had already voluntarily provided his DNA, the named officer read the consent statement to the complainant, then re-allowed the complainant to read it. The Biological Evidence Collection form was ultimately signed by the complainant after his brief protest.

The incident report and CSI records showed that the complainant's swab was completed by the named officer. The DPA attempted to reach the complainant to obtain additional information and clarification regarding how the buccal swab was conducted on the complainant, but the complainant did not respond to DPA's attempts to contact him.

The officer did not activate his body worn camera when he collected the DNA. Due to the lack of independent evidence, the DPA concluded that the evidence was insufficient evidence to either prove the allegation made in the complaint.

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that he was upset that he was not provided with an attorney or read his *Miranda* rights during his arrest. The DPA attempted to reach the complainant to obtain additional information regarding the events that transpired at the station, but the complainant did not respond to the DPA's contact attempts.

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The named officer denied the complainant's allegations. The named officer stated that he was assigned to take over the investigation which included interviewing the complainant. When the named officer asked if he could conduct an interview with the complainant, the named officer advised that the complainant refused to speak with him. The named officer stated that because the complainant refused to speak with him, he was not required to read him the *Miranda* advisement nor provide him with an attorney as those requirements were not applicable to this situation.

The body-worn camera footage showed that the complainant did not make any spontaneous statements and remained silent during the arrest.

The incident report indicated that the complainant refused to speak with the named officer at the police station, therefore no interrogations were conducted.

A *Miranda* advisement is only required when both custody and interrogation take place, at which time an attorney, if requested, can be provided to the complainant during the interrogation.

Based on the investigation and evidence available, the officer's conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated he was driving his vehicle when he pulled up to a light with his turn signal on to turn right. He saw a police vehicle ahead of him, stopped in the middle of the street. When the light turned green, the complainant said he went straight ahead, instead of turning right. The police vehicle then pulled the complainant over. The complainant stated he did not do anything wrong, although he later admitted that he had no front license plate and that his vehicle was not registered.

Named Officer #1 stated that the complainant was initially detained for traffic violations, specifically for violating California Vehicle Code (CVC) section 22101(a), which prohibits proceeding straight through an intersection from a right turn lane only. Additionally, the vehicle's registration had expired for over a year, in violation of CVC section 4000(a)(1). During the traffic stop, the officers observed what they believed to be burnt marijuana cigarettes inside the vehicle's cabin, in plain view. Also, in plain view were several California Identification cards belonging to people other than the driver. Officer #1 said that, in his experience as a police officer, people often possess other people's IDs to carry out fraud-related crimes. Officer #1 further stated that the complainant was detained to allow the officers to investigate the marijuana cigarettes and the ID cards.

Named Officer #2 is no longer with the Department.

Department records show that the named officer initially detained the complainant for not having a front license plate in violation of CVC section 5200(a), having an expired registration in violation of CVC section 4000(a)(1), and for proceeding straight from a right turn lane in violation of CVC section 22101(a). The complainant was arrested, cited, and released at the scene for not having a front license plate in violation of CVC sec. 5200(a), having an expired registration in violation of CVC sec. 4000(a)(1), and for proceeding straight from a right turn lane in violation of CVC sec. 22101(a), failure to display a registration tab in violation of CVC sec. 4204(a), resisting a peace officer in violation of Penal Code (PC) sec. 148(a)(1), and appropriation of lost property in violation of PC sec. 485.

Body-worn camera footage corroborated Officer #1's account and the Department records.

Department General Order (DGO) Traffic Enforcement 9.01.03(A)(2) states, in part, "Enforcement - Members should act on moving violations of all applicable laws, regulations, and policies, while considering the totality of the circumstances, in any of the following circumstances, except any violations

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deprioritized in DGO 9.07.04, Restricting the Use of Pretext Stops: a. After witnessing a moving violation.”

DGO Restricting the Use of Pretext Stops 9.07.04 (2) states that the following is a deprioritized low-level offense: “A vehicle that fails to display registration tags or is driving with expired registration of less than one (1) year. (Cal. Veh. Code §§ 4000(a)(1), 5204(a)). Note: Members may stop vehicles for either of these violations if the vehicle’s registration has been expired for one (1) year or more.”

DGO Investigative Detentions 5.03.03(D) states, “Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct.”

The complainant admitted that he proceeded straight instead of turning right, that he had no front license plate, and that he had failed to register his vehicle. Officer #1’s account is corroborated by the BWC footage and associated Department documents. The named officers complied with DGO 9.01 as they observed the complainant committing traffic violations. The officer complied with DGO 9.07 as the registration on the complainant’s vehicle had expired for longer than a year. The officers complied with DGO 5.03 as they had specific facts to believe that a crime was being committed.

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

SUMMARY OF ALLEGATIONS #3-4: The officers issued an invalid order.

CATEGORY OF CONDUCT: UA

FINDING: PC

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FINDINGS OF FACT: The complainant stated that the officers ordered him out of his vehicle, which he believed was an invalid order.

Named Officer #1 stated that both he and Officer #2 instructed the complainant to exit the vehicle. Officer #1 noted that the order was valid, as the officers planned to search and tow the vehicle. Officer #1 also explained that, according to case law (*Pennsylvania v. Mimms*), an officer has the authority to remove the driver of a vehicle during a lawful traffic stop.

Named Officer #2 is no longer with the Department.

BWC footage corroborates Officer #1's account.

25651 CVC states that even a lawfully parked car can be towed for missing license plates, no registration, registration that has expired for more than six months, or fake or forged vehicle registration and/or plates.

Department Notice 21-001 states that an officer can search a vehicle, "If members have probable cause to believe the vehicle contains contraband or evidence of a crime and a magistrate would sign a search warrant, it is legal to search the vehicle without a warrant."

In the case of *Pennsylvania v. Mimms*, the U.S. Supreme Court ruled that police officers can order a driver to exit a vehicle during a lawful traffic stop. (*Pennsylvania v. Mimms* (1977) 434. U.S. 106.)

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

SUMMARY OF ALLEGATIONS #5-7: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said that when he queried the officers' order to exit the vehicle, the named officers pulled him out of the vehicle, slammed him to the ground, and "roughed" him up.

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Named Officer #1 stated that after ordering the complainant to exit the vehicle, he warned the complainant that if he did not comply, he would forcibly remove him. Officer #1 said he then started to count down from three to give the complainant time to comply with the order. The complainant refused to comply. Officer #1 said that the complainant was actively resisting by verbally expressing that he would not comply with the order and was physically tensing his body and limbs to brace himself inside the vehicle. Officer #1 said that he used Low-level Type II Reportable force in the form of a takedown. He said the force was necessary to overcome the complainant's resistance and to gain compliance with a lawful order. Officer #1 said that the use of force resulted in a minor, approximately 2-inch abrasion to his right knee.

Named Officer #2 is no longer with the Department.

Named Officer #3 stated that he did use force on the complainant. Officer #2 said that the complainant was actively resisting officers who were trying to remove the complainant from the vehicle. Officer #2 said he grabbed the complainant and assisted him to the ground to gain compliance.

Witness officers corroborated the accounts of the named officers.

Department records, including a Use of Force Log, Incident report, and Supervisor Use of Force Evaluation, documented that the named officers used Physical Control Holds and Take Downs to effect detention. The documents show that force was necessary as the complainant was suspected of criminal activity, failed to comply verbally, and offered passive non-compliance and active resistance.

Body-worn camera footage corroborates the officers' accounts and the Department records.

Department General Order (DGO) Use of Force 5.01.04(A) states, in part, "Officers may use objectively reasonable force options in the performance of their duties, in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape."

DGO 5.01.05(B) states that passive non-compliance is described as "does not respond to verbal commands but also offers no physical form of resistance."

DGO 5.01.05 lists the possible appropriate force options for Passive non-compliance as, "Officer's strength to take physical control, including lifting/carrying," and "Pain compliance control holds, takedowns and techniques to direct movement or immobilize."

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DGO 5.01.05(C) describes active resistance as “Physically evasive movements to defeat an officer’s attempt at control, including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.”

DGO 5.01.05 lists the possible appropriate force options for Active resistance as “use of personal body weapons to gain an advantage over the subject” and “pain compliance control holds, takedowns, and techniques to direct movement or immobilize a subject.”

The evidence shows that the named officers did use force to remove the complainant from the vehicle and take him to the ground, resulting in a minor abrasion to the complainant’s knee. However, this use of force was in policy as the complainant was noncompliant and actively resisting the officers who had given him a lawful order to exit the vehicle.

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

SUMMARY OF ALLEGATIONS #8-9: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer searched his vehicle, and he believed the search should not have been conducted.

Named Officer #1 stated that he searched the complainant’s vehicle to investigate the potential PC sec. 458 misappropriation of lost property, and a possible open container of marijuana violation. He explained that, according to case law, an open container of cannabis is sufficient probable cause to search a vehicle for additional contraband. Furthermore, the ID cards not belonging to the complainant gave him probable cause to search for evidence of fraud-related crimes. Officer #1 stated that both reasons fall under the automobile exception to warrantless searches. Officer #1 noted that case law allows a warrantless search of an automobile to be permissible so long as the police have probable cause to believe the car contains evidence or contraband.

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Named Officer #2 is no longer with the Department.

Department documents and BWC footage indicate that officers searched the complainant's vehicle as described by Officer #1. Police photographs showed that the cigarettes in the car did appear to be marijuana cigarettes with card "roaches" and a distinctive yellowed color, having been partially smoked. A photograph also showed loose green leaf material in a cup holder. Department records and BWC footage also showed that the officer had the complainant's vehicle towed.

CVC sec. 25651 states that even a lawfully parked car can be towed for missing license plates, no registration, registration that has expired for more than six months, or fake or forged vehicle registration and/or plates.

Department Notice 21-001 states that an officer can search a vehicle if it "was reasonably necessary to tow the vehicle under the circumstances and the search was conducted according to standard procedure or established routine."

Department Notice 21-001 states that an officer can search a vehicle, "If members have probable cause to believe the vehicle contains contraband or evidence of a crime and a magistrate would sign a search warrant, it is legal to search the vehicle without a warrant."

In *Pennsylvania v. Labron*, the US Supreme Court stated, "If a car is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment permits the police to search the vehicle without more." In *United States v. Ludwig*, the Tenth Circuit Court of Appeals found that a search warrant is not required even if there is little or no risk of the vehicle being driven off.

The evidence shows that the officers did search the complainant's vehicle. However, they were acting within policy, as they needed to inventory the car for towing and had probable cause to search the vehicle for contraband.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that she got in an argument with her neighbor. The complainant said that the neighbor threw a bag containing something inside at her. In response, the complainant threw the bag back at her neighbor. The neighbor then falsely claimed to police that her son was struck by the bag the complainant threw. The complainant said the named officers knocked on her door and unlawfully pulled her from her residence.

The named officers said they responded to a call-for-service regarding a battery on a child and were advised that a person had thrown something that hit a child in the head. The named officers spoke with the child's mother, the child, and watched video footage the mother had filmed on her phone. Because she was fearful of the complainant based on past incidents, the neighbor was passively recording video of herself and her child walking past the complainant's apartment to the elevator. The officers said the footage showed the complainant throwing something in the direction of the mother and child, followed by an audible impact noise. The child confirmed the item hit them on the video, and again separately when interviewed by the officers. The named officers contacted the complainant at her residence. They knocked on the complainant's door and announced themselves as police officers. The complainant stood in her doorway, where she described the incident with the neighbors. She was wearing the same clothing as the video the neighbor had just shown the officers. The complainant accused her neighbor of harassing her and admitted throwing trash at her. Named Officer #2 said that they asked the complainant to follow them into the hallway, but she refused. The named officers said they gently held the complainant's arms and escorted her out of the doorway to place her under arrest. The named officers said they did not enter or step into the residence. The named officers said they were legally justified to escort the complainant out from the doorway to safely detain the complainant to make an arrest and continue investigating.

Department records showed a call-for-service regarding a battery of a child. The report documenting the incident shows the named officers issued a citation to the complainant for battery and child endangerment. The report included reference to the reporting party's video, which showed that the complainant threw a bag, and their child confirmed the bag hit them. The officers also documented the complainant's request for a citizen's arrest of her neighbor for harassment.

Body-worn camera (BWC) footage was corroborative. The footage showed that the named officers spoke with the mother and her small child and viewed cell phone footage. The complainant opened the door after the named officers knocked, rang the doorbell, and announced themselves. The complainant stood in the doorway and spoke with the officers. She reported to the officers that her neighbors had committed

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crimes against her by engaging in a pattern of harassing behavior and requested a citizen's arrest of her neighbor. During her explanation, the complainant admitted throwing something at her neighbor. The named officers gently grabbed her arms to place her in handcuffs. They did not enter the residence. The complainant began experiencing a medical issue. The officers then decided not to use handcuffs and called for a medic. The officers cited and released the complainant at the scene.

The officers had probable cause to arrest the complainant for battery of a child. The complainant voluntarily came to her door and the officers did not enter her home when they arrested her.

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

FINDINGS OF FACT: The complainant said the named officers used excessive force by pulling her arms during an arrest.

The named officers said they arrested the complainant for battery on a child. They said they very gently grabbed onto the complainant's arms to place her in handcuffs. The complainant tensed up when physically contacted. One handcuff was initially placed on the complainant, and she expressed she had a disability, started breathing heavily, and asked for an ambulance. The officers removed the handcuff and called for an ambulance. The officers said the force they used was low-level and limited to holding her arms while trying to reposition and handcuff her. They said they were patient and used the only the force necessary to accomplish a lawful purpose.

Body-worn camera footage (BWC) showed the named officers' force was limited to grabbing and momentarily holding the complainant's arms and shoulder when they were initially going to place her into handcuffs. They did not yank or pull on her body. The complainant appeared to tense up when the officers tried to place her arms behind her back. Named Officer #1 calmly told the complainant he needed her to put her hands behind her back. The complainant expressed some medical concerns, started breathing heavily, and the named officers said they would call her an ambulance. The officers took the one handcuff off the complainant. An ambulance was called to the scene, and paramedics met with the complainant.

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Department General Order (DGO) 5.01 states that officers may use reasonable force options to effect a lawful arrest, detention, or search, overcome resistance or prevent escape, to prevent the commission of a public offense, in defense of others or in self-defense, to gain compliance with a lawful order, and to prevent a person from injuring themselves.

The evidence showed that the force used during this incident was within policy. The named officers used minimal control holds when guiding the complainant into the hallway and attempting to handcuff her.

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

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers were biased and discriminated against her because of her race.

The named officers stated that the allegation is false. They stated that the complainant's race did not play a role in any of the actions they took, decisions they made, or how they treated the complainant.

Body-worn camera footage (BWC) did not show any evidence of biased policing. The footage showed that the named officers were patient and professional when interacting with the complainant.

The evidence proves that the misconduct alleged did not occur.

SUMMARY OF ALLEGATIONS #7-8: The officer failed to make an arrest.

CATEGORY OF CONDUCT: ND

FINDING: PC

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FINDINGS OF FACT: The complainant stated that she wanted to press charges against her neighbor for throwing a bag at her, and the officers walked away from her and refused to issue a citation to her neighbor.

The named officers said they accepted the complainant's request for a citizen's arrest against her neighbor, provided her with a citizen's arrest form, and documented it in an incident report. The named officers stated they did not have probable cause to issue a citation to the neighbor. They said there was no evidence or witnesses to corroborate the complainant's account that the neighbor threw the bag at her. Additionally, the officers had viewed a video showing the complainant throwing a bag at her neighbor and small child.

Department records showed that the complainant signed a citizen's arrest form against her neighbor for a battery violation. The complainant's citizen's arrest was documented in the incident report.

Body-worn camera footage for the incident showed that the complainant told the named officers she wanted to make a citizen's arrest against her neighbor. The named officers provided the complainant with a citizen's arrest form, which she signed.

Department General Order 5.04, Arrests by Private Persons, states in part, "Bearing in mind the potential for bias by proxy, determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DUO 5.06, "Citation Release"). If probable cause does not exist, accept the arrest and then advise the individual that they are free to leave."

The officers accepted the complainant's private person arrested and documented her request in an incident report as required by Department policy. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #1-#3: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that he was improperly arrested when he was visiting the superior court regarding an unrelated matter. He said that when he was released for lunch, he walked to his vehicle parked at a parking lot adjacent to the courthouse. Shortly after reaching his vehicle, Officer #1 contacted the complainant and told him that there was a warrant for his arrest. The complainant disagreed with the officer and told him that the warrant had been recalled. To prove the warrant was recalled, the complainant gave his keys to the officer so that he could retrieve the court paperwork that proved it was recalled. The complainant reported that he was arrested despite that he provided evidence demonstrating the warrant had been recalled.

Officer #1 denied the complainant's allegation. Officer #1 stated there was probable cause to arrest the complainant based on an out-of-county warrant. Officer #1 said he verified the validity of the warrant prior to the arrest and its validity again while in the complainant's presence.

Officer #2 and Officer #3 assisted with the arrest and documented the incident with their body-worn cameras.

Department General Order 6.18, Warrant Arrests, states that whenever a person is detained as the subject of a warrant the detaining officer shall personally contact the Warrant Section and verify that the warrant is valid before acting on the directions of the warrant. When a warrant has been verified and the identity of the subject is confirmed, the subject shall be taken into custody.

The DPA conducted additional research regarding the validity of warrant that led to the complainant's arrest. The records revealed that the complainant's warrant was recalled only after he was arrested by the named officers. The investigation proved that Officer #1 had probable cause to make an arrest based on a valid out-of-county warrant. Although the complainant believed the warrant was recalled, he was incorrect. The officers based the arrest on information they had at the time. Thus, the evidence proves that the officers conduct was justified, lawful, and proper.

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant alleged the officer intimidated and harassed him. The complainant expressed being fearful of the named officer because the named officer told him he did not like the complainant and wanted to make his life miserable, wanted the complainant arrested, and threatened to harm the complainant's cat. The complainant said that these statements and threats were made while the officer handcuffed him in the court parking lot and before any of the other officers arrived on the scene.

The named officer denied the complainant's allegation. The named officer stated that the complainant was upset with him because he arrested the complainant. The named officer described the complainant's demeanor as hostile and angry toward the named officer, while the named officer remained professional toward the complainant.

The entirety of the complainant's arrest and contact with the named officer was captured on the body-worn camera. Based on the video evidence, there was no indication that the named officer made any the inappropriate statements to the complainant as alleged. To the contrary, the named officer remained professional throughout the arrest and advised the complainant that he was under arrest for an out-of-county warrant and that he would confirm its validity in the complainant's presence to address complainant's concerns.

The investigation showed that the named officer was courteous and respectful toward the complainant. Although the complainant perceived the officer's behavior as intimidating or harassing under the circumstances, none of the evidence obtained substantiated the complainant's allegation that the officer threatened to harm him. Therefore, the evidence proves that the conduct alleged did not occur.

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SUMMARY OF ALLEGATION #5: The officer engaged in unwarranted action.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged that the named officer forcefully removed the complainant's leather bracelet causing it to break into pieces after he was handcuffed.

The named officer denied the complainant's allegation. The named officer did not recall removing the complainant's bracelet and denied breaking the complainant's bracelet into pieces.

The body-worn camera footage captured the entire incident. The complainant's leather bracelet was not ripped off during the handcuffing or arrest. The complainant's long-sleeves covered most of his left wrist but his watch and a different bracelet were visible. He was not wearing any jewelry on his right wrist. Additionally, upon entry into the secured jail facility the body-worn cameras were deactivated.

The evidence proves that the conduct alleged did not occur.

SUMMARY OF ALLEGATIONS #6: The officer failed to provide his name or star number.

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant alleged he asked the named officer for his name and badge number, but the officer refused to provide it.

Department General Order 2.01, General Rules of Conduct, regarding public courtesy states that a member shall promptly and politely provide their name, star number and assignment when requested.

The named officer denied the complainant's allegation. The named officer explained that if the complainant had asked for his name or star number, he would have provided it.

The body-worn camera footage was reviewed, but the DPA was unable to locate any instance during the encounter that the complainant asked the officer for his name or star number. Additionally, the DPA was

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unable to locate any instance where the named officer denied providing his name or star number to the complainant.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

FINDINGS OF FACT: The complainant requested that the complaint be withdrawn.

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

CATEGORY OF CONDUCT: UOF

FINDING: PC

FINDINGS OF FACT: The complainant stated that she was working at a coffee shop¹ late at night when she saw police officers outside. She walked out of the store and was assaulted by officers. The officers punched, hit, kicked, and pulled her. She alleged that officers slammed her to the ground multiple times.

All named officers stated they responded to the scene because of a burglary call for service they received. Named officers #1, 2, and 3 denied punching, hitting, kicking, pulling the complainant, or slamming her on the ground. Named officer #1 stated he used a control hold on the complainant's arm while escorting her to the patrol car because the complainant would resist and stop walking. He described the complainant as actively resisting. He added that Named officer #4 did pull the complainant into the patrol vehicle because she was standing next to the car door and refusing to get in. Named officer #2 stated that he grabbed the complainant's right leg when she walked out of the coffee shop. He said the complainant was tensing up and moving her body around. Named officer #3 stated that he did not physically touch the complainant but described her as argumentative and upset.

Named officer #4 denied punching, hitting, kicking, or slamming the complainant on the ground. He stated that the complainant dropped her body in a kneeling position as other officers attempted to place her in handcuffs. He admitted to grabbing the complainant's wrist/forearm as she exited the business and bringing her closer to himself to prevent the complainant from escaping.

Department records indicate that the security company of the coffee shop alerted officers to a burglary occurring inside the coffee shop, as no one should have been in the business at that hour. The security video shows the complainant in the back-office area putting 'things' inside a bag. The named officer's physical control hold/take down was reported as a reportable use of force on the subject.

Body-worn camera footage captured that as officers arrived on the scene, they observed the complainant near the cashier counter area carrying a bag of items. They also observed a gallon of milk spilled on the ground. Officers ordered the complainant out of the coffee shop, and the complainant did so after a while. When the complainant walked out, a few officers grabbed her limbs, and the complainant can be seen kneeling down on the ground, asking officers what was happening and stating that she had done nothing wrong. No officers punched, hit, kicked, pulled, or slammed her on the ground. Officers located

¹It was determined early in the call that the complainant was not a coffee shop employee.

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merchandise from the coffee shop inside the complainant's bag and arrested the complainant.

The footage also captured that the complainant yelled nonsensical sentences, mumbled, and refused to get into the patrol vehicle after being handcuffed. While she was standing next to the patrol car door, refusing to get in, named officer #4 went to the other side of the car, got in, and pulled the complainant into the vehicle.

The San Francisco Police Department (SFPD) General Order 5.01 states that when a subject is actively resisting, it's justified for officers to use a personal body weapon to gain an advantage over the subject, such as control holds, takedowns, and techniques to direct movement or immobilize the subject.

The evidence collected proves that since the complainant was actively resisting by tensing up, verbally denying guilt, and physically preventing being taken into custody, it was justified for officers to use control holds on them and to pull them into the patrol vehicle. The evidence shows that there was no punching, hitting, kicking, or slamming of the complainant on the ground.

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

SUMMARY OF ALLEGATION #5: The officer improperly touched an adult in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that she was sent to the hospital after the arrest. The named officer took off her ankle monitor and sexually assaulted her by sticking his finger inside her bottom. She said she was unconscious after the use of force. She noticed her ankle monitor was on another leg after she woke up and believed someone had tampered with it.

The named officer denied accompanying the complainant to the hospital but stated that two other officers did. He also does not recall whether the complainant had an ankle monitor on her.

Two witness officers confirmed that the named officer did not go to the hospital.

Department record indicates that the complainant had filed a sexual assault report after she was being

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treated at the hospital. Blood/urine sample and the sex assault kit were collected and booked into evidence. However, no other evidence was submitted, and no officers were named as suspects.

According to the San Francisco Sheriff's Office website, ankle monitors, also known as electronic monitoring, are a method used by the SFSO to supervise individuals in the community before trial or after sentencing. SFSO is responsible for its operation.

Body-worn camera footage (BWC) captured that the named officer did not go to the hospital after the arrest.

The evidence collected proves that the named officer was not at the hospital when the incident occurred.

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

SUMMARY OF ALLEGATIONS #6-7: The officers improperly touched an adult in a sexual manner.

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that she was sent to the hospital after and was sexually assaulted by an officer. She added that her ankle monitor was on another leg after she woke up and reckoned someone had tampered with it.

Named officers #1 and #2 confirmed being in the hospital with the complainant. Both named officers denied sexually assaulting the complainant.

Named officer #1 stated he was in the hospital for only about 10-15 minutes. He said the complainant was treated by hospital staff in a hallway-type area and was not in a room. He knew the complainant had an ankle monitor on but denied taking it off or tampering with it.

Named officer #2 said he drove to the hospital in a separate patrol vehicle to transport Named Officer #1 and the complainant back to the police station. He explained he was only in the hospital for 5 minutes. The officer described the area as a large room only sectioned off with curtains, and the curtain was not closed. He denied taking off or tampering with the complainant's ankle monitor and clarified that only the Sheriffs have the device to take it off, and there were no Sheriffs on scene.

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Department record indicates that the complainant had filed a sexual assault report after she was being treated at the hospital. Blood and urine samples, and the sex assault kit were collected and booked into evidence. No officers were named as suspects.

According to the San Francisco Sheriff's Office website, ankle monitors, also known as electronic monitoring, are a method used by the SFSO to supervise individuals in the community before trial or after sentencing. SFSO is responsible for its operation.

Body-worn camera footage (BWC) captured that the complainant was taken to the hospital at her request. However, the BWC did not capture the treatment process, as SFPD policy dictates that BWCs are to be turned off in the hospital to protect the privacy of patients. The footage was captured when the complainant was discharged, left the hospital, and was taken to jail. At no point during the ride from the hospital to jail does the footage capture any sexual assaults on the complainant. At no point during this period does the complainant make any allegations to officers, hospital staff, or Sheriff's Deputies about being sexually assaulted at the hospital.

However, on the balance of probabilities, the evidence fails to prove or disprove that the alleged sexual assault conduct occurred.

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

CATEGORY OF CONDUCT: CUO

FINDING: IE

FINDINGS OF FACT: The complainant stated that he parked his vehicle outside of a local coffee shop and went inside to get an order. While inside, he made small talk with an SFPD officer. As he was still in the coffee shop, he was told by another customer that the SFPD officer he had spoken to had taken a picture of his vehicle. The complainant stated that a few weeks later, he received a citation in the mail. The complainant felt that the officer taking a picture of his vehicle was inappropriate.

The named officer could not recall the incident.

DPA was able to obtain a copy of the citation. The citation showed that the complainant was cited for parking in a red zone.

DPA was unable to obtain any additional evidence related to this incident. No additional witnesses were identified.

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

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

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CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The facts from the previous section are incorporated by reference. The complainant stated that he was issued a citation as a result of the named officer taking a photograph of his vehicle.

The named officer could not recall the incident.

DPA was unable to obtain any additional evidence related to this incident. No additional witnesses were identified.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers failed to meet with her after she called Dispatch to report that her neighbors violated a restraining order.

The named officers stated that they responded to a call for service regarding a threat, where they met with the complainant. They said they are familiar with the complainant and have responded numerous times to her residence. The complainant informed the officers that two of her neighbors were making verbal threats to her through a microphone in her room and made several nonsensical statements not based in reality. The named officers spoke with the property manager, who confirmed that the rooms in the building were not equipped with speakers or audio devices. Based on their experience with the complainant and statements from the property manager, they determined there was no merit to the report.

Department records showed that the named officers were dispatched to a call regarding threats and harassment. The record noted that the officers arrived on the scene and requested a callback from the complainant.

Department of Emergency Management audio recordings showed that the named officers met with the complainant.

Evidence shows that the named officers responded to the call for service and made contact with the complainant.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: In an online complainant, the complainant reported that officers initially approached his vehicle to ask him to move it. One officer informed him that he was not being detained; however, they refused to allow him to leave or exit his vehicle after he indicated he did not want to continue speaking with them. The complainant felt he was being detained without justification.

Department General Order 5.03 (D) states that reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is established whenever there is any violation of the law.

The Department of Emergency Management (DEM) records showed that the officers had reasonable suspicion to detain the complainant based on the call for service that was placed by an occupant in the complainant's vehicle. The complainant's occupant called 911 to report that she was kidnapped and the complainant had a loaded firearm in the vehicle. The occupant stayed on the line so that DEM could trace and dispatch their location to officers.

Body-worn camera footage showed the officers approaching the complainant's parked vehicle, which had an occupant inside. They separated both individuals and took statements. While officers attempted to explain the reason for detaining the complainant, he insisted on his innocence and denied any wrongdoing. The officers informed him that the occupant had called 911, left the line open, and allowed dispatch to hear the argument and mention a weapon in the vehicle. Once separated, the occupant informed police officers that there was a gun in the vehicle. Officers recovered a loaded gun from the front passenger seat and found drug paraphernalia in the trunk.

The complainant's online statement was disjointed and involved allegations against multiple law enforcement departments. The complainant did not respond to multiple requests for additional information to clarify the allegation against the officers.

The evidence showed that the officers were investigating a false imprisonment and domestic violence incident and had reasonable suspicion to detain the complainant based on the 911 call. Therefore, the evidence proves that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that he was falsely arrested for firearm and narcotics violations, asserting that the weapon found by the officer did not belong to him.

Body-worn camera footage and the incident report indicate that an occupant of the complainant's vehicle informed the officer that a firearm had been placed under their seat. The officer searched the vehicle and recovered the firearm. The complainant denied ownership of the firearm and claimed that it belonged to a friend. When it was determined that the complainant would be arrested, the officer conducted an inventory search of the vehicle as it was parked in a no-parking zone and needed to be towed. During this search, the officer discovered drug paraphernalia in the trunk.

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

Department General Order 9.06 (B) states that when towing a vehicle, officers shall inventory the contents of the vehicle. When conducting an inventory, officers may search anywhere inside the vehicle, including consoles, glove boxes, under the seats, inside the trunk, and inside any container of the vehicle.

Department Notice 21-001 advises officers when they can search motor vehicles without a warrant under the Fourth Amendment. Two of these exceptions, relevant to the search of complainant's vehicle, are summarized below.

Probable cause search: Commonly known and the "automobile exception" or "vehicle exception."

- If members have probable cause to believe the vehicle contains contraband or evidence of a crime and a magistrate would sign a search warrant, it is legal to search the vehicle without a warrant.
- Vehicle must be lawfully accessible and in a public place.
- Scope depends on items members are searching for.
- If a member is unsure of whether probable cause exists, best practice is to obtain a search warrant.

Vehicle inventory

- Permitted if it was reasonably necessary to tow the vehicle under the circumstances and the search was conducted according to standard procedure or established routine.

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- Purpose is: (1) to protect owner's property and secure valuable items; (2) protect the Department from claims of loss and damage; and (3) protect members from potential danger.

The body-worn camera footage confirmed that the officers search of the vehicle was justified under the "automobile exception" to the search warrant requirement. After the complainant was initially detained, the occupant exited the vehicle and informed the officers that the complainant had a gun underneath the seat of his vehicle. Carrying concealed weapons is prohibited by law. (Penal Code, section 25400(a)(1).) The occupant's statement that there was a gun in the car, together with the 911 call, gave the named officer probable cause to believe that the vehicle contained contraband or evidence; therefore, the search was valid.

The subsequent search and seizure of the loaded magazines and drug paraphernalia prior to the vehicle tow was justified by both the "automobile exception" and because the items were discovered during a vehicle inventory search prior to a lawful tow. The evidence proves that the alleged conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #4-6: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that an officer offered him a choice to either sign a paper in exchange for his release or be taken to jail if he refused. The complainant declined to sign the paper, and the officers falsely imprisoned him on firearm and narcotics charges.

In an online complaint statement was disjointed and involved allegations against multiple law enforcement agencies. The complainant did not respond to multiple requests for additional information to clarify the allegation against the officers.

The body-worn camera footage supports the details the reporting officer memorialized in the police incident report. The incident report indicated that the occupant in the vehicle confirmed that there was a firearm in the vehicle. Officers found a firearm under the front passenger seat of the vehicle, and it was not registered to the complainant. As a result, the complainant was arrested for two firearm-related violations. During the inventory search conducted prior to towing the vehicle, an officer discovered drug paraphernalia and loaded magazines inside which led to a report of additional charges.

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

The DPA's investigation revealed that the officers had probable cause to arrest the complainant. Therefore, the evidence proves that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer towed a vehicle without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that officers refused to let a licensed passenger drive his vehicle home and his vehicle was towed.

The named officer approved the vehicle tow.

The body-worn camera footage showed the complainant's vehicle being towed as it was parked in a no-parking zone due to a scheduled and permitted event that would be occurring the next day.

Department General Order 9.06 (e) states that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is not parked in a place that will be legal for at least 24 hours from the time of arrest.

Tow records DPA obtained confirmed that the complainant's vehicle was towed incident to arrest.

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

SUMMARY OF ALLEGATION #8: The officer behaved or spoke in a manner unbecoming an officer.

CATEGORY OF CONDUCT: CUO

FINDING: U

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FINDINGS OF FACT: The complainant reported that while being transported to a district police station, he heard the named officer advise his partner on how to cope with police misconduct.

The body-worn cameras captured the entire incident and transport of the complainant. A review of the officers' body-worn camera footage revealed no evidence supporting the complainant's allegations.

Department Notice 23-045, Activation of Body Worn Cameras, state that members shall ensure the entire event is captured during all mandated recording circumstances or their involvement at the incident is completed.

- When transporting detainees or custodies, members shall begin recording prior to the person entering the vehicle and are not to deactivate the BWC until after the person has exited the vehicle and been secured in the destination facility, or the facility designates that BWC recording shall be terminated at the entry threshold point.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/FBI

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

Federal Bureau of Investigation
2001 Freedom Way
Roseville, CA 95678

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant reported to the Department of Police Accountability (DPA) that their client was at a sporting event when officers violated San Francisco Police Department (SFPD) policies by using unnecessary force and failing to use de-escalate techniques.

The named officers stated that they attempted to de-escalate the situation with the subject. The facility's Security Director and Named Officer #1 initially led the effort but were unsuccessful. Named Officer #3 then took over communication, yet the subject remained agitated. After the officers escorted him outside the facility, the subject continued yelling and eventually struck Officer #2. In response, officers subdued and handcuffed him. Leadership in managing the situation shifted among officers, in accord with Crisis Intervention tactics, with Named Officer #1, Named Officer #3, and finally Named Officer #2 attempting to engage the subject before the assault occurred. Officers employed various levels of force, including a control hold, body weight takedown, leg takedown, and physical strikes, all of which they reported to their sergeant at the scene. Despite their efforts at verbal de-escalation, the subject's intoxication impeded progress. Officers documented the incident through body-worn cameras, security footage, and witness statements. Initially aiming to get the subject home safely without an arrest, they resorted to force only after he assaulted an officer.

The named officers' body-worn camera (BWC) footage was consistent with their description of the incident.

Department records indicated that the named officers reported their force to a supervisor on the scene. A supervisor then conducted use-of-force evaluations for each named officer and determined that their use of force was within policy.

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

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

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to offer de-escalation strategies. Unfortunately, some subjects do not respond to an officer's attempts to de-escalate which appears to be what occurred here.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that officers failed to intervene in wrongful use of force against their client.

Department General Order 5.01.02 (F), Duty to Intercede, mandates that when an officer recognizes that another officer is engaging in excessive use of force and has opportunity to prevent it, the officer has a duty to intervene and prevent the harm from occurring. Members shall immediately report potential excessive force to a superior officer when present and observing another member using force that the member believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of information actually known to the officer. (See Section 7286 of the Government Code)

The officers denied the allegations, stating that the arresting officer used reasonable force to protect the public and to arrest the subject, who was being combative and assaultive. Therefore, there was no necessity for intervention.

Body-worn camera footage showed that the officers escorted the subject out of the venue. The officers and the subject's relative attempted to calm the subject down, but the subject continued to yell at them and the venue's security staff. A third officer approached the subject in an attempt to speak with him; however, the subject only escalated further. As the third officer got closer, the subject backed up and then moved towards the venue's security while continuing to yell. At that moment, the officer used his hands to prevent the subject from advancing. The subject pushed the officer's hands away, which resulted in the officer pushing the subject back, grabbing him, and then the subject punched the officer. At this point, the named officers intervened to assist in restraining the subject.

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The body-worn camera footage confirms that the officers used reasonable force to detain and subsequently arrest the subject, indicating that the duty to intercede did not apply.

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

SUMMARY OF ALLEGATION #6: The officer prepared an incomplete or inaccurate incident report.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that the officer misrepresented facts about the arrest in the incident report. The report claims that the officers attempted to de-escalate the situation; however, the video evidence does not support this assertion. Additionally, the report exaggerated the client's behavior, making it appear more aggressive than it actually was.

Department General Order 2.01 states that officers are prohibited from knowingly submitting “false, inaccurate, [or] materially incomplete” records and from falsifying official reports or records.

Department Notice 23-102, Report Writing Responsibilities Supervisors, Officers & Police Service Aides, states that preparing factual and thorough incident reports is one of the most important duties of a police officer. Thorough investigation(s) memorialized in well-prepared incident reports are essential for follow-up investigations and successful prosecution.

The officer denied the allegation stating that the initial incident report and supplemental report reflected a summary of the chronology of events, statements provided, and videos available at the time the report was written. The officer asserted that if additional information became available from either the parties involved in the initial incident or from further video surveillance of the venue, a supplemental report would have been authored to reflect any new information.

The DPA reviewed the body-worn camera footage along with the incident report. The footage confirmed that the officers made genuine attempts to de-escalate the situation, while the complainant’s client was non-compliant and assaultive.

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While the complainant believed that the statements in the incident report were misrepresented, the evidence revealed that the officer did not knowingly submit a “false, inaccurate, [or] materially incomplete” report.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was involved in an altercation outside a bar. Shortly after, the police arrived and detained him even though he had done nothing wrong. He did say that officers told him he was detained because he was a suspect in an attempted robbery.

The named officers said they initially attended a 9-1-1 call for a fight outside a bar. The description passed by Dispatch matched the complainant. While en route to the location, the incident was upgraded to a robbery call as the suspect pulled out a gun and robbed someone at the scene. The officer said they arrived at the scene where she located the complainant, who matched the suspect's description. The officers said they detained the complainant because he matched the description of the robbery suspect with a firearm who had been involved in the altercation outside the bar. The complainant was also in the location described by the 9-1-1 callers, who had described the suspect's location. The officers said they therefore had reasonable suspicion to believe the complainant had committed the robbery and intended to detain the complainant to investigate that crime.

The computer-aided dispatch (CAD) records show that a 9-1-1 call was made regarding a physical altercation outside a bar. A description of the aggressor was provided, which later matched the complainant's description. Two minutes later, another call was made stating that the aggressor had pulled out a gun and robbed someone. The suspect was walking away from the location toward another street. The caller stayed on the line and confirmed that police had detained the correct suspect.

The incident report, authored by named officer #1, contains a summary of the incident that aligns with the officer's account and the CAD records.

The officers' body-worn camera (BWC) footage showed them detaining the complainant. The complainant's description matched the description provided by the 9-1-1 callers, as documented on the CAD records.

Department General Order (DGO) Investigative Detentions 5.03.03D states, in part, that "Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime."

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The evidence shows that the named officers had a reasonable suspicion to detain the complainant. The CAD records show that a crime was committed, and a detailed description of the suspect that matched the complainant's description was conveyed. The officers found the complainant at the location described by the victim of the crime, matching the description of the suspect.

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

SUMMARY OF ALLEGATIONS #3-5: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant said that when he was detained, several officers grabbed him and "manhandled" him. He believed this was unnecessary as he did not do anything.

Named Officer #1 said that Named Officer #2 gave the complainant a command to get on the ground, which the complainant did not comply with. Officer #1 described the complainant as initially passively noncompliant as he failed to comply with lawful orders. However, the complainant became actively resistant by tensing his upper body and planting his feet firmly apart, to prevent handcuffing. Officer #1 said that she used a physical control hold and held the complainant's right arm to handcuff him. She described the force used as a low-level Type 1 force unlikely to cause injury.

Named Officer #2 said she identified herself as a police officer and ordered the complainant to stop. She explained that the lawful orders and her uniformed presence were efforts to de-escalate the situation. The complainant refused and told the officer he would not stop. Officer #2 said she then used Type 1 Non-reportable force, including non-injurious control holds, to gain compliance and overcome the complainant's passive resistance. Officer #2 said she used force to effect a lawful detention, to prevent the complainant's escape, to prevent the commission of a public offense, in defense of others, and to gain compliance with a lawful order. Officer #2 stated that she used the minimum force necessary despite the complainant being about a foot taller and over twice the weight.

Named Officer #3 stated that he used Type 1 force, a non-injurious control hold on the complainant's arm. Officer #3 said that the complainant had refused to listen to commands from officers to stop walking and to put his hands behind his back. The complainant was initially verbally aggressive, uncooperative, and actively resisting detention.

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BWC footage corroborated the officers' accounts. The complainant continued to walk away from officers when ordered to stop. He then actively resisted officers when they tried to place him in handcuffs. The footage showed that officers used control holds to detain and handcuff the complainant.

DGO Use of Force 5.01.04 A states, "Officers may use objectively reasonable force options in the performance of their duties, in the following circumstances: 1. To effect a lawful arrest, detention, or search. 2. To overcome resistance or to prevent escape. 3. To prevent the commission of a public offense. 4. In defense of others or in self-defense. 5. To gain compliance with a lawful order."

DGO 5.01.05 B describes passive non-compliance as, "Does not respond to verbal commands but also offers no physical form of resistance." DGO 5.01.05 C describes active resistance as, "Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody."

DGO 5.01.07 describes Type 1 Non-reportable force as, "Type I force occurs when an officer's physical interaction with a subject (1) does not cause pain or injury; or (2) the subject does not report pain or injury." DGO 5.01.07 provides several examples of Type 1 force, including "During handcuffing, a suspect turns his torso as the officer makes physical contact. The officer grips the wrists of the subject firmly to prevent further movement by the subject."

The BWC footage showed the complainant's passive non-compliance and active resistance to the officers. The footage showed that officers used the lowest level of force to gain the complainant's compliance. The evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

SUMMARY OF ALLEGATION #6-7: The officers used unnecessary or excessive force.

CATEGORY OF CONDUCT: UF

FINDING: U

FINDINGS OF FACT: The complainant said that when he was detained, several officers grabbed him and "manhandled" him. He believed this was unnecessary as he did not do anything.

The named officers stated that they did not use any force on the complainant. They described the complainant as hostile to officers. The complainant was actively resisting the efforts of officers to place him in handcuffs and attempting to pull himself away by walking forward.

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BWC footage corroborated the officers' accounts.

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

SUMMARY OF ALLEGATIONS #8-9: The officers conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant said he was pat-searched and had done nothing wrong.

Named Officer #1 confirmed she pat-searched the complainant. She said that the complainant matched the description of a subject who had a firearm and someone who committed a robbery. She said she believed the complainant was armed and dangerous.

Named Officer #2 stated that he pat-searched the complainant to see if he had any weapons in his possession. The officer explained that the complainant was possibly armed with a gun and had been described as a subject in an assault and robbery. The officer also noted that the complainant was wearing multiple layers of baggy clothing, which could have aided in concealing a weapon such as a firearm.

The CAD records show that a 9-1-1 call was made regarding a physical altercation outside a bar. A description of the aggressor was provided, which later matched the complainant's description. Two minutes later, another call was made stating that the aggressor had pulled out a gun and robbed someone. The suspect was walking away from the location toward another street. The caller stayed on the line and confirmed that police had detained the correct suspect.

BWC footage showed the named officers conducting a pat search on the complainant.

DGO 5.03.03 E states, "A pat search allows officers to safely pursue their investigation without fear of violence, not to discover evidence of a crime. Two conditions must be met before a pat search is permitted: 1. The underlying detention must be legal. 2. The officer must be able to point to specific and articulable facts causing them to believe the suspect is armed and dangerous. The validity of a pat search depends on the totality of the circumstances and turns on whether a reasonably prudent officer would be warranted in the belief that the officer's safety, or that of others, was in danger."

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The named officers provided specific and articulable facts that caused them to believe the complainant was armed and dangerous.

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

SUMMARY OF ALLEGATION #10: The officer conducted an improper search or seizure.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant said he was pat-searched and had done nothing wrong.

The named officer denied searching the complainant. The officer's BWC footage corroborates this.

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

SUMMARY OF ALLEGATION 11: The officer seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that his property was taken from him while he was detained. The complainant said all his property was returned to him except for a gold chain he had been wearing around his neck. The complainant provided two photographs. The first photograph shows the complainant standing in line at an unknown location. He has a gold chain around his neck. The second photograph is of the complainant standing in the same line, with the same people, at the same location, but this time the gold chain is not around his neck. The complainant provided cell phone footage of the police detention. From this footage, it appears he does not have the gold chain around his neck.

The named officer said he did not recall the complainant having a gold chain. He said that no property had been seized and that all the complainant's property had been returned to him after the detention had been completed.

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BWC footage shows that when officers first approached the complainant, he was not wearing a gold chain around his neck, and officers did not take a gold chain from him.

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

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SUMMARY OF ALLEGATION #1: The officer misused police authority.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant declined to be interviewed, and his wife conducted the interview with the DPA on behalf of the complainant. The complainant's wife stated that her husband and neighbor were arguing over a shared driveway. The neighbor then called 9-1-1 but spoke in Spanish, which she believed was the language the named officer spoke. Then the named officer whom the wife saw earlier in a nearby location came on the scene within five minutes. The complainant's wife believed that the officer and the neighbor were friends, and he was abusing his authority by helping his friend and not listening to the complainant and his wife.

The named officer denied knowing the complainant or being friends with the neighbor. He was on a nearby call for service prior to arriving at the location. He stated that he listened to both sides of the story before making his decisions.

Department records indicate that the neighbor did make a 9-1-1 call regarding a neighbor dispute, and the Department of Emergency Management (DEM) dispatched the named officer to the location.

The DPA interviewed the neighbor, who denied knowing the officer before the incident. She confirmed calling 9-1-1 on the complainant and his wife.

Body-worn camera footage shows that the named officer did not know the neighbor when he arrived at the location. He asked both sides for their statements and repeatedly acknowledged the complainant and his wife's concerns. Based on the evidence he saw on the scene, he eventually determined that it was a civil dispute. The footage does not show that the named officer understands or speaks Spanish.

The evidence shows that the named officer did not receive a call from the neighbor, but was dispatched by DEM. He did not know the neighbor prior to the incident and was not helping his friend. He, however, did listen to both sides of the story.

The evidence proves that the conduct alleged did not occur

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SUMMARY OF ALLEGATION #2: The officer displayed threatening, intimidating, or harassing behavior.

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant's wife alleged that the named officer might have followed them later from Safeway to her home.

The named officer said he was not on duty on that date and had not been to that Safeway.

Department records indicate that the named officer was off duty on that date.

The evidence shows that the named officer was not on duty or working around Safeway on the date of the incident.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

SUMMARY OF ALLEGATIONS #3-4: The officer failed to write an incident report.

CATEGORY OF CONDUCT: ND

FINDING: NF/W

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

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

CATEGORY OF CONDUCT:

FINDING: IO-1/DEM

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

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

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SUMMARY OF ALLEGATIONS #1-2: The officers seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officers stole his cell phone during an arrest.

The named officers both denied stealing any of the complainant's property.

The complainant's cell phone is not mentioned in police records of the incident.

Body camera footage shows the complainant pass a bag of his belongings to a female bystander, with whom the complainant appears familiar. Another bystander informs the complainant that his cell phone is on the floor. The complainant is seen picking up his cell phone and placing it in the bag of his belongings the female bystander was holding. The footage shows that no officer on scene ever took control of or searched that bag.

The evidence showed that the complainant gave his phone to a female bystander and the named officers did not at any point touch the complainant's cell phone.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers seized property or money without justification.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated that the named officers stole his bank cards during an arrest.

The named officers denied taking the complainant's bank cards.

SFPD documents do not mention the complainant's bank cards. The complainant's property receipt shows clothing and 1 sealed bag.

Body camera footage showed an officer, other than the named officers, was handed the complainant's bank cards by staff at a convenience store after the complainant dropped them on the floor. The officer took the cards and placed them in a bag belonging to the complainant that was in the trunk of a police vehicle. The named officer took the bag with the cards in it and placed it in the rear of a police vehicle in which they transported the complainant to a hospital. The footage stops before they get to the hospital, so there was no record of what happened to the cards.

There is no record detailing the disposition of the bank cards. It is not possible to determine if they stayed with the complainant's property.

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

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer detained her for no reason.

The named officer stated that she responded to a 9-1-1 call for service at night, where four subjects had jumped a fence to a tow lot after trying to steal a truck. Some of the suspects were seen getting into a damaged silver Volkswagen with broken windows. The named officer said that when she arrived at the scene, she saw a silver Volkswagen with two occupants. A third person approached and identified themselves as the 9-1-1 caller, who identified the occupants of the car as those he had seen in the tow yard. The named officer confirmed that she had detained the complainant as the complainant matched the description of the subjects provided by dispatch and had been physically identified at the scene by the reporting party as a suspect.

Department records recorded that the complainant was detained at the scene of a suspected burglary at a tow yard. The complainant was identified as a suspect by the reporting party at the scene.

Body-worn camera footage showed the complainant in the front passenger seat of a silver Volkswagen car with damaged windows, as the named officer arrived. The reporting party spoke with the named officer and identified the occupants of the vehicle as some of the suspects he discovered trying to steal from the tow yard. The driver of the vehicle fled and was detained by police. The named officer detained the complainant.

Department General Order Investigative Detentions 5.03.03(D) states, "Reasonable suspicion is a set of specific facts that would lead a reasonable person to believe that a crime is, was, or is about to occur and the person under suspicion is reasonably connected to the crime. Reasonable suspicion to detain is also established whenever there is any violation of law. Reasonable suspicion cannot be based solely on a hunch or instinct."

The evidence indicates that the named officer had reasonable suspicion, based on the description provided by dispatch and the identification made by the reporting party at the scene, to detain the complainant.

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

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

COMPLAINT DATE: 11/29/2024

COMPLETION DATE: 05/27/25 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: UOF

FINDING: PC

FINDINGS OF FACT: The complainant stated that when she was detained, the named officer handcuffed her. The complainant said that the handcuffs were too tight. The complainant provided photographs of her wrists, which showed slight red marks consistent with normal handcuffing.

The named officer confirmed that she handcuffed the complainant. The officer stated that she had checked the handcuffs to ensure they were correctly fitted and had double-locked them to prevent the handcuffs from tightening further. The officer said that at no point did the complainant complain to her about the handcuffs being too tight.

Body-worn camera footage showed that the named officer handcuffed the complainant, checked for fit, and double-locked the cuffs. The complainant never told the named officer that her handcuffs were too tight.

The evidence showed that the named officer handcuffed the complainant. However, the officer did so correctly and took measures to ensure the proper application of the cuffs. The marks on the wrists of the complainant, as shown in the photographs, are consistent with routine handcuffing and do not indicate that the handcuffs were applied too tightly.

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: 12/07/2024

COMPLETION DATE: 05/06/2025

PAGE# 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: IE

FINDINGS OF FACT: The complainant stated he was having a financial dispute with a friend that resulted in him driving to the liquor store his friend worked at, parking his car in front of it, and honking the horn for about three minutes. As a result, officers were called to the scene and detained him for a mental health evaluation. The officers called for an ambulance to take him to a hospital. The complainant said he had two cats in his vehicle. He told the officers to secure the cats in their cages so they would not escape. The complainant alleged the officers did not care about the cats, resulting in one of them escaping.

The Incident Report stated that the named officers took custody of one of the cats. It stated that while Named Officer #1 was taking the two cats out of the vehicle, one fled and disappeared.

Named Officer #1 said that while standing by the rear of the car, she saw Named Officer #2 open the car's sliding door. At that point, one of the cats jumped out and ran to the sidewalk. The cat hid alongside houses, cars, and garbage cans. She looked for the cat, searching the entire block, but could not find it. She said it was extremely dark and hard to see amidst all the crevices and gates. She said it happened in the middle of the night, so it was inappropriate for her to knock on doors, ring doorbells, or search private properties. She even put cat food on the sidewalk, hoping it would return or show up. Named Officer #1 stated that she had no formal training in securing animals or handling similar situations. Their protocol is to contact the Animal Care and Control (ACC), which they did. However, ACC was already closed and unavailable during the incident. She said that no one from ACC was able to respond to the scene to secure the cats.

Named Officer #2 stated that the cat that escaped was hiding under some debris or belongings behind the passenger side rear sliding door and was not visible outside. Both cats were not secured in crates and could roam freely inside the vehicle. When he opened the sliding door, one of the cats jumped past him and fled into the street. He secured the other cat and placed it in a crate he found in the car. He said there were no better options to secure the cats and that he had to remove them before towing the vehicle. They contacted ACC, but it was already closed, and no one could respond to the scene. He said the standard practice for them is to secure the animals at the district station until the ACC resumes regular business hours.

Witness officers stated they did not know how the cat escaped and the applicable protocols the named officers needed to follow in securing the animals. The witness officers stated that ACC was notified thru Dispatch, but it was already closed.

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

COMPLAINT DATE: 12/07/2024

COMPLETION DATE: 05/06/2025

PAGE# 2 of 3

The Department of Police Accountability (DPA) obtained the body-worn camera (BWC) footage associated with the incident. The named officers' BWC footage appeared consistent with what was noted in the incident report and the statements they provided to DPA. The footage showed that the inside of the minivan was in disarray, littered with coffee cups and water bottles, blankets, and other personal belongings. The footage showed Named Officer #2 peeking through the rear glass window to visually locate the cats before securing them. He could not see them and was not sure if they were inside. When he opened the side door, one of the cats hiding under a pillow close to the side door suddenly jumped out and escaped. The area where the cat went was dark, and the buildings were primarily residential. Named Officer #1 went after the cat and spent much time looking for it, but with negative results. Named Officer #2 secured the other cat, placed it inside a crate he found in the vehicle, secured it in his police vehicle, and assisted in searching for the missing cat.

A review of current SFPD policies showed that while there are procedures pertaining handling property, there is currently no policy as it pertains to the handling of subject's animals in the event they are arrested or, in this case, detained on a 5150 hold. The evidence showed that the opening of the complainant's van door resulted in one of the complainant's cats getting loose. However, the evidence also showed that the named officers did their due diligence in attempting to locate the animal. In this case, the named officers' actions did not rise to the level of misconduct.

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

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

COMPLAINT DATE: 12/07/2024

COMPLETION DATE: 05/06/2025

PAGE# 3 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: U

FINDINGS OF FACT: Paramedics transported the complainant to a hospital for a mental health evaluation. While at the hospital, the complainant said that an officer forced him to sign a police report.

The named officers who were with the complainant at the hospital stated that no one forced the complainant to sign a police report.

BWC footage of the contact shows the named officers had the complainant sign a citation, not a police report. They calmly explained why he got cited and what he needed to do to address it. After understanding the officers, the complainant voluntarily signed the citation.

The evidence proves that the conduct alleged did not occur.

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 12/10/2024

COMPLETION DATE: 05/29/2025

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that as he was walking on the street, he was blinded by police lights on a marked SFPD vehicle. The vehicle was parked, and he observed two officers inside the vehicle on their cell phones. The complainant felt the lights being activated was unnecessary.

The named officer stated that his partner and himself were working as a safe shopper unit in an area of the city that was experiencing a high level of nighttime burglaries. He stated the activation of the vehicle's lights was strategic in order to deter potential crime. Additionally, the named officer stated that there were orders from the nearby command van stating that their overhead emergency lights shall be activated.

A witness officer confirmed the named officer's unit assignment for the night in question.

Given the nature of the named officer's assignment on the evening in question and the location where the name officer was positioned, the named officer's actions did not violate Department policy or procedure.

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: 05/29/2025

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

CATEGORY OF CONDUCT: CUO

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer called him “stupid” and “retarded” during their interaction and threatened to take him to the “drunk tank.”

The named officer denied that he called the complainant the above referenced names. The named officer stated that he told the complainant that he could possibly end up at the “drunk tank” given his behavior but denied that the statement was intended as a threat.

The DPA obtained the named officer’s body-worn camera (BWC) of the incident. The BWC footage did not show that the named officer called the complainant any of the above referenced names. It did show the named officer stated that they could take him to jail until he got sober, but the named officer stated that he did not want to do that.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 12/10/2024

COMPLETION DATE: 05/29/2025

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer did not provide his name or star number when asked.

The named officer denied the allegation.

The named officer's BWC footage showed that he was never asked for his name or star number during the incident.

The evidence proves that the conduct alleged did not occur.

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

COMPLAINT DATE: 12/10/2024

COMPLETION DATE: 05/29/2025

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SUMMARY OF ALLEGATION #4: The officer detained a person without reasonable suspicion.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer grabbed him, detained him, and put him through field sobriety tests without cause.

The named officer stated that after speaking with the complainant for a reasonable amount of time, he realized that the complainant was acting in a manner consistent with being intoxicated/impaired in public. The named officer stated that the complainant had a vacant stare with flat affect. He acknowledged that the complainant had no smell of alcohol but given his behavior and speech pattern and the fact he admitted to recent drug use, he decided to put him through field sobriety tests. The named officer stated that the complainant failed the field sobriety tests, but his impairment was not to the point that it would significantly hinder him from being able to take care of himself. He stated that he did not arrest the complainant but advised him to walk home.

The named officer's BWC footage was consistent with the statement he provided to DPA.

The evidence showed that the named officer's detention of the complainant and his decision to put him through field sobriety tests was within the guidelines of SFPD policy and procedure.

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: 01/07/2025

COMPLETION DATE: 05/20/25

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant went to a district station to file a report and was told by two officers at the desk that he could not file the report and that he needed to go to Special Investigations. He went to Special Investigation and then was sent back to the local station.

Because the complainant did not identify a specific officer, the Department of Police Accountability (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 officers 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: 01/08/2025 COMPLETION DATE: 05/20/2025 PAGE# 1 of 1

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant alleged that unknown officers rang the callbox to her apartment late into the night and thereafter inappropriately interrogated her.

Despite several attempts, DPA was unable to contact the complainant for additional details necessary to complete the investigation. Additionally, despite numerous attempts, DPA was unable to positively identify the incident in question.

Thus, without additional information from the complainant, DPA was unable to make a finding as to the allegation posed by the complainant.

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

COMPLAINT DATE: 01/15/2025 COMPLETION DATE: 05/29/25 PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that her ex-partner had assaulted her, which violated a restraining order. However, the officers ended up arresting her, even though she was the victim in this situation.

Body-worn camera footage revealed that both the complainant and her ex-partner provided differing accounts of the domestic violence incident. Ultimately, the officers arrested the complainant's ex-partner and complainant both for domestic violence against the other.

Department records showed that the officer conducted a thorough investigation into the domestic violence incident. During this investigation, probable cause was established to arrest both the complainant and her ex-partner.

The evidence demonstrates that the officers had probable cause to arrest the complainant. Therefore, while the alleged conduct occurred, it was justified, lawful, and proper.

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

COMPLAINT DATE: 01/15/2025 COMPLETION DATE: 05/29/25 PAGE# 2 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that the incident report contained lies and was inaccurate.

DGO 2.01 (9), Written Reports, mandates officers to not knowingly submit inaccurate or incomplete department records.

The incident report documented the domestic violence incident and probable cause to arrest the complainant and her ex-partner which was corroborated by body worn camera. The officer made a clerical error that was not substantiative and would not change the outcome of the arrests.

Based on the totality of the circumstances, the clerical error did not rise to the level of misconduct as the error was not material to the criminal issues/facts of the case. Therefore, the evidence proves that the alleged conduct occurred; however, the conduct was justified, lawful, and proper.

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

COMPLAINT DATE: 01/15/2025

COMPLETION DATE: 05/01/25

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was involved in a physical altercation with another individual and that when the officers arrived, he was handcuffed, and the named officer did not obtain surveillance video footage as part of the investigation.

The named officer confirmed that he responded to this incident and that, among other actions he took, the officer located the victim, obtained a preliminary statement from the suspect (the complainant) who stated he acted in self-defense, detained the suspect, canvassed for witnesses, interviewed a witness, canvassed for video surveillance, located a video surveillance source, and obtained information regarding the surveillance. He stated that a different officer obtained video surveillance on scene and recorded it to her department cellphone. The named officer stated that when he attempted to retrieve the video surveillance via a USB drive, he was advised by security at the building that a search warrant was required for USB video retrieval. He obtained the necessary information and noted this in his statement in the event that a search warrant was written by an investigative unit.

Department records showed that the named officer responded to an assault/battery call for service. He wrote a statement for the incident report that was consistent with his statements made during the DPA investigation.

DPA reviewed body-worn camera footage and noted that the footage was consistent with the named officer's statements.

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

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

COMPLAINT DATE: 01/15/2025

COMPLETION DATE: 05/01/25

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that the officer lied in the police report by stating that the complainant spontaneously said, “I *hit* arrogant people.” The complainant stated that he actually said, “I *hate* arrogant people.”

The named officer stated that she prepared the incident report and that it was accurate based on her interview with the complainant. She stated that during her interview with the complainant she heard him say, “I hit arrogant people.” The named officer stated that she reviewed her body-worn camera footage of the interview and the generated transcript and still believed that the complainant said, “I hit . . .” rather than “I hate. . .” She did not believe her report was inaccurate.

Department records showed that the named officer prepared the incident report. Body-worn camera footage (BWC) showed the named officer interviewing the complainant. The complainant stated that he “hates” arrogant people, but he has a slight accent, and the officer could reasonably have heard the word “hit.” Notably, the auto-generated transcript generated by the BWC shows the word “hate.”

Department General Order 2.01.03 (9) (“Written Reports”) provides in relevant part that “no member shall knowingly” “submit false, inaccurate, materially incomplete, or improper Departmental records.” In the instant case although it appears that the complainant was misquoted in the incident report, there is no evidence that the named officer knowingly did so. Therefore, the evidence was insufficient to prove that the named officer knowingly submitted a false report.

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

COMPLAINT DATE: 01/15/2025 COMPLETION DATE: 05/20/25 PAGE# 1 of 3

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer detained him without reasonable suspicion and delayed him in making deliveries.

SFPD documents show that the complainant was detained for double parking and invalid license plates.

Body camera footage showed the named officer stopped behind a vehicle that was double parked. The named officer ran the license plate of the vehicle which came back to a different make and model of vehicle than the one in front of the named officer. The complainant approached the named officer and stated that it was his vehicle, and he was aware of the plate being wrong. The complainant also admitted to double parking in the vehicle. The named officer asked the complainant for his driver license at which point the complainant became verbally hostile to the named officer and stated he would not answer any questions. The named officer detained the complainant to investigate the incorrect license plates on the vehicle.

The named officer had reasonable suspicion that a crime may have taken place due to the license plate on the vehicle coming back to a different make and model vehicle. The named officer was also investigating a traffic violation by the double parking that allowed the named officer to detain the driver while issuing the citation.

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

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

COMPLAINT DATE: 01/15/2025 COMPLETION DATE: 05/20/25 PAGE# 2 of 3

SUMMARY OF ALLEGATION #2: The officer applied handcuffs without justification.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated the named officer handcuffed him without cause during a traffic stop.

Body camera footage showed that the named officer was investigating a vehicle that was double parked and had license plates issued to a different make of car. The complainant is seen approaching the named officer and admitting that the vehicle is his. When the named officer asked the complainant for his driver's license the complainant became verbally hostile. The named officer told the complainant that he was detained, and the complainant continued to berate the named officer. The named officer placed the complainant into handcuffs. The named officer explained that he was investigating the complainant's vehicle, and he was handcuffed due to his behavior.

The complainant shows signs of hostility to the named officer. The named officer is by himself without any support. The use of handcuffs in this situation during an investigation is justified.

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

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

CATEGORY OF CONDUCT: UA

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

COMPLAINT DATE: 01/15/2025 COMPLETION DATE: 05/20/25 PAGE# 3 of 3

FINDING: PC

FINDINGS OF FACT: The complainant stated that he was issued a citation without cause for a parking violation and a license plate issue that he believed had been resolved with another department.

SFPD documents show that the complainant was issued a citation by the named officer for two traffic violations.

Body camera footage showed the complainant's vehicle was double parked. The footage showed the name officer running checks on the vehicle and the license plate coming back to a different make and model of vehicle than the one in front of the named officer. The complainant approached the named officer and freely admitted that the vehicle was his and that he was the one who double parked the vehicle. The complainant also admitted knowing that the license plate did not match the vehicle but stated he was not responsible as the vehicle was as he purchased it from a dealer.

The complainant admitted to the named officer culpability in both traffic offenses. The named officer was justified to issue a citation for these traffic violations.

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: 02/10/2025 COMPLETION DATE: 05/14/25 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 stated that he was extremely sleep-deprived and was looking for a charger around the San Francisco International Airport (SFO). A lady called the police on him, and a few officers surrounded him. Several days later, he encountered one of the officers at the airport again and was detained by him without cause. The complainant described the officer and the date and time of the incident. He also provided an ambulance and hospital bills that are from cities in the East Bay.

Department records did not record any incidents that happened on the date of the detention.

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

There were no witnesses at the time of the incident.

The evidence shows that the incident might not have happened at the SFO, although the complainant insisted that it did. There is also insufficient evidence to prove otherwise. No finding outcomes occur when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 02/10/2025 COMPLETION DATE: 05/14/25 PAGE# 2 of 3

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

CATEGORY OF CONDUCT: UF

FINDING: NF

FINDINGS OF FACT: The complainant stated that he followed the instructions provided by the named officer. However, he still threw him to the ground and inflicted pain on him by twisting his arm behind him, pinching him, and putting pressure on multiple pressure points. The complainant alleged that the officer was abusive and used excessive force. He also provided an ambulance and a hospital bill from the East Bay.

Department records did not record any incidents that happened on the date of the detention.

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

There were no witnesses at the time of the incident.

The evidence shows that the incident might not have happened at the SFO, although the complainant insisted that it did. There is also insufficient evidence to prove otherwise. No finding outcomes occur when an officer cannot reasonably be identified.

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

CATEGORY OF CONDUCT: CUO

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

COMPLAINT DATE: 02/10/2025 COMPLETION DATE: 05/14/25 PAGE# 3 of 3

FINDING: NF

FINDINGS OF FACT: The complainant stated that the officer called an ambulance and sent him to a hospital in Fremont, California, against his will. He has received an ambulance and a hospital bill from two East Bay providers. He also claimed that the officer lied, but he did not elaborate.

Department records did not record any incidents that happened on the date of the detention.

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

There were no witnesses at the time of the incident.

The evidence shows that the incident might not have happened at the SFO, although the complainant said it did. There is also insufficient evidence to prove otherwise. No finding outcomes occur when an officer cannot reasonably be identified.

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

COMPLAINT DATE: 02/12/2025

COMPLETION DATE: 05/14/2025

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that an unlicensed social worker from Child Protective Services (CPS) and the father of her daughter broke into her apartment and stole identification and child support documents. She said that the named officer assisted the unlicensed social worker in kidnapping her minor daughter using a fraudulent court order. The complainant provided a case number she referenced as the one generated for the incident.

The corresponding incident report showed that the complainant called 911, reporting that a person had broken into her apartment and stolen child support documents. The named officer, together with her partner, responded to the complainant's residence to investigate. They found no forced entry and believed what occurred was potentially an unlawful entry and exit through the front door. The report did not indicate any kidnapping, and the case worker in question was not present during the incident.

Department records, however, showed that in an incident that occurred a month thereafter, officers responded to the complainant's apartment at the request of another social worker from CPS, who had a protective custody warrant to take custody of the complainant's minor daughter. During the incident, the complainant became irate and started yelling comments, including that she was going to harm herself. The daughter told the officers that the complainant had medical conditions and had stopped taking her medications. As a result, the officers determined that the complainant was a danger to herself, placed her on a mental health detention, and had her transported to a hospital. Department records further showed that about two months thereafter, officers responded to the complainant's residence for another incident at the request of a CPS social worker. The social worker told the officers that the complainant's daughter, who was placed in foster care, ran away from her foster home and stayed with the complainant. The social worker said that the following day, the daughter called CPS and asked to be picked up because she felt unsafe with the complainant. The complainant never opened the door for the officers, but during verbal interactions, the social worker received text messages from the complainant's daughter stating that she was not in danger and that the complainant did not stop her from leaving or opening the door. For such reason, and due to the lack of exigency, the social worker and the officers disengaged and decided to contact the complainant again at a later time. The named officer was present in both incidents and prepared the corresponding incident reports.

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

COMPLAINT DATE: 02/12/2025

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PAGE# 2 of 2

The named officer stated that when she responded to the complainant's residence for the burglary call, the daughter was in her room, did not interact with her, and was never kidnapped or removed from the residence. However, as discussed above, she recalled responding twice to the complainant's residence at the request of CPS workers on later dates to assist in taking protective custody of the complainant's daughter pursuant to a court order.

The named officer's partner in the house burglary incident stated that neither kidnapping nor removal of custody had occurred.

The officers' body-worn camera footage of the incident was consistent with their DPA statements and what was documented in the incident report.

The complainant failed to respond to DPA's requests for an interview.

DPA obtained a copy of the corresponding court protective order. The court protective order placed the complainant's minor daughter in protective custody due to her physical environment posing an imminent threat to her health or safety. The removal of the minor from the complainant's custody was lawful. What occurred was a legitimate lawful act, not a kidnapping.

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: 02/20/2025

COMPLETION DATE: 05/29/25

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant reported that the named officer escorted him out of a retail store after he had been speaking with the manager. He alleged that he left the store calmly and cooperatively, with the named officer standing nearby. However, the named officer appeared intimidating and made him feel threatened during the incident. In response to this perceived threat, the complainant reported that he made a hand gesture toward the named officer as he approached. The named officer then aggressively slapped the complainant's hand away.

The named officer denied the allegations stating even though the complainant was uncooperative, he stayed professional and attempted to calm the situation. He reported that he tried several times to get the complainant to leave the retail store which had closed. However, the complainant ignored the officer's orders and seemed to record him with a handheld device. The complainant refused to leave on his own and leaned back defiantly. As a result, the officer escorted him out without incident.

Afterward, the officer reported that as he walked away, the complainant made a "finger gun" gesture and pretended to shoot at him. Then, the complainant moved closer and invaded the officer's personal space while continuing to point the "finger gun" at the named officer. To protect himself, the officer grabbed the complainant's wrist to redirect the gesture. The officer then disengaged and went back to his patrol car.

The Computer-Aided Dispatch (CAD) records showed that the retail store's staff called 9-1-1 to report that the complainant refused to leave and was trespassing. The named officer responded to the store. The officer reported escorting a person from the store and subsequently closed the call.

Body-worn camera footage revealed that two store employees escorted the complainant toward the exit, directing him toward the named officer. The complainant became immediately combative, making a "finger gun" gesture at the named officer repeatedly throughout the encounter. After the issue of trespassing was resolved, the named officer attempted to leave the scene, but the complainant followed him to his vehicle. At that point, the complainant invaded the officer's personal space while continuing to pantomime a shooting gesture. In response, the officer redirected the complainant's hand away from his body and then left the scene without further engagement.

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The complainant recorded the incident and offered to provide it for the DPA's investigation but did not submit it.

Department General Order 2.01, Rule 8 (d), 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.

The named officer acted within policy and demonstrated appropriate conduct during the incident and used minimal force to guide the complainant out of the store and maintain the officer's personal safety. The officer made multiple efforts to de-escalate the situation, remained professional throughout the incident, and complied with department guidelines.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers knowingly engaged in biased policing or discrimination.

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: An anonymous complainant reported online that they were racially profiled and cited for no reason during a traffic stop.

The Department of Police Accountability (DPA) ran several queries with the limited information provided by the complainant. Records indicated that officers conducted over seven traffic stops around the time and location of the reported incident, with most stops resulting in citations. The DPA requested additional details from the complainant to help identify their specific incident. However, the complainant was hesitant to provide more information due to fear of retaliation. As a result, there was insufficient information to proceed with the investigation.

A "no finding" outcome occurs when the DPA is unable to complete an investigation because the incident cannot be reasonably identified.

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The complainant reported that he was cited for no reason.

The Department of Police Accountability (DPA) ran several queries with the limited information provided by the complainant. Records indicated that officers conducted over seven traffic stops around the time and location of the reported incident, with most stops resulting in citations. The DPA requested additional details from the complainant about the incident. However, the complainant was hesitant to provide more information due to fear of retaliation. As a result, there was insufficient information to proceed with the investigation.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant expressed concern about accurately documenting their incident in accordance with California's Racial and Identity Profiling Act.

The Department of Police Accountability (DPA) ran several queries with the limited information provided by the complainant. Records indicated that officers conducted over seven traffic stops around the time and location of the reported incident, with most stops resulting in citations. The DPA requested additional details from the complainant to help identify their specific incident. However, the complainant was hesitant to provide more information due to fear of retaliation. As a result, there was insufficient information to proceed with the investigation.

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

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated the incident report related to his arrest was inaccurate because “when the officers move their lips, they are lying.” The complainant did not provide specifics.

The incident report indicates that officers responded to the complainant’s residence twice the day before this incident, which culminated in the arrest of the complainant. The complainant’s landlord reported to officers that the complainant committed assault, vandalized several surveillance cameras, and cut the power in a multi-unit complex. In light of this incident, the landlord requested police assistance again as the complainant repeated the behavior by cutting off power to the apartment building. When officers arrived, they waited by the power box to see if the complainant would return, which he did. Officers attempted to apprehend the complainant; however, he fled upstairs to his apartment, leaving his dog behind. Officers were able to leash the complainant’s dog but were unable to convince the complainant to return downstairs to retrieve it. San Francisco Animal Control and Care (SFACC) arrived on the scene and took possession of the dog. The complainant was informed that he could claim his dog at their facility. SFACC contacted the police when he arrived at their facility, where he was arrested without incident and taken into custody.

Body-worn camera footage corroborated the information presented in the incident report.

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

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

CATEGORY OF CONDUCT:

FINDING: Referral/SF Animal Care and Control

FINDINGS OF FACT: This complaint raises matters outside the DPA’s jurisdiction. This complaint was partially referred to: San Francisco Animal Care and Control, 1419 Bryant Street San Francisco, CA 94103.

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SUMMARY OF ALLEGATIONS #1-3: The officers made an arrest without cause.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officers arrested him without legal justification.

Department records indicate that officers responded to the complainant's residence twice the day before this incident and the day preceding, which culminated in the complainant's arrest. The complainant's landlord reported to officers that the complainant committed assault, vandalized several surveillance cameras, and cut the power in a multi-unit complex. In light of this incident, the landlord requested police assistance again as the complainant repeated the behavior by cutting off power to the apartment building. When officers arrived, they waited by the power box to see if the complainant would return, which he did. Officers attempted to apprehend the complainant; however, he fled upstairs to his apartment, leaving his dog behind. Officers were able to leash the complainant's dog but were unable to convince the complainant to return downstairs to retrieve it. San Francisco Animal Control and Care (SFACC) arrived on the scene and took possession of the dog. The complainant was informed that he could claim his dog at their facility. SFACC contacted the police when he arrived at their facility, where he was arrested without incident and taken into custody.

Department records show that the complainant was arrested for violating Penal Code §§591 and 594, which are felonies.

Body-worn camera footage showed officers on prior days attempting unsuccessfully to take the complainant into custody after it was reported by his landlord that the complainant had assaulted him, and that he had vandalized and intentionally cut power to his apartment building. The complainant reported that his landlord assaulted him; however, the complainant refused to exit his apartment and cooperate with officers. The following day, officers responded to the complainant's residence again due to a report that he had cut power to the building. When officers attempted to apprehend the complainant, he abandoned his dog and retreated to his apartment, fleeing from officers. Shortly thereafter, the named officers arrested the complainant in the lobby of SFACC when he attempted to claim his dog. The complainant was taken into custody without incident. The footage showed the Named Officers treating the complainant with extreme kindness and patience during this incident.

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Penal Code §836(a)(2) states that officers may arrest an individual if they have probable cause to believe that the person to be arrested has committed a felony, although not in the officer's presence.

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

The named officers acted according to Department Policy and complied with the Fourth Amendment when they arrested the complainant. The evidence obtained by the named officers provided them with the requisite probable cause to arrest 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 #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:

SFPD
Drug Market Agency Coordination Center
1251 3rd Street
San Francisco, CA 94158

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 02/27/2025 COMPLETION DATE: 05/22/25 PAGE# 1 of 2

SUMMARY OF ALLEGATION #1-#2: The officers failed to properly process property.

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant reported that he was resting on a sidewalk under a tarp when the named officers approached him. As the officers moved in to arrest the complainant, he became concerned about what would happen to his belongings. According to the complainant, the officers explained that some of the belongings would be picked up and held in storage by the Department of Public Works (DPW) and that some of his belongings would be transported with him. Despite the officers' assurances, the complainant strongly believed that his belongings would be stolen. After his release, the complainant went to DPW to pick up the rest of his belongings. The complainant alleged that some of his belongings were missing and was upset that no one took responsibility for losing his belongings.

Department of Emergency Management records showed that the officers responded to the complainant's location because of a complaint they received.

The officers' body-worn camera showed that the complainant indicated that he was worried as to what would become of his belongings once he was taken into custody. The complainant expressed his concerns to the officers often becoming overcome with emotion. Officer #1 explained some of the complainant's belongings could go with him, but that the remaining items would need to be stored at DPW due to the limited amount of storage space available at police facilities. Officer #1 allowed the complainant to choose which items he wanted to take with him and which items would be transported to DPW. The body-worn camera showed the complainant identifying for Officer #1 what items he wanted to go with him to the police facility. Officer #1 completed an inventory of the complainant's belongings that were going to stay with the complainant. Officer #1 then read the inventory sheet aloud to the complainant to verify the items that the complainant was allowed to take with him. A list of those items included: (2) cell phones, (2) necklaces, glasses, a tablet computer, a laptop computer, wallet, identification card, food stamp card, and (3) charging cables. The complainant later added a hat to the list. The inventory sheet was handed to a deputy that transported the complainant into custody. Officer #1 explained to the complainant that DPW would pick up the remaining items and stored them. According to the incident report, DPW picked up the complainant's belongings to move the items to the appropriate storage facility.

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The Department of Police Accountability (DPA) conducted additional research and confirmed with the DPW that DPW picked up the complainant's belongings, stored them, and that the complainant later retrieved his belongings.

The Protocol for Processing Property Consistent with Department of Public Work's (DPW's) "Bag & Tag" Policy is found in Department Notice 24-114. It states, in part, that, while enforcing the law or in the normal course of their duties, members will routinely encounter property that may need to be removed or collected from a public space. Members are advised that they should not determine the status of the property but should contact DPW to respond to the scene who will assess and determine the status. DPW will then process the property and document their actions in accordance with DPW Procedure 16.05.08 (Removal and Temporary Storage of Personal Items Collected from Public Property), as amended.

DPA's investigation revealed that the officers showed consideration and compassion for the complainant's concerns regarding the security of his belongings. To address those concerns, officers allowed the complainant to organize the items he had wanted to take, but due to timing and the complainant's emotional state, the officers had the complainant tell them what items he wanted transported with him so the officers could document the items. The evidence showed several electronics including a laptop and cellphone and a few jewelry pieces were placed in the bag to be transported with the complainant in addition to several other items belonging to the complainant. The remaining items the complainant alleged were missing were not mentioned while the officers were on scene, and no additional evidence has been provided to the DPA to substantiate the complainant's allegation that the named officers did not care for his property. Instead, the evidence showed that the officers processed the complainant's property in accordance with the applicable police policy. Therefore, the evidence proves that the alleged 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/DPW

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

Department of Public Works Operations Bureau
2323 Cesar Chavez Street
San Francisco, CA 94124

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

CATEGORY OF CONDUCT: CUO

FINDING: NF/W

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

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COMPLAINT DATE: 03/13/2025

COMPLETION DATE: 05/18/25

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments to her while she was at a district station. The complainant also alleged that the named officer pulled her into a police vehicle, making it appear to others in the community that she was an informant.

Department records showed there were numerous contacts by the complainant with SFPD officers; however, none of the incidents indicated the named officer was involved. The incident that most closely matched the alleged time and location provided by the complainant contained no evidence of the presence of the named officer. Records also indicated that on the date provided by the complainant, there was no incident involving the complainant and SFPD. Additionally, on the date in question, the named officer was assigned in a district different than where the alleged incident took place.

The evidence proved that the conduct alleged did not occur or that the named officer was not involved.

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COMPLAINT DATE: 03/13/2025

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

CATEGORY OF CONDUCT:

FINDING: IO-1

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

San Francisco Police Department
Chief's Office
1245 Third Street
San Francisco, CA 94158

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COMPLAINT DATE: 03/18/2025

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

CATEGORY OF CONDUCT: ND

FINDING: U

FINDINGS OF FACT: The complainant called 911 regarding a restraining order violation at his residence. Officers responded to investigate the incident. The complainant alleged that, as he was explaining to the officers what had occurred, the named officer approached and screamed at him, asking why he had let the person restrained enter his house. The complainant said that when he told the officer that the person had a key, the officer continued to scream, saying that she had been at his home before and found out that he had always allowed the person to come in.

Attempts were made to contact the complainant for his statement, but with negative results.

The restraining order in question was a criminal protective order issued by the Superior Court of San Francisco as a condition to a pretrial release or order. It prohibited the person restrained from contacting the complainant and coming within 100 yards of him.

The named officer said that she asked the complainant why he willingly allowed the restrained party into his residence if he had a restraining order against him. The complainant became irate and stated, "Because he has a key, big mouth!" The named officer said that the complainant refused to speak further and began yelling out of his kitchen window. She denied yelling at the complainant. She said officers had responded to the complainant's residence on several occasions in the past. Some of the incidents were similar to the one in question. The prior incidents were the reason she asked the complainant why he kept allowing the restrained party to enter his residence.

Witness officers stated that the named officer never yelled or screamed at the complainant.

Body-worn camera (BWC) footage from the responding officers were consistent with the statements they provided to the Department of Police Accountability. The BWC footage showed that the complainant was the one who yelled or raised his voice when the named officer came up to talk to him. The named officer had a firm voice but did not yell when she replied to the complainant. She was neither disrespectful nor discourteous.

The evidence proves that the conduct alleged did not occur.

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COMPLAINT DATE: 03/19/2025

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

CATEGORY OF CONDUCT: ND

FINDING: IE

FINDINGS OF FACT: The complainant stated that they went to a district police station to report an assault. He spoke to officers by the glass window in the lobby. The complainant said the officers refused to write an incident report. He said it had happened to him several times in the past at the same station.

The named officer acknowledged talking to the complainant. She denied refusing to prepare an incident report. She said she attempted to gather information about the incident, but the complainant refused to cooperate and walked out of the station.

An officer who witnessed the interaction stated that the named officer did not refuse to take the complainant's report. She said the officer attempted to gather information, but the complainant left before the officer could complete her interview.

There was no record documenting the contact.

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

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

CATEGORY OF CONDUCT:

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

CATEGORY OF CONDUCT: ND

FINDING: PC

FINDINGS OF FACT: The complainant stated in an online complaint that he called the police because a homeless woman threatened him with a knife. He explained to the officer what had happened over the phone, and the officer said he would look for the suspect. However, the police have done nothing, and he still sees the homeless woman. The complainant did not respond to the DPA's multiple requests for an interview for details.

Both named officers stated that they were informed by Dispatch almost two hours after the initial call for service regarding a homeless woman harassing the complainant without a weapon. Named officer #1 stated that they were unable to locate the complainant's vehicle or the suspect when they arrived on the scene. Named Officer #2 then called the complainant back, who told the officer he just wanted to go home. The named officers stated that they then drove in the area in the marked patrol vehicle, actively searching for the suspect. There were no witnesses on the scene.

Computer Aided Dispatch (CAD) indicates that the complainant did make a 9-1-1 call regarding a threat by a homeless woman. However, it also states that no weapon was used. Officers were dispatched to the location almost two hours after the call was made. When the officers arrived, the suspect had already left the scene. CAD audio shows that when the dispatcher asked the complainant whether the woman had any weapons, he was unable to provide an answer and mumbled. The dispatcher repeated the question three times and still did not receive an answer.

The evidence collected indicates that the officers were alerted to the threats and harassment with no weapons call for service two hours after the initial call was made. When the officers arrived on the scene, the suspect had already left. The officers called the complainant, continued to look for witnesses, and a suspect to no avail.

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

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COMPLAINT DATE: 03/20/2025

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: An individual complained to a separate agency that his daughter had been struck by an officer in a police vehicle who then left the scene. The complaint was referred to the Department of Police Accountability (DPA).

DPA spoke with the initial individual, and he referred the matter to his daughter. DPA reached out to the daughter but was unsuccessful in communicating with her.

DPA located the police report of this collision. The cause of the accident was determined to be the pedestrian running into the crosswalk without it being safe to do so.

Because DPA was unable to speak to the complainant to understand the basis of her complaint, there is insufficient information for DPA to conduct an investigation.

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

CATEGORY OF CONDUCT: UA

FINDING: NF

FINDINGS OF FACT: The same individual also complained that officers had forced his daughter to go to the emergency room via ambulance. He did not identify any officers alleged to have taken this action.

DPA spoke with the initial individual, and he referred the matter to his daughter. DPA reached out to the daughter but was unsuccessful in communicating with her.

Because DPA was unable to speak to the complainant to understand the basis of her complaint, there is insufficient information for DPA to conduct an investigation.

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COMPLAINT DATE: 02/06/2025

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant contacted the 3-1-1 service and stated that approximately two years ago, a police officer drove a police van through solid white lines to turn into a police station.

The Equipment Sign-Out and Sign-In Sheet (ESSS) is a document that records which police vehicles were used on a particular day, and which officer used them. The ESSS for the day in question shows that no officer used a police van.

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: During the 3-1-1 call, the complainant said that the officer driving the van yelled at him using the PA speaker to get out of the way.

The Equipment Sign-Out and Sign-In Sheet (ESSS) is a document that records which police vehicles were used on a particular day, and which officer used them. The ESSS for the day in question shows that no officer used a police van.

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.

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COMPLAINT DATE: 03/24/2025

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SUMMARY OF ALLEGATION #1: The San Francisco Police Department engaged in unwarranted action.

CATEGORY OF CONDUCT: UA

FINDING: PC

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department’s broad enforcement of drug violations causes more violence and homicides. He said economists and scientists support this supposition.

The captain who oversees the San Francisco Police Department’s drug enforcement unit stated, “There is often strong public debate—particularly in San Francisco—about the 'war on drugs' and its broader societal impacts. Decisions on how to legally and morally address issues on our streets must consider not only individuals but also the greater community as a whole. In 2023, the City and County of San Francisco, under the leadership of City Hall, implemented the Drug Market Agency Coordination Center (DMACC)—a multi-agency coordinated effort to address the complex drug-related issues affecting our streets. While the SFPD leads this initiative, it is our close collaboration with other City departments that enables a holistic approach to enforcement.”

He further stated, “The goal of SFPD’s law enforcement strategy, particularly in addressing open-air drug markets, is to promote public safety, reduce harm to local communities, and uphold existing laws. However, we recognize that drug-related challenges contribute to feelings of instability within neighborhoods and require a strategic, evidence-based approach that balances enforcement with public health perspectives. San Francisco continues to grapple with the devastating impact of dangerous substances such as fentanyl and other potent drugs, which are claiming lives and putting the broader community at serious risk. It’s important to understand that without robust enforcement mechanisms—using local, state, and federal laws—these criminal networks would not disappear. Instead, they would likely expand, grow stronger, and cost even more lives. In fact, overdose deaths were higher prior to the stronger enforcement measures currently in place. But enforcement alone is not enough. The SFPD is proud of its collaborative work with partner agencies to ensure a balanced approach that also prioritizes prevention, treatment, and rehabilitation.”

He further stated, “We remain committed to working with our partners to address drug-related crimes and the flow of illegal substances impacting San Francisco communities. Our efforts speak for themselves: over the past year, San Francisco has seen a significant drop in violent crime, and homicides have reached a 60-year low. These results demonstrate that the work of the SFPD—and the collaborative efforts of

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DMACC—can serve as a model for ethically and responsibly addressing public safety challenges across the nation.”

Evidence does not show that the tactics employed by the San Francisco Police Department to enforce drug-related crimes create an increase in violence and homicides.

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

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

CATEGORY OF CONDUCT: ND

FINDING: NF

FINDINGS OF FACT: The complainant reported that he calls the non-emergency number frequently to report noise complaints that occur across from his address. He also stated that officers do not respond or take any action.

The Department of Police Accountability requested additional information from the complainant to obtain information necessary to investigate the incident. However, the complainant did not respond to DPA's request for an interview. As a result, there was insufficient information to identify the incident(s) or officers(s) preventing the DPA from conducting further investigation.

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

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COMPLAINT SUMMARY REPORT**

COMPLAINT DATE: 04/03/2025

COMPLETION DATE: 05/15/25

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant reported that the San Francisco Police Department denied her a copy of her incident report on the grounds that the investigation was still ongoing, and a court case was pending. She was advised to contact the investigation unit handling her case if she had questions. When she contacted the investigative unit to speak with the investigator assigned to her case, hoping to provide an update and obtain a copy of the records, the officer she spoke to was allegedly rude and demeaning. This same officer also refused her request to speak with the investigator assigned to her matter and as result, the complainant was unable to confer with the investigator or receive a copy of her records.

The complainant could not remember the name of the officer she spoke to as considerable approximately six months had passed between the incident and her complaint to the Department of Police Accountability (DPA).

DPA was unable to independently identify the officer based solely on information provided by the complainant. As a result, DPA sent an Identification Poll (ID Poll) to the unit. An ID Poll describes the incident and asks that the Captain and/or their designee to review the incident description to identify the officer involved in the interaction. No officers were identified through the poll. Therefore, there was insufficient information to identify the person involved.

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

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COMPLAINT DATE: 04/21/2025

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

CATEGORY OF CONDUCT: CUO

FINDING: NF

FINDINGS OF FACT: The complainant stated that a sergeant placed a “disregard” on the complainant’s future 9-1-1 calls.

Because the complainant could not identify the specific officer involved, 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 identity of the alleged officer could not be established.

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

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

CATEGORY OF CONDUCT:

FINDING: Referral/DEM

FINDINGS OF FACT: This complaint raises matters outside the 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: 04/25/2025 COMPLETION DATE: 05/06/25 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raises matters outside the Department of Police Accountability's jurisdiction.

CATEGORY OF CONDUCT: IO2

FINDING: IO2

FINDINGS OF FACT: The complainant raises matters outside the Department of Police Accountability's jurisdiction.

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

COMPLAINT DATE: 04/29/2025

COMPLETION DATE: 05/29/25

PAGE# 1 of 2

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

CATEGORY OF CONDUCT: CUO

FINDING: PC

FINDINGS OF FACT: The complainant is a security guard in a residential building. The complainant stated that the named officers came to the building to investigate an incident. The complainant was unaware an incident was occurring but allowed the officers to access secure areas of the building. The complainant stated that the officers were dismissive and rude and refused to let him accompany them to investigate the incident. The complainant said he is responsible for incidents that occur inside the building and that the officers refused to provide him with any details of the arrest they made.

SFPD records showed that the named officers were dispatched to a report of a violent disturbance at a unit within an apartment building. The officers arrested one person involved and noted that another involved party suffered injuries. The complainant is not mentioned in the records.

Body camera footage showed that the named officers responded to a call for service at an apartment building. The named officers' colleagues were assisted by security at the building to access the apartment where the incident happened. The complainant helped the officers access a locked elevator. The named officers asked the complainant to leave the elevator car before they proceeded to the floor where the involved apartment was located. The named officers told the complainant that they did not know what was happening at or near the apartment and could not allow him to come with them. The named officers arrested a person and led them outside to a police vehicle. The complainant asked the named officers why the person had been arrested and from which apartment. The named officers did not tell the complainant the reason for arrest but did tell the complainant that they were there due to a call for service for a disturbance.

SFPD DGO 5.07, Rights of an Onlooker, states:

Members shall allow the onlooker to remain in proximity to the interaction to overhear and record the encounter between the suspect and the member, except when one or more of the following occur:

1. The member has specific and articulable concern(s) that officer or public safety could be jeopardized.

The named officers were dispatched to a report of a violent confrontation taking place in an apartment,

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

COMPLAINT DATE: 04/29/2025 COMPLETION DATE: 05/29/25 PAGE# 2 of 2

which is a confined space and told the complainant, essentially, they did not know the extent of the danger.

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

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

COMPLAINT DATE: 04/30/2025

COMPLETION DATE: 05/06/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFSO

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

San Francisco Sheriff's Office
Internal Affairs
25 Van Ness Avenue, Room 350
San Francisco, CA 94102

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

COMPLAINT DATE: 05/02/2025

COMPLETION DATE: 05/15/2025

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFSO

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

San Francisco Sheriff's Office
25 Van Ness Avenue, Room 350
San Francisco, CA 94102

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

COMPLAINT DATE: 05/02/25 COMPLETION DATE: 05/15/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 05/05/2025 COMPLETION DATE: 05/15/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: Referral/CHP

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

California Highway Patrol – Golden Gate Division
1551 Benicia Road
Vallejo, CA 94591
Attn: Office of Internal Affairs

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

COMPLAINT DATE: 05/08/2025

COMPLETION DATE: 05/15/25

PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/SFPL

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

San Francisco Public Library
100 Larkin Street
San Francisco, CA 94102

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

COMPLAINT DATE: 05/08/2025 COMPLETION DATE: 05/15/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/IAD

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

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

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

COMPLAINT DATE: 05/20/2025 COMPLETION DATE: 05/27/25 PAGE# 1 of 1

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

CATEGORY OF CONDUCT:

FINDING: IO-1/DEM

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

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

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

COMPLAINT DATE: 05/22/2025 COMPLETION DATE: 05/29/25 PAGE# 1 of 1

INFORMATION ONLY

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

CATEGORY OF CONDUCT:

FINDING: IO-2

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

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

COMPLAINT DATE: 05/24/25

COMPLETION DATE: 05/29/25

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.