

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

COMPLAINT DATE: 05/28/2025

COMPLETION DATE: 02/19/26

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

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer unnecessarily used his baton to break a driver's window on a vehicle.

The investigation showed that the officer and his partner were following the driver's car for a prolonged period of time because they believed it was stolen. When the car stopped at a red light in traffic, the officer ran up to the car, smashed the driver's side window, and pulled the driver to the pavement. The officer made no effort to effect a traffic stop before smashing the window. The officer did not use lights and siren or signal in any way for the driver to pull over.

Officers may only use objectively reasonable force. Absent exigent circumstances, force techniques such as destroying property and taking a person to the ground may only be used on suspects who are actively resisting lawful orders. The driver had been given no orders and was not resisting. The officer's use of force was therefore unreasonable and excessive.

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

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SUMMARY OF ALLEGATION #2: The officer improperly used a liquid chemical agent.

CATEGORY OF CONDUCT: UF

FINDING: IC/S

FINDINGS OF FACT: The complainant stated that the named officer sprayed a person in the face at close range with a liquid chemical agent.

Department records showed that the officer struggled to handcuff the driver after pulling him to the ground. One of the driver's arms was pinned under his body. The officer grabbed the driver's free arm and then ordered him to put his hands behind his back. The driver braced himself and tried to sit up, pulling his wrist free in the process. The officer shouted for the driver to stay down, and his partner came to assist. After the partner got ahold of the driver's free wrist and had his legs pinned to the ground, the officer sprayed pepper spray directly into the driver's face from inches away.

The minimum distance for spraying pepper spray at someone's face is 4.5 feet. The evidence showed that the officer sprayed at least four feet less than the minimum distance.

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

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SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 5.01.

CATEGORY OF CONDUCT: UF

FINDING: PC

FINDINGS OF FACT: The complainant stated that the named officer drew his firearm during a traffic stop without cause.

The named officer stated that he did draw his firearm as he approached a vehicle. The named officer believed he was approaching occupants of a stolen car and held his firearm at low ready. The named officer made contact with the passengers. When the passengers were compliant, the officer holstered his firearm and handcuffed them without incident. w that the threat level was lower than he first thought.

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

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SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant stated the driver was cited for reckless driving without cause.

The officer stated that he and his partner followed the driver for a prolonged period of time, observing him speed and run multiple red lights.

The evidence showed that the officer and his partner told a sergeant that the driver had engaged in felony evasion of an attempted traffic stop. Consequently, the driver's car was towed for felony evasion of an officer. However, the officers admitted never attempting a traffic stop of the driver.

Reckless driving is driving "upon a highway in willful or wanton disregard for the safety of persons or property." (Vehicle Code 23103(a)) Speeding and running red lights do not necessarily constitute reckless driving without a consideration of the surrounding circumstances, including whether the driver's actions presented a substantial and unjustifiable risk of harm.

The officers followed the driver for a prolonged period of time, staying within one block of his car. During that time, the driver's speeding and running red lights did not rise to a level of danger sufficient to induce the officers to effect a traffic stop. The officer issued a reckless driving citation, which is a vehicle code violation that justifies towing a car.

The officer engaged in unwarranted action by citing the driver for a more serious offense than the one he committed.

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

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SUMMARY OF ALLEGATION #5: The officer conducted a traffic stop without justification.

CATEGORY OF CONDUCT: UA

FINDING: IC/S

FINDINGS OF FACT: The complainant stated the driver was stopped without justification.

Investigation showed that the officers believed the driver was operating a stolen vehicle because they mistakenly entered the wrong license plate number into their computer system.

The driver was not operating a stolen vehicle, and the officers therefore had no reasonable suspicion to stop him.

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

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SUMMARY OF ALLEGATION #6: The officer failed to properly supervise.

CATEGORY OF CONDUCT: NA

FINDING: IC/S

FINDINGS OF FACT: The named officer was accused of failing to properly supervise during a use of force evaluation.

The named officer stated that he conducted a supervisory use of force evaluation as required. The officer believed the use of force was in policy as the suspect was actively resisting. The named officer believed the officer did not violate policy by spraying pepper spray within inches of the driver's face.

Absent exigent circumstances, the minimum distance for deploying pepper spray into a person face is 4.5 feet. Body-worn camera footage clearly showed the officer spraying the driver a few inches from his face, while he was pinned to the ground.

The officer failed to conduct a proper supervisory use of force evaluation by neglecting to flag the improper pepper spray use.

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