

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/14 **DATE OF COMPLETION:** 01/28/15 **PAGE #1** of 7

SUMMARY OF ALLEGATION #1: The officer arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer cited him for littering and having an open container. The complainant stated the officer then handcuffed him, took him to a police facility, searched him and seized property from him before the complainant was released.

The named officer stated he was instructed by a superior officer to locate subjects who were under the influence of alcohol or narcotics and to bring them to the police substation in order to be evaluated by officers engaged in a drug recognition training class. The officer stated that based on his observations, he detained and cited the complainant for littering and for having an open container. He stated the complainant appeared to be under the influence, prompting the officer to bring him to the substation where he conducted a search and seized unknown property from the complainant. The complainant was then evaluated by officers participating in the drug training recognition class despite the officer stating that the complainant's participation was voluntary.

Pursuant to the U.S. Constitution, DGO 5.06 and California state law, persons and their effects are to be secure from unreasonable searches or seizures without probable cause. Absent certain exceptions, if a person is eligible for cite and release, they are to be cited and released at the location of the arrest. The complainant was eligible for cite and release; however, the officer physically restrained the complainant in handcuffs and moved him to a police facility for evaluation for a training class, in effect conducting a De Facto arrest of the complainant.

A preponderance of the evidence proved the conduct alleged did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2:The officer handcuffed the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated the complainant was handcuffed because the complainant was uncooperative and slightly resistant at the scene of the detention.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: The officer searched the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The officer admitted he cited the complainant for minor infractions and conducted a pat search at that time. The officer stated that he then brought the complainant to a police substation to be evaluated by officers involved in drug recognition training class. The officer stated that since he brought the complainant into a police facility, he needed to search the complainant for weapons for officer safety.

The 4th amendment of the U.S. Constitution provides that persons are to be secure from unreasonable searches or seizure without probable cause. The evidence established that the named officer did not have probable cause to arrest the complainant and search him at the substation.

A preponderance of the evidence proved the conduct alleged did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #4: The officer seized the complainant's property without cause.

CATEGORY OF CONDUCT: UA **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer took him to a police facility and seized his personal property. The complainant stated his property was returned when he was released.

The officer admitted that he took some unknown objects from the complainant.

The 4th amendment of the U.S. Constitution provides that persons are to be secure from unreasonable searches or seizure without probable cause. The objects were seized from the complainant following an unlawful arrest and search. The officer did not have probable cause to seize the complainant's property.

A preponderance of the evidence proved the conduct alleged did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #5: The officer placed tight handcuffs on the complainant.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer placed him in tight handcuffs.

The officer denied the allegation. The officer stated that the complainant made no statements regarding tight handcuffs.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments and acted inappropriately.

The officer denied the allegation.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #7: The officer failed to state a reason for the arrest.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer did not tell him why he was being arrested.

The officer stated that he issued a citation that listed the violations and that he explained the violations to the complainant.

No witnesses were identified.

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

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

CATEGORY OF CONDUCT: ND **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The officer stated he issued a citation, handcuffed, moved, searched and seized property from the complainant. The officer stated that when he turned the complainant over to other officers at a training class, it was his belief that those officers would document the contact and write a report.

The investigation established that no incident report was written by any officer regarding the complainant's citation, physical movement to another location while handcuffed, a search of his person, seizure of his property and prolonged detention for a training class.

Pursuant to Department General Orders, 1.03, 2.01, 5.03 and 5.06 and the Department Report Writing Manual, the officer was required to prepare an incident report.

The Operations Order specific for the training class states in relevant part, "In the event of a detention resulting in any type of seizure, whether and arrest or a search, the SFPD officer assigned to the enforcement team shall prepare an incident report. All detentions not memorialized in an incident report shall be memorialized by the SFPD officer assigned to the enforcement team on a SFPD Field interview (FI) card." OCC's investigation established that no incident report or Field Interview card was submitted by the named officer or any SFPD officer.

A preponderance of the evidence proved the conduct complained of occurred, and using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to maintain radio contact.

CATEGORY OF CONDUCT: ND **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: OCC's investigation established that the named officer failed to remain in constant radio contact with Communications, in violation of DGO 1.03.

A preponderance of the evidence proved the conduct complained of occurred, and using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF OCC-ADDED ALLEGATION #3: The officer failed to properly supervise.

CATEGORY OF CONDUCT: ND **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: Department General Order 1.04, Duties of Sergeants, states in relevant part that a Sergeant shall train and lead subordinates in the performance of their duties and set an example of efficiency and deportment. The Sergeant has immediate control and supervision of assigned members, and requires all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur.

The named officer was assigned to a training class as the supervisor of SFPD officers. The named officer permitted a subordinate officer to violate the constitutional rights of the complainant. The named officer also admitted that he knew that the specific Operation Order required officers to write either an incident report or field interview card for the arrest and searches of individuals. The named officer neglected his duties when he failed to have an officer write the required incident report and allowed the officer to violate the constitutional rights of the complainant.

A preponderance of the evidence proved the conduct complained of occurred, and using as a standard the applicable regulations of the Department, the conduct was improper.

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

CATEGORY OF CONDUCT: ND **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The named officer was appointed as the contact officer for Field Operation No. 140036, and wrote the Field Operations Order. The Operations Order stated in relevant part that the named officer would be responsible for the compilation of data ...including police reports, field identification cards, locations visited, and all parolees, probationers and gang members and/or associates contacted. The Operations Order also required that an After Action report and a Costs report were required in order for the Department to use the information gathered for future law enforcement purposes.

The named officer denied that he was required to prepare the applicable documents.

OCC's investigation established that the required documents were not prepared by the named officer.

A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF OCC ADDED ALLEGATION #5: The officer failed to properly supervise.

CATEGORY OF CONDUCT: ND **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: At the time of this Field Operation, the named officer was the Captain and commanding officer of the district station. The named officer also approved the Operations Order for the Field operation.

DGO 1.05 - Duties of Station Personnel, states in relevant part, that the district captain is responsible for the efficient operation of the station and the performance and discipline of its members.

DGO 1.06 - Duties of Superior Officers, states in relevant part, Superior Officers shall guide and instruct their subordinates in the performance of their duties and require strict compliance with the policies and procedures of the Department and the orders of superiors.

OCC's investigation established that the named officer approved a Field Operations Order that due to its lack of information and review, permitted SFPD officers and officers from other law enforcement agencies to violate the Constitutional Rights of individuals without probable cause. Patrol officers were instructed to bring subjects to a police facility in order for the subjects to be evaluated by a training class. The named officer and other officers stated that this was completely voluntary and if objected to, the subjects would not be evaluated. This information was not documented in the Operations Order and at the very least was misinterpreted or misused by members of the SFPD and officers from other agencies in order to bring subjects into a police facility for evaluation by the training class.

The complainant's 4th Amendment rights were violated when he was subjected to a custodial arrest wherein he was handcuffed, moved, searched, and property seized from him all without probable cause, when in fact the complainant should have been immediately released after being issued a citation for minor infractions. The Operations Order also required that incident reports, field interview cards, after action reports and cost reports be written for this operation. The Department could not produce these reports and the officer designated to write the reports stated that he did not produce the reports. There is no documentation that showed how many individuals were subjected to testing, what types of testing occurred, or what the results of the tests were. There is no documentation to show that subjects voluntarily submitted to these procedures.

The named officer acknowledged that as the commanding officer, he was the person ultimately responsible for any violations of SFPD rules and regulations that occurred in the police district he supervised.

A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #1: This complaint raises matters outside the OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complainant raises matters outside the OCC's jurisdiction. This complaint has been referred to:

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

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

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: An anonymous complainant to the San Francisco Controller's Office alleged that actions of police officers "partying with women while on duty" may have violated the San Francisco Police Commission and the Department's Statement of Incompatible Activities. The complainant included photos depicting several uniformed officers standing near two women in apparently public settings at night. The OCC did not receive any identifying information about the complainant and thus could not conduct an interview.

The named officer acknowledged his appearance in one of the submitted photographs, and stated that, while waiting for a vehicle to transport a detained, intoxicated prisoner during a special patrol related to the St. Patrick's Day holiday, two unidentified women asked him to allow them to be photographed next to him. The officer stated his brief involvement in the encounter did not impact his attention to duty and said he engaged in no improper actions. He stated that he considered his allowance of the photo to be consistent with the Department's stated goal of building community relations. The named officer said he could not identify the two women or any other officers captured in the photos submitted, and said he had not seen any other officers posing in proximity to the women.

A witness officer, the commanding officer of the unit to which the unidentified officers were assigned on the date in question, said he could not discern any improper actions by the officers in the photos submitted and could not identify any officers depicted.

A poll sent to the commanding officer of a unit assigned to the special patrol revealed no officers were assigned to the apparent location depicted in the photo, and polled officers from the unit denied involvement with the incident depicted in the photos.

A review of Department regulations on prohibited Incompatible Activities and on officers' on-duty actions revealed no prohibitions on the actions of the officers revealed by the photos, or any prohibition against posing for photos with civilians.

The named officer's actions did not rise to a level of misconduct.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1: The officer detained the complainant's co-worker without justification.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that a group of young males were filming a music video when they were detained by plainclothes officers. The complainant stated she captured the incident on video; however, she failed to provide the OCC with a copy of the video.

The complainant's co-worker stated that he was the only person detained of the seven people in his group filming a music video. He stated an officer saw him with an empty jar of cough medicine. He stated he drinks cough medicine mixed with soda.

The named officer stated that he detained the complainant's co-worker because he was on probation with a warrantless search condition, and that the named officer saw him sitting next to a bottle of cough medicine with codeine. After detaining the complainant's co-worker, the named officer issued him a Certificate of Release.

Court records indicated that the complainant's co-worker was on probation with a warrantless search condition.

Department General Order 5.03 allows a police officer to briefly detain a person for questioning or request identification only if the officer has reasonable suspicion that the person's behavior is related to criminal activity.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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DATE OF COMPLAINT: 04/07/14 **DATE OF COMPLETION:** 01/09/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer interfered with the rights of an onlooker.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer told her twice to turn her camera off. She stated that the officer told her, “because of you, he is going to jail” and then handcuffed her co-worker. She also stated that the officer told her if she stopped filming, he would release her friend. She stated that with the encouragement from her co-worker and the others in the group, she complied. She stated that her co-worker was subsequently released.

The named officer denied the allegation. He stated that he did not recall speaking to the complainant during the incident. He stated that he released the complainant’s co-worker because he was cooperative and compliant.

No independent witnesses were identified.

The complainant failed to provide OCC with a copy of the video that captured the incident.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer made threatening and inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer made inappropriate and threatening comments.

The complainant’s co-worker stated that the officer told the complainant if she stopped filming, her co-worker would be released. He stated that he asked the complainant to stop filming and when she did, he was released.

The named officer stated that he did not recall speaking to the complainant during the incident. He stated that he released the complainant’s co-worker because he was cooperative and compliant.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/10/14 **DATE OF COMPLETION:** 01/23/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 3: The officers behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she was engaged in a verbal dispute with one of her roommates when the police were called to the scene. The complainant stated the named officers were mean, rude, and unfriendly, siding with the complainant's roommate.

The officer denied the allegation, stating that they were calm and professional.

One of the complainant's roommates stated that the officers were sympathetic and friendly.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 4 - 6: The officers failed to comply with SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) Person.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she was engaged in a verbal dispute with one of her roommates when the police were called to the scene. The complainant stated that the officers, on two separate occasions, failed to provide her with a Mandarin interpreter.

The named officers denied the allegation, stating that there was no language issue with the complainant. They stated the complainant was able to communicate in English.

One of the complainant's roommates stated that the complainant understood the officers. The witness stated that the complainant would pretend that she did not understand when she disagreed with what the officers were telling her. The witness stated the complainant "clearly understood" the officers.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer engaged in biased policing due to the complainant's race.

CATEGORY OF CONDUCT: CRD **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer contacted him due to a complaint made by a nearby resident or storeowner. The complainant stated the named officer discriminated against him based on race by favoring the reporting party.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied being present during the incident.

Three witness officers stated the named officer was not present during the incident.

Department records indicate the named officer was not on duty the day of the incident.

The evidence proved that the named member was not involved in the acts alleged.

SUMMARY OF ALLEGATION #2: The officer ordered the complainant to move and would not let him sit down.

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he was sitting in a chair playing music on his favorite street corner when the named officer ordered him to stand up and move. The complainant stated he was not violating any laws and should have been allowed to stay.

The named officer stated he was not present during the incident.

Three witness officers stated the named officer was not present during the incident.

Department records indicate the named officer was not on duty the day of the incident.

The evidence proved that the named member was not involved in the acts alleged.

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SUMMARY OF ALLEGATION #3: The officer falsely accused the complainant in public in a city park.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that, in front of a crowd of people in a city park, the named officer falsely accused him of singing profane songs near children. The complainant was unable to provide OCC with an approximate date of the incident, only that the incident had occurred two to six months prior. The complainant failed to provide additional requested evidence

The named officer stated he has never met the complainant in person.

No witnesses were identified.

The complainant failed to provide additional evidence necessary to investigate his complaint.

SUMMARY OF ALLEGATIONS #4 - 5: The officers issued an invalid order.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he was sitting in a chair playing music on his favorite street corner when the named officers ordered him to stand up and move. The complainant stated he tried telling the named officers about his special exemption from the civil sidewalks ordinance, but they would not listen. The complainant stated he was not violating any laws and should have been allowed to stay.

One named officer stated the incident was a mentally disturbed person investigation and unrelated to the civil sidewalks ordinance. The officer stated the complainant was contacted due to a report of aggressive behavior and was not ordered to move or discontinue using his chair. The other named officer could not recall the incident. A witness officer stated the complainant was not contacted for violating the civil sidewalks ordinance and was not ordered to move or stop using his chair.

Department records indicated the incident was an investigation of an aggressive person yelling racial slurs.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant admitted that he was intoxicated and had called police so that an argument with his stepson would not escalate. The complainant stated that when police arrived, they told him to sit outside in the front of the house. The complainant stated officers told him that he was going to be taken to the police station for 4 hours for public intoxication.

The named officers denied the allegation. The officers stated the complainant was already outside when they arrived. The officers stated the complainant was intoxicated and belligerent. The officers stated the complainant's wife and stepson told them the complainant was drunk, had been fighting with the family, and was destroying the house.

The audio CAD documents that the complainant called to report a stolen car and then left the call unattended while arguing is heard in the background.

The jail medical records document that the complainant was held in a sobering cell.

The incident report shows that the complainant was charged for being drunk in public and for resisting arrest.

No witnesses came forward.

While there was evidence that the complainant was intoxicated, there was insufficient evidence to either prove or disprove that the complainant resisted arrest.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers used force during an arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that during his transport to the police station, the named officers stopped the police car and used unnecessary force on him while handcuffed.

The named officers denied the allegation. The officers stated that during the complainant's transport, he attempted to kick out the patrol car windows and was spitting at the officers. The officers stated they stopped the patrol car to get the complainant out of the vehicle for safety, but the complainant continued to kick at the officers. The officers stated they used physical controls to get him out of the back seat and onto the ground in a seated position. The complainant continued to resist by fighting and kicking, so the officers rolled the complainant to a prone position, facing down. The officers stated the complainant's feet were hobbled for their protection.

The named officers believed that the complainant's abrasions and bruises sustained were due to him actively resisting and struggling on the ground as they waited for back up with a transport wagon.

SFPD and OCC photographs of the complainant's abrasions and bruises document the injuries.

Medical reports diagnosed that the complainant sustained a shoulder contusion, wrist abrasion and right wrist pain.

SFPD Use of Force log documented that physical controls were used on the complainant, due to the complainant's combative and resistive behavior. The log documented that the complainant complained of and sustained an injury from the force used.

No witnesses came forward.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers were minimally necessary to accomplish their task.

There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to take the required action (inattention to duty).

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer went to Family Court on a personal matter.

San Francisco Department General Order 2.01 section 1, states, "While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments."

The named officer acknowledged being in court while on duty. However, the officer stated she received a verbal approval from her supervisor to attend the hearing and that she was on her lunch break. In addition, she stated she had other official business matters to take care of while at the courthouse.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** S **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer went to Family Court on a personal matter, wearing her firearm. The complainant, the named officer's ex-husband and a retired member of the SFPD, stated that courthouse policy prohibited police officers on personal business from bringing their weapons into the courtroom.

The San Francisco Civil Court House Sign-In Sheet, maintained by Sheriff's Deputies at the courthouse, states, "All Officers on Personal Business MUST Check in weapon(s) with sheriff staff – NO EXCEPTIONS."

The named officer acknowledged being in court on a personal matter, armed with her firearm. The officer stated she was unaware of the courthouse policy and was admonished by one of the deputies regarding her firearm.

The evidence established the named officer's violation of the courthouse policy reflected discredit upon the Department, violating San Francisco Police Department General Order 2.01 section 9.

A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

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

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer failed to properly investigate verbal threats made by a student against her that occurred at her place of employment, a public school.

The named officer, a school resource officer, denied the allegation. He stated he was on vacation at the time of the incident and received notification of the incident upon his return. The officer was instructed by a supervisor to follow up with school administration regarding how they handled the student/incident and report back to the supervisor. The officer spoke to school administrators who advised him that the involved student was no longer enrolled at the school, was being home-schooled and is non-violent. The officer reported this information to his supervisor.

The school administrators refused to provide OCC any other information regarding the incident or the student – citing confidentiality of the student and the complainant.

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

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

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated a student was not arrested for making verbal threats against her. The named officer stated she did not assign the complainant’s case to an officer for investigation because of lack of witnesses and lack of cooperation from the complainant. In addition, the named officer stated that the complainant reported the verbal threat to SFPD weeks after the incident.

The school administrators refused to provide OCC any other information regarding the incident or the student – citing confidentiality of the student and the complainant.

There was insufficient evidence to prove or disprove the allegation.

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

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer cited him for having a burned-out light above his rear license plate. The complainant stated he had just serviced his car (a 1995 Toyota Camry) at Jiffy Lube, where technicians checked the working condition of all the outside lights on his vehicle and found them to be in working order. He also stated that when he arrived home after having been issued the citation, he checked to identify the burned-out bulb for replacement. The complainant stated both bulbs were functioning.

The named officer stated she was driving the patrol car and clearly saw, from a distance of approximately fifty feet away, that the vehicle the complainant was driving had a burned-out, rear license plate lamp.

The named officer's partner, a Field Training Officer, also got out of the patrol car and confirmed the rear license plate lamps were not functioning.

No independent witnesses were identified.

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

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

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was in a city park with many of his belongings when he was arrested. The complainant stated that when he was released from custody, he retrieved his belongings from DPW but his skateboard and a bag of electronics were missing.

The named officer stated that he had a pickup truck come to the scene to transport the complainant's belongings, including a bicycle and a violin, to the police station to be tagged and held safely. The named officer stated that he never saw a skateboard or a bag of electronics.

A witness at the scene of the arrest could not recall anything about the complainant's belongings.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer intentionally damaged property.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that he was in a park when the officer approached the complainant's bicycle, picked it up and threw it on the ground. The complainant later realized that his bike was damaged by the officer's action.

The named officer stated that the complainant was camping in the park illegally and the bicycle was in an area where it could not stay. The officer stated that he gently picked up the bicycle, moved it to the path and gently put it down. He denied damaging the bicycle.

A witness did not remember seeing the officer acting roughly with the bike. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/14 **DATE OF COMPLETION:** 01/23/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the complainant's arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that while being questioned by the officer, the complainant slowly reached into his pocket to get his phone to record the conversation. The complainant stated he was tackled and placed in handcuffs. The complainant stated his knee was bleeding and his leg was swollen due to the officer's use of force.

The named officer stated he was questioning the complainant because the complainant was illegally camping in the park. The complainant then starting rifling around in his pockets. The officer thought the complainant could be reaching for a weapon and advised the complainant to stop going into his pockets. The officer went to handcuff the complainant but only placed a handcuff on one hand before the complainant resisted, and moved his other hand away and put it between his stomach and a retaining wall. A witness came up to the scene and the complainant immediately gave up the struggle and was handcuffed. As they were struggling, the complainant scratched his knee on the wall. Officers called an ambulance to check out the complainant and an entry was made in the use of force log.

A witness stated that the officer did nothing wrong. The witness stated that the officer did not tackle the complainant and they never went to the ground. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer accused him of lying.

The named officer stated the complainant did lie about not having any identification. The named officer stated that the complainant had a jail bracelet, which is a valid form of identification.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/14 **DATE OF COMPLETION:** 01/29/15 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: ND **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer refused to accept his request for a private person's arrest.

The incident report indicates that the named officer accepted the complainant's request for a private person's arrest and that the complainant's signed Citizen Arrest Form was booked into evidence as required.

The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

SUMMARY OF ALLEGATIONS #2 - 3: The officers made inappropriate comments and behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officers acted inappropriately and made inappropriate comments.

Both officers denied making the comments alleged by the complainant or hearing their partner make the comments.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/14 **DATE OF COMPLETION:** 01/29/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complainant raise matters outside the OCC's jurisdiction. This complaint has been forwarded to:

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 545
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/14 **DATE OF COMPLETION:** 01/07/15 **PAGE #1** of 1

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

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer stopped and cited her for driving without headlights and playing loud music in her vehicle. The complainant admitted playing loud music with her windows open, but denied driving her vehicle without turning on its headlights.

The named officer stated that he did not recall this specific incident but said if he issued this ticket, it was because he saw the complainant driving her vehicle with its headlights off and heard music playing in her vehicle that was loud, obnoxious and causing a disturbance.

A witness officer stated that she recalled that the music playing was loud enough to rattle the car, and that the headlights were not illuminated on the car.

No other witnesses were identified.

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

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

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer failed to give her a reason for the stop.

The named officer said he did not recall this incident, but said it is his common procedure to explain the reason for the stop, and assumes he did so in this instance.

A witness officer did not recall if the named officer gave this information.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 01/13/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complainant raises matters outside OCC jurisdiction. This complaint has been referred to:

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/14 **DATE OF COMPLETION:** 01/26/15 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she was driving when she noticed a tow truck in front of her. The tow truck then turned right. As she also turned right, she saw a police vehicle parked on the intersection blocking the crosswalk, investigating an accident that occurred near the intersection. The complainant stated she tried to maneuver around the police car, and while doing so, an officer pounded on her window. The officer contacted her and issued her a citation for following the tow truck too closely. The complainant denied committing the violation. The complainant submitted photographs that indicate she was stopped in close proximity to the police car, the tow truck and the scene of an accident under investigation.

The complainant's co-worker, who was with her during the contact, stated that the complainant turned right on a corner where a patrol car was parked in the intersection and while they were behind a tow truck. The co-worker said she and the complainant did not perceive the scene to be hazardous, and said the complainant began to proceed into the accident scene after turning the corner.

The named officer stated he cited the complainant because she was following the tow truck too closely. The officer stated the complainant's action caused the complainant not to see the scene of the accident and drive through it.

A witness officer stated that the complainant drove too closely behind a tow truck, ignored the named officer's orders to stop and proceeded to drive into an accident scene.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/14 **DATE OF COMPLETION:** 01/26/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer pounded on her window, startling her, was aggressive and treated her like an animal during the contact. The complainant stated the officer told her that he was the one with the badge and could say what he wanted to say.

A witness said the officer said something about being a judge and that the officer intensified the contact by yelling at the complainant.

The named officer denied yelling except to gain the attention of the non-responsive complainant, and said that he was professional during the contact.

A witness officer said he did not hear the alleged comments or yelling by the named officer.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer failed to promptly provide his name.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant alleged that the officer failed to promptly provide his name when asked. The complainant stated the officer told her his name was on the citation.

The named officer and one witness officer said they did not recall the complainant asking for the named officer's name, and the named officer said he had provided the name and his star number on the citation.

A review of the citation indicated that the officer did apply his signature and star number to the citation; however, his name was not readily legible.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/14 **DATE OF COMPLETION:** 01/08/15 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer detained the complainant for a mental health evaluation without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer did not listen to his story and detained him for psychiatric evaluation.

The named officer stated she was working a special assignment at a flower mart when one of the managers called her for assistance with the complainant who refused to leave a private officer area. The officer stated the manager told her that the complainant had become hostile with the staff members in the office and that the complainant had a history of mental health issues.

The named officer stated based on her observations and conversation with the complainant, witness statements and his past mental health history, she determined the complainant was a danger to himself. The officer said the complainant appeared to be delusional and rapidly rambled about various topics, such as working for the CIA, FBI and SFPD. The officer stated she detained the complainant for a mental health hold per 5150 W&I, handcuffed and transported the complainant to the hospital's psychiatric services.

Two witnesses corroborated that the complainant was not mentally stable at the time and they have experienced past incidents with the complainant when he has "good days" and "bad days." One of the witnesses said this was one of the complainant's "bad days" otherwise she would not have called security. The witness said she does not feel safe around the complainant and stated that the officer handled the situation with respect.

The named officer had the authority to detain the complainant for a mental health evaluation pursuant to DGO 6.14, Psychological Evaluation of Adults.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/14 **DATE OF COMPLETION:** 01/13/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said she arrived at a police station injured and requested a ride to the hospital. She stated that an officer offered to call an ambulance but she declined, as she fears the fire department. She stated that the officer would not drive her to the hospital and eventually called the Homeless Outreach Team to give her a ride.

An Officer Identification Poll was sent to the station. The poll came back with negative results in identifying the involved officer.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said she asked for clothing, as her clothes were torn and missing. She stated that an officer gave her an orange t-shirt and orange shorts, which she later realized were "jail clothes." The complainant said that the officer lacked the appropriate response and treated her like a mental case. She was embarrassed to be wearing orange jail clothes.

An Officer Identification Poll was sent to the station. The poll came back with negative results in identifying the involved officer.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/14 **DATE OF COMPLETION:** 01/28/15 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant was at the entrance gate of a concert in Golden Gate Park when police officers detained him for public intoxication. The named officer and his partner responded to the scene and transported the complainant to the station. The complainant alleged that one of the transporting officers put his arm around his neck, forced him against a wall, and then pressed him to a seated position on a bench.

The named officer stated he took the complainant to a holding cell, removed his handcuffs and told him to sit down. The officer stated that when he turned away, the complainant stood up and raised his hands. The officer said he put his right hand on the complainant's chest, moved him down, and told him to sit back on the bench.

One witness officer said he saw the complainant rise from a seated position after being placed on a bench, and saw the named officer use a hand on the complainant's chest to push the complainant back to a seated position.

The complainant was not injured and made no complaint of pain.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/14 **DATE OF COMPLETION:** 01/28/15 **PAGE#** 2 of 2

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

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that when he was detained outside a concert in Golden Gate Park, officers seized his property, including cash, as well as a wallet he had found and had arranged to return to its owner. The complainant stated the money was not returned to him when he was released from detention and that he was later advised that the money was found inside the stranger's wallet.

The named officer said he turned over the wallet and its contents to the Lost and Found section of the concert venue. The officer later learned that the owner of the wallet had arranged to meet the complainant, and retrieved the wallet from the Lost and Found, took it to the station, where the wallet's owner had been asked to respond. The named officer and one witness officer said the named officer conducted an inventory search of the wallet at the station, at which time they discovered the cash. The officer stated the wallet's owner positively identified her wallet, and, in the officers' presence, advised the named officer that the cash and a hotel key card inside the wallet were not hers. The officer stated the owner then returned the money and the key card to the complainant.

An officer who had witnessed the contact stated that the money was found inside the wallet's main compartment.

The wallet's owner said she went to the station and examined the wallet's contents in the presence of the complainant. The owner stated she did not know how the money ended up in her wallet and that she left the station after the money was given to the complainant.

The area supervisor of the Lost and Found section stated that he could not recall the particular wallet because they received hundreds of lost items during the festival.

The complainant's money was ultimately returned to him.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/14 **DATE OF COMPLETION:** 01/27/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 21, 2015.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 21, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 01/30/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that she was riding in a cab when the cab stopped for a cable car that was stopped at an intersection. The taxi driver was waiting for passengers to disembark when a motorcycle officer drove up to the intersection and yelled at the taxi driver to “move!” He then yelled, “You’re stopping traffic!” The complainant stated there was no traffic behind the cab.

The named officer stated that he did not remember the specific incident. He stated that he would never tell anyone to proceed in an unsafe manner.

No independent witnesses were identified.

There was insufficient evidence to either prove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/14 **DATE OF COMPLETION:** 01/26/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that her home was damaged when SFPD officers entered her backyard and tied a dog to a post. The complainant did not witness the event.

Department records did not show any police response at the complainant's residence.

Officer Identification Polls were sent to two District Stations and returned with negative results.

Animal Care and Control (ACC) did not show any records of this alleged police activity.

The complainant identified witnesses to the incident; however, those witnesses did not come forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 01/28/15 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers arrested the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he was talking to his ex-girlfriend when her friends attacked him for no reason. He stated he lost consciousness when he was pushed to the ground. The complainant was arrested for battery and resisting arrest.

The complainant's ex-girlfriend stated the complainant suddenly grabbed her by her neck as she was walking home with friends. She stated that when a female friend came to her aid, the complainant cursed at her and made an obscene gesture. That woman's boyfriend told the complainant to leave and he and the complainant pushed each other. The complainant's ex-girlfriend stated when a second male friend (Witness #1) intervened, the complainant punched him. A third male friend (Witness #2) intervened and took the complainant to the ground. When Witness #2 asked the complainant if he was done, the complainant replied, "You're gonna have to kill me!" The complainant's ex-girlfriend further stated that the complainant violently resisted arrest. Witness #1 and Witness #2 provided statements that were consistent with the statement made by the complainant's ex-girlfriend.

The complainant's medical records showed that the complainant denied losing consciousness and told medical personnel he was beat up by police, not by friends of his ex-girlfriend. The complainant was diagnosed with acute alcohol intoxication.

The named officers stated that when they arrived at the scene, the complainant was combative and being held back by several individuals who appeared calm. The officers stated the complainant refused their orders to stop and tried to walk away. They stated they employed Department-trained physical control to take the complainant into custody. Both officers stated they determined that the complainant was the primary aggressor based on witness statements and the complainant's aggressive and noncompliant behavior. The officers stated that the complainant's ex-girlfriend and Witnesses #1 and 2 also signed citizen arrest forms. The officers obtained an Emergency Protective Order restraining the complainant from his ex-girlfriend.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 01/28/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during an arrest.

CATEGORY OF CONDUCT: UF **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: In his OCC interview, the complainant stated he was talking to his ex-girlfriend when her friends attacked him for no reason. He stated he lost consciousness when he was pushed to the ground. He stated the next thing he knew, two officers sat him up, handcuffed him and pushed his face onto his knees. He stated the officers rolled him onto his side and then pushed the left side of his face into the sidewalk. He stated he was hit on his right leg. He could not provide any details about being hit on the leg. The complainant stated his arms were pulled up behind him, resulting in a sprained rotator cuff and severe injuries to his hands and wrists.

According to the complainant's medical records, the complainant was brought in to the hospital due to his altered mental status. The records indicate the complainant told medical personnel that he was talking to a friend when the police "jumped" him." The records further indicate that the complainant had full range of motion in his upper and lower extremities and made no specific complaint of leg or shoulder pain. The complainant was diagnosed with a right forehead abrasion, a right elbow contusion and acute alcohol intoxication.

The named officers stated that the complainant refused to obey their order not to leave the scene of a fight. One named officer stated he noticed that the complainant had a scrape above his right eye. Both officers stated they conducted a Department-approved leg sweep to take the complainant into custody. The second named officer stated he didn't notice the scrape above the complainant's right eye until the complainant was in handcuffs. This officer stated he believed that injury was caused by the fight that occurred prior to the officers' arrival. Both officers stated the complainant was not injured and did not complain of pain. One officer had contact with the complainant at the station. He stated the complainant laid on the floor, went limp and would not talk or move. He stated that, due to this behavior, the complainant was transported to the hospital

Three witnesses stated the officers pushed the complainant to the ground but did not push the complainant's face on the ground. They each stated that the complainant fought with the officers. One witness stated the officers hit the complainant's back and shoulders with their fists while trying to handcuff him. Each witness stated that the force used by the officer was necessary and not excessive.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove the level of force used by the officers was minimally necessary to accomplish their task. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 01/28/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officers failed to arrest the individuals who had assaulted him.

The complainant's ex-girlfriend stated she was walking home with several friends when the complainant surprised her, grabbed her by her neck and pulled her away from her friends. She stated the complainant had assaulted her in the past and she was terrified. She stated a male friend came to her aid, and he and the complainant began arguing and pushing each other. She stated that when a second male friend intervened, the complainant punched him in the face and then attacked her other friend. She stated her current boyfriend took the complainant to the ground. The police then arrived.

Two witnesses were interviewed by the OCC. Their statements were consistent with the statement made by the complainant's ex-girlfriend.

The named officers stated that, based on witness statements and the complainant's uncooperative demeanor and violent behavior, the complainant was determined to be the primary aggressor. They stated they also determined that the complainant's ex-girlfriend was a victim of domestic violence. Department records indicated that the complainant's ex-girlfriend and two other individuals signed citizen arrest forms.

No independent witnesses were identified.

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

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 01/28/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #7-8: The officers failed to issue the complainant a Certificate of Release.

CATEGORY OF CONDUCT: ND **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officers failed to issue him a Certificate of Release.

The officers did not issue the complainant a Certificate of Release. Department General Order 5.03 requires that officers, under certain circumstances, issue Certificates of Release to detainees who are released, without an arrest. The order does not apply to subjects who are booked with criminal charges. Court records confirmed that the complainant was arrested and booked on four misdemeanor charges.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #9: The officer was discourteous.

CATEGORY OF CONDUCT: D **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer told him to “shut up.”

The officer said he did not recall telling the complainant to shut up.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/14 **DATE OF COMPLETION:** 01/13/15 **PAGE#** 1 of 2

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

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant refused to provide a statement to the OCC and refused to cooperate with OCC's investigation.

The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer detained the complainant without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant refused to provide a statement to the OCC and refused to cooperate with OCC's investigation.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/14 **DATE OF COMPLETION:** 01/13/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used unnecessary force.

CATEGORY OF CONDUCT: UF **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant refused to provide a statement to the OCC and refused to cooperate with OCC's investigation.

The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #4: The complainant behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant refused to provide a statement to the OCC and refused to cooperate with OCC's investigation.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/14 **DATE OF COMPLETION:** 01/15/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer cited the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the officer issued her a citation for not having a license plate affixed to the front of her car. The complainant admitted the license plate was missing from the front of her car.

California Vehicle Code section 5200(a) states, "When two license plates are issued by the department for use upon a vehicle, they shall be attached to the vehicle for which they were issued to, one in front and one in the rear."

The named officer stated he observed the complainant's vehicle without a front license plate and that he issued her a citation for the violation.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and made inappropriate comments.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the officer's actions were inappropriate.

The officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/14 **DATE OF COMPLETION:** 01/15/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to the complainant's gender.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that the named officer engaged in biased policing due to the complainant's gender.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied the allegation, stating that he did not see the complainant until he made contact with her. The officer stated he stopped and cited the complainant because she was missing a front license plate.

The complainant did not respond to OCC's request for an interview.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 01/27/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/14 **DATE OF COMPLETION:** 01/26/15 **PAGE #1 of 3**

SUMMARY OF ALLEGATION #1: The officer cited the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 6, 2015.

SUMMARY OF ALLEGATION #2: The officer failed to receive a private person's arrest.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 6, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/14 **DATE OF COMPLETION:** 01/26/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer cited the complainant without cause.

CATEGORY OF CONDUCT: UA **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 6, 2015.

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

CATEGORY OF CONDUCT: UA **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 6, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/14 **DATE OF COMPLETION:** 01/26/15 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #5: The officer retaliated without cause.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 6, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/14 **DATE OF COMPLETION:** 01/26/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated in her written complaint that she felt unsafe with her sister in the house because her sister was “acting up.” In her written complaint, the complainant stated her sister had been abusive and violent but failed to provide any specifics. She stated she contacted a station duty officer and spoke to an officer. The complainant failed to respond to OCC’s request for an interview.

The officer stated he spoke to the complainant and no crime had been committed and there was no indication the complainant was in any immediate danger.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/14 **DATE OF COMPLETION:** 01/23/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 12, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/14 **DATE OF COMPLETION:** 01/27/15 **PAGE #1** of 2

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

CATEGORY OF CONDUCT: CRD **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2015.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/14 **DATE OF COMPLETION:** 01/27/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #5-6: The officers failed to properly process property.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2015.

SUMMARY OF ALLEGATION #7: The officer prepared an incomplete/inaccurate incident report.

CATEGORY OF CONDUCT: ND **FINDING:** M **DEPT. ACTION:**

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 23, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/13 **DATE OF COMPLETION:** 01/26/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers brandished their weapons without justification.

CATEGORY OF CONDUCT: UA **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated she was watching television with her minor daughter when a police officer knocked and identified himself as the police outside her front door, and asked her to open the door. Once she opened the door, the complainant said four uniformed officers rushed into her apartment with their firearms drawn, and one plainclothes officer wearing a raid jacket bore an assault rifle, pointed up, as he entered the unit. The complainant said the brandished weapons traumatized her daughter.

The named officers confirmed they went to the complainant's unit. However, they either denied or did not recall rushing into the unit or brandishing their weapons, and said they did not recall which officers were with them.

Department records and interviews of officers indicated that numerous officers were in the area of the complainant's apartment but no other officers acknowledged or were identified as being in the complainant's apartment. The numerous officers on the scene were reportedly searching for felons who had escaped through a window of the apartment below the complainant, and it was believed the fleeing felons had accessed the roof above the complainant's unit.

No other witnesses were identified.

There was insufficient evidence to identify all officers involved or to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/11/14 **DATE OF COMPLETION:** 01/13/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to enforce traffic laws.

CATEGORY OF CONDUCT: ND **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: An anonymous complainant posted a complaint on the San Francisco 311 System. The complainant, a bicyclist, stated in his complaint that he saw an SUV driven by a motorist violate traffic laws by making an illegal U-Turn, driving into a separated bike lane and onto a curb, directly in front of a patrol car. The complainant stated that the patrol car failed to enforce traffic laws violated by the SUV.

The identity of the alleged officer has not established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/14 **DATE OF COMPLETION:** 01/30/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant provided a written complaint form to OCC that did not state any specific or general SFPD misconduct, or any specific date of contact with SFPD.

The complainant did not respond to multiple contact attempts from OCC.

The complainant failed to provide additional information to the OCC, necessary for the OCC to investigate the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/14 **DATE OF COMPLETION:** 01/15/15 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

CATEGORY OF CONDUCT: CRD **FINDING:** NF **DEPT. ACTION:**

FINDINGS OF FACT: The complainant wrote, "We have a problem." The complainant did not respond to OCC's request for an interview.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 01/06/15 **PAGE #** 1 of 4

SUMMARY OF ALLEGATION #1: The officer handcuffed an individual without justification

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that while on a bus, his friend was assaulted by a Latin male, prompting an altercation. The complainant stated he jumped in to break up the fight but was knocked down by the suspect. The complainant stated that when police arrived, his friend was placed in handcuffs.

The co-complainant, an anti-violence advocate who was not present at the scene, said that the complainant's friend was the victim not the suspect.

The complainant's friend admitted that he was involved in a verbal altercation with a Latin male, which later turned into a physical altercation. He stated the Latin male chest butted him and began swinging at him, prompting the complainant's friend to swing back in self-defense.

The witness Latin male acknowledged his involvement in the verbal and physical altercation, which started on the bus with the complainant's friend and the complainant. The witness stated that after getting off the bus, he called 9-1-1 and followed the complainant and his friend on foot. The witness said he ran away when the complainant's friend pulled out a knife and "came at" him. The witness stated police detained him, the complainant and the complainant's friend. He told police that the two guys beat him up on the bus and chased him with a knife. The witness stated he was not handcuffed because he was holding an ice pack to his black eye.

The named officer denied the allegation. The officer stated dispatch broadcast a person in possession of a knife and provided a description of the suspect. The named officer stated he arrived at the scene, observed the suspect in the parking lot who matched the description of the person with a knife and assisted another officer in detaining him. The named officer stated he placed the suspect in handcuffs.

A witness officer stated the initial report was that someone had brandished a knife. The witness officer stated it is common practice to handcuff knife-brandishing subjects for safety issues.

Records from the Department of Emergency Management (DEM) showed that DEM received a 9-1-1 call regarding a person with a knife.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 01/06/15 **PAGE #** 2 of 4

SUMMARY OF ALLEGATION #2: The officer handcuffed the complainant without justification

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The named officer stated that the complainant was identified as one of the suspects in an assault. The named officer stated she handcuffed the complainant to maintain control of all the parties involved and for the safety of all the officers.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers searched the complainant without cause

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated he was pat searched.

One of the named officers stated she pat searched the complainant for weapons and told the complainant to sit on the curb, to which he complied. The other named officer stated he searched the complainant prior to transporting him back to the police station for further investigation regarding an assault incident.

For the public's safety and the safety of the officers, it was appropriate and within Department guidelines for officers to pat search a suspect during a detention and during transport.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 01/06/15 **PAGE #** 3 of 4

SUMMARY OF ALLEGATION #5: The officer arrested the complainant and his friend without cause.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: Department records showed that the complainant's arrest and his friend's arrest was pursuant to a private person's arrest. The Citizen Arrest Forms were booked into evidence.

The evidence established that the officer's action was within Department guidelines.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #6: The officer made inappropriate comments and behaved inappropriately

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainants stated the officer yelled at him to sit down, then immediately told him to stand back up. The complainants stated the officer gave conflicting orders.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 01/06/15 **PAGE #** 4 of 4

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainants stated that during the investigation, an officer asked him inappropriate questions about his relationship with his friend.

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer engaged in biased policing, due to race and sexual orientation.

CATEGORY OF CONDUCT: CRD **FINDING:** NS **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the female officer treated him wrong by giving him conflicting orders and handcuffed him even after the cover officer told her not to handcuff the complainant. The co-complainant, who was not present during the incident, stated the complainant and his friend might have been singled out and treated in a disparate manner due to their sexual preferences and their race.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied the allegation, stating that the complainant's race and sexual orientation did not have any effect on the investigation in this incident.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/15 **DATE OF COMPLETION:** 01/13/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This has been forwarded to:

San Francisco Sheriffs Department
Investigative Services Unit / TLO
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/15 **DATE OF COMPLETION:** 01/20/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/15 **DATE OF COMPLETION:** 01/20/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer approved a vehicle tow of the complainant's daughter's car.

CATEGORY OF CONDUCT: UA **FINDING:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated her daughter's car was stolen outside of San Francisco and was recovered in San Francisco by the SFPD. The complainant stated that her daughter received a call from an officer stating that her daughter had 20 minutes to pick up her car or it would be towed. The complainant's daughter told the officer that she could not make it to San Francisco in 20 minutes.

San Francisco Department General Order 9.06 Section II.B.2, MANDATORY CIRCUMSTANCES/NOTIFICATION OF REPORTEE, states:

In all other cases, the Communications Division shall make an attempt to contact the person who reported the vehicle theft, provided that he/she is a resident of San Francisco. The person shall be told of the location of the vehicle and advised that he/she or an authorized representative must arrive at the scene within 20 minutes to take custody of the vehicle. If the person or representative cannot respond or does not arrive within 20 minutes, the vehicle shall be towed.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 01/23/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to:

San Francisco Sheriffs Department
Investigative Services Unit/TLO
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 01/26/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-1 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to:

Every Day Connect
25 Van Ness Avenue, Suite 340
San Francisco, CA 94102
(415) 503-2166