

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/16 **DATE OF COMPLETION:** 01/19/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: This complainant raises matters not rationally within OCC's jurisdiction.

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DATE OF COMPLAINT: 01/26/16 **DATE OF COMPLETION:** 01/26/16 **PAGE #1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-1 **DEPT. ACTION:**

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

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

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

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

FINDINGS OF FACT: The complainant stated he was riding his bicycle home from work. He stated he has no recollection of what had occurred and woke up in the hospital. The complainant stated the named officer failed to properly investigate the incident, concluding that the complainant fell off his bicycle and was responsible for the incident. The complainant does not believe he fell off his bike. The complainant stated that there was no damage to his bicycle except some road rash near the brakes on his handlebar.

During his OCC interview, the named officer stated that when he arrived on scene, he observed a bicycle rider lying on the ground. The named officer stated he spoke to the complainant and the driver of a vehicle at the scene. The named officer stated he asked the complainant if he knew what had happened and he replied, "I don't know what happened. I don't know where I am." The named officer stated the driver of the vehicle told him he was pulling away from the curb and there was a large bus parked behind him, blocking the bicycle lane. The driver told him that as he was driving away, he heard a thud, looked back and saw a bicyclist on the ground. The named officer stated he examined the vehicle and the bicycle and he did not observe any damage to either the bicycle or the vehicle. The named officer stated there was nothing consistent with the vehicle coming into contact with a pedestrian, a bicyclist or another vehicle. The officer stated he determined this was a solo bicycle collision. His investigation concluded that the bicyclist was traveling too fast at an unsafe speed, lost control of his bicycle and could not come to a complete stop. The officer concluded there were no other factors involved like another vehicle, bicyclist or pedestrian. He stated the speed was unsafe because the bicyclist was not able to stop or exit his bicycle.

The driver of the vehicle at the scene stated he was in a parking spot (parallel parked) and a bus pulled up about a half car length behind him, blocking traffic. As the driver pulled out into the lane, he "heard" a sound in the back of his car. He looked in his rear view mirror and saw a bike rider lying in the street. The driver assumed that when he pulled out, the bicycle rider probably came around the bus that was blocking the lane and was surprised to see the car. The driver stated that when the police arrived, they were trying to figure out what happened. The officers looked at his car and took a statement from him. The police officers looked for any physical evidence on the car but did not find any on his vehicle.

The first witness officer stated she did not observe any damage to the vehicle. The officer did not recall any further details about the incident.

The second witness officer could not recall any details about the incident.

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SUMMARY OF ALLEGATION #1 continued:

The third witness officer stated he spoke to both parties. The officer stated he inspected the complainant's bicycle and did not observe any damage to either the bicycle or the vehicle. There were no signs to indicate that any contact was made between the bicycle and the vehicle.

A fourth witness officer stated that when he arrived at the scene, he observed a bicyclist who was injured. The officer had no further recollection of the incident.

No other 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 stated that about two weeks after the incident, he met with the named officer at the district station and tried to give the officer two pages of written documents about the incident, but the named officer refused to accept them and directed the complainant to 850 Bryant Street.

The named officer stated he did not recall speaking to the complainant.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1 - 3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was walking down the street when he was detained for no apparent reason. The complainant stated that he was holding a cup of soda and had a marijuana blunt on his ear. The complainant admitted to having a marijuana blunt on his ear while walking down the street and told the officers he had ¼ ounce of marijuana in his pocket.

The named officers, who were interviewed by the OCC, could not recall the incident in question. However, they stated that based on the complainant's statement, they could have detained him for having a marijuana blunt on his ear and for possibly loitering in a high crime area where narcotics are sold, purchased, and used.

No witnesses came forward.

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

The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #4: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the named officer searched him even though the complainant had a cannabis card.

The named officer and other officers could not recall the incident in question.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #5: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was searched even though he was not on probation or parole and had a cannabis card.

The named officer and other officers could not recall the incident in question.

No witnesses came forward.

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

SUMMARY OF ALLEGATIONS #6 - 7: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the named officers behaved inappropriately and made inappropriate comments while being detained.

The named officers and other officers could not recall the incident in question.

No witnesses came forward.

There was insufficient evidence to either 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 named officer cited him for trespassing, even though he was standing on a public street and only took a few steps onto a covered entryway of a hotel.

The named officer stated the complainant refused to leave the entryway of a residential hotel with visible no trespassing signs. The named officer stated he had general directions to enforce no trespassing signs at hotel entryways in that area.

A witness officer stated the complainant refused to leave the entryway of a residential hotel with visible no trespassing signs. The witness officer stated hotel management previously requested ongoing police enforcement of the no trespassing signs in their entryway.

A witness of the hotel corroborated that the entryway of the hotel seems to provide a protected area where various crimes take place on a daily basis. The witness stated the hotel personnel have requested assistance from the police in monitoring the entryway at the hotel. The witness stated the entryway has been remodeled since the incident and she is unaware if “No Trespassing” signs were displayed prior to the remodel.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #2 - 3: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officers handcuffed his wrists while being detained for a citation. The complainant stated he was cooperating with the officers and felt the handcuffs were unnecessary.

The named officers stated they handcuffed the complainant because he was uncooperative and refused to provide identification upon request. One named officer stated the complainant was belligerent and erratically flailed his arms. The other named officer stated the complainant was fidgeting throughout their encounter. Both named officers stated handcuffs were necessary due to the complainant's unpredictable movements.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #4 - 5: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officers pulled on his arms, slammed him against a wall, pushed him to the ground, and stepped on his chest.

The named officers stated they pulled on the complainant's arms because he was resisting their attempts to place him in handcuffs. The named officers stated they pulled on the complainant's arms only with the amount of force required to apply handcuffs to the complainant's wrists. The named officers denied slamming the complainant into a wall, pushing him to the ground, or stepping on his chest.

No witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to take the complainant into custody.

There was insufficient evidence to either 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant, a taxicab driver, stated that he briefly stopped on Mission Street between 3rd and 4th Streets when he was stopped and cited for impeding the flow of traffic.

The named officer stated that the complainant stopped in traffic on a busy street, blocking numerous vehicles, prompting the named officer to cite the complainant for impeding the flow of traffic.

The evidence shows that the complainant impeded traffic, in violation of California Vehicle Code section 22400(a).

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 named officer was aggressive, yelling at him during a traffic stop.

The named officer denied the allegation, stating that his behavior was “calm and normal.”

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer detained him at gunpoint for allegedly failing to come to a complete stop at a stop sign. This was the second time the named officer pulled over and cited the complainant.

The named officer denied pointing his gun at the complainant. He stated that when he reproached the complainant's vehicle, he had his hand on his firearm and pointed down towards the ground in a low ready position. The named officer stated that a records check showed that the complainant had a prior police contact involving physical violence. In addition, the named officer stated that the complainant was uncooperative and verbally abusive, posing a safety threat to the named officer.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: 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 cited him for failing to stop at a stop sign, which the complainant denied.

The named officer and his partner stated they witnessed the violation, prompting the named officer to cite the complainant.

No independent witnesses were identified.

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

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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 that he asked for a sergeant to respond to the scene, but the named officer refused and left the scene without calling his sergeant.

The named officer denied the allegation, stating that he did call for his supervisor to respond to the scene when the complainant initially refused to sign the citation, but his supervisor was not immediately available to respond because he was handling another assignment. The named officer stated that when he explained this to the complainant, the complainant decided to sign the citation.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1 - 2: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he was assaulted by three unknown males, prompting him to call the police. The complainant stated that the named officers laughed at him and did not take his incident seriously. The complainant stated the officers attempted to dissuade him from making a report.

The officers denied the complainant's allegations.

Department records show that an incident report was prepared as required.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated a clean-cut man exited a vehicle and hit the complainant on the head with a metal pole. The complainant stated that he sustained injuries to his arm by trying to block the blows and a large gash on his head. An ambulance and the police arrived on scene. The ambulance took the complainant to the hospital where he got stitches in his head and a sling for his arm. The complainant stated that the officers did not file a police report and told the complainant that he was being uncooperative.

The named officers stated the complainant waved them down to assist him. They stated they spoke with the complainant and that all he said was that he needed an ambulance. The named officers called an ambulance and asked the complainant more questions about what had occurred. The complainant refused to answer the officers' questions or provide them any information, was uncooperative, never told the officers that he was attacked, and appeared to be under the influence of alcohol or drugs. The named officers stated there was no evidence that a crime had occurred. The ambulance took the complainant away for treatment.

Hospital patient records show that the paramedics indicated that the complainant gave inconsistent statements about what happened to him.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #3: The officer issued two citations without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer cited him on two separate occasions. One for a sit/lie violation and another one for jaywalking. The complainant denied these violations.

The named officer stated he observed these violations, prompting him to cite the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated he was being harassed by the named officer, issuing the complainant a citation on two separate occasions.

The named 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 ALLEGATIONS #5: The officer engaged in an inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he was knocked to the ground during a detention. However, the complainant stated he did not have any more information about the incident but thought it was rude to have been knocked to the ground.

The named officer stated that the complainant saw his patrol vehicle and began to walk away. The named officer stated that when he and another officer exited their vehicle, the complainant ran into the busy street. The named officer stated that he grabbed the complainant to prevent him from being hit by on-coming traffic and walked with the complainant back to the sidewalk. The named officer stated that the complainant tripped and fell to the sidewalk. The named officer stated that the complainant did not fall as a result of the officer's action, and the complainant did not request any medical services.

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 searched the residence without cause.

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

FINDINGS OF FACT: On behalf of his client, the complainant stated that SFPD officers, armed with a battering ram, pounced upon his client's residence. The complainant and his client did not respond to OCC's request for an interview.

The named officer stated that he was in charge of finding a witness (the complainant's client's son) to a crime who had failed to appear for multiple court hearings. The prosecutor requested police department assistance in locating the witness. The witness had a body-attachment warrant signed by a judge. The named officer then had a search warrant approved by a judge for the home where the witness lived in order to serve the arrest warrant. The named officer led a group of officers and served the search warrant at the residence. The complainant's client opened the door and invited the officers in. No officer used a battering ram. The officers searched the residence, but could not locate the witness.

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 acted inappropriately.

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

FINDINGS OF FACT: On behalf of his client, the complainant stated that the named officer repeatedly used a ruse to locate the complainant's client's son. The complainant and his client did not respond to OCC's request for an interview.

The named officer admitted using a ruse in an attempt to locate a witness who had failed to appear for multiple court hearings. The named officer stated that the witness had a body attachment warrant and that there was a search warrant issued for the home where the witness lived. The named officer stated that there is no law prohibiting officers from using a ruse for law enforcement purposes.

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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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: On behalf of his client, the complainant asked: “would [his client] and her family be recipients of this mistreatment if they were caucasians who lived in upper Pacific Heights or Noe Valley? I think not.” The complainant and his client did not respond to OCC’s request for an interview.

The named officer was interviewed pursuant to OCC Biased Policing Investigation Protocol. The named officer denied the allegation and stated that he was serving a search warrant requested by his superior and a prosecuting attorney. He had a search warrant and arrest warrant signed by two different judges. The named officer stated that the race of the complainant’s clients had no bearing on how the contact was handled.

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 ALLEGATION #4: The officer searched the residence without cause.

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

FINDINGS OF FACT: On behalf of his client, the complainant stated that prior to the incident involving the named officer, four uniformed SFPD officers showed up to his client’s residence and searched her home. The complainant and his client did not respond to OCC’s request for an interview.

The incident in question could not be located, and the identity of the alleged officers has not been established.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated she was detained by two officers. The complainant stated that the officers told her that they needed to take her photo. When she refused, the complainant stated that the named officer pulled her head up by her hair to make her face visible.

The named officer stated that he was under instructions to document the complainant with a photograph because she was violating a federal stay-away order. When the complainant refused to lift her head for the photo, the named officer briefly pulled the back of her hair to lift her face just long enough to take a photo.

A video obtained by the OCC showed that the complainant was moving around while handcuffed and appeared to be irate. The named officer is seen pulling the complainant's ponytail for a brief period. Since the complainant was in custody, and taking a photograph of the complainant's face was permissible, the officer's brief pull of the complainant's hair to straighten her head was reasonable under the circumstances.

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 failed to state the reason for the detention.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to tell her why she was being detained.

The named officer stated he told the complainant that she was being detained because she was violating a federal stay-away order and that she had a search condition.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant, a female, stated that a male officer searched her in an inappropriate way. The officer went into her pockets, around her waistband and around her breast area. He did not turn his hands out like other male officers have done to her in the past.

The named officer stated that he performed a cursory pat search of the complainant in order to search for weapons. The search was not invasive and conformed with academy training techniques. The named officer called a female officer to the scene to perform a more thorough search.

A video of the incident shows that the named officer performed a brief pat search as trained in the academy.

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 #4: The officer failed to contact a supervisor as requested.

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

FINDINGS OF FACT: The complainant stated that she was detained by police and asked an officer to contact his supervisor.

The named officer stated he did not recall the complainant asking for a supervisor.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #5: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant, who is female, stated that a female officer performed an invasive search in public view. The officer put on gloves and shook the complainant's bra out, causing the complainant's breasts to fall out of the bra. The officer also made the complainant take off her shoes. The complainant stated that many people walking by saw this.

The named officer stated that a male officer who had already performed a cursory pat search on the complainant called her to perform a more thorough probation search on the complainant. The named officer denied that any of the complainant's body parts were exposed and that the search conformed with academy training.

A video of the search shows the named officer performing a probation search. The search was consistent with Department training and guidelines.

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

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

FINDINGS OF FACT: The complainant stated that his friend accidentally left his laptop computer outside the complainant's apartment. The complainant stated they looked for the computer and found out that the apartment complex's security had it. The complainant stated that when they tried to retrieve it, security personnel refused to return his friend's property, prompting the complainant to call police. The complainant stated that when the police arrived, he and his friend were detained and placed in handcuffs.

The complainant's friend stated that he lost his bag that contained his gun and other personal belongings. The complainant's friend stated the security personnel returned everything in the bag, except the gun, prompting them to call police.

The named officer stated that he and his partner responded to a verbal dispute call involving the complainant, his friend and members of the apartment complex's security. The named officer stated the dispute had something to do with either the presence or loss of a gun. The named officer stated he made contact with the complainant and briefly pat-searched him, while his partner spoke with the other party. He also ran a record check on the complainant and his friend and their vehicle. The named officer stated that as he and his partner continued to investigate the incident, he received information that the complainant and his friend were involved in an incident involving a gun that occurred earlier that day. The named officer stated he placed the complainant in handcuffs and detained him until he and his partner were able to figure out the situation.

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.

OCC's investigation established that the named officer had reasonable suspicion to detain the complainant.

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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SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force during detention.

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force, injuring his wrist and inflaming his preexisting back injury.

The complainant's friend stated the complainant asked the officers to help him sit because the complainant had just came out from a hospital with herniated disc. The complainant's friend stated that instead of helping the complainant, the officers pushed the complainant down to sit on a curb. The complainant's friend stated the complainant fell hitting his tailbone on the ground.

The named officer and other officers at the scene denied the alleged use of force.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATIONS #4-5: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched his vehicle without cause.

The named officer stated that the complainant gave him permission to search his vehicle. In addition, the named officer stated he had probable cause to search the complainant's vehicle because the incident involved a missing gun, and that the complainant was implicated in an earlier incident concerning brandishing of a gun.

Records from the Department of Emergency Management (DEM) show that DEM received a 911 regarding a person with a gun and listed the complainant's vehicle as the suspect's vehicle.

OCC's investigation established that the officers had probable cause to search the complainant's vehicle.

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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SUMMARY OF ALLEGATIONS #6-8: The officers refused to promptly provide name and star number.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to provide their names and star numbers when asked.

The named officers and other officers at the scene denied the allegation.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATION #9: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers at the scene called him names. The complainant did not specifically identify which of the officers called him names.

Officers questioned by the OCC denied the allegation.

The identity of the alleged officers has not been established.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/15 **DATE OF COMPLETION:** 01/11/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an officer approved a permit for event parking in his neighborhood. The approval of the parking permit inconvenienced the complainant because he was unable to park near his home.

The named officer stated that he signed off on the SFPD verification form to approve an SFPD event parking permit. He was instructed to do so by his commanding officer. He sent the form to the MTA who has the final say on whether event parking is approved. The event was approved.

The officer's commanding officer stated that he told the named officer to approve of the permit, pending further MTA approval.

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 failed to take a required action.

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

FINDINGS OF FACT: The complainant stated that parking was shut down in his neighborhood, causing him to be inconvenienced. When he called the officer responsible for approving the permit, the officer did not call the complainant back to assist him.

The named officer stated he was on vacation during the time the event was held, so he was unable to assist the complainant or return his calls. Once the named officer returned from vacation, he called the complainant and spoke with him.

The officer's commanding officer confirmed that the officer was on vacation during the event. The commanding officer also attempted to assist the complainant.

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: 04/01/15 **DATE OF COMPLETION:** 01/14/16 **PAGE #1 of 5**

SUMMARY OF ALLEGATIONS #1-2: The named officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the named officers used unnecessary force when they removed her from her vehicle during a traffic stop. She stated she did not have the opportunity to comply with their orders before they opened her door and forcibly removed her from her vehicle.

The named officers denied the allegation. They stated they ordered the complainant to produce her driver's license and supporting documentation several times, but she failed to comply. When she was asked to step out of her vehicle, she refused, prompting the named officers to remove her from her vehicle. The officers denied using unnecessary force.

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

No witnesses came forward.

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

SUMMARY OF ALLEGATION #3: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that her phone screen was damaged when the named officer "threw" her phone away. In addition, the complainant stated the named officer "ripped" her wig off. The complainant stated she recorded her interaction with the officer with her phone. However, the complainant failed to provide the alleged recording to the OCC.

The named officer stated he grabbed the complainant's hand to remove her from her vehicle, but she pulled away from him. He then pushed the phone out of the complainant's hand to prevent her from hitting him with her phone. The named officer admitted performing a hair pull takedown when she refused to exit her vehicle. The named officer's use of force was reported to his supervisor and documented in the incident report and in the use of force log.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/15 **DATE OF COMPLETION:** 01/14/16 **PAGE #2 of 5**

SUMMARY OF ALLEGATIONS #4-5: The officers made inappropriate comments and acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officers laughed at her and touched her inappropriately while she was handcuffed.

The named officer denied the allegation.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #6: The officer failed to identify himself.

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

FINDINGS OF FACT: The complainant stated the named officer failed to promptly identify himself when asked.

The named officer denied the allegation. A portion of the incident was audio recorded. The recording reflected the officer providing his name and star number to the complainant.

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/15 **DATE OF COMPLETION:** 01/14/16 **PAGE #3 of 5**

SUMMARY OF ALLEGATION #7: The officer searched a vehicle without probable cause.

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

FINDINGS OF FACT: The complainant stated that when she refused to provide her driver's license, registration and proof of insurance during a traffic stop, the named officer improperly searched her vehicle and her purse.

The named officer stated that he asked the complainant for her driver's license, registration and proof of insurance at the onset of a traffic stop, but she failed to comply, in violation of California Vehicle Code section 12951(b), which requires a driver to produce his/her license upon the demand of a peace officer. In order to identify the complainant, the named officer searched the complainant's vehicle and purse for proof of the complainant's identity.

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 #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer failed to provide her with medical attention in a timely manner.

The named officer denied the allegation. He stated the complainant did not complain of persistent pain from the use of control holds until a supervisor arrived on scene and after the complainant signed the citation. At that time, the named officer called for an ambulance.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/15 **DATE OF COMPLETION:** 01/14/16 **PAGE #4 of 5**

SUMMARY OF ALLEGATIONS #9-10: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she was arrested for resisting arrest, which she denied. The complainant stated the officers did not give her the opportunity to comply with their orders.

The named officers denied the allegation. They stated the complainant delayed their investigation when she would not provide her driver's license on demand of a peace officer.

A preponderance of the evidence established that the complainant failed to provide the officers her driver's license, registration and proof of insurance.

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 #11-12: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the named officers delayed her release at the scene although she had already been cited.

The named officers denied the allegation. One officer stated that the complainant complained of pain and the officer requested an ambulance. He stated they continued the detention while waiting for the ambulance to arrive and for medics to examine her.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/15 **DATE OF COMPLETION:** 01/14/16 **PAGE #5 of 5**

SUMMARY OF ALLEGATIONS #13-14: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that the named officer engaged in biased policing.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied the complainant's allegation of biased policing.

No witnesses came forward.

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:** S **DEPT. ACTION:**

SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, reminds members to make all E585 entries after any vehicle stops related to the following incidents:

- Moving violations,
- MPC violations,
- Penal Code violations, including BOLO/APB/Warrants.

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The named officer, who was a field training officer, stated he directed his recruit to make the appropriate E585 entry.

The Department found no records showing that the named officer or his recruit entered the required information.

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/15 **DATE OF COMPLETION:** 01/13/16 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated that he witnessed and reported a suspicious person via a phone call to police. The complainant then encountered a patrol car one block from the incident. The complainant flagged down the patrol car, got out of his truck, approached the driver's side of the patrol car and was confronted with a uniformed officer pointing a handgun toward his face. The complainant could not identify any officer or patrol car.

Two officers who responded to an incident that appeared to match in location and substance the incident the complainant described denied contact with the complainant at any time during the call. They both denied un-holstering their guns or pointing their guns at anyone on the date alleged. Additionally, both officers stated that they were not on duty when the complainant stated he encountered the officers.

Department records indicated that the officers questioned by the OCC were not on duty at the time the complainant stated this incident occurred.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/15 **DATE OF COMPLETION:** 01/13/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that he witnessed and reported a suspicious person. The complainant then encountered a patrol car one block from the incident. The complainant flagged down the patrol car and contacted the officers. The complainant stated the officers he spoke to acknowledged that they were responding to the call, but never reported to the scene of the incident. The complainant did not get a patrol car number or any star numbers.

The two officers who responded to the similar incident denied contact with the complainant at any time during this call. Both officers stated that, upon their arrival, the suspicious subject(s) was not present, nor could they locate the subject(s). Additionally, both officers stated that they were not even on duty when the complainant stated he encountered the officers.

Department records indicated that neither of the officers questioned was on duty at the time the complainant stated this incident occurred.

No witnesses were identified.

The identity of the alleged officers has not been established.

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

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/15 **DATE OF COMPLETION:** 01/25/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was walking when he noticed an ironworker working on a metal gate, causing sparks to hit the sidewalk. The complainant stated that when he asked SFPD and SFFD personnel who were nearby to ask the ironworker to put up a barrier on the sidewalk, the complainant stated he was arrested.

The named officer stated he and the fire department were on a fire call when the complainant interfered, repeatedly yelling at the firemen. The named officer stated the complainant refused to walk away, used profanity towards the named officer, turned towards the named officer, lowering the complainant's head. Fearing that the complainant was going to head butt him, the named officer grabbed him by the head and pulled him to the ground. With the assistance of two other officers, the named officer stated that the complainant was placed in handcuffs. The complainant was then transported to the station where he was cited for resisting arrest.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer assaulted him, throwing the complainant to the ground and put a knee on his neck.

Fearing that the complainant was going to head butt him, the named officer stated he grabbed him by the head and pulled him to the ground. The named officer stated he used an academy taught technique by placing his knee on a rear shoulder to control the complainant's movements, who was resisting.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to take the complainant into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/15 **DATE OF COMPLETION:** 01/25/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated he was told to leave the area.

The named officer stated he and the fire department were on a fire call when the complainant interfered, repeatedly yelling at the firemen. The named officer stated that he repeatedly told the complainant to walk away, but the complainant refused, continuing to interfere with the firemen.

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 named officer made inappropriate comments.

The named officer and two other officers 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: 05/01/15 **DATE OF COMPLETION:** 01/11/16 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department (SFPD) failed to take required action.

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

FINDINGS: The complainant stated he was in a motel room with two unknown males for one night. The complainant stated the two unknown males stole his cell phone and his cash. The complainant stated he was not present when the alleged theft occurred. The complainant stated he filed a police report regarding the theft but no one from the Department contacted him about the crime.

The lieutenant of the District Station Investigation Team (SIT) reviewed the incident report regarding the alleged theft of the complainant's personal property valued at \$950.00. The lieutenant stated the crime would be considered a misdemeanor, which involved no physical evidence, no video surveillance in the motel room and no witnesses to the crime. The lieutenant stated the crime lacked solvability and would not have been assigned for further investigation. The lieutenant stated the decision to not assign the case to an investigator complied with Department Bulletin 15-149. Furthermore, the lieutenant stated that due to the non-violent nature of the theft, a call back to the complainant would most likely not have been made.

The incident report established that the complainant's report of theft of his cell phone and cash (total value of \$950.00) were documented. The incident report corroborates that the complainant did not see the suspects take his property and the suspects were not identified. The reporting officer indicated he provided the complainant with an SFPD follow-up form and a victim's card

OCC's investigation established that the lieutenant's action complied with DB 15-149, Case Assignments for Investigation.

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: 06/10/15 **DATE OF COMPLETION:** 01/21/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that in 2013, he loaned \$25,000 to his friend. The complainant stated that when his friend paid him back and issued him a check, there were no funds in the account, prompting him to file a police report. The complainant stated that the SFPD failed to investigate his case, telling him that his complaint was a civil matter.

The head of the SFPD Special Victims Unit (SVU) told the OCC that the complainant's report was assigned to the S.F. District Attorney's Office. The complainant's case was never assigned to the SVU for investigation.

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: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-1 **DEPT. ACTION:**

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

San Francisco District Attorney
Attn: Special Operations
850 Bryant St #320
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/15 **DATE OF COMPLETION:** 01/25/16 **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 State University
Attn: Police Department
1600 Holloway Avenue
San Francisco, CA 94132

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/15 **DATE OF COMPLETION:** 01/25/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately and made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officers were aggressive, condescending and intimidating.

The named officers denied the allegation. One of the named officers stated the complainant was argumentative before they could even explain the reason for the traffic stop.

The other named officer stated the complainant was emotional and talked over him. The named officer stated he had to use a stern tone of voice when the complainant failed to comply with his request for her driver's license and insurance.

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: 08/08/15 **DATE OF COMPLETION:** 01/22/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was sleeping on a sidewalk when he was approached by the named officer. The complainant stated employees from the Department of Public Works (DPW) were also at the scene to clean up the area. The complainant stated that the named officer issued him a citation for blocking the sidewalk. The complainant stated that when he signed the citation, he noted on the citation that he was signing it “under threat.” At that point, the complainant stated he was placed under arrest.

The named officer stated he was assigned to DPW to assist them as they conducted their clean up of city sidewalks and alleys. He stated he observed the complainant obstructing approximately half of the sidewalk. The named officer stated he was going to cite the complainant when the named officer learned that the complainant had an active traffic warrant out of San Francisco, prompting the named officer to arrest the complainant.

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 seized the complainant’s property.

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

FINDINGS OF FACT: The complainant stated the named officer unlawfully seized his property by ordering DPW workers to take them away as abandoned property. The complainant stated that after he was released, he went to DPW and retrieved his belongings. However, the complainant stated that some of his belongings were missing and that his cart was damaged.

The named officer stated that the complainant’s belongings were “bagged and tagged” by the DPW. The named officer stated that DPW informed the complainant how to retrieve his belongings.

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: 08/08/15 **DATE OF COMPLETION:** 01/22/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer behaved inappropriately, threatening the complainant.

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 #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was cited for blocking a sidewalk, which he denied.

The named officer stated he cited the complainant for obstructing the sidewalk.

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: 08/08/15 **DATE OF COMPLETION:** 01/22/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #: 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 partially referred to:

San Francisco Public Works
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/15 **DATE OF COMPLETION:** 01/04/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant's boyfriend.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/15 **DATE OF COMPLETION:** 01/15/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on January 7, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/15 **DATE OF COMPLETION:** 01/20/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on January 12, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 01/13/16 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him without justification for approximately ten minutes outside his apartment.

The named officer stated he was dispatched to the complainant's address to investigate a loud argument between two males, where one was screaming and possibly being held down. The named officer stated the complainant was detained because of the complainant's evasive and unwillingness to exit his apartment and because of the complainant's erratic and agitated behavior when the complainant exited his apartment, using the back door of his apartment. The named officer stated he detained the complainant pending further investigation to ensure there were no victims or suspects of domestic violence at the scene.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a domestic violence involving two males. The reporting party told dispatch that he could hear someone screaming and possibly being held down. The call was broadcast as an "A" priority domestic violence call.

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.

Given the nature of the call, the named officer had reasonable suspicion to detain the complainant

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: 09/29/15 **DATE OF COMPLETION:** 01/13/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer needlessly handcuffed him when he exited the kitchen door of his apartment. The complainant stated that due to his small physical stature, he posed no threat to the officer.

The named officer stated he was dispatched to the complainant's address to investigate a loud argument between two males, where one was screaming and possibly being held down. The named officer stated the complainant was detained and handcuffed because of the complainant's evasive and unwillingness to exit his apartment and because of the complainant's erratic and agitated behavior when the complainant exited his apartment, using the back door of his apartment. The named officer stated that based on his training and experience, domestic altercations are very dangerous, both to the parties involved and to the responding officers.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a domestic violence involving two males. The reporting party told dispatch that he could hear someone screaming and possibly being held down. The call was broadcast as an "A" priority domestic violence call.

Given the nature of the call, the named officer has reasonable suspicion to detain and handcuff the complainant.

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: 09/29/15 **DATE OF COMPLETION:** 01/13/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the police report falsely stated that the reasons for the police visit were provided to him before he was placed in handcuffs when they were not.

The named officer stated that, while outside of the complainant's apartment, he and another officer explained to the complainant about the 911 call and that they needed to ensure that everyone was okay inside the apartment.

The person who called police did not hear the entire conversation the police had with the complainant.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer displayed a rude demeanor and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the named officer was belligerent and rude.

The named officer denied acting inappropriately towards the complainant.

There were no witnesses to the alleged inappropriate behavior.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 01/13/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #5 - 7: The officers entered the complainant's apartment without cause.

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

FINDINGS OF FACT: The complainant stated the named officers did not have probable cause to enter his apartment.

The named officers stated they were dispatched to the complainant's address to investigate a loud argument between two males, where one was screaming and possibly being held down. They stated that under these circumstances, they were trained to enter the premises and check for victims and/or suspects. They stated the circumstances as presented to them were exigent and they needed to make immediate entry.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a domestic violence involving two males. The reporting party told dispatch that he could hear someone screaming and possibly being held down. The call was broadcast as an "A" priority domestic violence call.

Under the Fourth Amendment of the United States Constitution, the only legal means of obtaining evidence, excluding specific exceptions, is by search warrant.

The nature of the call and the totality of the circumstances provided a clear exception to the requirement for a warrant.

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: 09/29/15 **DATE OF COMPLETION:** 01/13/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #8 - 10: The officers searched the complainant's apartment without cause.

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

FINDINGS OF FACT: The complainant stated the named officers did not have probable cause to search his apartment.

The named officers stated they were dispatched to the complainant's address to investigate a loud argument between two males, where one was screaming and possibly being held down. They stated that under these circumstances, they were trained to enter the premises and check for victims and/or suspects. They stated the circumstances as presented to them were exigent and they needed to make immediate entry.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a domestic violence involving two males. The reporting party told dispatch that he could hear someone screaming and possibly being held down. The call was broadcast as an "A" priority domestic violence call.

Under the Fourth Amendment of the United States Constitution, the only legal means of obtaining evidence, excluding specific exceptions, is by search warrant.

The nature of the call and the totality of the circumstances provided a clear exception to the requirement for a warrant.

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: 09/16/14 **DATE OF COMPLETION:** 01/15/16 **PAGE #1** of 2

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

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

FINDINGS: The complainant stated he called dispatch to report that a homeless man had urinated outside his residence and that he wanted to make a citizen's complaint. The complainant stated the officers arrived at the scene and moved the homeless male along. The complainant asked the officers about the "citizen's complaint" he had requested against the actions of the homeless man. The complainant stated the officers told him they would talk to the homeless man, yet the officers never returned. The complainant stated he called dispatch again to request that the officers return to his residence to take his citizen's complaint. The complainant stated the officers failed to return to his residence.

The named officers stated they responded to the reported location of a male urinating on the sidewalk. The named officers stated they were unable to locate any individual at the reported location and saw no one urinating or undressed. The named officers stated there was no reporting party information provided and they had no contact with the complainant at the scene. The officers stated they were unaware that the reporting party wanted contact or that the reporting party wanted to make a citizen's arrest of anyone in regards to the call for service. The officers stated they received a return call regarding this incident, which was broadcast as a C priority call for service. The named officers stated they notified dispatch that they were responding back to the reported location. While en route, the officers stated they became involved in a foot pursuit with a fleeing suspect, which resulted in an arrest. The officers stated they cleared the fleeing suspect arrest and went back into service. At that point, the return call to the previously reported location was no longer a pending run.

Records from the Department of Emergency Management (DEM) established that the complainant's first and second call for services were taken approximately fifteen minutes apart. The first call was created for an indecent exposure call at a location with the comment: male urinating IFO (in front of)...WMA, Blk hoodie. The second call for service contained more detailed information, such as the complainant's name, phone number, a full description of the male subject and that the complainant wanted to make a citizen's arrest with the police. Both relevant event history details indicated that they would be combined and referred to one another's CAD number. The complainant's third call requested that the named officers meet with the complainant (Code 909) as a C priority. Dispatch placed the complainant's third priority C call "on hold" for approximately two hours. At this time, the officers advised dispatch that they were responding to the complainant's request to meet. Approximately 5 minutes later, the named officers became involved in a foot pursuit in the district, called for Code 33 and took a suspect into custody. Dispatch advised the named officers that they would be removed from the 909 call and placed on an "express run."

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/14 **DATE OF COMPLETION:** 01/15/16 **PAGE #2** of 2

SUMMARY OF ALLEGATIONS #1-2 continued:

No witnesses were identified.

There was insufficient evidence to determine if the named officers were aware of the details in the second event history at the time of their response. There was insufficient evidence to determine if the officers made contact with the complainant. Furthermore, when officers were clear to respond back to meet with the complainant, a foot pursuit ensued and became their priority event. At that moment, dispatch records corroborated that they took the named officers off the call in order to handle their priority incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/15 **DATE OF COMPLETION:** 01/19/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: 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 14, 2016.

SUMMARY OF ALLEGATION #2: The officer threatened the complainant.

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 14, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/15 **DATE OF COMPLETION:** 01/19/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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 14, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/15 **DATE OF COMPLETION:** 01/08/16 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on January 4, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/15 **DATE OF COMPLETION:** 01/19/16 **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:

City and County of San Francisco
Human Services Agency
170 Otis Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/15 **DATE OF COMPLETION:** 01/20/16 **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 that twice she went to a police station to report a violation of a Restraining Order (RO). On her first visit, an unidentified, uniformed, female looked up the RO on the computer and could not locate it in the system. The complainant stated she was told to return to the station with a copy of the RO. The complainant stated she returned to the station with a copy of the RO, providing the copy of an unidentified male who was at the front window. The complainant stated she was told that someone would be out to take her report. After waiting for over an hour, the complainant left the station because no one came out to take her report.

The identity of the alleged officers 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: 11/19/15 **DATE OF COMPLETION:** 01/08/16 **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 issued him a citation when he was legally parked in a white zone at the airport.

The named officer stated that he did not recall issuing a citation to the complainant. He denied, generally, issuing citations without cause. Department records showed that he issued a citation to the complainant.

A witness who said he was present during some of the interaction between the named officer and the complainant observed that the complainant's car originally stopped six feet from the curb, with another car between his car and the curb. The witness stated that the named officer told him he had asked the complainant to move his car forward, and that the complainant had refused to do so and attempted to get out of his car.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer punched the window of his car and told him he would handcuff him if he did not remain in his car.

The named officer stated that he did not recall the interaction with the complainant. The officer said further that he may have slapped the complainant's window with a flat hand to get his attention, but would not have punched a window. He generally denied issuing threats.

A witness who said he observed part of the interaction between the officer and the complainant stated the complainant was volatile and "created an issue where otherwise there would not have been." The witness stated the officer remained calm and respectful throughout his interaction with the complainant.

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: 11/30/15 **DATE OF COMPLETION:** 01/11/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer rode his patrol bicycle onto the sidewalk and, when the complainant pointed it out, the named officer told the complainant that it was not illegal.

The named officer stated that he did not recall the alleged interaction. He further stated that he does not remember riding a patrol bicycle at all on the date of the incident.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer rode his bicycle improperly.

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

FINDINGS OF FACT: The complainant stated that the named officer rode his patrol bicycle onto a crowded sidewalk, creating a dangerous situation.

The named officer, who was identified through a poll of officers completed by the captain of the District Station, stated that he does not remember riding a patrol bicycle on the date of the 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: 11/30/15 **DATE OF COMPLETION:** 01/15/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2016.

SUMMARY OF ALLEGATION #2: The SFPD engaged in selective enforcement.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/15 **DATE OF COMPLETION:** 01/15/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take the required action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on January 14, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/14/15 **DATE OF COMPLETION:** 01/08/16 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in an online complaint that he was pulled over for allegedly failing to stop at a stop sign.

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: 12/15/15 **DATE OF COMPLETION:** 01/08/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he was jaywalking when a police car coming toward him “gunned the engine” and accelerated toward him. The complainant stated he had to dodge the police car and that he believes the officer(s) in the vehicle were intentionally trying to “strike” him or “scare” him.

The identity of the alleged officer(s) could not be 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: 12/31/15 **DATE OF COMPLETION:** 01/04/16 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within OCC jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within OCC jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/14 **DATE OF COMPLETION:** 01/12/16 **PAGE#** 1 of 5

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 that he was riding his bicycle and approached a 4-way intersection. He stated that because there were no pedestrians on the street, he determined it was safe for him to cross the intersection. He stated that he yielded at a stop sign and made a left turn, acknowledging that he did not come to a full stop. He stated he was then stopped and cited for failing to stop at the stop sign.

The named officer stated he witnessed the complainant fail to stop at a stop sign and issued a citation for the violation of the California Vehicle Code.

The named officer's partner stated he witnessed the complainant fail to stop at a stop sign.

California Vehicle Code section 22450(a) states, in part, the driver of any vehicle approaching a stop sign shall stop at a limit line, if marked, otherwise before entering the intersection.

California Vehicle Code section 21200 states, in part, that bicyclists are subject to the same rights and responsibilities as other vehicles on a roadway and can be cited for certain moving violations.

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: 12/11/14 **DATE OF COMPLETION:** 01/12/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated that when he was asked for his identification, he said: "I will tell you who I am." The complainant stated that when he refused to sign the citation, he was placed in handcuffs and transported to the police station.

The named officer stated the complainant was arrested because the complainant refused to provide his name or identification. He stated the complainant was handcuffed so he could be transported to the station to verify his identity.

The named officer's partner stated the complainant was handcuffed because the complainant was under custodial arrest.

The named officer's supervisor stated the complainant was handcuffed and transported to the station because he refused to sign a citation. He stated the complainant requested to see a magistrate, instead of signing the citation.

Department General Order 5.03 states, in part, that the refusal or failure of a person to identify himself or herself or to produce identification upon request of a police officer cannot be the sole cause for arrest or detention, except where the driver of a motor vehicle refuses to produce a driver license upon the request of an officer enforcing the Vehicle Code or the Traffic Code.

Department General Order 5.06 states, in part, that it is the policy of the San Francisco Police Department, that if a person is arrested solely for an infraction offense(s), he/she shall be cited, except when the person demands an immediate appearance before a magistrate or refuses to give written promise to appear.

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: 12/11/14 **DATE OF COMPLETION:** 01/12/16 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer searched his backpack without permission.

The named officer stated he searched the complainant's backpack incident to arrest and prior to transporting the complainant to the station. He stated the complainant initially stated that he did not have identification, but he found the complainant's identification in his backpack. He also stated that the complainant refused to sign the citation. The named officer stated that all arrestees and their property are searched prior to transport.

The San Francisco Police Department Arrest and Control Manual requires that all persons subject to custodial arrest be searched. Officer shall search containers on the arrestee's person and the immediate physical area where the arrestee could grab a weapon or conceal evidence.

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 #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that after he was released, one dollar and a bolt for his pocketknife were missing from his property.

The named officer denied taking the complainant's dollar or damaging the complainant's pocketknife.

The named officer's partner denied taking the complainant's dollar or damaging the complainant's pocketknife.

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: 12/11/14 **DATE OF COMPLETION:** 01/12/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that at the scene of his detention, an unknown officer yelled at him and called him a liar.

The responding officers denied behaving inappropriately or making inappropriate comments.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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 while at the station, the named officer grabbed, shoved and berated him because he would not sign the citation.

The named officer denied grabbing, shoving or berating the complainant.

The witness officers denied that the named officer shoved, grabbed or berated the complainant.

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: 12/11/14 **DATE OF COMPLETION:** 01/12/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #7: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated the named officer shoved him into the patrol vehicle and caused him to hit his head on the vehicle. He stated he was wearing a bicycle helmet, but it was knocked off his head.

The named officer said he did not recall putting the complainant into a patrol car, but denied shoving the complainant into a patrol vehicle.

Witness officers denied that the named officer used unnecessary or unreasonable force.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #7: The officer failed to supervise.

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

FINDINGS OF FACT: The complainant stated that the named officer stood by while his subordinate grabbed, shoved and berated him.

The named officer denied witnessing an officer grab, shove or berate the complainant. He denied failing to supervise his subordinate.

The subordinate officer denied grabbing, shoving and berating the complainant.

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: 01/07/16 **DATE OF COMPLETION:** 01/26/16 **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:

Office of the Independent Auditor
152 N. 3rd St #602
San Jose, CA 95112

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/16 **DATE OF COMPLETION:** 01/25/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/15 **DATE OF COMPLETION:** 01/04/16 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within OCC jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: This complaint raises matters not rationally within OCC jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/16 **DATE OF COMPLETION:** 01/26/16 **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:

Office of the Independent Auditor
152 N. 3rd St #602
San Jose, CA 95112

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/15 **DATE OF COMPLETION:** 01/21/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that in 2013, he loaned \$25,000 to his friend. The complainant stated that when his friend paid him back and issued him a check, there were no funds in the account, prompting him to file a police report. The complainant stated that the SFPD failed to investigate his case, telling him that his complaint was a civil matter.

The head of the SFPD Special Victims Unit (SVU) told the OCC that the complainant's report was assigned to the S.F. District Attorney's Office. The complainant's case was never assigned to the SVU for investigation.

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: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-1 **DEPT. ACTION:**

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

San Francisco District Attorney
Attn: Special Operations
850 Bryant St #320
San Francisco, CA 94103