

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 03/02/15 **PAGE#** 1 of 2

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer failed to take required action.

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

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

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

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

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

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DATE OF COMPLAINT: 02/23/15 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 1

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

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

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

CHP Redwood City
355 Convention Way
Redwood City, CA 94063

SUMMARY OF ALLEGATION #2 The complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Police Department
Internal Affairs Division
Attn: Lt. Robert Yick #1264
850 Bryant Street, Room 558
San Francisco, CA 94103

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DATE OF COMPLAINT: 02/26/15 **DATE OF COMPLETION:** 03/09/15 **PAGE #1 of 1**

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

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

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

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DATE OF COMPLAINT: 03/05/15 **DATE OF COMPLETION:** 03/09/15 **PAGE #**1of 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 complaint raises matters not rationally within OCC's jurisdiction.

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

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

FINDINGS: The complainant stated officers detained her son without justification. The complainant acknowledged that her son lives with her and was on parole.

The complainant's son corroborated that he lives with his mother and was on parole. He stated he had just gotten off a bus near his home when he saw three officers in an unmarked police car behind the bus. As he was walking to his house, he heard one of the officers say, "Hey!" When he turned around, he saw all three officers moving towards him. The front door to his house was locked, so he knocked to gain entry. Before the door opened, he was ordered to get his hands up. He complied. One of the officers then pushed his shoulders down, forcing him to a seated position. He was then handcuffed. The complainant's son stated that the officers accused him of running from them, which he denied.

The complainant's son's girlfriend stated she heard a commotion at the front door of the house, prompting her to go to the front door. She then saw plainclothes officers who had her boyfriend in handcuffs.

The named officers stated they observed the complainant's son exit a bus. They all knew him from prior arrests of firearm charges and that he was on active parole. The officers also had knowledge that he resided at the complainant's residence. Two of the officers stated they had taken part in a parole search of the complainant's home just prior to this incident.

The officers stated the complainant's son displayed a surprised look on his face and started walking in a very fast pace, and continually looked over his shoulder in their direction. Having knowledge of his prior arrests of possession of firearms, one of the officers pulled his weapon out for their safety. This officer yelled several commands, "Stop, police!" and "Get on the ground!" The officers stated the complainant's son refused to obey the commands and quickly ran up the stairs to his house. Because of his suspicious behavior and to prevent him from entering the house, the complainant's son was taken to the ground and placed in handcuffs.

The officers stated that the complainant's son was on active parole and subject to search and seizure by the police, anytime, day or night. California parole records established that the complainant's son was on active parole at the time with a search condition.

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 #4: The officer arrested an individual without cause.

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

FINDINGS: The complainant stated that her son was arrested without cause. The complainant stated she was not present during her son's arrest.

The complainant's son, who was on active parole with a search condition, stated that three grams of narcotics were found on him during a search.

The named officer stated that narcotics were found on the complainant's son during a parole search.

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 #5: The officer used unnecessary force.

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

FINDINGS: The complainant stated her son's girlfriend told her that an officer struck her son while he was on the ground during the detention. The complainant was not present during the incident.

The complainant's son stated he was punched in the face. The complainant's girlfriend did not witness the alleged use of force.

The named officer and his partners denied the allegation, stating that only physical control hold was used to take the complainant's son into custody.

The complainant did not provide any medical reports or documents to support his alleged injury.

The complainant's son's Medical Screening card, signed by the complainant's son, showed that the complainant's son was not injured and did not need immediate medical attention. His mug shot failed to show any facial injury.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #6 - 8: The officers entered and searched a garage without cause.

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

FINDINGS: The complainant stated officers entered and searched her garage. The complainant was not present during the incident. She stated that her son, who was on parole, lived with her.

The complainant acknowledged he was on active parole when he was detained. He saw an officer walk towards the garage doors but did not see an officer open the garage door.

The named officers stated that the search was conducted pursuant to the complainant's son's search condition. The officers found a firearm in the garage and a magazine clip for ammunition during the search.

Based on the complainant's son's active parole status and his search condition, the officers were allowed to search the complainant's son's bedroom and all common areas such as living room, kitchen, bathroom, and garage.

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 #9 - 10: The officers harassed the complainant's son.

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

FINDINGS: The complainant stated that her son was being harassed by the police. The complainant's son stated he recognized one of the named officers. The complainant's son's girlfriend stated that her boyfriend was being harassed by the police.

The named officers denied the allegation. One of the named officers stated he knows the complainant's son from prior firearm arrests, knows that he is on parole and knows that he lives with his mother. The officer had done a records check on the complainant's son, was aware of his parole status and had conducted a parole search at the complainant's residence.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #11: The officer failed to take an OCC complaint.

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

FINDINGS: The complainant stated she went to a district station and the officer failed to take her OCC complaint. The complainant stated the officer was “sugar coating” the incident and tried to assure her that her son was okay. The officer told her about the OCC complaint process, but did not offer to take a complaint. After speaking with the officer for a while, the complainant stated she decided to handle the complaint with OCC on her own.

The named officer denied the allegation. He spoke to the complainant at the station who told him that officers had “planted” a handgun and used unnecessary force against her son. The officer stated he advised the complainant to make a complaint. He offered to receive her complaint; however, the complainant did not believe he would take a proper complaint.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #12: An unknown officer made an inappropriate comment.

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

FINDINGS: The complainant stated she was told that the arresting officers told her son’s girlfriend to “Shut up.” The complainant was not present during the incident and could not identify the officer involved.

The complainant’s girlfriend stated that when she asked the officers what they were doing with her boyfriend, one of the officers told her to shut up.

Officers questioned by the OCC denied the allegation.

The identity of the alleged officer has not been established.

No other witnesses were identified.

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

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

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

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

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SUMMARY OF ALLEGATION #1: 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 to:

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

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SUMMARY OF ALLEGATIONS #1 - 6: The officers failed to identify themselves as police officers while engaged in a detention.

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

FINDINGS OF FACT: The complainants stated they were leaving a nightclub and were talking to another group of people. The complainants had been arguing with the group earlier but had just started making up when suddenly someone grabbed one of the complainants. One of the complainants then ran away and was tackled and choked by an unknown male. Both men eventually learned that they were being arrested by plainclothes officers but none of the officers identified themselves as police.

The named officers stated they were part of a special team tasked with controlling violence in an area with a lot of nightclubs. They were all wearing raid jackets that were clearly marked with the word, "POLICE," and had department patches on the sleeves. The officers stated they identified themselves as police before detaining the men and that they had their department-issued stars visible around their necks.

No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 - 12: The officers detained the complainants without justification.

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

FINDINGS OF FACT: The complainants stated that they were leaving a nightclub and were talking to another group of people. The complainants had been arguing with the group earlier but had just started making up. One complainant reached out to shake hands with the other group when suddenly someone grabbed him. That complainant broke free and ran away and the co-complainant was taken and handcuffed by plainclothes officers. The complainant who ran away was tackled by other officers and taken into custody for resisting arrest.

The named officers stated they saw the complainants arguing with a group of people outside a nightclub. They advised the complainants several times to move from the area and stop engaging with the other group. The complainants started walking away and then came back, threatening to fight the other group and police. One of the complainants took off his shirt and wrapped it around his fist, a sign that he would fight. Both complainants were intoxicated and subsequently detained.

No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #13 - 15: The officers used excessive force while detaining the complainants.

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

FINDINGS OF FACT: One of the complainants stated that a person attempted to detain his friend outside a nightclub. The complainant then tried to free his friend from the grasp of a plainclothes police officer. His friend ran away but then officers came at him. The complainant stated that he was being punched and he threw punches to defend himself. He then got pushed to a wall and officers struck him. One officer used a baton to strike him. The complainant was eventually handcuffed and the officer once again hit him with the baton after he was handcuffed.

The named officers stated that the complainant had interfered with an officer attempting to arrest the complainant's friend. The officers attempted to detain the complainant and he struggled but was eventually handcuffed and placed under arrest. The named officers stated that there were never any punches thrown by the officers or the complainant. They stated that no officer used a baton to strike the complainant at any time. The officers stated that no force at all was used to detain the complainant.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #16 - 18: The officers used excessive force while detaining the complainants.

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

FINDINGS OF FACT: One of the complainants stated that an officer attempted to detain him. The complainant pulled free and started running away. He slipped and fell onto the ground and an officer got on top of him and slammed his face into the ground. The complainant denied resisting. Another officer punched him in the side about three times. The first officer put the complainant in a chokehold, causing the complainant to go unconscious. The complainant stated his eyes were bloodshot as a result of the chokehold and he sustained scratches to his face and a chipped tooth. He was treated by paramedics at the scene and transported to the hospital.

The first officer stated the complainant was intoxicated, threatening people, and was about to get into a fight. He grabbed the complainant who struggled and got free. The complainant got into a stance that the officer thought was a fighting stance. The complainant then turned and ran away. The officer and two other officers ran after the complainant. The first officer was the last to arrive once the complainant was on the ground. The first officer got on top of the complainant's lower half to help the other two officers handcuff the complainant.

The second officer stated he saw the complainant break away from the first officer and then take a fighting stance. The complainant then turned and ran away and the second officer chased him. As they were running, the complainant was knocking people over who were walking on the sidewalk. The officer thought the complainant would hurt someone and struck the complainant with his baton as the complainant was running. The complainant lost his balance and fell down. He got on top of the complainant on the ground. The complainant struggled with the officer and the officer's baton got knocked out of his hand and landed a foot from the complainant's head. He feared the complainant would grab the weapon and use it to harm the officer. He then put the complainant in a carotid restraint. The complainant lost consciousness and officers were able to handcuff him. He then used revival techniques to help the complainant regain consciousness. An ambulance was called and provided medical care to the complainant.

The third officer stated he saw the complainant break away from the first officer and then take a fighting stance. The complainant then turned and ran away and the third officer chased him. He caught up with the complainant as the second officer was struggling with him on the ground. The third officer put his weight on the complainant and tried to handcuff the complainant, but the complainant had his hands underneath him and was attempting to push himself up. The second officer told the third officer about his baton being close to the complainant. The third officer then struck the complainant in the side of his abdomen with a closed fist three times. With the assistance of the other two named officers, the complainant was subsequently placed in handcuffs.

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SUMMARY OF ALLEGATIONS #16 – 18 continued:

The incident report documents the officers' use of force and the appropriate entries were made in the use of force log.

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

No witnesses came forward.

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

SUMMARY OF ALLEGATION #19: The officer spoke and behaved inappropriately to the complainants.

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

FINDINGS OF FACT: The complainant stated that he had been arrested and was in a wagon with someone. That person told the complainant he had taped the complainant's arrest on his phone. An officer then grabbed that person's phone and did something with it. The video was gone afterwards.

All of the involved officers were interviewed. They all denied the allegation.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #20 - 25: The officers used profanity.

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

FINDINGS OF FACT: The complainants stated that several officers arrested them outside a nightclub. The complainants stated that the officers used profanities throughout the struggle to detain the two complainants.

The named officers denied the allegation.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #26: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he was in an ambulance after being arrested. An officer who was riding with him in the ambulance kept telling the complainant to be quiet while using profanity.

The named officer denied using profanity and did not witness any other officer use profanity.

No witnesses came forward.

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

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SUMMARY OF ALLEGATION #27: The officer used a racial slur.

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

FINDINGS OF FACT: The complainant stated that he had just been arrested and was in a wagon. An officer then made a racial slur towards the complainant, who is African American. The complainant was only able to provide a brief description of the officer.

All of the involved officers were interviewed. They all denied the allegation.

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 arrested the complainant's son without cause.

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

FINDINGS OF FACT: The complainant said officers came into her home and arrested her son.

The named officer denied the allegation. stating that he was in "hot pursuit" of a robbery suspect with a gun and observed the suspect enter the complainant's residence. The named officer stated he knocked on the front door of the complainant's house and she opened the door. The named officer immediately ran upstairs, observed the suspect in a bedroom and took him into custody.

The victim stated three young males approached her near the back of her car and took her purse. The victim stated one suspect told her, "Freeze. Don't move." She told police that she believed one of the suspects had a gun by the way he extended his arms straight out in front pointed towards her, though she did not see a gun. The victim was taken to the police station and identified the complainant's son as the person who had robbed her.

Records from the Department of Emergency Management (DEM) showed that DEM received a 9-1-1 call regarding a person robbed at gunpoint by three juveniles.

SFPD records indicated that the complainant's son matched the description of one of the suspects, who fled from police. Records also indicated that the victim subsequently identified the complainant's son as one of the suspects during a Cold Show. During a subsequent police interview, the complainant's son admitted the commission of the crime and signed an admission statement.

A preponderance of the evidence established that the named officer had probable cause to arrest the complainant's son.

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 #2: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that when she asked officers why her son was being arrested, she was grabbed, handcuffed and taken to the station. The complainant denied that she interfered with the officers.

A witness stated he was detained inside the house and could not see what was going on outside. The witness said he could hear the complainant outside asking officers questions.

The named officer stated that a large hostile crowd had gathered in front of the house on the sidewalk and in the middle of the street. The named officer stated the complainant approached the officers on foot and yelled, "What the fuck are you doing with my son?" The complainant appeared angry, upset and hostile. The named officer stated that as the complainant's son was being escorted to the patrol car, the complainant ran past the officers toward her son, where it appeared she forcefully grabbed one of the officers. Believing that the complainant was attempting to remove her son from police custody, he and another officer grabbed the complainant from behind and placed her under arrest. The named officer stated it was his decision to place the complainant under arrest.

Several witness officers corroborated that the complainant charged at the officers who were escorting her son to a transporting unit. The officers said they believed that the complainant either intended to lynch her son from the officers or assault the officers. For this reason, officers said the complainant was taken into custody and placed under arrest.

Other officers at the scene did not see the alleged actions of the complainant.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #3-4: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered her home and arrested her son.

A witness in the complainant's home stated he heard the complainant's son enter the house and tell his mother that police were at the door. The witness said officers came into the house, grabbed the complainant's son and took him outside.

The named officers stated the complainant's son had been identified as a suspect in an armed robbery. The named officer stated the complainant's son ran into the complainant's home, giving them exigent circumstances to lawfully enter the home to take the suspect into custody. The officers stated the complainant's son subsequently identified by the victim as one of the suspects in the armed robbery involving a gun.

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 #5: The officer handcuffed the complainant's friend without justification.

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

FINDINGS OF FACT: The complainant stated that her boyfriend was placed in handcuffs without justification.

Witness officers at the scene stated the complainant's boyfriend was inside the home at the time of the arrest and that he was handcuffed temporarily while they conducted a sweep of the home.

The complainant's boyfriend was unable to identify the officer who handcuffed him.

The identity of the officer who placed the complainant's boyfriend in handcuffs has not been established. However, given the totality of the circumstances, the decision to place the complainant's boyfriend in handcuffs was proper. 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 #6: The officer searched the complainant's home without cause.

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

FINDINGS OF FACT: After the complainant and her son were arrested, they were transported to the station where the complainant signed a Permission to Search form, giving the officers permission to search her home.

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 #7: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant said that after officers arrested her son, she repeatedly requested the officers' names and star numbers. The complainant said officers ignored her and did not provide her with the requested information.

The officers at the scene denied hearing the complainant request the information.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #8-10: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that during her arrest, she suffered injuries to her arm and wrists when the officers grabbed her. The complainant stated she was placed in tight handcuffs.

The named officers stated that when the complainant aggressively approached officers who were escorting her son, the named officers took immediate action by grabbing her arms. The named officers stated the complainant resisted, prompting the officers to use a twist lock grip to gain compliance. The named officers stated the complainant did not complain of pain at the scene.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #11: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer made inappropriate comments toward her.

The officers at the scene denied making or hearing the alleged comment. The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to follow proper procedures in DGO 7.01

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

FINDINGS OF FACT: The complainant's son, a 14 year-old juvenile, was arrested on felony charges and taken to the police station.

The named officer stated he directed officers to transport the juvenile to the station to continue their investigation because the situation at the scene where the complainant's son was arrested had become volatile, posing a safety threat to civilians and officers at the scene.

OCC's investigation established that the named officer followed all of the procedures outlined in DGO 7.01.

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 engaged in biased policing, based on race.

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

FINDINGS OF FACT: The complainant failed to provide adequate information regarding his/her complaint. Without additional information from the anonymous complainant, the OCC could not initiate an investigation.

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DATE OF COMPLAINT: 04/04/14 **DATE OF COMPLETION:** 03/10/15 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-4: The officers used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant said he consumed a pint of alcohol as painkiller for a tooth removal an hour before he was detained and handcuffed by police for urinating in public. The complainant said that while being escorted to a patrol wagon, the handcuffing officer pulled him by the handcuffs to the ground. The complainant said the officer also used other excessive force.

The named officers stated the complainant was detained for public intoxication after he walked away from an officer citing him and returned to urinate in the officer's presence. The named officers stated the complainant became unexpectedly resistive as he was near the patrol wagon, attempted to flee, ran head on into a wagon door, pushed officers towards a traffic lane and, for their safety and the safety of the complainant, all four officers took him to the ground, injuring the complainant's right leg. While the officers acknowledged learning almost immediately about the injury, none of their statements could definitively establish which of their actions or combination thereof caused the injury.

Medical records established the complainant sustained a severe right leg fracture below his knee joint during the arrest.

MTA video footage corroborates the complainant resisted while being led to a patrol wagon, and shows that the officers took the complainant to the ground. While the video was captured with some obstructions blocking a clear view of the officers' actions, it is clear that the complainant was struggling with the four officers who were attempting to put the complainant to the ground. The video did not capture specifically what action led to the fracture.

There was insufficient evidence to prove which actions – of either the complainant or the officers – specifically caused the fracture. In addition, there was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to accomplish the complainant's arrest.

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: 04/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that uniformed officers in a black and white patrol car stopped him because he did not have any license plates on his vehicle.

The named officer stated he was in plainclothes, with two other plainclothes officers in an unmarked police car, when he saw the complainant recklessly run a stop sign. The named officer also stated that before he could activate the emergency equipment on the police vehicle, the complainant voluntarily pulled over to the side of the road. The complainant reportedly admitted to the officer that he ran the stop sign.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched him and his vehicle.

The named officer stated he stopped the complainant for recklessly running a stop sign. The officer stated he smelled marijuana coming from inside the complainant's vehicle while he (the officer) was walking towards the complainant's vehicle. Based on the strong odor of marijuana coming from the complainant's vehicle, the officer believed the complainant might have been in possession of a large quantity of the illegal drug. The officer stated he, therefore, searched the complainant and the complainant's vehicle to confirm whether the complainant did possess the substance illegally.

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: 04/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that after the officer searched his (complainant's) vehicle, the complainant was unable to locate his wallet, which he had left on the driver's seat. The complainant stated his wallet contained cash, a bankcard, and other personal items.

The named officer stated he never took possession of the complainant's wallet. The officer stated that at the time he stopped the complainant, he saw the complainant handling what appeared to be a cardholder. The officer stated he saw the complainant look through this cardholder in an attempt to locate the complainant's driver's license or other forms of identification; however, the complainant informed the officer he could not find these items. The officer denied handling the cardholder or taking any items from it.

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: 04/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: SFPD Department General Order 5.08, NON-UNIFORMED OFFICERS, sections I.C.1. & 2 states:

1. **TRAFFIC STOPS/CITATIONS.** Non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except:
 - When the activity is related to an ongoing criminal investigation or regulated vehicle enforcement, e.g., taxi cabs, shuttle buses, limousines.
 - When witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.
2. **BACKUP UNIT.** When making a traffic stop under the circumstances described above (except for regulated vehicle enforcement) non uniformed officers shall immediately request a marked backup unit.

The named officer stated the complainant saw him and his partners in the unmarked police vehicle after the complainant had run the stop sign. The officer argued that the complainant recognized the police vehicle and voluntarily pulled over before the officer could activate the emergency equipment on the police vehicle. He stated that he did not have time to call for a marked unit.

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: 04/09/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that another motorist initiated a road rage incident and they confronted each other in the street. He stated that he was a victim of an assault, but the officer arrested him for public intoxication and jaywalking.

The named officer stated that he observed the complainant with no shirt on, in the middle of an intersection, fighting another individual. He stated that the complainant was the aggressor of the fight, had slurred speech, smelled of alcohol, was not compliant and was unable to care for his safety.

The complainant's friend stated that the complainant had one alcoholic drink, but denied the complainant was intoxicated or drunk.

The other driver stated that the complainant was intoxicated.

Several independent witnesses reported to the Department of Emergency Management (DEM) that they saw the complainant in the middle of the street fighting another male. There was no consensus regarding which individual was the aggressor in the fight.

One witness officer stated that he observed the complainant in the middle of the intersection fighting with another individual. He stated that the complainant was the aggressor and was not compliant when given advisements by officers.

A second witness officer stated that the complainant was belligerent and uncooperative. He stated that the complainant did not smell of alcohol, but the complainant's female friend told him that the complainant had a few drinks.

Department records indicated the complainant was cited pursuant to California Vehicle Code section 21955, (Jaywalking) which states in part:

Between adjacent intersections controlled by traffic control lights or by police officers, pedestrians shall not cross the roadway at any place except in a sidewalk.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #1 continued:

The complainant was also arrested pursuant to California Penal Code section 647(f), (Drunk in Public) which states in part:

Any person in a public place, under the influence of alcohol or drugs and who is unable to care for his own safety or the safety of others or is obstructing a public way is guilty of disorderly conduct.

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

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

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

FINDINGS OF FACT: The complainant stated that he was involved in a road rage incident that got physical. He stated that during the fight with another motorist, his shirt was ripped off and one of his female friends was hit in the face trying to stop the physical altercation. He stated that the officers never took his statement, did not render medical aid to his friend, did not arrest the other motorist and, on a cold night, never offered him a shirt or blanket and did not correctly book his cash. He stated he was arrested for public intoxication and cited for jaywalking. He stated he only had one beer.

The complainant's female friend stated that she tried to stop the fight between the complainant and the other motorist but the other motorist hit her in the face while she stood in between the motorist and the complainant. She stated that she had a light bruise on her cheek after being hit. She stated that when she told the officer she was hit, he told her not to step in between a fight again. She stated that she was surprised the officers let the other driver leave the scene without arresting him.

The other motorist stated he told the officer that he and the complainant were involved in a road rage incident that got physical. He stated he told the officer that he accidentally hit the complainant's female friend in the face when she stood in between them. He stated the officer told him that the complainant's female friend did not want to press charges and he was free to leave.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #2 continued:

The named officer stated that he determined the complainant had been drinking, was the aggressor of the fight and that the complainant could not care for himself. He stated that the complainant's girlfriend never notified him that she was punched. He saw no visible injuries to any of the involved parties. He stated an incident report was not written, but he wrote a public intoxication report for the incident.

One witness officer stated the complainant's female friends told him that the complainant was acting up and drunk. He stated that he asked the female if she was hurt and she said no. He stated that she wanted to leave.

A second witness officer stated that there were no witnesses at the intersection and he did not recall any witnesses appearing at the scene. He stated that he observed the complainant with no shirt and his fist in the air.

Department Records indicated that seven witnesses called 9-1-1 to report this incident. One of the callers notified dispatch that a female tried to step in between the fight and was hit in the face. One witness notified dispatch that he would stay and meet with officers if needed; however, no witnesses were contacted or identified by SFPD.

Department General Orders 1.03 and 2.01 require an officer to write an incident report for crimes observed or brought to their attention, incomplete crimes or suspicious occurrences requiring police attention.

A preponderance of the evidence established that based on a totality of the circumstances, the named officer failed to take required action when he did not write an Incident Report to document what had occurred.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #3-4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that an officer used profanity.

The officers denied the allegation.

Witnesses did not hear the discussion between the officer and the complainant.

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

SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property

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

FINDINGS OF FACT: The complainant stated that he had \$510.00 dollars in cash on his person prior to being arrested. He stated that when he was released from jail, there was no record of his cash. He stated that he insisted that the Deputies find his money and an envelope with his name on it was found with \$110.01. He stated that he was missing \$400.00 cash and that cash was never located or recovered.

The named officer acknowledged that he processed the complainant's cash by accurately filling out the Arrestee Information manila envelope, but that he failed to indicate the cash value on the Property Inventory form, which is a violation of SFPD Booking and Detention Manual's Inventory Procedure. The Booking and Detention Manual's Inventory Procedure states in part:

2. A – Responsibilities. The member who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section.

5. Prisoner Property, Money – Describe money in number and words. If no money is taken, indicate that fact on the booking form.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #6: This complaint raises matters outside OCC's jurisdiction.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/14 **DATE OF COMPLETION:** 03/23/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated she and her girlfriend were the victims of an assault at a club. The complainant stated that police were called to respond to the incident. The complainant stated the officer did not give her an option to press charges against the suspect and did not give her a police report.

The named officer denied the allegation. The officer stated he thoroughly explained the citizen's arrest process to the complainant and her group of friends. The officer said the complainant's girlfriend would not talk to him, was uncooperative and just wanted to leave. During this time, his partner officer, who had canvassed the interior and exterior of the club for witnesses, reported to the named officer and the complainant that there were no witnesses. The complainant held a discussion with her friends twice to discuss their options. The officer stated the complainant and her entire group of friends walked off.

The named officer stated the complainant did not state that she wished to press charges or make a citizen's arrest against the alleged suspect. Therefore, the officer stated he was not obligated to provide the complainant with an incident report because she did not request a citizen's arrest and walked away from the scene. The named officer stated he vividly remembered the complainant stating, "We don't want him arrested. We just want him counseled. We want you to talk to him."

The witness officer stated the complainant did not request a citizen's arrest and walked away from the incident. The witness officer stated he canvassed for witnesses and found none.

Another witness, a patrol special, stated a female came out of the club with a friend and told him that she had been assaulted in the restroom and asked him to take the alleged suspect into custody and wanted a police report. He contacted dispatch to request that police respond to the scene. The witness stated he did not verbally communicate with the officers. He only pointed out the involved parties to the officers when they arrived. He stated "But I do recall her [complainant] turning around and walking away with her friend." The witness stated he saw no indication from the officer of failing to assist the complainant and her friends.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/14 **DATE OF COMPLETION:** 03/23/15 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated the officer did not provide her with any documents nor did she sign any documents about the incident.

The named officer denied the allegation. He stated the complainant did not request a citizen's arrest of the alleged suspect, did not request a police report nor did she request a CAD [computer assisted dispatch] record of the incident. The officer stated he properly informed the complainant of her options for a citizen's arrest and she walked away from the scene.

The witness officer corroborated that the complainant did not request a citizen's arrest and walked away from the incident.

Another witness, a patrol special, corroborated that the complainant and her friends walked away from the incident.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #3: 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 the San Francisco Police Department Internal Affairs Unit.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/14 **DATE of COMPLETION:** 03/24/15 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated he was placed in tight handcuffs after he was arrested for auto burglary.

The named officer and witness officers denied the allegation.

Records indicated while at the station, the complainant signed a medical screening form. The complainant did not indicate on the form that he had a complaint of serious injury or pain.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/14 **DATE OF COMPLETION:** 03/02/15 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was a victim of corruption committed by members of the San Francisco Police Department that had led to his illegal incarceration. The complainant stated he owns four properties in San Francisco. The complainant stated the properties were fraudulently sold or transferred to other persons with the collusion of some officers of the SFPD. The complainant stated the officers had also robbed and extorted him for years. The complainant stated he has been trying to secure copies of four incident reports pertaining to the foregoing events, but the SFPD failed to provide him the reports. The complainant provided no evidence that he had requested the reports.

The commanding officer of the Department's Record Management System stated that the Department had records indicating the complainant requested two of the four reports the complainant cited – almost one month after he filed his OCC complaint. The Department stated that it had filled those requests and sent the requested reports to the complainant in jail. The Department stated it had no records of earlier requests.

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: 03/12/14 **DATE OF COMPLETION:** 03/12/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested a man without cause.

The officer denied arresting the man without cause. The officer stated he observed the arrestee passed out in front of a restaurant. The officer stated the arrestee also had an outstanding traffic warrant that the officer was aware of before he made contact. Upon making contact with the arrestee on the date of this incident, the named officer determined the arrestee was unable to care for himself.

A witness officer described the arrestee as having glassy eyelids, slurred speech and a strong smell of alcohol coming from his person. Upon waking the arrestee, he asked him a series of questions and determined he was unable to care for himself. He also stated that the man did not know what day it was and was unable to stand.

Two other witness officers arrived on scene after the arrest and did not observe the arrestee asleep. One of the officers described the arrestee as being intoxicated and friendly. The other was unable to recall the arrestee's demeanor.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/14 **DATE OF COMPLETION:** 03/12/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate incident report, attributing statements to a witness that the witness later denied making.

The named officer denied writing an inaccurate report. He stated that he did not speak to the witness, but wrote in the report exactly what he was told by his partner, who interviewed the witness. The named officer also stated that a video he shot did not capture the entirety of his contact with the arrestee and that the arrestee made numerous comments that were not captured on the video.

The named officer's partner stated that the named officer's report was accurate as far as his recollection of the statements made by the witness.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/14 **DATE OF COMPLETION:** 03/12/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer attributed false statements to a civilian witness in an incident report.

The named officer stated that he did not speak to the civilian witness. He said that a different officer spoke to the witness and that he wrote what the witness officer told him. The named officer denied misrepresenting the truth.

A witness officer confirmed speaking to a civilian witness and stated that he relayed the information given to him, to the named officer. The witness officer stated that what he told the named officer about the contact was exactly as it was reported in the incident report. He denied that the named officer misrepresented the truth.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officers arrested a man without cause.

The named officers denied arresting the man without cause. The officers stated they observed the arrestee staggering on the sidewalk with an open container of alcohol. The officers stated the arrestee was on active court probation for public drunkenness and that they had had numerous contacts with the arrestee that have not resulted in an arrest. Upon making contact with the arrestee on the date of this incident, the named officers determined the arrestee was unable to care for himself and feared for his safety.

A witness officer had no recollection of the arrestee's demeanor during this incident.

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: 03/12/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the incident report described the arrestee's eyes as "glossy and out of focus." It further states that he was staggering and bore a strong smell of alcohol. The complainant stated that though the arrestee may have seemed unsteady, he was not unable to care for himself. The complainant added that video taken by the arresting officers shows the arrestee talking and standing up straight. The video, however, did not capture the entire contact the officers had with the arrestee.

The named officer denied writing an inaccurate report. She stated that she saw the arrestee staggering in a dangerous area while holding an open can of beer. She said that upon making contact with him, she noticed that his eyes were glossy and out of focus, and he had a strong smell of alcohol coming from his breath and clothing. After talking with him, she and her partner determined he was unable to care for himself. The named officer's statements were consistent with what she wrote in the incident report.

A witness officer described the arrestee as being disoriented, as having glossy eyes, a flushed face and the smell of alcohol emanating from his breath. He stated that the arrestee had an open container of alcohol and stated that he and the named officer determined the arrestee was unable to care for himself.

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: 03/12/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #4 - 5: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the officers did not have probable cause to arrest a man, and that video they took of the arrestee contradicts their description of him in the incident report.

The named officers both denied that they misrepresented the truth. They both described the arrestee in a manner consistent with the statements made in the incident report.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #6 - 7: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated that the officers did not have probable cause to arrest a man and conduct a search.

The named officers both denied that they conducted a search without cause. They both described the arrestee in a manner similar to the description in the incident report and stated that they conducted the search prior to transporting the arrestee to the county jail.

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: 05/20/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that two officers came to his apartment and knocked on his door regarding a noise complaint. The complainant stated that when he opened the door, one of the officers ordered him to turn his music down. He complied. The complainant stated at one point during the conversation, the named officer entered his apartment and pushed him with both hands on his chest, causing him to fall over his wheelchair and onto his bed, causing the complainant back pain.

The named officer and a witness officer stated the named officer did not have any physical contact with the complainant.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officer entered his apartment without cause. The complainant stated the named officer stepped inside before pushing him over his wheelchair.

The named officer and a witness officer denied entering the complainant's apartment.

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: 05/20/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officers made inappropriate comments. The complainant further stated the officers laughed at him as they walked away.

The named officers denied either of them laughed or made the alleged inappropriate comments.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5-6: The officers failed to promptly provide star numbers.

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

FINDINGS OF FACT: The complainant stated the officers refused to provide their star numbers when asked.

The officers stated they did not recall the complainant asking for their names or star numbers.

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: 06/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 1 of 6

SUMMARY OF ALLEGATIONS #1-2: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officers used profanity throughout their contact with him.

The named officers denied the allegation. They stated the complainant used profanity.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force in placing him under arrest. He stated that one of the officers used a leg sweep to take him to the ground. He further stated the officers failed to use due care in placing him in their patrol car and bumped his head on the patrol car roof.

The named officers denied the allegation. They stated the complainant failed to comply with their verbal commands at the scene to place his hands behind his back, sit down and stop walking away. One officer performed a leg sweep and both held the complainant during the performance of the leg sweep. They stated the complainant was uninjured as a result of the performance of the leg sweep, but complained of police brutality and an old injury. The officers summoned an ambulance for the complainant after they transported the complainant to the station.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 2 of 6

SUMMARY OF ALLEGATIONS #5-6: The officers failed to summon medical attention at the scene.

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

FINDINGS OF FACT: The complainant stated he requested medical attention at the scene and the officers failed to provide it when requested.

The named officers denied the allegation. They stated that a hostile crowd had gathered making the situation unstable. They stated they summoned an ambulance for the complainant at the station. The officers also stated that the complaint of pain at the scene was from a prior injury.

Department General Order 5.18, Prisoner Handling and Transportation, states in part, "It is the policy of the San Francisco Police Department to treat all persons taken into custody in a humane manner and with due regard for their physical safety and protection while in police custody." It also states, "Members shall take all reasonable steps, consistent with Department policy and training, to prevent injury to prisoners for which they are responsible...[including] transporting the prisoner from the place of the arrest as soon as practicable using department approved means of transportation...."

The OCC found that the complainant complained of pain at the scene. However, the officers had a duty to safely transport the complainant from the scene to a police station for booking.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant stated the officer used a sexually derogatory comment when addressing him.

The named officer denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS #8-9: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an officer rudely asked him what he was doing, rudely demanded his identification, and another derided him for not completing school. He stated both officers repeatedly told him to shut up.

The named officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers lacked reasonable suspicion to detain him.

The named officers denied the allegation. They stated they observed the complainant engaged in a hand-to-hand narcotics transaction with another suspect.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 4 of 6

SUMMARY OF ALLEGATIONS# 12-13: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers lacked probable cause to arrest him for a narcotics violation.

The named officers denied the allegation. They stated they observed the complainant engaged in a hand-to-hand narcotics transaction with another suspect.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that when he complained of pain at a police station and had been subjected to unnecessary force, the officer performing the medical screening told him the only action he could take was to call an ambulance, which was done.

The named officer denied the allegation. He stated he did not recall the entire contact, and his recollection could not be refreshed.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 5 of 6

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

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

FINDINGS OF FACT: The complainant complained of pain from a preexisting injury following the performance of a leg sweep used by the named officer. The issue was whether the named officer failed to properly report his use of force to his supervisor for documentation in the Use of Force Log.

The named officer denied such documentation was required, stating his actions did not cause the complainant's preexisting injury. The complainant's complaint of pain was documented in the incident report.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant complained of pain from a preexisting injury.

The issue was whether the named officer failed to properly report the complainant's complaint of pain to his supervisor.

The named officer's supervisor stated that when the matter was brought to his attention, the complainant was complaining about pain from a previous injury that had nothing to do with the incident that happened with the street officers. The named officer's supervisor denied that a use of force entry was necessary.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 6 of 6

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

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

FINDINGS OF FACT: The officer was a supervisor who received notification that the complainant had complained of pain regarding a pre-existing injury following a leg sweep. The issue was whether the officer neglected to make a notation in the station's Use of Force Log.

The named officer denied the allegation. He stated that when the matter was brought to his attention, the complainant was complaining about pain from a previous injury that had nothing to do with the incident that happened with the street officers. The named officer denied he was obligated to make an entry in the log.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/14 **DATE OF COMPLETION:** 03/19/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he ran into a nightclub because two unknown men were threatening and chasing him. The complainant stated he expected the nightclub security guards to protect him and look for his attackers. The complainant stated the security guards handcuffed him and called the police. The complainant stated the two named officers arrived and listened to his description of the attackers. The complainant stated the named officers made no effort to find his attackers. The complainant stated the named officers told him he had to leave the nightclub property.

One named officer stated he went to the nightclub to investigate a battery. The named officer stated two nightclub security guards had already detained the complainant when he arrived. The named officer stated the complainant did not mention being chased. The named officer stated the complainant was very difficult to understand and acting erratically.

The other named officer stated he did not recall the incident.

The two private security guards who detained the complainant were interviewed. Both security guards stated no one chased or threatened the complainant. Both security guards told the officers they handcuffed the complainant because he was putting people in danger by swinging around a heavy brass pole. The security guards told the officers they did not want to press charges. Both security guards stated the named officers interviewed the complainant at length and asked him how they could help. Both security guards stated the complainant was unable to describe his attackers, made several inconsistent statements, and was barely intelligible. A food vendor across the street from the nightclub stated he could not recall the incident.

Department records indicated the officers contacted the complainant because he was a suspect in an assault and battery investigation. Department records indicated the officers investigated the incident for approximately 45 minutes and did not issue a citation or make an arrest.

No other witnesses came forward.

Based on witness statements, the officers fulfilled their duty to investigate the assault reported by the club security and assisted the complainant professionally.

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: 07/08/14 **DATE OF COMPLETION:** 03/18/15 **PAGE#** 1 of 1

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 that after a verbal dispute with her father, he pushed her into a wall. She stated that two officers responded and spoke to her, as well as her other family members. The complainant said the officers told her they could not do anything because she was not injured and the witnesses were telling them something other than what the complainant believes really happened.

Both named officers denied that they failed to take required action. They stated the complainant never stated that her father had pushed her into a wall and that she did not ask for him to be arrested. They denied telling her that nothing could be done. They both stated the complainant said she wanted a police report made recording the incident and would decide later if she wanted to press charges against her father.

The complainant refused to provide her witnesses' contact information.

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

SUMMARY OF ALLEGATION #3: An unidentified officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that as she escorted the responding officers from her home, one of them turned back and said, "I would've slapped you myself." The complainant stated that there were no witnesses present to hear the comment.

Both responding officers denied making the alleged comment, or any other inappropriate comments. They also both denied hearing their partner make a statement similar to that which the complainant complained of.

No witnesses were identified.

There was insufficient evidence to identify the alleged officer, who allegedly made the comment, or to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that his sons were detained at Candlestick Park for no reason.

The named officers denied the allegation. They stated that they received a report from their commanding officer to investigate seats being vandalized in a specific section of the football stadium. The officers stated that they went to that specific section and the complainant's sons were the only persons in the area and stadium security personnel were with the sons.

The complainant's sons stated they were in the area, but denied they were vandalizing the stadium seats.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #3: The officer handcuffed the complainant's son without justification.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that his son was handcuffed without justification.

The named officer stated that shortly after he encountered the son, the son answered a call on his cell phone that caused the son to become uncooperative during a vandalism investigation. The officer stated he took the son's phone, hung it up and placed it in the son's pocket. The officer stated that he then handcuffed the son because the son's phone call interfered with the investigation. The complainant's sons stated that the officer snatched and ripped the phone from one of the son's hands.

A witness stated that when the son answered a phone call, the officer took the phone and handcuffed the son. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that his son was pat searched.

The named officer stated that he pat searched the complainant's son as part of the officer's investigation into a vandalism complaint.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5-6: The officers made inappropriate remarks and behaved inappropriately.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, and his sons stated that the named officers made inappropriate remarks and behaved inappropriately at the scene.

The named officers denied the allegation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/14 **DATE OF COMPLETION:** 03/24/15 **PAGE #3 of 4**

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, and his sons stated that the named officer used profanity.

The named officer and a witness officer denied the allegation.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that after his son was handcuffed and ejected from a stadium by San Francisco police officers, he never received any paperwork from the officers.

The officer denied the allegation. He stated it was accepted practice at that location that no Certificates of Release are issued, due to the volume of ejections performed-regardless of whether the ejected party is handcuffed or not.

SFPD General Order 5.03.II.A., Investigative Detentions, states, in part:

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3. PHYSICAL RESTRAINT. If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release

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4. QUESTIONABLE SITUATIONS. If there is doubt as to whether you should issue a Certificate of Release, always resolve the doubt by issuing the form.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #9: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated the officer confiscated his son's ticket.

The named officer denied the allegation. He stated the complainant's son was ejected from the park for violating park rules and the terms and conditions for the sale of the ticket. The officer stated that the seizure of the ticket is part of the ejection process. The officer stated that he later returned the seized ticket to the complainant's son when the son asked for the return of the ticket so it could be kept as a souvenir.

The complainant's son stated that the officer later returned the ticket to him.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 3

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 unlawfully detained him for trespassing. The complainant stated he made a political joke in the lobby of a large office building and a security guard told him to leave. The complainant stated he told the security guard he was a federal agent and a police officer. The complainant stated the security guard again told him to leave. The complainant stated he moved to the sidewalk outside of the building and told the security guard to call the police. The complainant stated the named officer arrived and took him to the hospital for a psychiatric evaluation. The complainant stated he did not need a psychiatric evaluation and should not have been taken to the hospital.

The named officer stated the complainant was in an irrational state and acting delusional. The named officer stated the complainant was trespassing and falsely claimed to be a federal agent and a police officer. The named officer stated the complainant had a history of making threats against people. The named officer stated she detained the complainant for an emergency psychiatric evaluation because she believed he was a danger to others based on his erratic behavior and history of making threats.

A witness officer stated the complainant falsely introduced himself as a police employee.

The security guard, who called for police assistance, stated the complainant was trespassing and acting irrationally. The security guard stated the complainant left his car double-parked in front of the office building and then tried to sneak inside through a rear loading dock. The security guard stated the complainant pretended to leave, but returned a short while later claiming to have an appointment at a consulate inside the building. The security guard stated the complainant identified himself as both a federal agent and a police officer, but refused to provide identification.

Department records indicated the named officer detained the complainant for an emergency psychiatric evaluation.

Department General Order 6.14 states an officer may detain a person for psychiatric evaluation when the officer believes that, as a result of mental illness, the individual is a danger to others.

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: 07/22/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer searched the complainant's car without cause.

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

FINDINGS OF FACT: The complainant stated he left his car double-parked outside an office building for an extended period of time. The complainant stated officers detained him and searched his car without permission.

The named officer stated searching the complainant's car was necessary. The named officer stated the complainant's car needed to be towed and officers must search and inventory a car before having it towed. The named officer stated another officer searched and inventoried the contents of the complainant's vehicle.

The officer who searched the complainant's car stated she performed a required search and created an inventory of the car contents. A witness officer stated it was necessary to search the complainant's car because it was illegally parked and being prepared for a tow.

Department General Order 9.06 requires officers to search and inventory the contents of a vehicle before having it towed.

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 #3: The officer searched the complainant's phone without cause.

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

FINDINGS OF FACT: The complainant stated an officer searched through the contents of his cell phone without permission while he was being detained.

The named officer stated she did not search the complainant's phone. Two witness officers did not recall anyone searching the complainant's phone. A witness did not see anyone searching the complainant's phone, but was not present for the entire incident.

No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer towed the complainant's car without justification.

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

FINDINGS OF FACT: The complainant stated the named officer towed his car, which he left double-parked outside an office building for an extended period of time. The complainant stated he should have been allowed to drive his car home.

The named officer stated she towed the complainant's car because he was being detained for an emergency three-day medical evaluation. The named officer stated the tow was necessary because the complainant's car was illegally parked, blocking a lane of traffic, and could not be moved to a legal parking spot.

Two witness officers stated the complainant's car needed to be towed because it was illegally parked and there were no legal parking spots available.

A witness security guard stated the complainant's car was illegally double-parked in a restricted zone and there were no legal parking spots nearby.

No other witnesses came forward.

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: 07/22/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 2

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 issued him a citation for failing to stop at a stop sign and having tinted windows. The complainant stated he came to a complete stop at the stop sign. The complainant stated he should not have been cited for having tinted windows because the windows were down and not visible.

The named officer stated he observed the complainant fail to stop at a stop sign. The named officer stated the complainant's windows were only halfway down and he could see they were tinted.

Court records indicated the complainant was cited for having tinted windows and was not cited for failure to stop at a stop sign.

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: 07/22/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer was acting on a personal vendetta when he stopped and cited the complainant. The complainant stated he and the named officer were neighbors and had previously argued about the complainant's fast driving. The complainant stated the named officer pulled him over for failing to stop at a stop sign as a pretext. The complainant stated the named officer was angry and yelled, "Do you remember me?" and "Small world" several times. The complainant stated the named officer was chatting on his cell phone and purposefully kept him waiting for over 40 minutes.

The named officer stated he pulled the complainant over because he failed to stop at a stop sign, his turn and brake signals lights were "blacked out," and his windows were tinted. The named officer stated he did not recognize the complainant until he walked up to the driver side window and looked at his identification. The named officer stated he did not pull the complainant over based on any prior encounter. The named officer stated he asked the complainant if he recognized him, but did not yell, say "Small world," or make any inappropriate comments. The named officer stated he raised his voice several times to be heard above the ambient noise and because the complainant kept interrupting him. The named officer stated he called a supervisor for advice on the complainant's vehicle code violations. The named officer stated he kept the complainant waiting only long enough to issue a citation.

The complainant submitted a partial video of the incident. The video showed the complainant and named officer briefly arguing about the named officer's motives and the merits of the citation. The video showed the named officer raised his voice several times.

Department records indicated the traffic stop was completed in a reasonable amount of time.

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: 07/25/14 **DATE OF COMPLETION:** 03/24/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: This complainant stated that the named officer ignored her requests to arrest two individuals, refused to retrieve personal property from a hotel from which she had been banned, and refused to write a report about the incident.

The named officer admitted the complainant asked him to make an arrest, and acknowledged that he did not write an incident report, explaining that he could not determine whether a crime had occurred because the complainant's allegations failed to amount to reasonable suspicion to detain or probable cause to arrest the suspect. The officer claimed he offered to write a report but the complainant refused to cooperate.

San Francisco Police DGO 5.04 section II.8., states, "In all instances involving requests for a private person's arrest, an incident report shall be prepared."

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

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

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

FINDINGS OF FACT: The complainant stated the officer was rude and dismissive.

The named officer said he did not recall being rude or dismissive and strives to be professional.

A witness on scene stated she could see the named officer and the complainant talking outside by the patrol car, but she could not hear the conversation.

No other witness came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was asleep in his residence when he heard police knocking on the doors of two rooms down the hallway of his residential hotel. The complainant said an officer announced the presence of police and asked residents of specific rooms to open their doors. Curious about the apparent search, the complainant opened his door and looked out. An officer ordered him to extend his hands with nothing in them. The complainant said he complied and was pulled out of his room and detained by an officer in the hallway.

The named officer acknowledged detaining the complainant, but claimed it was justified. Five other officers on the scene denied any direct involvement in the complainant's detention. The officers said their squad was summoned to search for two homicide suspects thought to have hidden in the hotel. The officers stated they were directed to search for the suspects in three specific rooms and then to clear the entire hotel of residents for their safety and to complete the search. The officers related that they announced their presence and ordered the residents to exit their rooms. They then gave individual knock-and-notice orders room by room. The named officer said while clearing the hotel, he saw the complainant look out of his room and ordered the complainant to exit, but the complainant retreated into his room. The named officer said the complainant looked out a second time, then again returned to his room, and the officers advanced to the complainant's room to determine the identification and intentions of the complainant. The named officer said he detained the complainant briefly to determine his resident status and to communicate the information about the search for the homicide suspects.

Video footage from surveillance cameras in the hotel shows the complainant peeked out his door when the squad was near his room, at which time officers rushed towards his room and detained him. There was no audio recording.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer used excessive force during the contact.

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

FINDINGS OF FACT: The complainant said an officer pulled him out by both of his arms, twisted his arms behind his back, and “slammed” his head against a wall in the hallway outside his residential hotel room, breaking a tooth. The complainant acknowledged that he did not complain of pain at the time, and declined an offer from police for an ambulance.

The named officer, who detained the complainant during a room-to-room search of the residential hotel, denied using excessive force. The officer said that after his squad ordered all occupants of the complainant’s hotel floor to exit their rooms and the complainant failed to comply, the named officer applied an Academy-trained bent-wrist lock hold to direct the complainant toward a wall, where he was detained briefly while his room was cleared.

Several other officers on the scene denied seeing the force described by the complainant, while others said they saw no force used and saw no indication of a broken tooth.

The complainant had no visible injury on his jaw nine days after the incident. The complainant submitted a medical diagnosis summary dated seven days after the incident indicating he sustained a broken tooth due to trauma, but there was no evidence linking the broken tooth to the actions of the officers present when the complainant was detained.

Footage from a video surveillance camera was taken from too great a distance to clearly depict the level of force used in the detention. There is no visual indication on the video during and after the event that the complainant spoke with difficulty or indicated pain in his jaw or face.

No other witnesses came forward.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant said the officer who detained him searched him.

The named officer acknowledged detaining the complainant but denied searching the complainant.

A witness officer, the squad leader of the operation, said he thought the named officer conducted a cursory search of the complainant during his detention, and said it was justified because the officers were searching for fleeing homicide suspects and the complainant behaved suspiciously as officers were trying to search his residential hotel.

Several other officers at the scene did not see the named officer search the complainant's person.

A video from surveillance cameras at the scene was not clear enough to discern if any officer searched the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 2

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 officer wrongfully issued him a citation for making an unsafe turn, alleging that the complainant abruptly cut off another driver and failed to signal when merging into a lane of traffic. The complainant stated that he did signal and merged at an extremely slow speed after the other driver waved him over.

The named officer stated that the complainant abruptly cut into another traffic lane, causing the driver behind him to suddenly apply his brakes to avoid a collision.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer told him he was audio recording their conversation but did not obtain the complainant's consent. The officer stated that he was not able to record the conversation because his recording device did not operate. The officer also stated that peace officers are not required to obtain consent to audio record their contacts with members of the public during traffic stops.

The evidence established that the named officer did not audio record the conversation and that he was not required to obtain the complainant's consent to make an audio recording.

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: 08/08/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer exhibited rude and threatening behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer was rude and threatened to issue the complainant another citation without cause.

A witness the complainant was talking to by phone at the beginning of the complainant's contact with the named officer stated that he heard the officer speak to the complainant with an elevated tone of voice that sounded as though the officer was aggravated.

The named officer denied exhibiting the behavior described by the complainant or speaking rudely to 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: 08/21/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 1 of 2

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 security personnel at a private outdoor event ordered him to leave. He stated he refused to leave and the security guard physically restrained him and brought him to several police officers. He stated the named officer refused to provide him with the names of the security staff. The complainant stated that he did not ask for a police report or any other police action.

The named officer stated he was working as security, hired through the city for the private event. He stated the complainant told him he had been grabbed and roughed up by private security and wanted to press charges. The named officer described reviewing the evidence supporting the claims of the complainant and determining there was no evidence to support the claims. The officer stated he offered to take a report and explained to the complainant that he had no grounds to press charges. The complainant then left.

Three witness officers stated they did not hear the complainant tell the named officer he had been assaulted. They stated that private security staff asked for their assistance in ejecting the complainant from the event.

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.

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

FINDINGS OF FACT: The complainant stated the named officer told him that it would be a waste of time to file an incident report.

The named officer denied making this comment.

Three witness officers stated they did not hear the named officer make this comment.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department General Order 5.04.

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

FINDINGS OF FACT: The complainant stated he was roughed up by a security guard at a private event. He stated he wanted to confirm that the person was actually a security guard, but the named officer would not provide the security guard's identity to the complainant. The complainant stated the named officer said it would be a waste of time to file a police report. The complainant stated he did not tell the officer he wanted to press charges against the security guard that assaulted him. He further stated he did not ask the officer to prepare a report or make a citizen's arrest. The complainant acknowledged walking away from the officer and telling the officer to leave him alone.

Department General Order 5.04 requires that any officer who is approached by a private person and is requested to accept a citizen's arrest must file a report documenting the request.

The named officer stated he was working as security for a private event, hired by a company through the City. He stated security personnel asked him to eject the complainant. The named officer stated the complainant told him that security staff had "manhandled" him and "roughed him up" and wanted the guard arrested, but refused to provide further details. The named officer stated the complainant had no visible injuries; no complaint of pain and his clothes appeared untouched. The named officer stated he offered to take a report, but the complainant told the officer he did not want a report. The named officer stated he explained to the complainant that he would have to fill out a form and provide information for a police report, but the complainant refused to provide any additional information and walked away. The officer stated that, without the cooperation of the complainant, he was unable to prepare a report.

Three witness officers stated they did not hear the conversation between the named officer and the complainant. One of those officers stated he was not aware that the complainant wanted any police action. A second officer stated she did not recall the complainant requesting any police action.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove whether the complainant requested a citizen's arrest, and whether the officer had sufficient information to prepare a report documenting any such request. As such, there was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, a limousine driver at the San Francisco International Airport, stated that he drove to the airport's Ground Transportation Unit (GTU) to conduct business. The complainant stated finding the parking lot full, he decided to return at another time. The complainant stated that while inside the parking lot, he received a dispatch call on his phone for customer pick up. The complainant stated he turned around and exited the parking lot, and as he was pulling out, the named officer stopped him for allegedly making an illegal U-turn in front of a firehouse. The complainant argues that the stop was without justification because he made the turn not on a street but inside the parking lot, which is private property.

The named officer stated he saw the complainant drive into the parking lot and without stopping, made a U-turn and come right out, demonstrating that the complainant's intent was to conduct a U-Turn. The officer stated he stopped the complainant for violating Section 22104 of the California Vehicle Code, which prohibits making a U-turn in front of the driveway entrance or approaches to a fire station, or using the driveway entrance or approaches for the purpose of turning a vehicle so as to proceed in the opposite direction. The named officer stated the GTU parking lot is public property and its entrance is directly facing a fire station's driveway. The officer stated he also noticed that the complainant's windows were tinted. He stated he was intending to cite the complainant for the tinted windows but learned after the stop that another officer had cited him earlier that day.

The GTU's manager stated that he did not witness the contact. He stated he did not know if it is illegal to enter the parking lot for the purpose of making a U-turn.

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: 09/02/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him, and that the officer purposely delayed the contact to prevent him from picking up a waiting customer.

The named officer denied yelling at the complainant and delaying his detention. The officer pointed out that a dispatch record of the event indicated that the contact lasted less than six minutes. The officer stated that when the complainant began speaking profanely during the contact, he told the complainant he was going to record the conversation. The officer stated he attempted to turn on a recording device but the recorder did not record the contact due to a technical failure.

A witness, the manager of a nearby office, stated he did not observe the contact.

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: 09/11/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officers detained her boyfriend at their residence without justification.

The complainant's boyfriend stated he was cooking steak and, before answering the door, placed a bloody steak knife in his pocket.

The named officers stated they were investigating a fatal stabbing that had just occurred in the area by two Hispanic males wearing dark clothing. They stated that two witnesses directed them to the complainant's apartment, saying that a Hispanic male wearing dark clothing had just raced into the parking lot in a car and ran into the complainant's apartment. They stated that when they arrived at the complainant's apartment, the complainant's boyfriend answered the door and refused their orders to show his hands and exit the apartment. They stated they recognized him as a gang member. They stated they pulled him into the hallway and discovered a bloody knife in the pocket of his dark colored hooded sweatshirt. They stated they detained him for further investigation.

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: 09/11/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that two officers took her boyfriend outside into a hallway and detained him. She stated she asked the officers why they were grabbing her boyfriend. She was holding onto the doorknob, still inside the apartment. She stated the named officer told her, “Stand back before I pepper spray you.” He then pepper sprayed the complainant. The complainant stated she began cursing at the officer. She stated the named officer told her boyfriend, “Tell your girlfriend to calm down before I pepper spray her again.” She stated the officer then pepper sprayed her a second time.

The complainant’s boyfriend stated the complainant came to the door and told the officers to leave him alone. He stated the named officer said, “Tell your girlfriend to go back inside before I pepper spray her.” The complainant’s boyfriend stated the officer didn’t give him a chance to tell the complainant to go back into the apartment before the officer pepper sprayed her. He further stated that the complainant “kept talking” to the named officer and he pepper-sprayed her again.

The named officer’s partner stated that when he discovered a knife on the complainant’s boyfriend, he saw the complainant and another adult male inside the apartment coming towards the officers. This officer stated his partner warned the complainant that if she didn’t get back inside the apartment, he would pepper spray her. When she refused to comply, the named officer pepper sprayed her once. She retreated inside and slammed the door. This officer stated the complainant was not pepper sprayed a second time.

The named officer stated he saw the complainant and two adult males inside the apartment. He stated he told the complainant they were investigating a homicide and she needed to stay inside or she would be pepper sprayed. He stated the complainant then shut the door. When the named officer’s partner yelled, “Knife!” the complainant stepped into the hallway, within two or three feet of the officers. The named officer stated he gave the complainant another command to step back. The named officer stated he employed his pepper spray when the complainant refused to comply with his commands. He stated the complainant then stepped back inside and shut the door. The named officer stated there were no other physical controls that he could have or should have used before employing pepper spray. He denied pepper spraying the complainant more than once.

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: 09/11/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers used profanity.

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

FINDINGS OF FACT: The complainant and the complainant's boyfriend stated the named officers used profanity.

The officers denied using profanity.

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: 09/11/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #6-7: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers kept her boyfriend in an overheated patrol car for several hours.

The complainant's boyfriend stated the officers kept him in an overheated patrol car for two hours. He stated after an officer opened the windows and turned down the heat, he remained in the patrol car for another ninety minutes before being taken to the station for questioning.

One of the named officers stated he did not know who put the complainant's boyfriend into the patrol car. He stated he heard the complainant's boyfriend kicking and screaming inside the patrol car and opened the door and turned down the heat. He stated the heat was on because it was a cold night and he and his partner drive with the windows down. He denied that the complainant's boyfriend was in an overheated patrol car. He did not know how long the complainant's boyfriend was inside the patrol car. He stated that once all the suspects were detained, the investigation was handed over to a homicide inspector.

The second named officer stated he spoke to the complainant's boyfriend several times while he was in the patrol car and the complainant's boyfriend never complained about the heat. This officer stated it was a very cold night. This officer stated he did not know how long the complainant's boyfriend was detained in the patrol car before he was taken to the station.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/14 **DATE OF COMPLETION:** 03/19/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she has an ongoing dispute with an individual who claims to know the named officer. The complainant stated that after making public comments about the person, she saw the named officer at the post office where she maintains a post office box. The complainant believes the officer was investigating her due to the comments she made. The complainant stated that on another date, she approached the officer at a street fair. She stated that the officer instructed her to leave and told her that she was a threat to public safety.

The named officer denied making inappropriate comments or behaving inappropriately towards the complainant. He stated that the complainant once approached him to complain about how a street fair was being managed. He stated that he told her it was not a police matter, as it did not involve criminal conduct. The named officer denied investigating the complainant or being aware of public comments that she made. He denied ever going to the post office that the complainant claimed to have seen him at.

Department records show the officer was not on duty at the time he was allegedly seen at the post office.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was being stalked by his neighbors and called police to investigate. The officers arrived and after conducting some interviews, told him his complaint did not amount to stalking and was insufficient to justify a police report. The complainant later looked at a printout of the officers' radio dispatch and saw that they referred to him as "799," or senile. The complainant thought that it was inappropriate that he was referred to in that manner.

The named officers stated they conducted an investigation into the complainant's belief that his neighbors were stalking him and taking inappropriate pictures of him. They interviewed the complainant, a neighbor and went to another neighbor's residence but found no evidence of any crime. The officers stated the complainant was uncooperative and would not show them the evidence that the complainant said was in his possession. The officers were told that one neighbor had a restraining order against the complainant. The officers stated that the complainant exhibited some signs of mental illness but nothing significant requiring them to detain the complainant pursuant to WI 5150. The officers used the radio code "799" based on their investigation.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in biased policing due to age.

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

FINDINGS OF FACT: The complainant believes the officers labeled him as senile because of his age and that the officers were profiling him due to his age.

The named officers were interviewed pursuant to the OCC Biased Policing Investigation Protocol. The officers stated that they referred to the complainant as a senile person because he exhibited mental disabilities that were minor, consistent with senility. Both officers stated the complainant's age did not play a role in the way they handled the call. They denied profiling the complainant in any way.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/14 **DATE OF COMPLETION:** 03/05/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-3: The officers behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on February 24, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 03/10/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated in his written complaint that he was arrested and wrongly charged with conspiracy to commit a crime, receiving or buying stolen property, and contributing to the delinquency of a minor. The complainant wrote that the arrest was without cause because he did nothing and was innocent of the charges filed against him. He did not respond to OCC's request for an interview.

The named officers stated that they conducted a traffic stop of the complainant's vehicle after they observed the vehicle crossing an intersection on a red light. The officers stated that during the stop, a man approached and told them that an occupant in the vehicle had just stolen his briefcase from his locked vehicle. The named officers stated they recovered the briefcase inside the complainant's vehicle and released it to its owner after the owner properly identified it and the items inside as his property. The named officers stated that after investigation, they arrested the complainant and his two companions, one of which was a minor.

Two officers responded to the scene as back up and stood by during the investigation of the incident. One of them recalled transporting one of the suspects to a police station at the conclusion of the investigation.

Department records indicated the investigation and the named officers' actions were documented in a report.

A witness to the incident stated that his co-worker saw a man break into the witness's vehicle and steal his briefcase before getting into the complainant's vehicle. The witness stated the complainant's vehicle crossed an intersection on a red light, and he saw officers conduct a traffic stop of the car. The witness stated the officers recovered his property from the complainant's vehicle before arresting the occupants of the car.

The evidence shows that prior to the traffic stop, a witness observed the commission of a crime, and reported it to the officers who had detained the complainant and his associates in the vehicle seen fleeing from the scene of the crime.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 03/10/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he spoke with the officers regarding the release of his vehicle, which was seized pursuant to his arrest. The complainant stated the officers told him to obtain proof of insurance and a licensed driver. The complainant stated he complied, but the officers did not release his vehicle.

The named officers stated they could not recall speaking to the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 03/02/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants, all medical professionals, stated the named officer and his partner came to their medical facility to interview a patient in police custody. They stated that the named officer became angry when asked to wait while they confirmed hospital policy on such interviews. The complainants stated the named officer shouted at them and was physically and verbally intimidating.

Five witnesses corroborated the complainants' account of events. A sixth witness stated his observation was that the officer was frustrated but acted professionally.

The named officer denied the allegation and stated the staff was rude to him and would not allow him to do his job. The officer's partner stated the officer's voice was raised but so were the voices of the medical staff.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated that the officer used profanity at least twice.

Four witnesses stated they heard the officer use profanity at least twice. Two witnesses stated they did not hear the officer use profanity.

The named officer stated he used profanity just once.

The named officer's partner stated he heard the named officer use profanity twice.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 03/02/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainants stated the named officer and his partner came to their medical facility to interview a patient in police custody. They stated the named officer's partner became angry when asked to wait while they confirmed hospital policy on such interviews. They stated that the named officer's partner shouted at them and was physically and verbally intimidating. They stated the named officer did nothing to stop his partner's inappropriate behavior.

Five witnesses stated that after the named officer's partner left the facility, the named officer apologized for his partner's behavior. Of those five witnesses, one further stated the named officer attempted to "de-escalate" his partner but was unsuccessful. A second witness stated the named officer hardly said a word. A third witness stated the officer fueled the named officer's behavior by repeating what the named officer said, only in a calmer voice.

The named officer stated his partner's voice and the voices of the complainants were equally loud. He stated everything happened very quickly and he did not know what he could have done to defuse the situation. He stated that after his partner left the facility, he remained behind and apologized for his partner's behavior.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/14 **DATE OF COMPLETION:** 03/02/15 **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 complaint raises matters not rationally within OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was wrongfully detained and accused of stealing a bicycle. The complainant, who acknowledged the receipt of OCC communications, did not respond to numerous requests for an interview.

According to dispatch records, a woman called 9-1-1 at 11:10 a.m. and again at 1:03 p.m. to report seeing a man with her stolen bicycle standing at a bus stop. She described the man as an African American male [no age range provided] wearing a gray hoodie, a black leather jacket, a black beanie, blue jeans and lime green tennis shoes. The complainant was detained at 5:05 p.m. at the same location.

The named officer reported seeing the complainant. He stated the complainant “perfectly” matched the suspect description reported by dispatch. The officer stated the complainant fled the scene and the officers gave chase but ended the pursuit due to the occurrence of an unrelated incident. He stated that he saw the complainant again about five hours later. The named officer stated the complainant was wearing a different jacket – dark colored but not leather – and had shed the gray hoodie; the jeans and the distinctive lime green tennis shoes were the same. The named officer stated that when he ordered the complainant to stop, the complainant fled. The officer stated he detained the complainant to question him about the reported bike theft. The officer tried to reach the reporting party to confirm the identity of the detainee but he was unsuccessful, and released the complainant.

The named officer’s partner confirmed the named officer’s version of events. He took three photos of the complainant wearing a black hooded jacket [not leather], a black baseball cap, blue jeans and multi-colored athletic shoes (black/white/red/lime green.)

At the time of his detention, the complainant’s clothing only partially matched the description provided by the victim.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: In his written narrative, the complainant stated the named officer slammed him to the ground face first during a detention. He stated he felt pain in his right hand and noticed his ring finger was bleeding. The complainant did not respond to several requests for an interview.

The SFPD's Use of Force Log documented the complainant's complaint of pain and injury to his right ring finger and stated the named officer used physical control.

The named officer stated the complainant matched the description of a man involved in a bike theft and ran from the officer when he first spotted him. When the officer spotted him again later that day, the complainant began to walk away. When ordered to stop, the complainant verbally denied "doing anything," and moved away. The named officer stated that when he put his arm out to prevent the complainant from leaving, the complainant began to run. The named officer stated he wrapped his arms around the complainant, dropped his weight and brought the complainant to the ground. The named officer stated the complainant declined medical attention. Later, the complainant said he had pain in his right ring finger.

Another officer at the scene stated he did not see the named officer use unnecessary force. He stated he was exiting the patrol car when he looked to the sidewalk and saw the named officer on the ground in a struggle with the complainant. He stated the named officer had control of one of the complainant's arms and was attempting to place the complainant in handcuffs. The witness officer stated he placed his knee between the complainant's shoulder blades and assisted with handcuffing the complainant.

A report by paramedics, who responded to the incident, stated a ring on the complainant's finger had caused a superficial laceration. The wound was minor and the laceration was cleaned and bandaged. The report stated that the complainant denied any other injury or trauma.

Photos taken by police show a bandage on the complainant's right ring finger and no other visible injuries.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: In his written narrative, the complainant stated he was “pocket searched illegally.” He did not provide any further details. The complainant failed to come forward for an interview.

The named officer stated he searched the complainant for weapons. He denied searching the complainant’s pockets.

The named officer’s partner stated he didn’t recall whether the complainant was searched.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The complainant was cited without cause.

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

FINDINGS OF FACT: The complainant was cited for resisting arrest. The complainant did not respond to numerous requests by the OCC for an interview. His written narrative included no mention of his actions preceding his detention or any efforts to resist or evade arrest.

The named officer stated he cited the complainant for resisting arrest because the complainant ran from him when he ordered the complainant to stop.

The named officer’s partner stated the complainant briskly walked away when ordered to stop.

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: 03/06/14 **DATE OF COMPLETION:** 03/18/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he overheard gunshots and a vehicle collision outside his residence and went outside to see what happened. The complainant stated police arrived and some individuals at the scene including him were detained, but not everyone. The complainant stated an officer checked his ID, got his phone number and wrote his name down. The complainant stated he told the officer he wanted no part of the investigation because of his past, but the officer insisted on taking the information down. The complainant stated he was not handcuffed, searched, or run for wants and warrants.

The named officer denied the allegation, stating that the complainant was a witness and was free to leave. The officer obtained the complainant's ID to confirm his residence in the area of the shooting but did not query the complainant. The complainant's name was not included in the incident report.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the officer engaged in racial profiling.

The named officer was interviewed pursuant to the OCC's Biased Policing Investigation Protocol. He denied the allegation, stating that the primary investigating officer directed him to contact the complainant based on a suspect's description provided to dispatch and to determine if the complainant was involved in the incident. The named officer denied that race had any role in the contact.

A witness officer stated that he may have requested on scene officers to perform some tasks but he did not recall what those tasks were or who the officers were.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/14 **DATE OF COMPLETION:** 03/18/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was going home from work. There was a Giants playoff game going on and fans in the area were going to the stadium. The complainant stated he was crossing the street to catch Muni when a police officer pulled him back onto the sidewalk. The complainant was unsure if the light was red or not, but he stated he was not crossing the street in an unsafe manner. The complainant stated he was then cited for jaywalking.

The named officer did not recall his contact with the complainant.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was going home from work. There was a Giants playoff game going on and fans in the area were headed to the stadium. The complainant stated he was crossing the street to catch Muni when someone grabbed his arm and yanked him back onto the sidewalk. The complainant was unsure if the light was red or not, but he stated he was not crossing the street in an unsafe manner. The complainant stated he was then cited for jaywalking. The complainant stated that the officer who cited him and another officer made inappropriate comments to him.

The named officer did not recall his contact with the complainant. The second officer could not be identified.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 25, 2015.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 25, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/14 **DATE OF COMPLETION:** 03/23/15 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was in a car accident and was strapped on a gurney, placed in a neck brace and placed in an ambulance. He stated he “stopped listening” when he was being questioned by paramedics and panicked. He stated he pulled off the neck brace and stepped out of the ambulance. He stated the named officer handcuffed him and told him to calm down. When he went back inside the ambulance, the handcuffs were removed.

The paramedic records indicated that an officer was receiving a report from the complainant when the complainant violently took himself out of spinal precautions and left the ambulance. With assistance from the officer, paramedics placed the complainant back onto the gurney. The complainant was kept out of spinal precautions due to the complainant being combative and for patient safety.

The named officer and her partner stated they observed the complainant pushing the paramedics inside the ambulance and the paramedics yelled for police assistance. The officers stated the complainant was angry and yelling and was placed in handcuffs for everyone’s safety. After a couple of minutes, the complainant calmed down and the handcuffs were removed. He was then transported to the hospital for treatment.

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: 10/22/14 **DATE OF COMPLETION:** 03/05/15 **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 OF FACT: The complainant stated he called police to report a “domestic assault” by a male acquaintance. He stated he showed the named officers an Emergency Protective Order naming the acquaintance. The complainant stated the officers failed to arrest the acquaintance and refused to take a report. The complainant did not explain what he told the officers about the assault.

The complainant provided the OCC with a copy of an Emergency Protective Order that was dated two months after the incident. The order had not been served.

The named officers stated the documents the complainant showed them consisted of stick figure drawings and letters written by the complainant. They stated the complainant told them first that he was hit in the head with a teacup, then said his acquaintance struck his hat with his hand, and the hat cut his head. They stated that the complainant’s alleged assailant was not arrested due to inconsistencies in the complainant’s statements.

A witness officer stated that the complainant changed his account of the alleged assault.

Department records showed that the complainant reported to dispatchers only that he was “hit in the head.”

The complainant’s male acquaintance denied assaulting the complainant and stated the complainant’s injury was self-inflicted. He stated the complainant carries around with him expired protective orders that have never been served.

The police wrote a report documenting their investigation of the incident. The officers stated they did not arrest the complainant’s acquaintance due to the inconsistent statements.

There was insufficient evidence to establish what the complainant told police or to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/14 **DATE OF COMPLETION:** 03/05/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer spoke and behaved inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer implied that he was mentally unstable and not believable. He could not recall exactly what the sergeant said.

The named officer stated he explained calmly and clearly to the complainant why he did not believe a battery occurred and did not believe he relayed that information to the complainant in a disrespectful manner. He stated the complainant was hostile and argumentative, and refused to discuss the matter further.

Two witness officers said the complainant was argumentative.

Another witness at the scene stated officers who responded were respectful and understanding.

There were no independent witnesses.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/14 **DATE OF COMPLETION:** 03/19/15 **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 she was a transit passenger on a city bus. The complainant stated officers boarded the bus and requested proof of payment from passengers. A passenger on the bus told the named officer to make it fast because she was late for work. The complainant stated the named officer made inappropriate comments toward the passenger during the proof of payment detail on the bus.

The named officer denied the allegation, stating he would never threaten anyone.

A witness officer did not recall the incident or any inappropriate comments made by the named officer.

Video recordings from the transit route in question were inconclusive.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The complainant made a telephone complaint to a member of the Department. In the narrative prepared by the member, the member stated the complainant agreed that he matched the description of a suspect and that he was detained in close vicinity of a parking garage. The complainant failed to respond to numerous requests for an OCC interview.

Department records indicated that a person called 911 to report seeing a possible burglary suspect in a parking garage.

The named officer stated that he observed the complainant walking away from the parking garage. He stated he confirmed the description of the suspect provided by dispatch and officers who were viewing surveillance video at the garage. He stated he detained the complainant because he matched that description.

The named officer's partner stated that she agreed the complainant matched the description and that he was detained due to that fact.

Four officers involved in this incident stated the complainant matched the description provided by dispatch. Two officers involved in this incident stated that the complainant matched the suspect description provided by garage security.

No photos were taken of the complainant at the time of his detention.

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: 10/27/14 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated in a narrative provided to a police officer that he was handcuffed without justification. The complainant, however, failed to respond to numerous OCC requests for an interview.

The named member stated the complainant failed to comply with his orders to stop. The named officer stated that when he reached for the complainant, he jerked his hands towards his waistband. The named officer stated it appeared that the complainant was about to flee and/or resist a lawful detention. The named officer stated he grabbed the complainant's left hand, applied a twist lock control and ordered him not to resist. The named officer then handcuffed the complainant.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment to the complainant.

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

FINDINGS OF FACT: The complainant stated in a written narrative that when he was released from detention, the named officer said to him, "Clinch up and walk away; you do not know what I can do!" The complainant did not respond to OCC requests for an interview.

The named officer stated that, after being released, the complainant began to yell and argue about his treatment. The named officer stated the complainant appeared to want to provoke a fight. The named officer stated he told the complainant the matter was over and told him something to the effect of, "You know what you can do. You can walk away. Just walk away."

Seven officers involved in this incident stated they did not hear the named member say, "Clinch up and walk away, you do not know what I can do!"

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: 11/04/14 **DATE OF COMPLETION:** 03/12/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer handcuffed the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer told her that she needed to come to the station to give a statement about an incident. The complainant stated she was handcuffed and taken to the police station for questioning.

Records from the San Francisco Police Department show that the complainant was arrested for elder abuse and for battery. Records also show that the victim signed a citizen's arrest form and that the form was booked into evidence.

The evidence shows that the named officer followed Department guidelines when he placed the complainant in handcuffs incident to the arrest and prior to transporting the complainant to the station.

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 #2 - 3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested her for pushing her elderly tenant. The complainant denied the allegation.

Records from the San Francisco Police Department show that the complainant was arrested for elder abuse and for battery. Records also show that the victim signed a citizen's arrest form and that the form was booked into evidence. The complainant was arrested pursuant to a private person's arrest.

The evidence shows that the named officers complied with Department General Order 5.04, Arrests By Private Persons.

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: 11/04/14 **DATE OF COMPLETION:** 03/12/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the named officer did not investigate this incident. The complainant stated she was arrested for something she did not do.

The named officer conducted an investigation of the incident, which was documented in his chronological of investigation. The chronological documents that the officer interviewed the parties involved, obtained the medical record of the victim, and obtained a state department of social services report of suspected Adult/Elder Abuse. The named officer presented the case to the district attorney for prosecution.

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: 11/05/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was authorized to work as a photographer at the Giants victory parade. He stated that a uniformed officer approached him and instructed he leave the parade route. The officer refused to accept the complainant's Giants-issued wristband as a media credential. The complainant offered to provide his email confirmation from the team, but the officer refused to look into the matter and instructed the complainant to exit the parade route.

An Officer Identification Poll was sent to two different stations as well as the special event staffing coordinator. Each of the polls came back with negative results in identifying the involved officer.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer was rude in demeanor and threatened to arrest him four times.

An Officer Identification Poll was sent to two different stations as well as the special event staffing coordinator. Each of the polls came back with negative results in identifying the involved officer.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/14 **DATE OF COMPLETION:** 03/24/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide his name and/or star number upon request.

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

FINDINGS OF FACT: The complainant wrote that he asked for the officer's name and star number and the officer refused to provide it. The complainant also wrote that the officer intentionally maneuvered his body so the complainant could not see his name and badge number.

An Officer Identification Poll was sent to two different stations as well as the special event staffing coordinator. Each of the polls came back with negative results in identifying the involved officer.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/14 **DATE OF COMPLETION:** 03/19/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that her son had an appointment with a tenant to clean his apartment and waited for the tenant outside the apartment building. The complainant stated the named officer made contact with her son and engaged in biased policing. The complainant stated the officer should have taken the time to listen to the reason her son was there “instead of stereotyping his own race.” The complainant was not present during the incident.

The complainant’s son stated he told the officer he was there waiting for his employer and offered proof of employment to the officer.

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. He denied the allegation, stating according to records, he was dispatched to the area to move someone along. He could not recall the incident in question.

A witness stated he observed the complainant’s son loitering in front of the building for approximately 15-20 minutes. He spoke to the complainant’s son and told him he could not loiter there. The complainant’s son failed to leave so he called the police. The witness stated the complainant’s son never told him he was there to do a job. The witness stated the building had a “No Loitering” sign written on planters in front of the building. The witness stated he monitored the officer’s contact with the complainant’s son via his closed circuit TV monitor, but could not hear their conversation.

Department records established the reporting party provided a description of the complainant’s son as a black male adult carrying a big bag, who had been loitering for half an hour and the reporting party wanted the complainant’s son removed.

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: 12/12/14 **DATE OF COMPLETION:** 03/19/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to provide name upon request.

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

FINDINGS OF FACT: The complainant stated the officer failed to identify himself upon request to her son. The complainant stated she was not present during the police contact.

The named officer could not recall the incident.

A witness could not hear the named officer's conversation with the complainant's son.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant, who was not present, stated that the named officer ordered her son to leave the area and get on BART or he would be taken into custody.

The named officer could not recall the incident.

The security guard stated he told the complainant's son he could not loiter in front of the building, yet he failed to leave. The security guard stated he called police and told the named officer of his contact with the complainant's son.

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: 12/31/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant was detained for being under the influence of alcohol and being unable to care for himself. The complainant said he had three drinks but stated he was not intoxicated and was able to care for himself.

The complainant's wife, who was also detained, acknowledged that she and her husband had been drinking. She said her husband had two drinks. She denied that she and her husband were intoxicated and stated they were able to care for themselves.

Three witness officers stated the complainant displayed objective signs of intoxication, was unable to exercise good judgment and was unable to care for himself.

Two other officers at the scene stated they detained the complainant's intoxicated wife and had no contact with the complainant.

The named officer stated that the complainant had an unsteady gait, bloodshot eyes, slurred speech and a strong odor of alcohol on his breath and person. He stated the complainant told him he had consumed several cocktails. The named officer stated the complainant and his wife approached an unmarked police vehicle and, unprovoked, made profane remarks. The named officer stated the complainant's belligerent behavior and his attitude to seek a confrontation with police led him to believe that he was unable to exercise proper judgment nor care for his wife. The named officer stated that, based on this behavior, he determined that the complainant was unable to care for himself.

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: 12/31/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested and charged with resisting arrest and violating California Vehicle Code section 21956(b) which states:

A pedestrian may walk close to his or her right-hand edge of the roadway if a crosswalk or other means of safely crossing the roadway is not available or if exiting traffic or other conditions would compromise the safety of a pedestrian attempting to cross the road.

The complainant stated he was not walking in the street or even close to the curb. He also denied resisting arrest.

The named officer stated the complainant walked in the street against traffic when a sidewalk was available. He stated the complainant was told multiple times to step back onto the sidewalk. The named officer further stated the complainant continuously attempted to pull his hands and body away from the named officer's grasp.

One witness officer stated he observed the complainant, who was in handcuffs, struggle with the named officer by attempting to escape from his grasp.

A second witness officer stated the complainant stepped off the sidewalk, not in a crosswalk, although one was readily available, and walked into the road against traffic. This officer stated the named officer informed him that the complainant pulled his hands and body away from the named officer's grasp several times.

Three other officers at the scene stated they did not observe the complainant being arrested.

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: 12/31/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that, as the named officer led him to the curb to sit down, he bent back the fingers on the complainant's right hand at a ninety-degree angle. The complainant stated he wasn't resisting. He stated he was talking but did not use profanity and was not disrespectful. He stated he did not complain of pain and did not ask for medical attention.

The named officer stated he instructed the complainant to stop resisting as he attempted to pull his hands and body away from his grasp several times. The named officer stated he only gained compliance when he employed an Academy-trained rear-bent wrist-lock. He stated he employed this technique once.

The complainant's wife stated that the only force she saw used on her husband was when officers "slammed" them against a wall when they were detained. (The complainant made no mention of that use of force.)

A witness officer stated he observed the complainant struggling with the named officer and attempting to escape from the named officer's grasp. This officer stated the named officer used a rear-bent-wrist lock to gain compliance. He stated he did not know how many times the named officer used this control.

Three other officers at the scene stated they did not observe the named officer employ a rear-bent wrist-lock.

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: 12/31/14 **DATE OF COMPLETION:** 03/26/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that an officer, whom he did not see and could not describe, loudly whispered a profane remark in his ear. The complainant's wife stated the named officer made this remark.

The named officer denied using profanity.

Five officers at the scene stated they did not hear the named officer use profanity.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 03/23/15 **PAGE#** 1 of 3

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 he was cited for jaywalking. He acknowledged jaywalking in front of the patrol car.

The complainant's two companions stated they jaywalked with the complainant.

The named officer and her partner stated the complainant walked in front of their patrol car in the middle of the street.

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 made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer was "hostile" and "critical" during his contact with her. He stated he could not recall what she said to him. He acknowledged that he had been drinking prior to his contact with the officer.

The complainant's companions stated the complainant argued with the officer about getting a citation. One of them stated the officer said something to the complainant about disrespecting the city and thinking he could spend his money here and jaywalk without consequences. The other companion stated the officer said to the complainant, "You wouldn't do this in [the complainant's home state.]" He stated the officer also said, "Don't come to our city and insult our citizens."

The named officer denied making inappropriate comments. She stated that the complainant made a vulgar and profane comment about a homeless woman standing nearby. She stated she told the complainant, "Please don't insult the people that live here." The named officer's partner also denied that the named officer made inappropriate comments.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 03/23/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 9.01.

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

FINDINGS OF FACT: The complainant stated he and two friends jaywalked. The complainant stated the officer cited him and not his friends, because he gave the officer “attitude.”

Department General Order 9.01 states, in part, “Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action.”

One of the complainant’s companions stated the complainant argued with the officer about being cited and “pushed back” on the officer, saying she was abusing her power. He stated the officer told the complainant that she was citing him because she didn’t like his “casual” reaction to the patrol car’s lights and sirens while he was crossing the street. He further stated that the officer told the complainant more than once that there had been a lot of fatalities due to jaywalking and that was why she was taking a stringent approach. The complainant’s other companion stated the complainant apologized when the officer accused the complainant of jaywalking.

The named officer’s partner stated that the named officer told the complainant that there was a high rate of pedestrian deaths in San Francisco and it wasn’t safe to jaywalk. She stated the complainant’s companions understood this, but the complainant argued with the named officer. This officer stated the purpose of the citation was to correct behavior.

The named officer denied that the complainant’s attitude influenced her decision to cite him. She stated that the complainant was cited because when she first saw the group and hit the air horn, the complainant’s friends immediately got on the sidewalk and listened to her commands. She felt that a verbal warning was sufficient for them. She stated the complainant didn’t seem to understand that his behavior was unsafe.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 03/23/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that while he was being cited for jaywalking, a homeless woman spit on him and the officers did nothing. He stated he did not ask the officers to take any action against the woman.

Two of the complainant's companions stated a homeless woman spat on the complainant's back. One of his companions stated the complainant made a complaint to the officer about the spitting woman and the officer replied, "Don't come to our city and insult our citizens." The other companion stated the complainant announced that the woman spit on him and the officers ignored him. He further stated the complainant did not ask the officers to take any action against the woman.

One named officer stated that she saw the woman spit about 10 feet away from the complainant and no spit landed on the complainant. She did not recall the complainant asking for a citizen's arrest. This officer stated there was no crime committed.

The other named officer stated that she recalled a woman walking by but did not recall the woman spitting. She stated the complainant made a vulgar and profane comment about the woman. She stated she told the complainant, "Please don't insult the people that live here." The named officer stated the complainant never complained to her about being spit on and never asked for a citizen's arrest.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant was driving looking for a parking spot when he noticed the officers driving behind him. The complainant stated the officers harassed him by following him closely around the block without probable cause or reasonable suspicion.

The named officers denied following the complainant. The officers stated they were responding to a call when the complainant, who was in front of them, suddenly stopped his car in a traffic lane and contacted them.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that after observing the officers following him closely, he decided to stop his car and turn on his emergency lights to make contact with the officers. The complainant stated he wanted to know why they were following him. The complainant stated the officers walked up to his vehicle, ordered him out of the car and ran his information.

The officers stated that they detained the complainant for impeding the flow of traffic. Section 22400(a) of the California Vehicle Code states, in part, that no person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

The evidence proved the officers detained the complainant after he stopped his car in the lane of traffic without any safety necessity.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 03/09/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer failed to promptly provide his name and star number.

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

FINDINGS OF FACT: The complainant stated the officer refused to provide his name and covered his star during the contact.

The named officer denied covering his star, stating that he provided the complainant his name and star number numerous times.

One witness officer said the named officer gave the complainant his star number and name. The witness officer said he did not see the named officer cover his star during the contact.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 01/20/15 **DATE OF COMPLETION:** 03/11/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The members of the San Francisco Police Department (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 March 4, 2015.

SUMMARY OF ALLEGATION #2: The members of the San Francisco Police Department made inappropriate comments and behaved inappropriately.

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 March 4, 2015.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 03/05/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The 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 February 20, 2015.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/05/15 **DATE OF COMPLETION:** 03/16/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The OCC received a written complaint form from the complainant with minimal information on it. The complainant's written statement did not provide any specific or general information regarding his complaint. The complainant did not respond to OCC's multiple requests for him to contact the OCC.

Department Records did not show any contact with the complainant.

No witnesses were identified.

The complainant failed to provide requested information needed to investigate the complaint.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/15 **DATE OF COMPLETION:** 03/31/15 **PAGE #1 of 1**

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 March 23, 2015.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to race.

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 March 23, 2015.

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DATE OF COMPLAINT: 02/10/14 **DATE OF COMPLETION:** 03/16/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said the named officer followed him for several blocks and stopped him for no reason after the complainant made a legal turn, and parked against a curb.

The named officer said he was behind the complainant's vehicle for several blocks, saw him approach and stop at an intersection, where the complainant blocked a crosswalk, causing two pedestrians to walk around the vehicle, in violation of Section 21950(a) of the California Vehicle Code.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant said the named officer searched his vehicle without cause or his consent after he completed field sobriety tests.

The named officer said he conducted a vehicle search incident to the complainant's arrest for DUI pending further drug recognition evaluations. Another motorcycle officer corroborated the search was incident to the arrest for suspicion of driving under the influence of narcotics when the named officer told him of his suspicions and asked him to watch the complainant while he conducted the vehicle search.

Department records indicated that the complainant was arrested for driving under the influence of drugs.

No other witnesses were identified.

The statements of the complainant and two officers established he was under arrest for suspicion of driving under the influence of narcotics at the time his vehicle was searched. However, due to the lack of sufficient evidence to prove that the named officer's detention of the complainant was justified, there was insufficient evidence to either prove or disprove this allegation.

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DATE OF COMPLAINT: 02/10/14 **DATE OF COMPLETION:** 03/16/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant said he had not smoked Marijuana since the day prior and, therefore, denied he was driving under the influence of alcohol or narcotics.

The named officer said he is a P.O.S.T. certified Drug Recognition and Influence officer under Section 11550 of the California Health and Safety Code. The named officer also said the complainant failed several field sobriety tests that, combined with subsequent drug recognition evaluations under controlled settings, led to the arrest of the complainant for driving under the influence of narcotics.

Department records and Toxicology results of the complainant's blood established that he was driving with the compounds associated with Marijuana in his bloodstream.

Due to the lack of sufficient evidence to prove that the named officer's detention of the complainant was justified, there was insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATION #4: The officer conducted a forced blood draw without cause.

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

FINDINGS OF FACT: The complainant said his blood was involuntarily drawn without cause, but acknowledged that he agreed to the test when he was told that if he did not, the test would have been forced.

The named and one witness officer stated that the complainant was reluctant about approving a blood draw but agreed to one after the officer read the required admonition, which warns of a forced blood draw if the suspect refuses to allow one.

Department records indicated that, at the time of the blood draw, the named officer documented in writing the complainant's statement as, "I will comply with a blood test." Statements from the complainant, the named officer and a witness officer, coupled with the fact that the blood was drawn at County Jail, indicated that the complainant agreed to the blood draw.

However, because there was insufficient evidence that the detention that led to the blood draw was legally justified, there was insufficient evidence to either prove or disprove this allegation.

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DATE OF COMPLAINT: 02/10/14 **DATE OF COMPLETION:** 03/16/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer issued a DMV re-examination notice without justification.

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

FINDINGS OF FACT: The complainant said the named officer said he was annoyed and was going to report him to the DMV, which the complainant confirmed the officer did.

The named officer denied that he issued a DMV re-examination request because he was annoyed. He stated that under Section 21061 of the California Vehicle Code, he was authorized to issue a notice of non-priority reexamination at the time of the violation when the complainant exhibited evidence of incapacity to him to reasonably believe the complainant was incapable of operating a motor vehicle in a manner so as not to present a clear or potential danger of risk of injury to others if the complainant was permitted to resume operation of a motor vehicle. After a series of field sobriety tests and drug recognition evaluations, the named officer said he believed the complainant was possibly operating his vehicle under the influence of drugs and that he was exhibiting signs of disorientation.

Department records and results from a toxicology report established that the complainant was operating his vehicle under the influence of a narcotic at the time of his traffic stop; however, there was no independent witness that corroborated the complainant was disoriented.

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

SUMMARY OF ALLEGATION #6: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said the officer threatened to beat him if he continued with his objectionable behavior and refused to consent to a blood draw.

The named officer denied making such threats and said he just read to the complainant the admonishment required under 11353 Health and Safety Code from the DMV Form.

A witness officer stated the complainant consented to the blood draw without any threats. The phlebotomist, who responded to County Jail, could not recall the circumstances of the blood draw. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 03/02/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate citation.

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

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