

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 07/17/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he is homeless and living in his truck. He stated he was parked in a 2-hour parking spot on the street and was sleeping in the vehicle when two officers came and asked him for his registration because the stickers were not valid. He began going through documents in his vehicle but could not locate the registration. The officers detained the complainant outside of the vehicle. The complainant said one of the officers then continued going through his vehicle in search of the documentation. The complainant said the officer finally found a receipt, which proved the complainant had paid the registration fees. He was released but was advised by the officers that he needed to move the vehicle because it was in a 2-hour spot.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding a mentally disturbed person urinating in public and being verbally abusive towards passersby, prompting the named officers to respond to the scene.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 07/17/15 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was searched when he could not find his registration.

The named officer denied he searched the complainant's vehicle without cause. The named officer and his partner stated that the complainant verbally gave permission to search his vehicle for registration.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4 - 5: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers advised him that he needed to move his vehicle because it was in a 2-hour spot. The complainant stated he told the officers that it would catch fire, but they said that wasn't their problem and instructed him to move it anyway to avoid it being towed.

The named officers denied that the complainant told them the vehicle was a fire hazard.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/15 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated a restaurant employee called the police on the complainant. The complainant stated he did nothing wrong and the officer refused to help him. The complainant stated the officer never asked him for his side of the story. He stated the named officer forced him to pay full price for his meal, even though he had a discount coupon. Lastly, the complainant stated the named officer would not allow him to get water for his vitamins while in the restaurant.

The named officer denied the allegation. He stated he tried to explain to the complainant that the complainant's discount coupon had expired and it could not be applied to his meal. He stated the complainant became argumentative. He stated he subsequently advised the complainant that if he was not satisfied with the manager's explanation, he could contact the restaurant's main office to make a complaint. The named officer stated the complainant at one point asked for water, but when the manager offered the complainant a glass of water, the complainant refused. He stated the complainant eventually told him that he would pay the full price for his meal and would make a complaint with the restaurant's main office.

A witness stated on the day of the incident, he was the on-duty manager. The witness stated that the complainant had dozed off with his pills on the table in front of him. The witness stated he issued the complainant his bill and the complainant attempted to use an expired promotional coupon. The witness stated the dining area was full of customers and the complainant became belligerent and disruptive. The witness stated he called 9-1-1 to remove the complainant, because he was concerned for his safety and the safety of his customers. The witness stated the named officer walked into the restaurant and made contact with the complainant. The witness stated the complainant was combative and used racially derogatory words toward the officer. The complainant stated that the named officer was very patient with the complainant, did nothing wrong and did not use any profanity.

Witness officers stated that when they arrived at the scene, the dispute had been resolved. They stated the named officer was professional and did not harass the complainant. The witness officers stated the complainant requested a glass of water, but when the manager offered the complainant the water, the complainant refused and became argumentative.

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: 02/25/15 **DATE OF COMPLETION:** 07/09/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that, during an investigation, the officer made inappropriate comments. She stated that she did not call 9-1-1 to report a home invasion robbery.

The complainant's boyfriend stated the named officer did not make the alleged inappropriate comments but did say the officer made a judgment that the complainant was a drug user. He further stated that his version of events of the robbery differed from the complainant's version of events.

Records from the Department of Emergency Management (DEM) show that the complainant and her boyfriend reported a home invasion robbery. The information they provided to dispatch was inconsistent with the information they provided to the OCC and to the police.

The named officer and three witness officers denied the allegation. They each stated that the complainant was intoxicated. The named officer and two witness officers stated the named officer told the complainant it was against the law to falsely report a crime.

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: 02/25/15 **DATE OF COMPLETION:** 07/31/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant sent an email to the OCC stating only that he was detained and released. He provided no further details and did not make himself available for an interview.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding a petty theft from a store in a large shopping mall, prompting the named officer and his partner to respond to the scene. The complainant's detention for petty theft was documented in an incident report. When the store manager refused to press charges, the complainant was issued a Certificate of Release as required.

The store manager stated that the complainant stole an item and then walked to another store in the mall. The manager stated he called police. Two officers detained the complainant. The store manager stated he did not press charges because the complainant returned the item to the store.

The named officer and his partner stated they responded to a petty theft call at a store in a shopping mall. When he and his partner arrived at the store, the manager said the suspect (the complainant) had walked to another store. When they went to that store, they located the complainant. The named officer stated he detained the complainant but did not handcuff him. He stated the complainant was released after the store manager declined to press charges.

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

The evidence established that the named officer had reasonable suspicion to briefly detain the complainant and conduct an investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/15 **DATE OF COMPLETION:** 07/31/15 **PAGE#** 2 of 2

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 a brief telephone call to the OCC, the complainant stated he sustained an injury on his inner left thigh during his detention. He provided no further details and did not make himself available for an interview.

A witness stated that two officers detained the complainant for petty theft. He stated that when the officers went for the complainant's hands, he inexplicably began screaming, "Help! Police!" The witness stated the officers did not use any force on the complainant and did not handcuff him. He stated the officers escorted the complainant to the security office.

One officer stated his partner placed the complainant in a rear bent wristlock and he and his partner escorted the complainant out of the store. He stated the complainant was not handcuffed. He stated the complainant continued to yell but did not say he was in pain. This officer stated the complainant did not have any physical injuries and did not ask for medical attention.

A second officer stated he placed the complainant in a Department-approved rear wristlock and walked him out of the store. He stated he did not handcuff the complainant. He stated the complainant was yelling but did not physically resist being escorted out. He stated the complainant did not complain of pain, did not have any visible injuries and did not ask for medical attention.

The identity of the alleged officer who allegedly caused injury to the complainant's inner left thigh has not been established.

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: 03/04/15 **DATE OF COMPLETION:** 07/02/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called police because a homeless man and woman were urinating in a doorway of an office building. The complainant stated the homeless man then went inside a store next door and shoplifted food. When police arrived, the complainant pointed out the homeless man, who was standing nearby. The complainant stated the homeless man walked into the transportation station when he saw the complainant pointing at him. The officer made no effort to catch the homeless man and was more interested in getting the complainant's contact information rather than going after the homeless man. The complainant stated that the police officers have a responsibility to do their jobs, even when it is not glamorous.

The named officer denied the allegation, stating that the subject was gone on his arrival. The officer stated that the complainant was ranting on a tirade about homeless issues in the city and did not provide needed information. The officer said the complainant walked away after the officer attempted to obtain contact information from him.

Records from the Department Emergency Management (DEM) shows that DEM received a 9-1-1 call regarding an "800"...(mentally disturbed person) male with his pants down and yelling. Records also show that the reportee was being uncooperative and insisted on arguing with the homeless man. The officer advised dispatch that the suspect was gone on arrival and that he was now making contact with the reportee.

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: 03/06/15 **DATE OF COMPLETION:** 07/13/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was involved in a verbal argument with a tow truck driver regarding the repossession of his car when officers arrived on scene. The complainant stated that the named officer searched him even though he was cooperating.

The named officer denied the allegation, stating that the complainant failed to comply with his verbal command. The named officer also stated that the complainant consented to his search.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer threatened to arrest him if he did not leave the area.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/15 **DATE OF COMPLETION:** 07/31/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was working as a parking lot attendant and a patron refused to pay after being in the lot for eight minutes. The complainant called police. He stated the officer ordered him to allow the patron to leave and told the complainant he could be cited or arrested if he failed to do so.

The parking patron stated he went to Kezar Stadium to sprint around the track. After he got there, he realized the track was closed for renovation. He stated he got back in his car to exit the parking lot. He stated he had been in the lot for about two minutes. He stated the complainant told him it cost \$3.00 for parking. The patron stated he refused to pay and the complainant called police. He stated the officers told the complainant that the patron had a 7-8 minute grace period and told the complainant to allow the patron to leave. The complainant refused. The patron stated he did not hear the officers tell the complainant he could be cited or arrested.

The named officer stated the complainant was angry, verbally abusive, aggressive and extremely combative. He stated the complainant refused to answer his questions. The named officer stated he informed the complainant he could be issued a citation or arrested if he refused to allow the patron to leave the parking lot.

The named officer's partner stated the complainant was confrontational and ordered the officers pay the patron's parking fee. He stated the complainant refused to provide the officers with any information and slammed shut the window to his booth. He stated that the named officer informed the complainant that if he did not allow the customer to leave, he could be cited and, possibly arrested, for false imprisonment.

The named officer's supervisor stated that, based on the fact that the complainant refused to let the customer leave, it was appropriate for the named officer to tell the complainant he could be arrested for false imprisonment.

The complainant did not have the legal authority to prevent the patron from leaving the parking lot. Based on the totality of the circumstances, the named officer's actions were proper.

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: 03/10/15 **DATE OF COMPLETION:** 07/31/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was working as a parking lot attendant and a patron refused to pay. The complainant stated he called police and refused the officer's order to let the patron leave. He stated the officer entered the parking lot attendant booth and grabbed the complainant's left arm, twisted him around, and pushed him face down onto a couch inside the booth. The complainant stated he was not injured and did not complain of pain.

The named officer stated the complainant was angry, verbally abusive, aggressive and extremely combative. He stated the complainant slammed shut the window of the parking booth while he was speaking to the complainant. The named officer stated he entered the parking booth when the complainant walked into an area of the booth where the officer could not see him. The named officer denied pushing the complainant. He stated he attempted to gain control of the complainant with an SFPD-trained wristlock.

The named officer's partner stated that the complainant refused to provide the officers with any information and slammed shut the window to his booth. He stated the named officer entered the booth to speak with the complainant. He did not see what happened inside the booth. The named officer's partner stated that when he entered the booth, he saw that the named officer had control of one of the complainant's arms.

The named officer's supervisor stated she responded to the scene pursuant to the complainant's request. She stated the complainant told her he was not injured.

The parking patron stated he was in his vehicle with his back to the officers and did not see what occurred inside the booth.

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: 04/06/15 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The named officer has retired and is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The named officer has retired and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/15 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer made racially derogatory comments.

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

FINDINGS OF FACT: The named officer has retired and is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: The named officer has retired and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/06/15 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The named officer has retired and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 07/21/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that he was on a bicycle when a motorist honked and cut him off. The motorist got out of the car and pushed the complainant to the ground. Some bystanders quickly stepped in before the man could do more harm. The motorist then sped off before police could arrive. The officers who responded did not apprehend the suspect but took a report, which was referred for investigation. The investigator who was assigned the case has been unable to arrest the suspect. The complainant believes the investigating officer is not handling his case seriously and believes the suspect should already be in jail.

The named officer stated that patrol officers attempted to arrest the registered owner of the vehicle the day of the attack but were unable to locate him or the vehicle. The named officer was assigned the case the day after the attack and interviewed the complainant who said he was not kicked and did not suffer any injuries. The complainant complained of pain but told the named officer he had prior injuries. The complainant said he could not positively identify the suspect and the description he gave the named officer of the suspect was vague. The named officer ran a computer workup on the registered owner of the vehicle, printed a DMV photo of the registered owner, and a booking photo of the registered owner. All the photos were not current photos and outdated. Because the photos were old and because the complainant told the named officer he could not identify the suspect, the named officer was unable to get a positive identification. The case remains open as a misdemeanor case.

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: 04/10/14 **DATE OF COMPLETION:** 07/06/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant said he was driving when he noticed a blue car following him. The complainant stated that because he did not know the car or its occupants' intentions, he fled. The complainant stated he ran through stop signs, and collided with a vehicle, which resulted in the injury of two passengers in his vehicle. The complainant got out of his vehicle and fled on foot. He recalled a uniformed officer arresting him.

Two witnesses identified by the complainant failed to respond to OCC's requests for an interview.

The named officers stated they arrested the complainant after observing him driving unsafely while fleeing an unmarked police vehicle. The named officers stated they activated their emergency lights and siren and attempted a traffic stop, but the vehicle fled and collided with another car. The named officers stated the complainant fled the collision on foot, threw a bag containing methamphetamine to the ground, and failed to comply with their orders to stop.

Department records show the complainant was arrested for evading a police officer, resisting, delaying and obstructing a police officer, possession for sale and transportation of methamphetamine, and battery.

Two plainclothes officers who were pursuing the complainant prior to his arrest said they observed the complainant traveling in an unsafe speed in an area populated with adult and children pedestrians. The officers stated the complainant accelerated his speed when he noticed them following him. The officers stated the named officers attempted to stop the complainant, but the complainant fled. The officers stated the complainant drove at excessive speed, failed to stop at stop signs and collided with a vehicle at an intersection.

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: 04/10/14 **DATE OF COMPLETION:** 07/06/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that a uniformed officer who chased him when he fled the scene of a traffic collision struck him on the right eye with a flashlight. The complainant stated he fell to the ground, and the officer repeatedly punched him in the face.

One of the named officers stated that while chasing the complainant, he shouted several times for the complainant to stop, but the complainant refused and continued running towards the sidewalk with his hand on his waistband area. The named officer stated he thought the complainant might have been reaching for a weapon. The named officer stated he saw the complainant throw a clear plastic bag containing an off-white colored substance. The named officer stated the complainant then begun to jog, and looked over his shoulder as if he was tracking the officer's position. The named officer stated he struck the complainant twice on the right side of his face, and with the help of his partner, tackled the complainant to the ground. The named officer stated the use of force was necessary because he thought the complainant had a gun.

The other named officer stated he identified himself and repeatedly told the complainant to stop running, but the complainant refused to comply. The officer stated that at one point, he thought the complainant was reaching for a gun because he saw him grab his waistband. The officer stated he shouted, "Gun" to warn his partner and ordered the complainant to show his hands. The officer stated he saw the complainant pull out an object and throw it away. The officer stated the complainant refused to get on the ground, so he and his partner grabbed the complainant's hands, took him to the ground and placed him in handcuffs.

Department records show that the use of force was documented in the incident report and in the use of force log as required.

Two witnesses identified by the complainant failed to respond to OCC's requests for an interview.

No other 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 accomplish the complainant's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/14 **DATE OF COMPLETION:** 07/06/15 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that he and his pregnant wife were in a vehicle when the named officers stopped them because his wife was named in an arrest warrant. The complainant stated the officers ordered his wife to step out of the car. The complainant stated his wife refused and requested a female officer respond to the scene. The complainant stated the officers forced his wife out of the vehicle and threw her to the ground face down. The complainant acknowledged that the warrant for his wife had been active for about a year before the incident.

The named officers stated the complainant's wife was named in an arrest warrant. The named officers stated that while proceeding to her residence to arrest her, they saw her driving a vehicle on the opposite side of the street. The officers stated they immediately followed the vehicle and conducted an investigative stop. The officers stated that during the stop, the complainant's wife attempted to give them her sister's name and tried to put a bag of suspected methamphetamine in her pants. The officers stated a search yielded additional drugs hidden in her bra. The named officers stated the complainant's wife refused to step out of the vehicle, and when they attempted to take her out of the vehicle, she flailed her hands and leaned toward the passenger front seat. The named officers stated the complainant's wife also kicked the seat and window of the patrol vehicle where she was placed for transport, and that a record checks revealed that she was on probation.

Department records show that the named officers arrested and charged the complainant's wife with possession of methamphetamine for sale, petty theft, probation violation, resisting arrest, and false impersonation.

The evidence indicated that the complainant's wife had an outstanding arrest warrant and was on probation. Drugs were recovered from her possession during the incident. There was insufficient evidence to either prove or disprove that she resisted and impersonated an individual.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/14 **DATE OF COMPLETION:** 07/06/15 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officers used unnecessary force on his wife. The complainant stated the officers forcefully removed his wife from the vehicle and threw her to the ground, face down.

The named officers denied throwing the complainant's wife to the ground. The officers stated they used only control holds to place her in handcuffs.

Witnesses identified by the complainant failed to respond to OCC's requests for an interview.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #11: The officer entered and searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched his wife's residence without cause.

The named officer stated he was the supervisor and team leader of officers that searched the residence. The named officer stated they searched the residence because the complainant's wife was on probation with a warrantless search condition.

Court records indicated that the complainant's wife was on probation during the incident and was booked for violating her probation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/15 **DATE OF COMPLETION:** 07/06/15 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/15 **DATE OF COMPLETION:** 07/06/15 **PAGE#** 2 of 2

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

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 June 23, 2015

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 07/08/15 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/15 **DATE OF COMPLETION:** 07/30/15 **PAGE#** 1 of 2

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

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 made inappropriate comments and acted in an inappropriate manner

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/15 **DATE OF COMPLETION:** 07/30/15 **PAGE#** 2 of 2

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/15 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer seized the complainant's property without justification.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/15 **DATE OF COMPLETION:** 07/02/15 **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 she was driving when another driver attempted to cut into her lane. When the complainant refused to allow the driver into her lane, the driver pulled up next to her and displayed a “badge,” while motioning for the complainant to roll down her window. The complainant stated the driver then threatened to arrest her. The complainant drove off. The complainant could not describe the vehicle or the driver. The complainant was unable to get the badge number or the license plate of the vehicle.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that the officer drove improperly.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/15 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was double-parked when the named officer cited him for double-parking.

Department records showed that the complainant was cited for violation of California Vehicle Code section 22500(H), Prohibited Stopping, Standing, or Parking.

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 remarks.

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

FINDINGS OF FACT: The complainant stated that when he asked the officer why he was being cited, the officer asked the complainant if he wanted another ticket.

The named officer denied asking the complainant if he wanted another ticket. The named officer's partner stated he did not hear the conversation between the complainant and the named officer.

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: 05/28/15 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated the officer would not tell the complainant his name.

The named officer denied that the complainant asked him for identification.

The named officer's partner stated he did not hear the conversation between the complainant and the named officer.

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: 06/03/15 **DATE OF COMPLETION:** 07/16/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The complainant stated that a member of the San Francisco Police Department confiscated his weapons and placed him under an involuntary psychiatric hold.

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

FINDINGS OF FACT: OCC's records show that this complaint has already been investigated.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/15 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he went to a government agency and, when he attempted to file a complaint, the named officer told him to either leave or he would be arrested.

The named officer stated that he was assigned by the government agency to assist the agency's staff and security. He denied he told the complainant he would be arrested if he did not leave. The officer stated that security and supervisory personnel from the agency asked him to assist in removing the complainant from the building because he refused their orders to leave.

A witness stated that the complainant behaved inappropriately towards the agency staff, prompting him to ask the complainant to leave. The witness said the named officer calmly informed the complainant that he would not be served that day, and encouraged him to return the following day.

A preponderance of the evidence showed that the complainant refused to leave the property of the agency in question when asked by the agency's employees. The evidence showed that the named officer's order for the complainant to leave the premises was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/15 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained 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 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/15/15 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used excessive force while arresting the complainant.

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

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

SUMMARY OF ALLEGATION #4: 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/15 **DATE OF COMPLETION:** 07/09/15 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The named officer has retired from the SFPD and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/15 **DATE OF COMPLETION:** 07/09/15 **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: 07/02/15 **DATE OF COMPLETION:** 07/06/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer(s) assigned to a youth project engaged in inappropriate behavior and comments.

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

FINDINGS: The complainant requested a withdrawal of the complaint.

SUMMARY OF ALLEGATION #2: The officer(s) assigned to a youth project used profanity.

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

FINDINGS: The complainant requested a withdrawal of the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 07/23/15 **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: 07/10/15 **DATE OF COMPLETION:** 07/15/15 **PAGE#** 1 of 1

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 referred to:

San Francisco Municipal Transportation Agency (SFMTA)
Attn: Department of Parking & Traffic
1 South Van Ness Avenue
San Francisco, CA 94103
Telephone Number: (415) 701-2311

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/15 **DATE OF COMPLETION:** 07/15/15 **PAGE #1** of 1

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

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

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

San Francisco Public Library
Attn: Security
100 Larkin St.
San Francisco, CA 94102-4733
Telephone Number: (415) 557-4357

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/15 **DATE OF COMPLETION:** 07/17/15 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: This complaint raises matters outside the jurisdiction of the OCC. The complaint has been referred for investigation to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/15 **DATE OF COMPLETION:** 07/30/15 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was attempting to help an unconscious man by using the man's cell phone to call 9-1-1 when he was arrested for robbery.

The named officer stated that while stopped at an intersection, he heard a person screaming. When he looked toward the sound, he saw the complainant throwing a man to the ground. He stated that he heard the complainant yelling for the man's money. The named officer stated he positioned his vehicle with its headlights facing the complainant and detained the complainant at gunpoint. The officer stated he waited for other units to arrive and then arrested the complainant.

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

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity

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

FINDINGS OF FACT: The complainant stated the officer used profanity in talking to him.

The named officer denied using profanity.

Three officers at the scene stated they did not recall the named officer using profanity.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer made racially derogatory comments.

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

FINDINGS OF FACT: The complainant stated the named officer repeatedly used racially derogatory comments during the contact.

The named officer denied making racially derogatory comments.

Three other officers at the scene stated they did not recall the officer making racially derogatory comments.

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

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant alleged the named officer racially profiled him.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation, stating that the complainant's race did not play a role in the complainant's arrest.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that during the preliminary hearing, the named officer lied by saying that he saw the complainant pick up and slam the victim to the ground, and punch the victim.

The named officer denied making untrue statements in court. The named officer stated he testified to seeing the complainant throw his victim to the ground but did not testify that the complainant picked up the victim or punched the victim.

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

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer took his clothes and money and never returned them.

The named officer stated he could not recall the complainant having money during the incident. Department records show the named officer booked the complainant's clothing as evidence. Records also show no evidence that the complainant had money on his person when he was arrested.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers who arrested him unnecessarily forced him to the ground and put their knees on his back and legs.

Four officers at the scene denied taking the complainant to the ground and using any force during the detention.

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

No independent witnesses were identified.

The identity of the officers who allegedly used unnecessary force has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/14 **DATE OF COMPLETION:** 07/16/15 **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 she was at a dental clinic when she got into a verbal argument with the receptionist. The complainant stated that another patient got involved and pushed her out of the clinic. The complainant stated that the patient scratched her, prompting the complainant to call the police. The complainant stated that the named officer refused to write an incident report.

The named officer denied the allegation. He stated he interviewed the complainant, the clinic's staff and the suspect. He also reviewed the clinic's security footage. The named officer stated there was no evidence that a crime was committed. The officer stated the complainant was wearing a large coat and did not complain of an injury.

The clinic manager stated the complainant was verbally abusive to his staff and used profanity while children were in the lobby. He stated another female client told the complainant she could not use profanity around the children. The manager stated that when the complainant continued to be disruptive, the female client escorted the complainant out of the office.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to the complainant's race.

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

FINDINGS OF FACT: The complainant stated that the officer refused to write an incident report because he was biased.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #3: 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 sarcastically questioned her mental state.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officer failed to Mirandize.

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

FINDINGS OF FACT: The complainant stated the named officers questioned her fiancé during a domestic violence investigation without giving him the Miranda advisement. The complainant stated one named officer asked her fiancé what happened and if he was in a dating relationship with the complainant before arresting him. The complainant stated another named officer interrogated her fiancé at a police station without reading him his rights.

One of the named officers stated he asked the complainant's fiancé preliminary questions at the scene of the domestic violence incident to identify a suspect and victim. He stated he stopped asking questions once he identified the suspected aggressor and determined the incident involved suspected domestic violence. The other named officer stated he read the suspect his Miranda rights before interrogating him at a police station.

Two witness officers stated they did not hear any conversations between the named officers and the domestic violence suspect at the arrest location. One witness officer stated a named officer provided the Miranda advisement at the police station.

The complainant's fiancé stated the named officers did not inform him of his Miranda rights.

An audio recording of the interrogation began with a named officer reading the suspect his Miranda rights.

The suspect verbally confirmed he understood his rights.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer arrested the complainant's fiancé without cause.

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

FINDINGS OF FACT: The complainant stated the named officer arrested her fiancé for a domestic violence battery even though she instigated the fight and was unharmed.

The named officer stated he arrested the complainant's fiancé because he admitted committing a battery and the battery was captured on video.

A witness officer stated he observed the complainant's fiancé yell at and push the complainant. The witness officer stated the complainant's fiancé said he pushed the complainant because he wanted to get away from her.

The complainant's fiancé stated he pushed the complainant so she would stop following him.

In an audio-recorded police interrogation, the complainant's fiancé admitted pushing the complainant in frustration and anger.

A video of the incident showed the complainant's fiancé lunge at the complainant several times before yanking her body forward by the hair and pushing her away.

Department policy required the officer to arrest the complainant's fiancé because he was identified as the aggressor in a domestic violence battery.

The evidence proved 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: 08/21/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #4: The officer issued a false order.

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

FINDINGS OF FACT: The complainant stated the named officer obtained an emergency protective order (EPO) on her behalf, even though she told him she did not want an EPO. The complainant stated that, although she was the victim in a domestic violence battery, she did not need an EPO because she instigated the fight and was unharmed.

The named officer stated he requested an EPO because he had evidence the complainant's fiancé committed a domestic violence battery against the complainant and believed she was in immediate danger. The named officer stated there was a history of domestic violence between the complainant and her fiancé, including a similar domestic violence incident the previous day. The named officer stated he issued the EPO in accordance with DGO 6.09, which prevented him from considering the complainant's wishes when requesting an EPO.

A witness officer stated he observed the complainant's fiancé push the complainant.

The complainant's fiancé stated he pushed the complainant away in self-defense and to end their verbal argument. The complainant's fiancé stated the named officer misconstrued his words and the fight with his fiancé was less serious than it appeared.

Video of the incident showed the complainant's fiancé lunged at her several times during an apparent argument, yanked her upper body downward by pulling on her hair, and pushed her away. Department records indicated a similar domestic violence incident occurred the previous day.

In an audio-recorded SFPD interview, the complainant's fiancé admitted he and the complainant were previously involved in two similar domestic violence incidents.

The named officer's actions were permissible under DGO 6.09, which encourages officers to request an EPO when evidence exists that a victim is in immediate danger, regardless of the victim's desire for an EPO.

The evidence proved 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: 08/21/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #5: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated the named officer assumed her fiancé committed a crime because he had tattoos and an arrest record.

The named officer stated he arrested the complainant's fiancé because he admitted committing a battery and the battery was captured on video.

A witness officer stated he observed the complainant's fiancé yell at and push the complainant. The witness officer stated the complainant's fiancé said he pushed the complainant because he wanted to get away from her.

The complainant's fiancé stated he pushed the complainant so she would stop following him.

In an audio-recorded police interrogation, the complainant's fiancé admitted pushing the complainant in frustration and anger.

A video of the incident showed the complainant's fiancé lunge at the complainant several times before yanking her body forward by the hair and pushing her away.

Department policy required the officer to arrest the complainant's fiancé because he was identified as the aggressor in a domestic violence battery.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/14 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 1 of 1

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 said she told the named officer her daughter had been physically assaulted by a woman with whom they lived and with whom they were in a rent dispute. The complainant said the officer told her the dispute was a civil matter, and there was nothing he could do.

The named officer said he did not write an incident report because the complainant did not report a crime. He said the complainant told him a co-tenant had verbally mistreated her son.

A witness to the police response said the complainant told the officer that the master tenant had insulted him. Another witness could not recall the incident and does not speak or understand Spanish, which the complainant spoke when making her report to the named officer. A third witness denied the complainant reported any action by the witness against the complainant's daughter.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant said she reported to the officer in Spanish that a master tenant had physically abused her minor daughter, and that the officer treated her reported crime as a civil matter.

The named officer denied the complainant reported any child abuse, and said the child was not on the scene.

A witness said the complainant told the officer that the master tenant was verbally abusing him and the complainant's family, and the officers asked them to leave. Another witness, the alleged abuser, could not understand all of what the complainant told the officer, denied she physically abused the complainant's daughter, and denied the officer told the complainant there was nothing he could do. A third witness could not recall the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/14 **DATE OF COMPLETION:** 07/30/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer mistakenly used her last name in one portion in the narrative of an incident report, which she believed reflected poorly on her.

The named officer acknowledged the error, stating that it was not intentional.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others).

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

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

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

FINDINGS OF FACT: The complainant stated that she told the named officer of an error in a police report that the named officer did not write. The complainant said the named officer took offense and was sarcastic during their conversation.

The named officer denied he acted in the manner alleged by the complainant, saying he recognized the error his partner had made, and apologized to the complainant.

The named officer's partner said he was too far from the complainant's conversation with the named officer to hear its contents.

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: 08/25/14 **DATE OF COMPLETION:** 07/07/15 **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 she was walking when the named officer stopped and questioned her.

The named officer stated he stopped the complainant after receiving a call regarding a suspicious person in the area knocking on doors or possibly casing houses in the area. The named officer stated he detained the complainant because she matched the description of the suspect and was the only person in the area.

Records from the Department of Emergency Management (DEM) show that DEM received a 9-1-1 call regarding a suspicious person. The suspect was described as a black male with long dreadlocks wearing dark pants.

The complainant is a black female with long dreadlocks wearing dark pants at the time of her detention. The complainant was also wearing a red hat.

A witness who knows the complainant stated that the complainant dresses “more like a male.”

The 9-1-1 caller did not respond to OCC’s request for an interview.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #2-3: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the named officers discriminated against her based on race.

The named officers were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. Both denied the allegation, stating that the complainant was detained because she matched the description of a suspect.

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: 08/27/14 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated he was driving on the freeway when his vehicle ran out of gas, prompting him to safely pull over to the shoulder of the roadway. The complainant stated he left his car, took public transit home and called the co-complainant and witness for assistance. The complainants and witness returned to the car with gas and saw two officers stopped at the complainant's vehicle. The complainant stated the officers allowed him to put the gas into the car, but it would not start. The complainant said the officers then told him they were going to tow the car because it was obstructing the roadway, which the complainant denied.

The named officer stated the vehicle was towed because it was posing danger to northbound traffic without its hazard lights on in the dark.

A witness officer stated the complainant's car was dark and un-illuminated and close to the active lanes of traffic, posing a risk to moving vehicles.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainants and their witness stated that the officers asked them drug related questions, which the complainants found to be inappropriate.

The named officers did not recall the alleged conversation.

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: 09/03/14 **DATE OF COMPLETION:** 07/15/15 **PAGE #1** of 4

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 he was refused service at a restaurant and was standing on the sidewalk outside the restaurant when two uniformed officers approached him and told him to leave. The complainant stated the officers left the scene but returned a second time when the complainant again refused to leave the area. The complainant stated that the named officer placed him in handcuffs, dragging him around and then placing him in the back seat of the patrol car. The complainant alleged that the named officer's actions were racially motivated.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He could not recall the incident in question.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #2-5: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the arresting officers behaved inappropriately toward him, telling him to shut up. The complainant also stated that while at the station, the officers at the station refused to allow him to call his lawyer and to use the restroom.

The named officers could not recall the incident in question or their interaction with the complainant. One of the named officers stated that the complainant was taken into custody because the complainant was unable to care for himself.

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: 09/03/14 **DATE OF COMPLETION:** 07/15/15 **PAGE #2 of 4**

SUMMARY OF ALLEGATIONS #6-7: The officers handcuffed the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was refused service at a restaurant and was standing on the sidewalk outside the restaurant when two uniformed officers approached him and told him to leave. The complainant stated the officers left the scene but returned a second time when the complainant again refused to leave the area. The complainant stated that he was then placed in handcuffs and taken to the station.

One of the named officers stated that he did not remember the complainant or the incident in question. The other named officer stated he and his partner gave the complainant two opportunities to leave but eventually determined that the complainant was under the influence.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #8-9: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was refused service at a restaurant and was standing on the sidewalk outside the restaurant when two uniformed officers approached him and told him to leave. The complainant stated the officers left the scene but returned a second time when the complainant again refused to leave the area. The complainant stated that he was then placed in handcuffs and taken to the station.

One of the named officers stated that he did not remember the complainant or the incident in question. The other named officer stated he and his partner gave the complainant two opportunities to leave but eventually determined that the complainant was under the influence, prompting them to take the complainant into custody for public intoxication.

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: 09/03/14 **DATE OF COMPLETION:** 07/15/15 **PAGE #3 of 4**

SUMMARY OF ALLEGATIONS #10-13: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated he used his cell phone and recorded his encounter with the police officers who detained and arrested him. The complainant stated his cell phone was taken at the time of his arrest and returned to him upon his release from jail. The complainant stated that when he was released, he noticed that the officers had wiped his cell phone clean, thereby erasing the video he had taken of his contact with the police.

The named officers did not remember the complainant or the incident. The named officers denied that they would have tampered with the complainant's cell phone in any way, including erasing the video the complainant allegedly made of the incident.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #14: The officer applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated that while he was at the station, the named officer re-handcuffed him to the bench. The complainant stated the officer applied the handcuffs too tightly.

The named officer stated that he did not remember the complainant or the incident.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/14 **DATE OF COMPLETION:** 07/15/15 **PAGE #4 of 4**

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

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

FINDINGS OF FACT: Department General Order (DGO) 1.03 requires that officers remain in constant radio contact with the Communications Division.

Records from the Department of Emergency Management show that the named officer and his partner responded to a call-for-service regarding a trespasser. While the records failed to indicate that the named officer and his partner transported the complainant to the station, the records did show that the officers notified dispatch that they were at the station on a follow up associated with this call for service. In addition, a representative from DEM told the OCC that because of some chatter on the radio, the officers' transmission "could have gotten lost in the mix."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 07/07/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer detained her on suspicion of vandalism, even though she did not match the description of the suspect. The complainant is an African American female who was 37-years old at the time of her detention. The complainant stated she was wearing dark blue skinny jeans, a t-shirt, a black sweatshirt, and black shoes. The complainant stated she had long hair.

The named officer stated the complainant matched a suspect description broadcast by dispatch, which was of an African American woman wearing dark clothing near the complainant's place of employment, prompting him to detain her.

Records from the Department of Emergency Management (DEM) show that the initial 9-1-1 call described the vandalism suspect as a 26-year-old Black female with short hair wearing a black top, black pants, and long boots.

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

The evidence established that the named officer had reasonable suspicion to detain the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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 named officer detained her on suspicion of vandalism based on her race. The complainant stated she informed the named officer she was teaching a class when the vandalism occurred. The complainant stated the named officer did not believe she was a schoolteacher and assumed she was the suspect based on her ethnicity.

The co-complainant stated the officer “singled out” the complainant because of her skin color.

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. He stated he detained the complainant because she matched the description of a vandalism suspect and was standing near where the crime occurred. The named officer denied detaining the complainant based solely on her race.

A witness stated she spoke with the named officer and confirmed that the complainant had been teaching a class when the crimes occurred.

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: 09/18/14 **DATE OF COMPLETION:** 07/13/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that he willingly surrendered to the named officer, but the officer struck him in the face and placed him in a chokehold.

The named officer denied the allegation. The named officer stated he observed the complainant break into a car and then flee from the named officer. The named officer stated he used physical control on the complainant in order to arrest him and to prevent him from fleeing. The named officer stated he tackled and forced the complainant to the ground with a headlock and the complainant's head struck an adjacent pole. The named officer denied using excessive force and denied that he placed the complainant in a chokehold. The named officer stated the complainant was uncooperative and non-compliant during the arrest. The named officer stated he and the complainant both sustained visible injuries.

A supervisor conducted a use of force investigation into the incident. The SFPD investigation found no merit to the use of unnecessary force allegation. The supervisor and the named officer called an ambulance for medical attention to the complainant who had objective signs of injuries to his head. The use of force was properly documented in the report and in the station use of force log.

Department records show that the complainant was arrested for burglary.

Witness officers denied the use of unnecessary force.

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 take the complainant into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/14 **DATE OF COMPLETION:** 07/13/15 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated the officer yelled and made vulgar statements.

The named officer and witness officers denied the allegation.

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: 09/26/14 **DATE OF COMPLETION:** 07/15/15 **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 the named officers failed to contact the on-call commissioner and seek an Emergency Protective Order (EPO) on his behalf, stating that the officers only did so for his ex-partner. The complainant stated that he was arrested for being the primary aggressor in a domestic violence incident with his ex-partner. The complainant admitted to having a physical altercation with his ex-partner but stated that he also sustained injuries.

The named officers denied the allegation. They stated they were only required to obtain an EPO on behalf of the victim. One named officer stated that he investigated the matter by speaking with the complainant, the victim and other officers. He also obtained the complainant's permission and searched the complainant's residence.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/14 **DATE OF COMPLETION:** 07/02/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she and two unidentified women, all in wheelchairs, were looking in shop windows when two officers approached them, accusing her of smoking crack and being drunk. While the complainant admitted that she had been drinking, she stated she was no longer drinking when the officers approached her. The complainant stated she was then cited for having an open container of vodka in her possession.

One of the named officers denied the alleged inappropriate comments. The other named officer did not recall the alleged comments.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she was cited for having an open container of vodka. The complainant stated that the container was inside her purse and was not visible.

The named officer and his partner stated they observed the complainant with a bottle of alcohol. The named officer stated the complainant had an open container of alcohol in her hand and demonstrated objective signs of intoxication.

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: 10/02/14 **DATE OF COMPLETION:** 07/02/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4: The officer searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant stated the officer took her purse and emptied the contents, finding a partially consumed bottle of vodka inside.

The named member denied that he emptied the contents of the complainant's purse. The witness officer did not recall the named officer empty the complainant's purse.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she was being harassed by the named officer.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/14 **DATE OF COMPLETION:** 07/31/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he called police five (5) times to report excessive noise from a house party, and that “no officers reported to the complaint.”

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

Records from the Department of Emergency Management (DEM) shows that when the complainant initially called 911, the named officers were dispatched to the call and arrived on the scene within six (6) minutes from the time they were dispatched to handle the low priority call. The named officers stated they spoke to the owner/occupant of a property hosting an outdoor party. The owner/occupant was advised that the party was too loud, disturbing neighbors and would have to be shut down. The music was turned off and the owner/occupant said he would shut the party down.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he called police five (5) times to report excessive noise from a house party, and that “no officers reported to the complaint.” The complainant did not respond to OCC’s request for an interview.

The named officers denied failing to respond to the calls, saying they responded to the location and did not locate a loud party. The first named officer stated he recognized there were several calls for the same incident and advised dispatch to close all of the pending calls with the following disposition: GOA (gone on arrival). The second named officer stated that he and his partner did not respond to the complainant’s request to meet with the officers because the complainant specifically asked to speak with a sergeant, as noted in the complainant’s earlier call to DEM.

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: 10/03/14 **DATE OF COMPLETION:** 07/10/15 **PAGE#** 1 of 2

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 while he was riding his bicycle, he stopped by the named officer. The complainant did not contest the violation for which he was cited, but told the officer that he did not have identification on his person. The officer informed the complainant that he'd need to go to the station to be properly identified if he didn't have identification. The complainant stated despite complying with the officer's instructions, the officer placed him in handcuffs.

The officer stated that he placed the complainant in handcuffs for his own safety. He stated that he noticed a bulge in the complainant's front right pants pocket, with a thick object that resembled a wallet when the complainant dismounted from his bicycle. The officer said that the complainant denied having identification or a wallet at least three times. He stated that he explained the importance of properly identifying a subject when issuing a ticket. The officer believed the complainant was not being truthful and was attempting to conceal his identity for an unknown purpose. He said that because the complainant was lying to him and he couldn't see his waistband, the officer felt his own safety was at risk, as he had no idea who he detained or why the detainee was being evasive.

Department regulations state that a person arrested solely for an infraction offense, shall be cited, except when the person refuses to present satisfactory evidence of his/her identity. The complainant failed to provide his identification card to the officer, despite admitting to having it in his possession. Without being able to ascertain the complainant's true identity at the scene of the traffic stop, the complainant was subject to custodial arrest. All persons subjected to custodial arrest shall be handcuffed.

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: 10/03/14 **DATE OF COMPLETION:** 07/10/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that after being stopped for a traffic violation, he told the officer he did not have his identification on him. The officer placed him in handcuffs and asked if he had anything sharp in his pockets before beginning to pat him down. The complainant stated that he told the officer, "You do not have permission to search me." The officer proceeded to take the complainant's wallet from his right front pocket, and locate his ID within the wallet. The complainant denied knowing that he had his ID on him.

The named officer stated that the complainant denied having his identification at least three times. After placing the complainant into handcuffs, the officer conducted a cursory search for weapons in the waist area and found none. He said he felt the outside of the pants pocket and recognized an object to be a thick wallet inside his front pants pocket. He removed it and located the complainant's California ID. He said that the complainant verbally objected to the search. He stated that he removed the wallet and located the identification to properly ID the complainant, conducted a records check and ultimately issued a citation under his true name.

Department regulations state that a person arrested solely for an infraction offense, shall be cited, except when the person refuses to present satisfactory evidence of his/her identity. Department policies further state that all persons subjected to custodial arrest shall be searched. The complainant failed to provide his identification card to the officer, despite admitting to having it in his possession. Without being able to ascertain the complainant's true identity at the scene of the traffic stop, the complainant was subject to custodial arrest. All persons subjected to custodial arrest shall be searched.

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: 10/06/14 **DATE OF COMPLETION:** 07/07/15 **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 the named officer was impatient and did not take him seriously when he tried to report an attempted murder. The complainant stated his doctors tried to murder him by purposefully neglecting to prescribe necessary medication for his condition.

The named officer stated she was patient and took the complainant seriously. The named officer stated that, although the elements of attempted murder were not met, she wanted the complainant's concerns documented and ordered a police service aide to prepare an incident report about a suspicious occurrence.

Department records indicated a police service aide prepared a suspicious occurrence incident report regarding the incident.

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: 10/08/14 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer cited him for failing to stop at a stop sign. The complainant stated he came to a full and complete stop and should not have received a citation.

The named officer stated he had an unobstructed view when he observed the complainant fail to stop at the stop sign. The named officer stated the complainant was traveling at approximately 20 miles per hour and did not attempt to stop.

A witness officer stated he observed the complainant fail to stop at 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 engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the named officer pulled him over because the complainant is African American. The complainant stated the named officer laughed with his partner about racially profiling the complainant while the named officer prepared the citation in his patrol car.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He stated he did not notice the complainant's race until after he stopped him. He denied stopping or citing the complainant based on his race. The named officer stated he did not recall laughing during the traffic stop and denied engaging in any inappropriate behavior.

A witness officer stated the named officer did not comment on the complainant's race or laugh during the traffic stop.

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: 10/16/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was the subject of a traffic stop, in which he was issued a citation for missing license plates. The complainant stated that at the time of the stop, he showed the officers his purchase contract, as well as the Used Vehicle Dealer Notice/Temporary Identification which stated that a vehicle displaying that document can be driven without license plates or registration card until either the purchaser received the plates, or a 90-day period commencing with the date of sale expired.

One named officer, who issued a correctable citation to the complainant, stated that at the time of the incident, she was a recruit officer, and did not have discretion not to issue a citation when she learned of a violation. She stated that she could not recall what paperwork the complainant showed her but said she recalled that it did not seem legitimate and did not match what was described in the DMV computer system. She stated that it generally takes 11-15 days for a vehicle sale to be processed and that there was no indication of a transfer of liability in the vehicle registration system at the time.

The second named officer, who was the field training officer and reviewed the actions of the first named officer, said he did not recall the incident involving the complainant, but contended that the document presented by the complainant would not excuse someone from not having plates on their vehicle because "California DMV does not issue new plates every time a transfer of ownership happens when you buy used vehicles." He said a used vehicle is supposed to come with plates unless certain circumstances apply, such as buying it from a junkyard or it having previously had personalized plates. He said if it were purchased from a reputable dealer, it would have the plates with it that were previously issued for the car.

Department records of the information the officers received in response to queries on their vehicle's Mobile Digital Terminal, as well as input from a DMV investigator familiar with the dealer who sold the complainant his car, showed that the officers correctly determined that there was no record of a transfer of the subject vehicle's registration to the complainant. Further, according to the DMV investigator, there was no reason in the vehicle records indicating that the original license plates should not have been transferred with the vehicle, causing the absence of the plates to appear suspicious. The named officer's issuance of a correctable citation did not place an undue burden on the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/16/14 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the male officer said, “everything looks in order,” but the female officer issued him a ticket anyway. The complainant said that the female officer said something about the area he was stopped being a high-crime area and mentioned that he was driving a Cadillac. The complainant stated that after he was released, he returned to the area and watched the same officers neglect to stop four other vehicles, with white drivers that did not have license plates and had similar tags in the window. The complainant said this was racial profiling and that the officer’s comments about it being a high-crime area made him believe he was racially profiled.

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. She denied she engaged in biased policing due to race. She denied knowing the race or ethnicity of the complainant before conducting the stop and denied that his race was a factor in stopping him. She said the complainant was stopped because he was driving a vehicle that did not have license plates in violation of CVC 5200. She also denied that the complainant’s race or ethnicity influenced her decision to cite him. She also denied that the make of his vehicle influenced her decision to cite him. She denied telling the complainant that he was cited for driving a Cadillac in a high-crime area.

A witness officer could not recall this incident but denied that race or ethnicity would have contributed to the decision to stop or cite 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: 10/16/14 **DATE OF COMPLETION:** 07/31/15 **PAGE #** 1 of 3

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 the officer placed her in handcuffs without justification.

The named officer stated he handcuffed the complainant twice because she would not comply with his orders to remain seated. The officer stated the complainant stood up and attempted to leave without signing the citation.

The officer's partner stated that while he was writing the complainant a citation, the complainant continually attempted to stand up and leave, even though she had been instructed to stay seated until they were done.

Video footage showed the complainant standing up and trying to leave and that she was subsequently handcuffed.

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 applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated that the officer applied the handcuffs too tight.

The named officer said he put the handcuffs on the complainant and checked them for proper tightness.

The named officer's partner said the complainant's handcuffs were checked and they were not too tight.

No witnesses were identified.

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:** 07/31/15 **PAGE #** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that once she was headed home, she noticed all her money was missing from her purse. The complainant further stated that she did not know if the officers took it, or if it was stolen while she was asleep on the bus, but stated that she had the money earlier that night.

The named officers were interviewed and denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that she was awoken on a bus by police officers who she believed were enforcing a law against sleeping on a bus. The complainant said the morning after she was in contact with the officers, she found a citation in her belongings for failing to provide proof of her bus fare.

The named officer stated he issued the complainant a citation for fare evasion pursuant to Penal Code 640(c) (1) MUNI fare, no ticket. The officer stated he asked the complainant for proof of payment of fare and she did not provide it.

A witness officer stated the complainant did not provide proof of payment of fare when asked to do so.

Video and audio footage of the contact between the complainant and the officers indicated that the officers asked the complainant for proof of fare payment but contained no indication that the complainant provided or showed a transfer to the officer. The video footage also appeared to show the officer filling out a citation.

No witnesses were identified.

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:** 07/31/15 **PAGE #** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer never gave her the citation but when she looked in her purse the following morning, she found a signed citation in her purse. The complainant stated she did not sign the citation and that the signature on the citation was not her signature.

The named officer and his partner stated the complainant signed the citation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/14 **DATE OF COMPLETION:** 07/20/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was engaged in a verbal argument with another female when police were called to the scene. The complainant stated that the named officer sided with the other party and failed to admonish the other party about threatening the complainant.

The named officer denied the allegation. He stated he interviewed the complainant and the other party. The named officer stated he was calm and professional, while the complainant was angry and agitated, making incoherent statements. The named officer stated he instructed both parties to stay away from each other and suggested to them that they could seek a restraining order. The named officer prepared an incident report pursuant to the complainant's request.

A witness stated the complainant and the other party were in a verbal argument only. The witness stated she did not hear the officer's conversation with the complainant and the other party.

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: 10/30/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that while he was crossing a street, an officer yelled at him to use the crosswalk. The complainant stated the officer was supposed to monitor traffic but instead, he observed him to be on his phone all day. The complainant stated that when he returned across the street, he saw the officer wearing headphones and sitting on a barricade, looking at his cell phone. The complainant stated he approached the officer and asked him if he was on a break. The complainant stated the officer repeatedly used profanity in responding to his question and in making numerous demands and inappropriate comments.

The named officer stated the complainant was angry for being told to use the crosswalk. The officer stated he displayed stern behavior because the complainant said he was a former Marine and behaved in a way that made the officer suspicious that the complainant might attack him. The officer stated he could not remember using profanity.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant stated the officer used a sexually derogatory term in describing the complainant.

The named officer stated he could not recall using the word he was alleged to have used in reference 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: 10/30/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer behaved and spoke inappropriately. The complainant stated the officer asked him in a condescending manner if he had a problem with the officer or with police. The complainant stated the officer also told him that he would make his life “a living hell” if he were to see him again. The complainant stated the officer also intimidated him by following him closely while berating him.

The named officer stated he recalled asking the complainant if he had any issues with the Department and if he wanted to hurt the officer, as part of an assessment of the complainant’s mental state. The officer stated the complainant refused to answer, raising his suspicion that the complainant might be dangerous. The officer stated he followed the complainant at one point during the contact to make sure the complainant complied with his orders to use the crosswalk and not to interfere with the officer’s assignment.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer was on his cell phone “all day” during an assignment where he was supposed to be monitoring traffic.

The named officer, who reported that he was on an overtime assignment monitoring traffic at a construction site, stated that he performed all his duties as assigned but acknowledged that he recalled receiving a phone call from a merchant on his department issued phone. The officer also recalled checking his Department email, as required.

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: 10/30/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5: The officer failed to promptly provide his name when requested.

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

FINDINGS OF FACT: The complainant alleged the officer refused to provide his name when the complainant asked for it.

The named officer stated he could not recall the complainant asking for his name.

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: 10/31/14 **DATE OF COMPLETION:** 07/20/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he was having an argument with his mother when she called the police. The complainant stated that the named officer used profanity when speaking to him.

The named officer denied the allegation.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/14 **DATE OF COMPLETION:** 07/23/15 **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 he was walking alone when he was stopped for no apparent reason.

The named officer stated that the complainant matched the description of one of the suspects in a burglary, prompting him to detain the complainant.

Department records show that a witness positively identified the complainant as one of the suspects in a burglary.

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 searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that after he was detained, the named officer searched him.

The named officer stated that the complainant matched the description of one of the suspects in a burglary, prompting him to detain the complainant. The named officer stated he conducted a pat search of the complainant.

Department records show that a witness positively identified the complainant as one of the suspects in a burglary.

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: 11/13/14 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3 - 5: The officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officers behaved inappropriately, making fun of his ring tone.

The named officers denied the allegation.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant was taken into custody after a witness positively identified him as one of the suspects in a burglary. The complainant stated that during a search at the station, marijuana was found on his person and was subsequently cited for possession of marijuana.

Department records indicate that the named officer was instructed to cite the complainant. Records also indicate that there was probable cause to take the complainant into custody after he was positively identified by a witness as one of the suspects in a burglary.

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: 11/13/14 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7 - 8: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that he was racially profiled because the officers scrutinized his identification and photographed it prior to being cited out.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both officers denied the allegation. The named officers stated they were required to verify the complainant's identity. After verifying the complainant's identity, the complainant was cited and released.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/14 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT : The complainant stated he was walking down the street when three officers approached him. The officers called him by his name and asked him for his identification. The complainant stated the officers told him he was under arrest for violation of a restraining order. The complainant said he told the officers the restraining order was no longer in effect.

The named officer stated he recognized the complainant and knew that he had a restraining order, which prevented the complainant from being in the area. The named officer stated he verified that the restraining order was still active and placed the complainant under arrest.

Court records established that the complainant had two active protective orders preventing him from being in the area where he was arrested.

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 harassed the complainant.

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

FINDINGS OF FACT : The complainant stated that the officer arrested him to harass him.

The named officer denied the allegation. He stated that he knew the identity of the complainant and was aware that the complainant had an active restraining order. The named officer stated he arrested the complainant because he was in violation of the restraining order.

A witness officer stated he had no knowledge or belief that the named officer was harassing the complainant. Another witness officer had no recollection of the incident.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/14 **DATE OF COMPLETION:** 07/01/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION 1: The officer made an inappropriate comment.

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

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

The named officer denied making the alleged comment to the complainant.

A witness officer denied hearing any of the verbal interaction between the complainant and the named officer.

Another witness officer had no recollection of the incident.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated she was walking to her car with a co-worker after getting off from work. As she was opening the driver's side door of her car, a truck came speeding around the corner and hit her car door. She later learned that the driver of the truck was an undercover SFPD officer.

The named officer stated that he was driving an unmarked vehicle with the flow of traffic. He saw the complainant standing by her car and moved as far as he could in the lane without going into the other lane, which was occupied by another vehicle. As the officer was about to pass the complainant, she opened her car door, hitting the officer's vehicle. The named officer stated that the complainant was at fault because she opened her door in an unsafe manner.

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

No independent 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 that after the crash, the officer got out of his vehicle and started yelling at her.

The named officer denied yelling at the complainant.

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

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: 11/20/14 **DATE OF COMPLETION:** 07/09/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the investigating officer found her at fault. The complainant stated she believes the investigating officer sided with the other driver because the other driver was a police officer.

The named officer stated that he conducted interviews of both parties involved in the collision and looked at physical evidence and determined that the complainant opened her door in an unsafe manner. The named officer stated that he determined the complainant to be at fault for the collision and was cited.

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

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant denied being at fault of the traffic collision.

The named officer stated that he conducted interviews of both parties involved in the collision and looked at physical evidence and determined that the complainant opened her door in an unsafe manner. The named officer stated that he determined the complainant to be at fault for the collision and was cited.

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

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: 12/01/14 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated the named officer failed to conduct a proper investigation of a sexual assault that occurred in her apartment while she was asleep. She stated her cell phone captured a video of the assault. She stated she must have been drugged because she had no recollection of the assault. The complainant stated that even though she had no recollection of the rape, she knew that “several people” raped her. The complainant stated she secured the dead bolt lock on her door before going to sleep and it was still secured when she woke up. The complainant stated the named officer failed to test all the evidence, attempted to close the case when no DNA analysis had been done, failed to view all the video evidence, and lost her case file.

The complainant’s cell phone video recorded the complainant preparing to take a nap, and then recorded her sleeping for 2 hours and 44 minutes. At hour 1:29, the cell phone alarm sounded and awakened the complainant for about one minute. Other than going to the toilet twice, nothing else of consequence occurred. No one else could be heard or seen in the video.

According to the incident report, the complainant reported the assault at Southern Station the following day. Two officers viewed the complainant’s cell phone video and responded to her apartment to investigate. When the officers arrived, a male friend of the complainant was inside her apartment. There were no signs of forced entry. Two Special Victims Unit investigators responded (including the named officer) and interviewed the complainant. The complainant’s clothing and sheets were seized as evidence.

The named officer stated he viewed the complainant’s cell phone video as well as the apartment building’s surveillance video and saw no suspicious activity. He stated that some seized evidence was tested and no foreign DNA was detected. He stated he subsequently forwarded other physical evidence to the Crime Lab and those results were still pending. The named member stated the case file was not lost and was housed in the Special Victims Unit. He stated the complainant didn’t recall being sexually assaulted and the video didn’t show anyone inside her apartment. There were no signs of forced entry. He stated the complainant also told him that her dog was in the apartment and never barked or made noises during this incident. The named officer stated that the complainant claimed to have been drugged but declined to provide blood and urine samples to police.

The named officer’s supervisor stated the complainant’s rape kit was submitted to the Crime Lab and an additional test request was submitted. The result of the latter test was pending.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/14 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer never followed up with her. She also stated she questioned him about video evidence and he failed to answer her questions “correctly.” She stated the named officer lied to her about watching the video and yelled at her when she asked him a question.

The named member stated - and SFPD records reflected - that the named member met with the complainant three times. He also stated he phoned the complainant to inform her that no foreign DNA was detected on the rape kit. The named officer denied yelling at the complainant. He stated he viewed the complainant’s video and saw no suspicious activity.

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

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

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

FINDINGS OF FACT: The complainant stated that she met with the named officer in the presence of a Special Advocate from the District Attorney’s Office. The complainant stated the named officer lied when he said that her case file was not lost. The complainant further stated the named officer told her that the investigating officer lost her case file.

The named officer stated that the case file was not lost and denied telling the complainant that the case file was lost. He stated that the complainant’s Special Advocate was present at the meeting.

The complainant’s Special Advocate stated she accompanied the complainant to a meeting with the named officer. She stated the named officer did not tell the complainant that her case file was lost. The named officer told the complainant that the inspector assigned to the case had been moved to another unit and they had to obtain the file from him. The Special Advocate stated the named officer told the complainant that they had not yet received DNA results from the Crime Lab and he did not know when he would receive the results. The Special Advocate stated the complainant didn’t understand why she had to wait so long for DNA results. The Special Advocate denied that the named officer made any inappropriate comments.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 07/23/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove in a negligent manner.

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

FINDINGS OF FACT: The complainant stated an officer illegally parked his motorcycle on a public sidewalk. The complainant further stated the officer left the area and drove on the sidewalk forcing the complainant to take evasive action to avoid the motorcycle.

The named officer denied the allegation. He stated his motorcycle had electrical problems requiring him to keep it as dry as possible so he parked it on the sidewalk to shelter it. The named officer denied endangering any pedestrian.

No independent witnesses were identified.

There was insufficient evidence to 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 an officer lied to him when the officer said it was legal for an officer to park his motorcycle on the sidewalk.

All officers at the scene denied the allegation.

The identity of the alleged officer has not been established.

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: 12/08/14 **DATE OF COMPLETION:** 07/20/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION 1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he received medical treatment at a hospital sometime in October or November 2014. The complainant stated he refused to leave the hospital and security called the police. The complainant stated officers pulled him from the hospital bed onto the floor.

The alleged incident has not been located.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/14 **DATE OF COMPLETION:** 07/20/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called the police when he learned that a person, with whom he had an ongoing dispute, was seen near the complainant's home. The complainant stated a judge had admonished the subject at a court hearing earlier in the day to stay away from the complainant's home. The complainant stated he did not have a restraining order against the subject. The complainant stated two officers responded and refused to take a statement from him.

The named officers stated that they spoke to the complainant and the other witnesses present. The officers stated the subject was not present and a search for the subject was negative. The officers said they determined that no crime had been committed and, therefore, did not prepare an incident report.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/14 **DATE OF COMPLETION:** 07/08/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he owned a nightclub on Third Street and that the officer entered a protest to his attempt to reinstate a liquor license sometime in 2008. The complainant stated he did not fight the protest. His liquor license was revoked in 2010 and he was unable to obtain a new license. The complainant said he believed the officer's actions prevented him from making a living.

The named officer stated that in April 2009, he received notification from the California Department of Alcoholic Beverage Control (ABC) that the complainant applied to restore a liquor license. During the ABC license application process, local law enforcement and the general public can protest the issuance of the license. The named officer acknowledged he, in his capacity as a permit officer and on behalf of the SFPD, protested the ABC liquor license application because the issuance of the permit would degrade the neighborhood in which the complainant's nightclub was located. The officer stated that SFPD subsequently withdrew the protest when an agreement was reached with the complainant to operate the business as a restaurant and not a bar.

Documents obtained from the ABC show that the complainant's liquor license had been surrendered and was not in use since December 1, 2006. The records further indicate that the license was revoked as of October 11, 2010. The action taken by the ABC was pursuant to California Business and Professions Code §24200 (a&b) and California Code of Regulations §65(d).

A representative from the ABC stated the complainant's liquor license was revoked solely as a result of the complainant's failure to comply with an ABC Department Order that he takes action within a three-year period to maintain the license.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/14 **DATE OF COMPLETION:** 07/09/15 **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 called for police assistance and reported observing gang members in his building. The complainant stated the named officer and her partner responded to his apartment unit, but instead of investigating the incident, the officers detained him and transported him to the San Francisco General Hospital.

The named officer stated she and her partner responded to the complainant's apartment to conduct a well-being check. The named officer stated they had difficulty entering the apartment because the complainant blocked the door with a refrigerator. Once inside, she observed the apartment to be in disarray. The named officer stated the complainant reported gang members were planning to kill him. She stated that she found the complainant disoriented and incoherent and that he provided nonsensical answers to her questions. The named officer stated she detained the complainant for mental health reasons after determining he was gravely disabled.

The named officer's partner is no longer employed by the SFPD and was not available for an interview.

Two officers that responded to the scene of the complainant's detention stated that they observed the complainant was unkempt, confused and rambling and unable to make reality-based statements.

Two other officers who responded did not recall the 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: 01/05/15 **DATE OF COMPLETION:** 07/20/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was crossing a street on a green light, in a crosswalk, when two officers drove by him slowly and stopped the car in front of him after he had reached the north sidewalk and told him to stop. The complainant stated he was then cited for jaywalking.

The first named officer stated he and his partner detained the complainant because he walked against a red light, in violation of the California Vehicle Code. The second named officer stated the complainant walked against a red light causing motor vehicles to abruptly brake to avoid hitting him.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited him for jaywalking.

The named officer stated he cited the complainant for walking against a red light, which is a violation of the California Vehicle Code.

The named officer's partner stated the complainant walked against a solid red light causing motor vehicles to abruptly brake to avoid hitting him.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/15 **DATE OF COMPLETION:** 07/20/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officer approached him on foot on two separate occasions and used a racial slur while speaking to him.

The officer stated he did not encounter the complainant on the first date alleged as he was off-duty and was not working that day. The officer stated that on the second date, he and his partner detained the complainant for walking against a solid red light causing motor vehicles to abruptly brake in order to avoid hitting the complainant. The officer denied using a racial slur in speaking to the complainant.

The named officer's partner stated he did not hear the named officer use any racial slurs during the contact with the complainant.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer threatened him.

The named officer and his partner denied threatening the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 3, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/15 **DATE OF COMPLETION:** 07/17/15 **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 the named officer, when he stopped the complainant for a traffic violation, told him he was stupid, to get out of his car during a traffic stop and placed his hand on his handgun when he ordered the complainant to get back in his vehicle.

The named officer acknowledged that he conducted the traffic stop, but denied putting his hand on his gun or holster and denied telling the complainant it was stupid to get out of his car during a traffic stop.

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: 01/12/15 **DATE OF COMPLETION:** 07/16/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: 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 ALLEGATIONS #3-4: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer failed to take a report.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to take a report when the complainant reported a crime.

The named officer denied refusing to take a report.

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: 01/15/15 **DATE OF COMPLETION:** 07/20/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he crossed a street near an intersection outside of a marked crosswalk while walking to his car. He stated the named officer cited him for failing to yield to traffic crossing the street.

The named officer stated that he and his partner were driving in a marked patrol car when they saw the complainant walk into the street mid-block and walk in front of the officers. He stated that the car had to be stopped to avoid hitting the complainant. He stated he asked the complainant why he didn't use the crosswalk and the complainant said his car was parked mid-block.

The named officer's partner stated the complainant was detained and cited because he walked in front of a moving vehicle.

The complainant acknowledged crossing the street outside of a crosswalk.

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 engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that the named officer engaged in biased policing due to race when the officer cited him for a traffic violation. The complainant stated that other people in the area were jaywalking and they were not cited.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied the allegation. He denied that the complainant's race was a factor in his decision to cite the complainant.

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:** 07/20/15 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 14-059.

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

FINDINGS OF FACT: Department Bulletin No. 14-059, Traffic Stop Data Collection Program Information, issued on March 3, 2014, states in part:

Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

- Moving violations, including bicycles and pedestrians
- --

The named officer stated that he did not enter the data because the complainant was not in a vehicle. He stated that this contact was not a vehicle stop because the person cited was on foot. While the bulletin does specifically mention pedestrians, the officer stated it was his understanding that traffic stop data need not be collected when stopping someone who is not in a vehicle.

The evidence established that the officer's explanation for not complying with Departmental Bulletin 14-059 was reasonable in light of the Department Bulletin's confusing language that requires E585 data entry after "any vehicle stop" without clarification that members are also required to make E585 entries involving stops of bicyclists and pedestrians for moving violations.

The OCC recommends that the Department revise Department Bulletin 14-059 so that it explains that traffic stop data collection includes vehicle, pedestrian and bicycle stops related to moving violations, MPC violations, Penal Code violations, Transportation Code violations, 916 vehicle and high-risk stops, mechanical or non-moving violations, DUI's, traffic collisions, assistance to motorists, BOLO/APB/Warrants.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 07/30/15 **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: In his written complaint, the complainant stated that he had a heated conversation with a dog owner, who told him to leave or he would call the police. The complainant wrote that a responding officer forced him to relinquish his driver's license, and detained him without cause. The complainant did not respond to requests for an OCC interview.

The named officer acknowledged having contact with the complainant but denied detaining him.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the officer insulted and stigmatized him by repeated derogatory remarks to his neighbors. The complainant did not respond to requests for an OCC interview.

The named officer denied he made any of the alleged remarks.

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: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #1 of 7**

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

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

FINDINGS OF FACT: The complainant alleged that the named officer failed to properly investigate and communicate with her about her sexual assault case.

Police Department records indicate that the complainant went to the hospital following what she described as a drug-facilitated sexual assault. At the hospital, the named officer interviewed the complainant and took over the investigation from the original responding officers. The complainant told the named officer that she had very little memory of the sexual assault. She remembered drinking alcohol before and during a city event. She recalled meeting an unknown male and then woke up confused and disoriented in an unknown apartment with the suspect seated nearby. The complainant believed the suspect was the same person she met at the city event. The complainant told the named officer that she believed she had been drugged by her assailant and then sexually assaulted.

A certified nurse examined the complainant and after gathering evidence, placed the complainant's sexual assault kit evidence in the forensic refrigerator. Two days later, a transporting officer picked up the kit and transferred it to the Department's property control division.

The named officer's chronological of investigation indicates that over a period of about eleven weeks, the named officer met with the complainant six times and spoke with her by phone three times. Shortly after the incident date, he visited two locations with the complainant, in hopes of identifying the apartment where the assault occurred. He gathered the names of five males who lived in the building where the complainant thought the assault had occurred. The named officer contacted and interviewed the five males. The named officer showed the complainant photos of the five males and she did not make any positive identification of the assailant.

The named officer suggested that the complainant use social media to locate and identify possible suspect(s). When the complainant found a potential suspect through a website, the named officer suggested that the victim attempt to contact the suspect through email and establish a dialogue. When this was not successful, the named officer contacted the suspect, interviewed him, and obtained an oral swab for DNA testing from him.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #2 of 7**

During his interview of the suspect, the named officer obtained contact information for three alibi witnesses. The named officer interviewed the three witnesses who corroborated the suspect's whereabouts on the date of incident.

The chronological further indicates that after the named officer showed the complainant the suspect's driver's license photograph, the complainant continued to believe that the suspect was her assailant. The named officer designated the case inactive pending the DNA results of the sexual assault kit. According to the named officer, a case is deemed "inactive" when laboratory results are pending.

Approximately six months after being assigned to complainant's case, the named officer transferred to another division. The complainant learned of the named officer's reassignment when she phoned seven months after the assault for an update of her case and the named officer's voicemail message stated he was no longer in the unit. The named officer's chronological indicates that following the complainant's inquiry of her case and five months after the named officer had collected a DNA swab from a potential suspect, another inspector submitted for testing the DNA swab from the potential suspect and a comparison of the suspect's DNA with any profile identified from the complainant's sexual assault kit. The chronological indicates that the day after submitting these two requests to the crime lab, this inspector called and updated the complainant about the status of her case.

For almost two years after the inspector's submission of the suspect's DNA swab, the complainant received no information about the status of her case. The chronological of investigation for the complainant's case indicates that during a period of twenty-two months, no one in the Department contacted the complainant, reassigned her case, nor attempted to determine the results of the complainant's sexual assault kit and the potential suspect's DNA swab. The complainant appeared at a public hearing more than two and half years after the incident and a year and ten months after her last contact with the Department and stated that she was still waiting for the results of her sexual assault kit. After the public hearing, the Department was requested to determine the status of the complainant's case. A lieutenant contacted the crime laboratory and obtained results of both DNA tests. The DNA results were contained in the Forensic Services Division's Report of Laboratory Examination dated two months before the lieutenant's call to the crime laboratory. This report stated that the testing of the complainant's sexual assault kit had detected sperm and that this unknown semen donor DNA profile would be submitted to the Combined DNA Index System (CODIS) for searching at the state level. The report also stated that the suspect the complainant had identified had been excluded as a possible source of the DNA detected in the complainant's sexual assault kit. Four days later, the same lieutenant informed the complainant of these results.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #3 of 7**

The evidence indicates that during the first two months that the named officer was assigned to complainant's case, he pursued several investigative leads. He met with the complainant at the location where she believed she had been sexually assaulted and interviewed witnesses and potential suspects who resided there. When the complainant identified a potential suspect through social media, the named officer interviewed him and obtained a DNA sample from him for testing. During the first two months, the named officer also met with the complainant six times and spoke with her by phone three times. Thus, initially the named officer made reasonable efforts to investigate the complainant's case and to maintain contact with the complainant.

Concerning the reasonableness of the named officer's submission of the complainant's sexual assault kit for testing approximately five weeks after the incident was reasonable, the named officer stated at the time of the incident the timeframe for submitting a sexual assault kit for testing was determined by the "development of the investigation" and not mandated, as it is now. This case predates the passage of San Francisco Administrative Code §2A.89 entitled "Implementing the California Sexual Assault Victims' DNA Bill of Rights." Section 2A.89 required by March 1, 2011 that the Police Chief implement procedures for collecting and testing DNA evidence in sexual assault cases, including the testing of DNA evidence obtained from a healthcare provider within not more than fourteen days of receipt. Thus, in the absence of a specific timeframe for testing forensic evidence collected from a sexual assault victim, the named officer did not violate any department policy or procedure when he submitted for testing the complainant's sexual assault kit approximately five weeks after the incident. The named officer's more problematic action was that he collected an oral swab for DNA testing from a suspect the complainant had identified and the named officer had interviewed and yet never submitted this forensic evidence for testing and comparison with the DNA results from the complainant's sexual assault kit. Only through the complainant's inquiry into the status of her case six months after the incident did another inspector¹ submit for DNA testing the oral swab of a potential suspect and request that this suspect's DNA profile be compared with any profile identified by the complainant's sexual assault kit.

Moreover, the evidence establishes beyond any doubt that once the named officer was transferred to another unit, the complainant's case was not reassigned to another investigator. For almost two years, no one in the Department followed up to determine the results of the complainant's sexual assault kit and the potential suspect's DNA swab. Equally problematic, no one in the Department contacted the complainant to update her about the status of her case. Only after the complainant testified at a public hearing that two and half years after being sexually assaulted she was still waiting for the Department to inform her of the DNA testing results did the Department look into the status of the DNA testing.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #4 of 7**

To establish clear timelines for the testing of sexual assault forensic evidence, the OCC recommends that the Department develop and implement procedures that comply with the 2014 amendments to Penal Code §680, the “Sexual Assault Victims’ DNA Bill of Rights.” These procedures include that sexual assault forensic evidence received by a law enforcement agency on or after January 1, 2016 should be submitted to the crime lab within 20 days after it is booked into evidence. These procedures also require the crime lab to process sexual assault forensic evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence. Alternately, a crime lab can transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, for processing of the evidence for the presence of DNA. These procedures should also include the rights of sexual assault victims as set forth in Penal Code §680.

To enhance communication with sexual assault victims, the OCC recommends that the Department develop and implement a procedure that notifies sexual assault victims at least every 60 days on the status of their case, including any change in the name and contact information of the investigator on their case, whether or not a DNA profile of the assailant was obtained from the testing of the rape kit evidence or other crime scene evidence, whether the DNA profile of the assailant developed from the rape kit evidence or other crime scene evidence has been entered into the Department of Justice Data Bank, and whether there is a match between the DNA profile developed from the rape kit evidence or other crime scene evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Data Base, provided that disclosure would not impede or compromise an ongoing investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #5 of 7**

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

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

FINDINGS OF FACT: The complainant stated that she was told that her sexual assault kit would be processed in 14 to 60 days. The complainant also stated that during the investigation, instead of the named officer having a warrant and escorting her into the residence where she thought she had been assaulted, she had to “sneak” into the residence unattended while the named officer kept the owner distracted outside.

The named officer denied the allegations. He stated that normally during his initial contact with the victim and prior to the nurse examining the victim, he explains the process and advises victims that it takes 1-2 years to receive the results from the sexual assault DNA analysis. He insisted he was always truthful and would never tell a victim that the DNA testing could be processed that quickly.

In regards to the unauthorized entry into a residence, the named officer denied the allegation. The officer recalled meeting the complainant at a house where she thought the assault may have occurred. He did not recall if the complainant entered the house and thought she might have looked inside the door. The named officer recalled talking to the owner, but did not recall if he ever stepped inside the residence.

The chronological report included details of the named officer’s contact with two separate resident owners and did not mention that the complainant entered either residence.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #6 of 7**

SUMMARY OF ALLEGATION #3: The SFPD Forensic Services Division failed to promptly test the complainant's sexual assault kit.

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

FINDINGS OF FACT: The complainant alleged that the San Francisco Police Department did not promptly test the sexual assault kit in her case. She also alleged that the Department is not currently complying with San Francisco Administrative Code §2A.89 that mandated the Police Chief to implement procedures for collecting and testing DNA evidence in sexual assault cases, including the testing of DNA evidence obtained from a healthcare provider within not more than fourteen days of receipt.

During the investigation of the complainant's sexual assault, the assigned inspector submitted the complainant's sexual assault kit five weeks after the incident. Seven months after the incident, the complainant contacted the inspector to find out about the results of the sexual assault kit and learned through the inspector's voice mail that he had been reassigned to another unit. The inspector's chronological indicates that following the complainant's inquiry of her case and five months after the investigator had collected a DNA swab from a potential suspect, another inspector submitted for testing the DNA swab from the potential suspect and a comparison of the suspect's DNA with any profile identified from the complainant's sexual assault kit. The chronological indicates that the day after submitting these two requests to the crime lab, this inspector called and updated the complainant about the status of her case.

The complainant appeared at a public hearing more than two and half years after the incident and a year and ten months after her last contact with the Department and stated that she was still waiting for the results of her sexual assault kit. After the public hearing, the Department was requested to determine the status of the complainant's case. A lieutenant contacted the crime lab and obtained results of both DNA tests. The Forensic Services Division's Report of Laboratory Examination stated that the testing of the complainant's sexual assault kit had detected sperm and that this unknown semen donor DNA profile would be submitted to the Combined DNA Index System (CODIS) for searching at the state level. The report also stated that the suspect the complainant had identified had been excluded as a possible source of the DNA detected in the complainant's sexual assault kit.

Two SFPD captains who presently work or have worked in the forensics services unit responded to the allegations. The captains stated that over the years, the volume of crime lab requests for sexual assaults, homicides, burglaries and robberies has dramatically increased. Specifically, the crime lab requests for DNA analysis have grown exponentially, as a result of public awareness and the importance of DNA evidence in criminal cases. The captains stated that DNA analysis involves scientific tasks that are

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 07/06/15 **PAGE #7 of 7**

extremely time consuming and laborious in an industry where technology is constantly evolving. Added to the time required for extensive analysis of forensic evidence, criminalists are called upon to appear in court for hearings, motions and jury trials. Criminalists must test and validate new and upgraded equipment. Laboratory certification and audits take time away from forensic evidence analysis. Even when new criminalists are hired, they are unable to immediately start working independently because of certification requirements.

The captains reported that in 2010, the SFPD crime lab employed only six criminalists II's, three criminalist I's (screeners only) and two supervisors, a critical staffing shortage to handle the increasing demands on the lab. The Department outsourced some of the testing because they were inundated with enough work for approximately 40 criminalists. In 2011, the Department secured the resources to hire additional personnel to bolster the staff of the DNA section of the crime lab. By 2014, the staff of the crime lab DNA section included four supervisors and eleven analysts.

The captains stated that there are some instances where DNA analysis of sexual assault kits begins within days. They emphasized that DNA analysis is very complicated and involves a multitude of time-consuming processes. They also stated that it is difficult for the Department to complete testing within the city ordinance's fourteen-day timeline. Both captains highlighted that the Department's Additional Sexual Assault Program (ASAP) was developed to better prioritize and handle the testing and analysis of forensic evidence in sexual assault cases.

To establish clear timelines for the testing of sexual assault forensic evidence, the OCC recommends that the Department develop and implement procedures that comply with the 2014 amendments to Penal Code §680, the "Sexual Assault Victims' DNA Bill of Rights." These procedures include that sexual assault forensic evidence received by a law enforcement agency on or after January 1, 2016 should be submitted to the crime lab within 20 days after it is booked into evidence. These procedures also require the crime lab to process sexual assault forensic evidence, create DNA profiles when able, and upload qualifying DNA profiles into CODIS as soon as practically possible, but no later than 120 days after initially receiving the evidence. Alternately, a crime lab can transmit the sexual assault forensic evidence to another crime lab as soon as practically possible, but no later than 30 days after initially receiving the evidence, for processing of the evidence for the presence of DNA. These procedures should also include the rights of sexual assault victims as set forth in Penal Code §680.

The OCC also recommends that on a yearly basis, the Department present a written report to the Police Commission about its collection and testing of DNA evidence in sexual assault cases, including its compliance with the time goals of Penal Code §680.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/15 **DATE OF COMPLETION:** 07/07/15 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was at the Hall of Justice when an unknown officer said to him, "If you get on the same elevator as me...I'm gonna draw my gun and say that you tired to grab me and I'm gonna shoot you." The complainant stated he felt traumatized by this incident.

A witness officer stated she assisted the complainant shortly after the incident. The witness officer stated the complainant identified the unknown officer only as a male officer in uniform. The witness officer stated she did not know the identity of the alleged officer.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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