

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/15 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested her without cause for elder abuse over 4 ½ years ago.

The named officer stated he did not recall the incident due to the length of time between the incident and the filing of the OCC complaint.

Department records showed that the complainant was arrested for battery and elder abuse.

A witness stated the victim requested that he call the police because the victim alleged that the complainant had assaulted her. The witness stated he did not witness the alleged assault and was not present when the complainant was arrested.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #2-4: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that in 2010, an officer became angry and threw furniture in the station interview room in order to scare her. The complainant stated another officer looked over his shoulder from a nearby room and tried to frighten her. The complainant stated that officers humiliated her by treating her as if she was already guilty. The complainant stated the officers who transported her to the station screamed at her to get out of the police car.

The named officers stated they did not recall 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: 04/22/15 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer behaved in an inappropriate manner.

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: 04/30/15 **DATE OF COMPLETION:** 09/04/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 4: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant said officers forcefully entered her residence without cause, claiming they received a call of a female screaming for help.

The named officers acknowledged entering the home, but said they were responding to a call of a possibly mentally disturbed woman yelling for over an hour inside her apartment, possibly involving a fight. The officers said dispatch checked the address and informed them of two prior calls to the location; one of a domestic violence with merit and the second one of a mentally disturbed person without merit. Hearing an argument inside the complainant's apartment, the officers said they believed an exigency existed to conduct a well-being check.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 regarding a possible mentally disturbed woman yelling for over an hour inside her apartment, possibly involving a fight.

The evidence showed that the presence of exigent circumstances provided the named officers legal authority to enter the complainant's apartment. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer searched a residence without cause.

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

FINDINGS OF FACT: The complainant said the officer searched several rooms despite her objections.

The named officer said he conducted a protective sweep of three of four rooms inside the complainant's apartment, but left once he was satisfied that no one needed emergency services.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 regarding a possible mentally disturbed woman yelling for over an hour inside her apartment, possibly involving a fight.

The evidence showed that the presence of exigent circumstances provided the named officer legal authority to enter and search the complainant's apartment. 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: 04/30/15 **DATE OF COMPLETION:** 09/04/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #6: The officer used profane language.

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

FINDINGS OF FACT: The complainant said the named officer used profanities when she asked if he had a warrant to search her residence.

The named officer and two witness officers denied that the named officer used profanity.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said that she stood in front of the named officer's path inside her residence, but the officer walked forward and pushed her back with his chest.

The named officer said he walked into the living room and around the complainant who stood with arms outstretched protecting her son's bedroom. The officer said he behaved appropriately despite the complainant's erratic and irrational behavior, which included calling him Asian despite his explanations that he is not Asian. Once he was satisfied that no one inside was in need of emergency services, the named officer left.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/15 **DATE OF COMPLETION:** 09/15/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he was assaulted on a public transit bus. The complainant stated officers arrived and arrested his attacker for aggravated assault. The complainant stated the officers failed to gather sufficient evidence for the District Attorney's Office to prosecute his attacker. The complainant stated the officers should have obtained the bus video surveillance footage and taken witness statements from other bus passengers.

The OCC reviewed the evidence. The evidence indicates the named officers interviewed the available witness and arrested the suspect at the scene. The evidence indicates the case was forwarded to a Station Investigation officer who obtained a copy of the bus video surveillance. The Station Investigation officer reviewed the surveillance video and forwarded it to the District Attorney's Office as part of the suspect's rebooking packet.

The evidence shows that the District Attorney's Office refused to prosecute the case.

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

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

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

San Francisco District Attorney's Office
Thomas Cahill Hall of Justice
850 Bryant Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/15 **DATE OF COMPLETION:** 09/28/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: UF **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 September 22, 2015.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 22, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 09/10/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated he was intoxicated when he left a local bar with an unidentified companion. The complainant stated he was detained by two officers who placed him in handcuffs. The complainant stated that the officers brought his arms up in a painful manner, causing him to complain of pain. The complainant declined to identify his companion to the OCC.

The named officers denied the allegation. They stated they were called to the scene by their supervisor when their supervisor detained the complainant for public intoxication. The named officers stated the complainant displayed objective signs of intoxication, and when they contacted the complainant, he became combative. The named officers stated they handcuffed the complainant at the scene and he resisted. One of the named officers stated the complainant tried to swing his arms away during handcuffing. The other named officer stated the complainant tried to pull his arms away. Both named officers denied the complainant made any complaint of pain or injury at the scene.

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: 06/19/15 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on September 10, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 09/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 18, 2015.

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 18, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/15 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on September 4, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/15 **DATE OF COMPLETION:** 09/17/15 **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. The complaint has been referred for investigation to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 09/15/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-3: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that he was arrested by three plainclothes officers. The complainant stated he felt that his arrest constituted harassment.

Department records showed that the complainant was arrested for an outstanding warrant.

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: 08/26/15 **DATE OF COMPLETION:** 09/21/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction and has been referred for investigation to:

U.S. Park Police – San Francisco Field Office
Operations Division
1217 Ralston Avenue
San Francisco, CA 94129

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/15 **DATE OF COMPLETION:** 09/04/15 **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 was referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 09/02/15 **PAGE** #1 of 1

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

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

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

San Francisco Department of Public Works
2323 Cesar Chavez Street
San Francisco CA 94124

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 09/09/15 **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 Police Department
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/15 **DATE OF COMPLETION:** 09/10/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: An unknown officer engaged in biased policing.

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

FINDINGS OF FACT: The complainant stated he briefly observed an interaction between an unknown male and an unidentified police officer. The complainant stated that the interaction between the two was racially motivated, and that the interaction lasted a few seconds. The complainant was not involved in the incident and could not provide information about the man or the unknown police officer. He stated he did not hear the conversation and did not witness any physical altercation between the two parties.

No witnesses were identified.

The complainant failed to provide enough information for the OCC to proceed with its investigation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/15 **DATE OF COMPLETION:** 09/10/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **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: 09/10/15 **DATE OF COMPLETION:** 09/15/15 **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: An anonymous complainant stated that SFPD command officers failed to discipline an officer for misuse of a Department vehicle in 2003-2004.

SFPD records showed that the station command officers and the Chiefs of Police in 2003-2004 who would have been responsible for the officer's discipline are no longer with the Department and subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/15 **DATE OF COMPLETION:** 09/22/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The SFPD completed a 293 complaint form for the complainant and forwarded the form and a SFPD memorandum to OCC. In the complaint, the complainant stated that she called the police when a neighbor verbally threatened her. The complainant stated that she requested that the responding officers write an incident report, but they refused. The complainant stated that the officers instead provided her with a CAD number.

The internal SFPD memo stated that the complainant responded to the district station and a counter report was taken at the station. According to the SFPD memorandum, the complainant stated that she wanted the responding officers counseled and repeatedly stated that she did not want this complaint to be forwarded to OCC. The SFPD memo stated that the complainant later called the station several times and explained that she had met with her neighbor and did not want the incident report to be filed as it was a misunderstanding between neighbors.

The OCC attempted to contact the complainant by mail and by telephone, but the complainant failed to respond.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/15 **DATE OF COMPLETION:** 09/21/15 **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 forwarded to:

San Francisco Recreation & Parks Department
SF Park Patrol Rangers
Attn: General Mgr
501 Stanyan Street
San Francisco, CA 94117

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/15 **DATE OF COMPLETION:** 09/25/15 **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. The complaint has been forwarded 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: 09/17/15 **DATE OF COMPLETION:** 09/24/15 **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: 09/21/15 **DATE OF COMPLETION:** 09/23/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **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: 09/08/14 **DATE OF COMPLETION:** 09/22/15 **PAGE#** 1 of 1

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 arrested without cause.

Department records showed that the complainant was initially arrested for battery pursuant to a private person's arrest. Two alleged victims signed Citizen's Arrest Forms and were booked into evidence. After the named officer conducted his investigation, the complainant was charged with a felony aggravated assault and two counts of battery. The complainant denied these charges.

The alleged victims 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 OCC-ADDED ALLEGATION #1: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated he was slapped and threatened by a master tenant and that the police failed to investigate the crime the complainant had reported.

Department records showed that the complainant was initially arrested for battery pursuant to a private person's arrest. Two alleged victims signed Citizen's Arrest Forms and were booked into evidence. After the named officer conducted his investigation, the complainant was charged with a felony aggravated assault and two counts of battery. The named officer stated that the complainant was arrested based on the statements provided by two victims.

The alleged victims 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/15 **DATE OF COMPLETION:** 09/28/15 **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 the:

San Francisco District Attorney's Office
850 Bryant Street, Suite 350
San Francisco, CA 94103
Telephone No.: (415) 553-1754

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/15 **DATE OF COMPLETION:** 09/24/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant came in to the Office of Citizen Complaints (OCC) and spoke to an OCC investigator regarding an incident involving him and members of the San Francisco Police Department. Because the complainant had criminal charges pending against him, he did not provide a statement when he came in. However, the complainant stated he would return the following week to provide a statement after speaking with his public attorney. The complainant did not return to the OCC to provide a statement.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/14 **DATE OF COMPLETION:** 09/21/15 **PAGE #1 of 1**

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

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

FINDINGS: The complainant stated she was driving to an event with instructions to enter on a street to reach a certain lot. The complainant stated that as she approached the area, the adjoining streets were closed. The complainant stated she approached the intersection and was met by an angry officer who screamed at her to turn around. The complainant stated she asked the officer how to get to the entrance of the specific lot and he screamed back for the complainant to turn around.

The named officer stated he was stationed on the street conducting traffic control as traffic was shut down for an event. The named officer stated he told a few drivers to turn around because the street was closed. The named officer stated he did not specifically recall his contact with the complainant.

One witness could not recall the incident.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/20/14 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that approximately a year earlier, his wife was in a market when a store clerk harassed his wife, and pushed her out of the store and into a concrete pillar. The complainant stated that his wife sustained a bruise to her arm and may have suffered a concussion. The complainant stated that his wife called the police and two officers arrived. The officers spoke with the clerk, the complainant and the complainant's wife and advised everyone that no crime had occurred. The complainant stated that the officers failed to properly investigate this incident and were covering up the matter for the store clerk. The complainant and his wife later filed a police report at a police station.

The OCC queried Department records for this incident but did not locate any documentation that officers responded to the market or that the complainant's wife called for police assistance. The OCC polled the Captain of the district station but no officers were identified as involved in this incident. Neither the complainant nor his wife could provide any names or star numbers of the responding officers. The OCC spoke to the store manager who stated that he had no knowledge of this incident. The store manager stated that the store has video cameras that record; however, the video is only stored for 30 days. The complaint was filed approximately 11 months after the incident occurred.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/14 **DATE OF COMPLETION:** 09/02/15 **PAGE#** 1 of 3

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 that unknown people showed up to his home and they called 911. The complainant stated that SFPD responded and rang his doorbell. When he answered the door, the complainant stated he was placed in handcuffs and subsequently arrested.

The named officer stated he responded to the location for an “A” priority call regarding a person with a knife threatening the reportee. The named officer stated the complainant was detained and subsequently arrested because the complainant had an outstanding warrant.

Records indicated the complainant had an active warrant at the time of his arrest.

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 used excessive force while the complainant was handcuffed.

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

FINDINGS OF FACT: The complainant stated he was assaulted while he was in handcuffs.

The named officer denied the allegation. He stated he ordered the complainant to sit down and the complainant did not comply with his verbal command. He stated that he lightly pushed the complainant’s shoulder down to keep the complainant seated. He stated that the complainant moved his head toward him and he feared the complainant would bite his leg. He stated that he created distance from the complainant by extending his arm to prevent the complainant from biting him.

The witnesses denied the alleged use of excessive force.

Witness officers did not recall witnessing the named officer’s interaction with the complainant.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/14 **DATE OF COMPLETION:** 09/02/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used racially derogatory language.

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

FINDINGS OF FACT: The complainant stated the named officer said to him, "You black piece of shit"

The named officer and witness officers denied the allegation.

No independent witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that an officer pointed a gun to his head when the complainant opened his front door. The complainant stated that when he told the officer, "You assaulted me," the officer said, "I'll just say you attacked me. I'll just say you came off the wall."

The named officer and witness officers denied the allegation.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/14 **DATE OF COMPLETION:** 09/02/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he was handcuffed and sitting down in the presence of his unattended children and his dogs. The complainant stated that one of his sons started climbing a tree and fell, badly hurting himself. The complainant stated his two-year-old child was running around without any shoes. The complainant stated that he called to his son to come near him because he was worried about his child going into the house unattended.

The named officer denied the allegation. The officer stated that the complainant's children were accompanied by an officer at all times until their mother returned to the location. She stated that throughout the entire incident, the complainant's children were cheerful, upbeat and in good spirits. The named officer stated she attempted to make the detention of the complainant away from the children. The named officer stated that the complainant requested to see his children and she complied with his request, which was why the children were allowed to be outside with the complainant.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated she was the victim of a domestic violence incident though she was wrongly arrested as the perpetrator. The complainant stated that her ex-partner lived in the same home but they slept in separate bedrooms for at least six months. The complainant stated that her ex-partner entered her bedroom while she was sleeping with her youngest child and she pushed him away when he tried to kiss her and force her to have sex. Shortly after, the complainant stated officers came to her home in response to her ex-partner having reported that the complainant scratched him in an unprovoked attack. The complainant stated she told the officers that her English was not good and requested a Spanish translator. The complainant stated the officers told her that none was available and for her to continue speaking in English since they could understand her. The complainant stated she was not able to provide details in English about the incident. Later at the residence, the officers used an interpreter to interview her ex-partner about the incident. The complainant stated she was handcuffed, arrested and transported to the district station. At the station, the complainant wrote a statement in Spanish that said her ex-partner had sexually assaulted her and she pushed him off of her during the struggle. The named officers never questioned the complainant about her written statement and did not request any language assistance to review the statement. The ex-partner acknowledged that the complainant speaks very little English.

The named officers stated that the complainant spoke English when they interviewed her at the scene and they had no problem understanding her when she spoke. One of the named officers stated they asked for a Spanish-speaking officer through dispatch, but none came up. The named officers did not recall if the complainant mixed Spanish with English words and did not recall the complainant stating that her English was not good and that she requested a Spanish speaker. One of the named officers stated that he interviewed the complainant's ex-partner with a phone interpreter because the ex-partner was not able to provide any details and was having difficulty in answering questions. One of the named officers stated he believed the complainant's primary language was English and did not identify the complainant as a LEP individual in the report. This named officer identified Spanish/English as the language the complainant spoke when the officer filled out the Domestic Violence Officer Observation Form.

Several indicators established that the complainant was a LEP individual who needed language assistance during the officers' investigation. By one of the named officer's own admission on the Domestic Violence Officer's Observation form, the complainant spoke "Spanish/English" and the ex-partner spoke "Spanish." Because the complainant and her ex-partner were a couple who both spoke Spanish, a reasonable officer investigating the domestic violence incident would have ensured that each had the same

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #2** of 15

SUMMARY OF ALLEGATIONS #1-2 continued:

opportunity through an interpreter to provide a thorough and accurate statement. The domestic violence subject matter expert concluded that the named officers should have provided the complainant an interpreter because they had provided one to her ex-partner. Department Bulletin 14-126 underscores the importance of language access in domestic violence cases—“[u]sing an interpreter ensures that statements from LEP victims, witnesses and suspects are accurate and detailed.”

Three SFPD officers who interviewed the complainant following this incident used a phone interpreter or spoke to the complainant in Spanish further providing evidence that Spanish is the complainant’s primary language.

The named officers violated Department General Order 5.20 when they failed to recognize that the complainant was a Spanish-speaker who needed language assistance when conducting their investigation of this domestic violence case.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated she was the victim of a domestic violence incident. The complainant stated that when her ex-partner attempted to kiss her and force her to have sex, she did not realize that she had scratched him until officers arrived at her home in response to a report made by her ex-partner. The complainant stated that the officers did not investigate the incident properly because they arrested her even though she was the victim of the domestic violence incident.

The named officers stated that they interviewed the complainant, the ex-partner and the daughter. They looked at the ex-partner's injury. The named officers took into consideration all of the evidence including that the complainant's and her ex-partner's statements were consistent, and her ex-partner was the only one with a physical injury. The officers stated that the complainant maliciously came after her ex-partner and the complainant said that she might have scratched him when she pushed him away. The named officers stated that based on their investigation, the complainant was determined to be the primary aggressor.

The named officers' sergeant stated he was called to the scene and the named officers briefed him about the two different statements from each party. The sergeant stated that per Department policy, an arrest had to be made because there was an injury involved. The sergeant stated that he was unaware that the five-year-old daughter at the scene had provided a statement.

One of the named officers interviewed the complainant's five-year-old daughter who stated that her father got on top of her mother and when he attempted to kiss her, the complainant pushed him away.

The evidence established the named officers failed to conduct a careful and complete investigation into the complainant's domestic violence incident. The named officers did not question the ex-partner about his account of an unprovoked attack by the complainant in light of his daughter's account that he committed a sexual battery for which her mom pushed him away. The named officers did not request more details about how the incident occurred especially because victims who are protecting themselves from a batterer's assault often cause superficial scratches on the batterer's face and arms. Although the complainant reported that the ex-partner was aggressive and violent and had assaulted her before, the officers did not ask him about these allegations. The officers did not take into account how little detail the ex-partner provided as to how the incident occurred. Notably when the ex-partner was later interviewed by another officer, that officer noted the difficulty in obtaining clear answers from the ex-partner. The named officers did not consider the ex-partner's large stature compared to the complainant's small

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #4 of 15**

SUMMARY OF ALLEGATIONS #3-4 continued:

stature and the age difference between the ex-partner and the complainant in determining who was the dominant aggressor.

The Department's domestic violence subject matter expert pointed out that the five-year-old daughter's statement and the complainant's written statement corroborated each other. The expert stated that the officers should have considered that the scratch on the ex-partner/father could have occurred in response to the ex-partner's assault of the complainant.

Additionally, because the officers did not provide an interpreter for the complainant, she was not able to speak in detail in her own language what had occurred.

Ultimately, by ignoring compelling, independent evidence from the daughter that contradicted the ex-partner's account of an unprovoked attack, the named officers failed to conduct a careful and complete domestic violence investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #5 of 15**

SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers arrested her even though she was the victim of the domestic violence incident.

The named officers stated the basis for arresting the complainant was due to the injury on her domestic partner. The named officers stated that they determined that the complainant was the dominant aggressor.

The named officers' sergeant stated that he was called to the scene and the named officers briefed him about the two different statements from each party. The sergeant stated that per Department policy, an arrest had to be made because there was an injury involved that the named officers told him the complainant had caused without provocation.

One of the named officers interviewed the complainant's five-year-old daughter who stated that her father got on top of her mother and when he attempted to kiss her, the complainant pushed him away.

The evidence established that the named officers did not properly investigate and consider the evidence before making a felony arrest for domestic violence. The named officers did not consider that the account from the five-year-old daughter contradicted the father/ex-partner's account of an unprovoked attack. The named officers' knowledge that the complainant had initiated the couple's separation months before the incident and that the officers knew the couple slept in separate bedrooms should have also caused the named officers to further investigate the ex-partner's version of events. The named officers did not request more details about how the incident occurred especially because victims who are protecting themselves from a batterer's assault often cause superficial scratches on the batterer's face and arms. Although the complainant reported that the ex-partner was aggressive and violent and had assaulted her before, the officers did not ask him about these allegations. The officers did not take into account how little detail the ex-partner provided as to how the incident occurred. Notably when the ex-partner was later interviewed by another officer, that officer noted the difficulty in obtaining clear answers from the ex-partner. The named officers did not consider the ex-partner's large stature compared to the complainant's small stature and the age difference between the ex-partner and the complainant in determining who was the dominant aggressor.

The Department's domestic violence subject matter expert pointed out that the five-year-old daughter's statement and the complainant's written statement corroborated each other. The expert stated that the officers should have considered that the scratch on the ex-partner/father could have occurred in response to the ex-partner's assault of the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #6 of 15**

SUMMARY OF ALLEGATIONS #5-6 continued:

Additionally, because the officers did not provide an interpreter for the complainant, she was not able to speak in detail in her own language about what had occurred.

The evidence demonstrates that by failing to investigate properly and denying the complainant an interpreter, the named officers incorrectly concluded that the complainant was the perpetrator and unlawfully arrested her for felony domestic violence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #7** of 15

SUMMARY OF ALLEGATION #7-8: The officers failed to comply with DGO 7.04 Children of Arrested Parents.

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

FINDINGS OF FACT: The complainant stated the named officers did not permit her to say good-bye to her children and assure them that they would be taken care of. The complainant was also not provided the opportunity to designate an adult to take care of her children. The named officers never asked the complainant about how many children she had, and thus her child at school was never informed of her mother's arrest.

The witness/ex-partner stated that after he reported the domestic violence incident to the police, he remained at the police station while the officers went to talk to the complainant. The witness stated the officers called him to come to the home and take charge of the children. The witness stated that the complainant was already arrested and in the patrol car when he arrived.

One of the named officers stated he told the complainant that the children would be staying with their father and recalled that the complainant said okay. He did not notify any school in regards to the complainant's 12 year-old daughter, because he was not aware that there was another child and therefore did not mention that fact in the report. The officer did not recall if the complainant was given an opportunity to say good-bye to her children or to explain what was happening. The officer did not believe that the complainant was handcuffed in the presence of her children.

The other named officer stated he did not make arrangements for the children because he was not inside the house. He stated he saw only two children and was not aware of the third child and therefore, did not notify the school. He did not see the children come outside to say good-bye to the complainant while she was handcuffed and under arrest outside.

A preponderance of the evidence demonstrates that the officers did not follow Department General Order 7.04's mandatory procedures to protect children from further trauma when their parent is arrested. The officers did not permit the complainant to explain to her children what was happening and reassure them that they would be cared for in her absence. The officers never inquired about other children the complainant had and thus, the officers never notified the daughter's school about the complainant's arrest. The officers handcuffed the complainant outside on the sidewalk while her children remained inside and thus, the named officers complied with this important aspect of DGO 7.04.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #8 of 15**

SUMMARY OF ALLEGATION #7-8 continued:

Ultimately, by wrongfully arresting the complainant and not permitting her to designate who should care for her children, the named officers left the complainant's three children in the care of the her ex-partner who had just sexually assaulted her in front of her five-year old child.

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

SUMMARY OF ALLEGATION #9: The officer failed to properly supervise

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

FINDINGS OF FACT: The named officer was supervising his subordinates and approved the arrest of the complainant. The named officer stated he was called to the scene by the two arresting officers and was briefed on the incident, the injury of the ex-partner and the two different accounts from each party. The named officer stated he did not have contact with the complainant or the ex-partner. The named officer stated per Department policy, an arrest had to be made because there was an injury. He approved the arrest for the complainant and stated there was no reason to believe that the scratch to the ex-partner was a defensive wound because it was not a self-defense incident based on the two stories he was given. The named officer stated that the arresting officers did not tell him about the statement from the five-year-old at the scene and he was not aware that a statement from the five-year-old was taken. He became aware of the little girl's statement when he read the report prior to the OCC investigation. However, the named officer stated that while at the scene he went inside the home and spoke to the little girl briefly, so that she would not be afraid. The named officer stated he did not interview anyone.

In addition, the named officer stated that a language issue was not brought to his attention. The named officer stated once he left the scene, he had nothing else to do in regards to the incident. He did not review the report for this incident; another sergeant reviewed the report.

SFPD DGO 1.04 establishes the duties of sergeants and states in pertinent part, that supervisors are to train and lead subordinates in the performance of their duties and set an example of efficiency and deportment. Furthermore, supervisors shall require all assigned members to comply with the policies and procedures of the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #9** of 15

SUMMARY OF ALLEGATION #9 continued:

As a supervisor who is training and leading his subordinates, his responsibility is to review the evidence—including the statements of percipient witnesses—to determine the charges. The supervisor's awareness of a child at the scene should have caused him to ask his subordinates about whether the child had witnessed any of the incident. Additionally, DGO 6.09 requires officers to contact Family and Children's Services (FCS) when an officer makes an arrest and a child is present. DGO 7.04 is designed to minimize trauma to children when a parent is arrested. Given that the incident involved domestic violence in the presence of at least one child, the named officer should have taken an active role at the scene to ensure compliance with department policies concerning children.

Additionally, although the named officer stated he was unaware of any language issue, one of his subordinates interviewed the alleged victim through a telephone interpreter at the residence. Thus, compliance with DGO 5.20 was another area the named officer should have taken an active role.

A preponderance of evidence established that the named officer failed to supervise his subordinates in the performance of their duties while investigating a domestic violence incident. The named officer failed to supervise the arresting officers by inquiring and properly investigating the incident to make certain that the officers adhered to Department General Orders 5.20, 7.04, and 6.09 and their academy training.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #10: The officer failed to comply with DGO 5.15, Enforcement of Immigration Laws.

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

FINDINGS OF FACT: The complainant stated that she believed an officer asked her about her immigration status. The complainant stated an officer at the police station took her photo and fingerprints and then asked for her immigration status.

The complainant's arrest and booking card established that the 'citizen' box was marked. The officers listed on the booking card do not match the complainant's description of the officer who inquired as to her immigration status. Furthermore, the evidence shows that the complainant was booked at a district station other than the district station she alleged.

The arresting officers denied that they asked the complainant about her immigration status. 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: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #**11 of 15

SUMMARY OF ALLEGATION #11: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the police department on two occasions denied her the incident report of the domestic violence incident.

The named officer stated she denied the release of the incident report because the complainant was the suspect in the domestic violence case. The named officer stated a suspect is not allowed to receive the incident report according to DGO 3.16 and Penal Code § 841.5. The named officer stated in this case, there was a juvenile listed as a witness and in the narrative of the report. The named officer stated she determined, according to the policy, that it would not be in the best interest of the involved parties to release the report to the suspect based on the Government Code section 6254(f). The officer stated she felt the information in the report would endanger the safety of the involved parties in the investigation.

The complainant was exonerated through the Department's investigation and thus was no longer the suspect in the case. The named officer works in the same unit that investigated the complainant's case and thus had access to the investigative file that included notes about the charges being dismissed against the complainant and the complainant being exonerated by her child's statements. The juvenile listed in the report is the complainant's own daughter who provided the testimony that exonerated the complainant. The alleged victim declined confidentiality at the time of the report. The named officer failed to indicate how the release of the report would endanger the safety of the involved parties.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #**12 of 15

SUMMARY OF ALLEGATION #12: The officer failed to properly complete his investigation.

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

FINDINGS OF FACT: Following the complainant's unlawful arrest as the suspect of the domestic violence incident, the named officer was assigned to investigate the domestic violence incident. The named officer interviewed the victim using a phone interpreter. The victim, who had a facial scratch, reported that the complainant had attacked the victim without provocation. When the named officer asked him about his child's and complainant's statements, the victim stated both were inaccurate. The named officer found the victim difficult to interview and he did not provide any clear or concise answers.

The named officer interviewed the complainant through a phone interpreter that same day. The complainant stated that at the time of the incident, the victim started kissing her and tried to force her to have sex. She did not want to have sex and attempted to push him away. The complainant told the named officer that the victim and the complainant had been together for ten years and had separated several months ago though they continued to live in the same house.

The named officer reviewed the child's account that indicated the child had observed the victim assault the complainant in what appeared to be a sexual battery. After the named officer presented the case to the District Attorney, the District Attorney dismissed the charges against the complainant and found that the complainant had been exonerated through further investigation.

The named officer closed the case. The named officer stated he informed the complainant that the charges against her had been dismissed. He stated he encouraged the complainant to file a police report about the victim's sexual battery against her and told her about domestic violence resources. A lieutenant in the same unit believed that the named officer was not required to continue the investigation upon the complainant being exonerated, because the unit did not have any clear rules concerning this.

A preponderance of the evidence establishes that the named officer failed to properly complete his investigation. There was no documentation that the named officer contacted the complainant after she had been exonerated. The named officer did not make a written report on the sexual battery the victim committed against the complainant that was uncovered during the named officer's investigation. Department General Order 2.01 (25) instructs officers to make all required written reports of crimes or incidents requiring police attention. Additionally there was no documentation that the named officer provided the complainant information about domestic violence services as required by DGO 6.09.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 09/30/15 **PAGE #13 of 15**

SUMMARY OF ALLEGATION #13: The officer towed the complainant's car.

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

FINDINGS OF FACT: The complainant stated she received a phone call from an unidentified person who identified himself as a SFPD officer. The complainant stated the unidentified person told her to return the keys to her ex-partner and threatened to tow the vehicle. The complainant stated that a few months after the incident, her vehicle disappeared from where it was parked. The complainant stated the car was registered to her ex-partner because he drove the vehicle. The complainant stated she gave her ex-partner the money to buy the car. The complainant provided OCC with a DMV vehicle transfer expense form, which contained only the vehicle identification number.

The witness/ex-partner stated he purchased the car with his money, the car did not belong to the complainant and the complainant did not have a driver's license. The witness stated after the incident, the complainant took the car keys from him. The witness stated he took the registration papers to the police and they confirmed the vehicle belonged to him since it was registered under his name and that he had the title to the vehicle. The ex-partner stated after the incident, he sold the vehicle.

DMV records established as of 06/2015, the vehicle was "junked and dismantled." Tow records showed that the vehicle was towed on 12/2013 for "citations" and the ex-partner relinquished the DMV title to the tow company in 01/2014. The previous and sole registered owner of the vehicle was the complainant's ex-partner. DMV records also established that the complainant had no California driver's license and there was no record of any vehicles ever registered to the complainant.

The evidence concerning the outcome of the vehicle refutes the claims of the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.20 Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The named officer prepared an incident report, in which the complainant was the victim of domestic violence. The complainant is a Spanish speaker, who is a limited English proficient (LEP) person. The named officer failed to identify in the incident report the primary language spoken by the complainant, the manner in which language service was provided, and to identify himself as the certified Spanish speaker.

The named officer acknowledged that the incident report he prepared failed to include the required information.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to comply with DGO 5.20 Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The named officer is no longer a member of the Department.

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

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

FINDINGS OF FACT: The named officer is no longer a member of the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/14 **DATE OF COMPLETION:** 09/04/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that while being booked, the named officer asked for the complainant's watch and the complainant provided it to him. The complainant stated the watch was not in his property when he was released the following day.

The named officer denied taking a watch from the complainant. The booking officer stated he did not recall the type of watch that was seized from the complainant. A third officer identified by the complainant as being present at his booking is no longer with the Department.

According to a property receipt signed by the complainant, an unidentified watch was among the property that was returned to the complainant.

No other witnesses were identified.

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/14 **DATE OF COMPLETION:** 09/04/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that during a search of his house, unknown officers improperly seized a laptop, a briefcase and jewelry. He stated that an acquaintance gained access to his home before the officers arrived. He stated he did not suspect that person took anything. The complainant was unable to provide verification that he legally owned the property that was taken.

Six officers searched the complainant's residence pursuant to a valid search warrant. Five of those officers denied taking the property identified by the complainant. The sixth officer is no longer with the Department. Another law enforcement agency also searched the complainant's residence that day.

No independent 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: 11/03/14 **DATE OF COMPLETION:** 09/01/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated that his car was stolen, prompting him to call the San Francisco Police Department non-emergency number several times to request an officer come to his house to take a report. The complainant stated that officers took three days from the time he first called police to respond.

The named officers stated they responded to the complainant's home without delay.

Records from the Department of Emergency Management (DEM) showed that the named officers responded to the complainant's home within approximately six minutes after being dispatched to the call.

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

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

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

FINDINGS OF FACT: The complainant stated that when his car was stolen, officers were slow to take a report and failed to call him when it was located. The complainant stated he talked to the named officers about filing a complaint. He stated the first named officer promised to call him back to register a complaint but failed to do so. The complainant stated the second named officer was pleasant but did not provide the complainant with a complaint form.

Both named officers stated they did not recall the complainant but that they would have filed a complaint for the complainant if he had asked them to do so.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/14 **DATE OF COMPLETION:** 09/01/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he reported his stolen vehicle to police. He stated police recovered the vehicle several days later, but the complainant was not promptly notified of its recovery. As a result, the complainant's car was towed.

The named officer stated he complied with SFPD General Order 9.06, Vehicle Tows, and requested that dispatch contact the registered owner to pick up the vehicle.

Records from the Department of Emergency Management showed that the named officer requested that dispatch contact the registered owner to pick up the recovered vehicle.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 09/30/15 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he was assaulted and injured minutes prior to a street fight involving two groups of young men. The complainant stated he was an innocent bystander who was mistaken for being a member of one of the fighting groups. When police arrived the complainant stated he was detained by the named officer.

The named officer stated that he responded to the scene and was approached by the complainant who was yelling. He stated that the complainant seemed very agitated and appeared to be under the influence of alcohol. He stated that the complainant told him that he wanted to press charges but he did not know the complainant's involvement in the incident. He stated that because he did not know the complainant's involvement, he told the complainant to sit down. He stated that the complainant refused to sit down and continued to be in his face. He stated that the complainant was detained pending further investigation.

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: 11/10/14 **DATE OF COMPLETION:** 09/30/15 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officer slammed him to the ground. In addition, the complainant alleged that the named officer drove his knee into the complainant's right ear and rubbed the complainant's face onto the asphalt.

The named officer denied the allegation. He stated the complainant refused to sit down and continued to be in the officer's face. The named officer stated that when he grabbed the complainant's right arm, the complainant pulled away. The named officer stated he attempted to execute a rear leg takedown, but the complainant continued to pull away. The named officer stated he placed the complainant in a wristlock and, with the assistance of his partner, the complainant was placed in handcuffs.

No independent 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 detain the complainant.

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 yelled at him to shut up.

The named officer denied the allegation.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 09/30/15 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity towards him.

The named officer denied the allegation.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATION #5: The officer failed to take required action

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

FINDINGS OF FACT: The complainant stated that he was punched three times and wanted to press charges. He stated that the named officer refused to take his criminal report.

The named officer denied the allegation. He stated that he attempted multiple times to get a statement from the complainant, with negative results.

The witness officer stated that he attempted to get a statement from the complainant after the complainant was detained, with negative results.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 09/30/15 **PAGE#** 4 of 5

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

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

FINDINGS OF FACT: The complainant stated that he was handcuffed like a criminal, accosted and surrounded by multiple officers. He stated that officers rolled their eyes, joked, and made condescending comments while the complainant was seated on the sidewalk.

All of the officers questioned by the OCC denied the allegation.

The identity of the alleged officer(s) has not been established.

No independent witnesses came forward.

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

SUMMARY OF OCC ALLEGATION #7: This complaint raises matters outside OCC's jurisdiction.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 09/30/15 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: The complainant was placed in handcuffs and transported to SFGH. Upon his release, he was issued an incomplete Certificate of Release.

SFPD General Order 5.03 section II.A.2, states, in part, that if an officer releases a person after he/she has been moved a substantial distance or has been detained a significant length of time, you must issue the person a Certificate of Release and prepare an incident report justifying the movement or the length of detention. DGO 5.03 section II.A.3, also states that if an officer physically restrains a person, a Certificate of Release must be issued.

While the complainant was issued a Certificate of Release, the Certificate of Release was incomplete, lacking the officer's signature, the time the complainant detained, and the time he was released. The Certificate of Release listed the named officer's name, title, unit and star number. In his statement attached to the incident report, the named officer stated he issued the complainant a Certificate of Release.

The evidence showed that the named officer neglected his duty when he issued the complainant an incomplete Certificate of Release, in violation of DGOs 5.03 and 2.01 section 9.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/14 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that her longtime rival attacked her outside of a nightclub and the named officers failed to properly investigate. The complainant stated the named officers immediately arrested her and assumed she was the attacker. The complainant stated the named officers did not bother to ask for the complainant's side of the story and failed to prepare an incident report. The complainant stated the named officers obtained incomplete video evidence and misidentified the location of the video camera when booking the video into evidence.

The named officers stated they prepared an incident report. The named officers stated they witnessed a portion of the physical fight and asked the complainant what happened in order to identify a suspect. The named officers stated they did not immediately arrest the complainant and determined she was the primary aggressor based on her statements, her level of intoxication, and because she tried to continue the physical fight while they were interviewing her. The named officers stated they tried to interview witnesses, but the witnesses would not cooperate. One named officer stated he obtained surveillance video from a neighbor, who refused to provide additional footage. The named officer stated the video footage was low quality, but depicted the entire physical fight.

A witness stated the named officers separated her and the complainant and asked them both what happened. The witness stated the complainant was unruly and lunged away from the officers several times while they were speaking with her.

Department records indicated an incident report was prepared. The incident report contained a summary of the complainant's statements, which were consistent with her description of the incident. Video of the entire physical fight was booked into evidence.

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: 11/14/14 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer did not ask her any questions during a battery investigation and did not provide the *Miranda* admonishment when he arrested her.

The named officer stated he asked the complainant preliminary questions to determine what happened and identify a suspect. The named officer stated that, once he determined the complainant was the primary aggressor, he placed her under arrest and did not ask her any further questions. The named officer stated he did not give the complainant the *Miranda* admonishment because he did not interrogate her while she was in custody.

A witness stated she could not hear any conversation between the complainant and the officers.

The evidence established that the complainant was not interrogated and, therefore, the *Miranda* admonishment was required. In addition, Department records showed that the complainant was arrested pursuant to a private person's arrest. The Citizen Arrest form was booked into evidence.

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: 11/14/14 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer mischaracterized her statements while testifying in court. The complainant stated the named officer falsely claimed the complainant engaged in a physical fight inside a nightclub when she actually told the officer the fight began outside the nightclub.

The named officer denied mischaracterizing the complainant's statements. He stated he accurately testified that the complainant told him the physical fight occurred outside a nightclub. The named officer stated his testimony was consistent with the incident report narrative, which quoted the complainant as stating the physical fight occurred outside the nightclub.

In the incident report narrative, the named officer stated the complainant told him the physical fight occurred outside the nightclub. This statement was supported by the video evidence.

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: 11/21/14 **DATE OF COMPLETION:** 09/08/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that after crossing a street against the red light, he was stopped by two uniformed officers. The complainant stated that one of the officers called him a “moron” for crossing the street.

The named officer denied the allegation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that after crossing a street against the red light, he was stopped by two uniformed officers. The complainant admitted that he attempted to walk away from the officers. The complainant was then placed in handcuffs.

The named officers stated that the complainant was placed in handcuffs after he attempted to walk away and resisted.

No independent witnesses were identified.

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: 11/21/14 **DATE OF COMPLETION:** 09/08/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant was detained and cited for violation of California Vehicle Code section 21453(d), which states, in part, “pedestrian facing a steady circular red or red arrow signal shall not enter the roadway.”

The complainant admitted he crossed a street against the red traffic light.

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

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force during the complainant’s detention.

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

FINDINGS OF FACT: The complainant stated the initial officer grabbed his arm and pushed him onto the ground. The complainant stated he swung his hand back to push the officer away. The complainant stated the officer took him to the ground and placed a knee on his face. The complainant stated the other officer assisted and tried to trip him. The complainant stated he sustained bruises on his left knee and scratches on both his wrists. The complainant stated he did not report his injuries to the officers nor did he seek any medical treatment. The complainant admitted he walked away and kept moving around when the officers were attempting to place him in handcuffs.

The named officers denied the allegation, denying that the complainant was thrown to the ground. They stated the complainant resisted, prompting them to guide him to the ground. The named officers stated the complainant was not injured and did not complain of pain.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/14 **DATE OF COMPLETION:** 09/08/15 **PAGE#** 3 of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an incomplete citation.

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

FINDINGS OF FACT: The named officer cited the complainant for violation of California Vehicle Code section 21453(d). The named officer admitted that the citation was incomplete; lacking his name, star number and unit number as required, in violation of DGO 2.01 section 9.

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

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

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

FINDINGS OF FACT: San Francisco Department General Order 7.01.III.F.3., Policies and Procedures for Juveniles Detention, Arrest, and Custody, states that whenever possible, members should cite juveniles and release them to their parent, guardian, or responsible person.

The named officer stated that the complainant committed a minor traffic violation, prompting the named officer to cite and release from the scene.

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: 12/08/14 **DATE OF COMPLETION:** 09/15/15 **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 was detained and taken to the hospital. The complainant stated he was not in any kind of emotional crisis except for the fact that he had not slept in five days.

The named officer stated the complainant told him that he located white powder on top of his electrical box and decided to rip the electrical box off of the wall to prevent the house from burning down. The named officer stated he conducted an investigation and concluded that based on the lack of corroborating evidence, the complainant was a danger to himself and others. The named officer stated the fire department and the electrical company were called due to the severity and danger of the live electrical wires. The officer stated that the complainant told him that he does not sleep and had stopped taking his prescribed mental health medication.

The witness officer stated he agreed with the 5150 W&I assessment.

Other officers on scene denied having contact with, or making an assessment of, the complainant's condition.

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: 12/09/14 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was placed in tight handcuffs. In addition, the complainant alleged that an officer punched him in the face while at the station.

The named officer, who placed the complainant in handcuffs, denied that he placed the complainant in tight handcuffs. He denied being at the station.

Officers questioned by the OCC denied the alleged use of force.

The complainant's Medical Screening Form showed that the complainant did not complain about being injured. The form was signed by the complainant.

Witnesses at the scene denied that the complainant complained of pain or an injury.

The identity of the officer who allegedly punched the complainant at the station was not established.

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: 12/09/14 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #3: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he did not commit a crime. The complainant stated the reportee fabricated the entire story and made misrepresentations about him.

The reportee stated she called the police to report that the complainant had his child trapped in the house and the complainant was threatening the child with physical harm. The reportee stated she met with the police and reported the threats made by the complainant.

The complainant's girlfriend stated the reportee had fabricated lies about the complainant. The witness stated during the incident, she was unaware that the complainant was outside the residence until she saw him in police custody. The witness stated she unlocked the storage room and officers found the complainant's daughter whom they were searching for. The witness stated she was unaware that the complainant's daughter was inside the storage room.

The named officer stated that the complainant was arrested for threatening his daughter and the mother, for delaying the performance of the named officer's duties in conducting a wellbeing check and for falsely identifying himself to the named officer.

Dispatch reports established that officers received reports of a father involved in threats and harassment against his child.

SFPD incident report showed the named officer responded to the residence for a well-being check regarding an alleged threat by the complainant to kill his daughter. The report indicated that the child corroborated the complainant's threat and believed that he would carry out the threat to harm her and her mother.

A preponderance of the evidence showed that the named officer had probable cause to arrest the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/14 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #4: The officer handcuffed the complainant's wife without cause.

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

FINDINGS OF FACT: The complainant stated the officer handcuffed his girlfriend and placed her into a patrol car for interfering with their investigation.

The named officer stated he handcuffed the complainant's wife because she interfered with a police investigation when she knowingly misrepresented the whereabouts of the complainant and the complainant's daughter.

The complainant's girlfriend denied interfering with the named officer's investigation.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that when he complained of pain from the handcuffs, the named officer ignored him.

The named officer denied the allegation.

Witnesses either did not hear or denied that the complainant complained of pain to this hands or wrists.

There was insufficient evidence to either prove or disprove 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: 12/09/14 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #6 - 7: The officers failed to provide their name and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated that he asked the officers for their names and star numbers and the officers ignored him.

The named officers denied that the complainant asked for their names or star numbers.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #8 - 10: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers made inappropriate comments.

The officers either denied making the alleged comments or did not recall making the alleged comments.

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: 12/16/14 **DATE OF COMPLETION:** 09/10/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested for elder abuse. He stated that the charges were dropped without a hearing and the investigating officer told him that this was a landlord/tenant issue and that the complainant should not have been arrested.

The named officer stated he interviewed the victim but not the complainant, and did not investigate the victim's allegations. The named officer summarized the interview of the victim to his supervisor, after which the supervisor ordered the named officer to arrest the complainant. The named officer's supervisor corroborated that he directed the named officer to arrest the complainant based only on the interview of the victim.

The OCC investigation showed that the supervisor failed to direct the named officer to investigate further before arresting the complainant.

The evidence proved that the alleged act occurred and was the result of inadequate supervision.

SUMMARY OF ALLEGATION #2: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested for elder abuse. He stated that the charges were dropped without a hearing and the investigating officer told him that this was a landlord/tenant issue and that the complainant should not have been arrested.

The named officer stated he ordered the arrest of the complainant for elder abuse based solely on the victim's statement.

The officer who conducted an investigation following the arrest of the complainant determined that this was a landlord/tenant matter and there was no probable cause to arrest the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/14 **DATE OF COMPLETION:** 09/10/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully arrested for elder abuse. He stated that the charges were dropped without a hearing and the investigating officer told him that this was a landlord/tenant issue and that the complainant should not have been arrested.

The arresting officer stated he did not investigate the victim's allegations and arrested the complainant pursuant to a direct order from his supervisor.

The named officer stated he ordered the arrest of the complainant for elder abuse based solely on the victim's statement.

The officer who conducted an investigation following the arrest of the complainant determined that this was a landlord/tenant matter and there was no probable cause to arrest the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/14 **DATE OF COMPLETION:** 09/24/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was riding a Muni train when a male, “off-duty officer” made inappropriate comments to another male on the train. The complainant stated she did not see the badge that the “off-duty” male placed in front of the other male. The complainant stated that she was uncertain if the “off-duty” officer was a San Francisco police officer.

Officer Identification Polls were sent to the Department. The polls came back negative – unable to establish the identity of the alleged officer.

No witnesses were identified.

The identity of the alleged SFPD officer has not been established.

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

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that she was a passenger on a Muni train when an “off-duty” officer ordered another passenger to exit the train.

Officer Identification Polls were sent to the Department. The polls came back negative – unable to establish the identity of the alleged officer.

No witnesses were identified.

The identity of the alleged SFPD 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: 12/26/14 **DATE OF COMPLETION:** 09/15/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he called for police assistance after a shopkeeper reached into the complainant's pocket and robbed him of two thousand dollars cash. The complainant stated the named officer should have written an incident report because the complainant reported being robbed.

The named officer stated a shopkeeper flagged him down to report that the complainant accused him of robbery, threatened to kill him, and tried to break his shop window with a sharp object. The named officer stated he located and interviewed the complainant, who stated the shopkeeper robbed him by refusing to issue a refund for food he had purchased over the course of a year. The named officer stated he did not prepare an incident report regarding the alleged robbery because refusing to issue a refund is not robbery. The named officer stated that, because the complainant had a history of arguing with other local shopkeepers, he arranged a meeting between the complainant and the shopkeeper to discuss their disagreement. The named officer stated he did not prepare a report regarding the complainant's threats because the shopkeeper declined to make a private person arrest.

Department records indicated the named officer responded to a report of a suspicious person.

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: 12/26/14 **DATE OF COMPLETION:** 09/15/15 **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 he called for police assistance after being robbed by a local shopkeeper. The complainant stated the named officer immediately sided with the shopkeeper. The complainant stated the named officer threatened to arrest the complainant if he did not apologize to the shopkeeper.

The named officer stated he listened to both parties and did not favor either the complainant or the shopkeeper. The named officer stated the shopkeeper accused the complainant of threatening to kill him and the complainant accused the shopkeeper of robbing him by failing to issue a refund. The named officer stated he arranged a meeting between the shopkeeper and the complainant, who was a longtime customer of the shop. The named officer stated the shopkeeper asked the complainant for an apology. The named officer denied threatening to arrest the complainant if he did not apologize.

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: 12/29/14 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officers cited her husband for running a red light. The complainant stated her husband did not run a red light.

Both named officers stated they saw the complainant run a red light.

The complainant's husband denied running a red light.

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: 12/29/14 **DATE OF COMPLETION:** 09/16/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer should not have ordered her husband to turn over his keys during a traffic stop. The complainant admitted her husband drove four blocks before pulling over.

The named officer stated he ordered the driver to turn over his keys during a traffic stop because the driver was slow to comply with the named officer's order to pull over. The named officer stated he was worried the driver would attempt to drive away during the traffic stop.

A witness officer stated the driver ignored initial signals to pull over and continued driving four blocks before complying.

The driver stated he drove four blocks without intending to pull over in response to the lights and siren. The driver stated he only stopped his car when an officer verbally told him to pull over.

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:** 09/16/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer yelled, threatened to arrest her husband, and accused her husband of resisting arrest during a traffic stop.

The named officer stated he raised his voice to be heard over the sound of traffic and because the driver was talking over him. The named officer did not recall accusing the driver of resisting arrest. The named officer stated he warned the driver that refusing to sign a citation could result in going to jail.

The driver stated the named officer accused him of resisting arrest because he was unable to give the officer his car keys immediately upon request. The driver stated the named officer warned he would go to jail if he refused to sign the citation.

Video of the incident showed the named officer raised his voice when the driver started talking over him. The named officer lowered his voice when the driver stopped talking over him. The driver told the named officer he would not sign a citation. The named officer warned the driver he would be taken to jail if he refused to sign the citation. The video evidence showed that the named officer's action 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: 01/22/15 **DATE OF COMPLETION:** 09/15/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his housemate stole a binder containing software from inside the complainant's bedroom. The complainant stated he did not witness the theft. The complainant stated he filed a police report regarding the theft and the named officer failed to investigate it. The complainant stated his housemate was involved in a conspiracy and often evaded investigation.

The named officer stated the complainant's case did not meet the criteria for investigation. The named officer stated he was required to consider the merits of the case, the seriousness of the crime, and the availability of staff when deciding whether to investigate the theft. The named officer also stated the complainant accused his roommate of conspiracy and made inconsistent statements about whether he witnessed the theft, which diminished the complainant's credibility.

Department Bulletin 12-058, Case Assignments, required the named officer to evaluate cases for investigation based on severity of the crime, solvability of the crime, presence, or lack thereof, of physical evidence, and victim cooperation. The named officer's decision not to investigate was reasonable based on the non-violent nature of the crime and the lack of witnesses and evidence.

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: 02/05/15 **DATE OF COMPLETION:** 09/04/15 **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 was a bicyclist cited for riding through a red traffic signal. He stated the named officer acted in an unprofessional manner and ranted for over half an hour about the San Francisco Bicycle Coalition having “ruined” bike law and recounted anecdotes about cyclists the officer considered were violators of the law. The complainant stated the officer had a personal bias against cyclists.

The named officer denied the allegation. The officer stated the complainant initiated the discussion regarding cyclists. The officer denied being personally biased against bicyclists.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 09/21/15 **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 was walking on a sidewalk when the named officer detained him for trespassing into a building several blocks away. The complainant denied he had trespassed.

The named officer stated he briefly detained the complainant because he matched the description of the suspect given by the security personnel.

Department records showed the suspect was described as a Caucasian male, 55 years old, thin and wearing black clothing. The complainant met part, but not all of the description given by the reporting party.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer was slightly verbally antagonistic during the contact.

The named officer denied the allegation, stating that his demeanor was calm and professional during the contact.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/15 **DATE OF COMPLETION:** 09/22/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that numerous officers searched the residence without cause.

Department records showed that the named officer led a team of officers to execute a search warrant at the complainant's residence.

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 detained the complainant and her minor son without justification.

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

FINDINGS OF FACT: The complainant stated that she and her son were detained during the search of her residence.

Department records showed that the named officer led a team of officers to execute a search warrant at the complainant's residence. Records also showed that the complainant and her son were issued a Certificate of Release as required.

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: 02/10/15 **DATE OF COMPLETION:** 09/22/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3: The officers failed to promptly provide their names and star numbers.

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

FINDINGS OF FACT: The complainant stated that approximately 30 officers with ski masks entered and searched her home. The complainant stated that the officers refused to provide their names and star numbers.

Department records showed that officers responded to the complainant's residence to execute a search warrant. All of the officers questioned by the OCC either could not recall the complainant asking for their names or star number or did not witness any officers refusing to provide their names and star numbers.

No independent witnesses were identified.

There was insufficient information to establish the identity of the alleged officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/15 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer entered and searched the complainants' residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officer searched her residence without cause.

Department records showed that the search was conducted pursuant to a search warrant.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer messed up her residence as if somebody had vandalized it. The complainant stated the named officer and his team of officers broke picture frames and dressers, removed a closet door off the wall and destroyed the plastic container that her son used to store his clothes. The complainant stated the officers also forced open a locked metal safe containing documents and watches belonging to her father. The complainant stated that no one was present during the search.

The named officer denied intentionally damaging or vandalizing the complainant's residence. The named officer stated he gave permission to breach the front door to gain entry to the residence and to force open a locked safe to search for items listed in the search warrant.

Other officers present denied vandalizing the complainant's property.

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: 02/10/15 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3: The officer unlawfully seized property.

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

FINDINGS OF FACT: The complainant stated the named officer unlawfully seized items from her house. The complainant denied that the items seized by the police were stolen.

The named officer stated that pursuant to a search warrant, numerous items were seized from the complainant's house.

Department records showed that the search was conducted pursuant to a search warrant and that all of the items that were seized during the search were listed in the incident report.

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: 02/19/15 **DATE OF COMPLETION:** 09/23/15 **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 he was speeding when he was pulled over by the named officer. The complainant stated that when the named officer found out that the complainant's driver's license was suspended, the complainant was placed in handcuffs.

The named officer and his partner stated that the complainant was speeding, prompting the officers to stop the complainant. The named officer stated that records indicated that the complainant had a suspended driver's license, prompting him to place the complainant in handcuffs.

California Vehicle Code section 14602.6(a) states, in part, "Whenever a peace officer determines that a person was driving a vehicle while his or her driving privilege was suspended or revoked...the peace officer may either immediately arrest that person and cause the removal of that vehicle..."

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 placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that he complained to the named officer that the handcuffs were tight, but the named officer ignored him.

The named officer denied the allegation. He denied that the complainant complained about the handcuffs being tight. The named officer stated he checked the complainant's handcuffs for the appropriate degree of tightness.

The named officer's partner stated he did not recall the complainant complaining about the handcuffs being too tight.

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: 02/19/15 **DATE OF COMPLETION:** 09/23/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was towed, and that he was not given a property receipt for the property he left in his vehicle.

Department records showed that the complainant's vehicle was towed pursuant to DGO 9.06, Vehicle Tows. Records also showed that an Inventory of Towed Vehicle was completed as required.

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: 03/05/15 **DATE OF COMPLETION:** 09/21/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was driving her car when she dozed off while stopped at an intersection. The complainant stated the next thing she knew, a hand reached into her car, unbuckled her seatbelt, and was pulled her from her car, causing her to become hysterical. The complainant stated the officers took her to the ground and put their knees in her back. She stated the officers told her to calm down. When the complainant calmed down, she stated the officers took their knees out of her back and walked her to their patrol car.

The named officers denied the allegation. They stated they responded to a well-being check of a passed out motorist stopped in an intersection. The named officers stated that they arrived on scene and found the complainant who appeared asleep in her car. Both named officers stated that they were unable to rouse the complainant. The named officers stated the complainant was uncooperative and resisted. One named officer stated that he pulled the complainant from the car and used an arm bar to place her on the ground. The other named officer stated that she and the other named officer grabbed the complainant's arm and placed the complainant on the ground. Both named officers stated that the complainant failed to follow simple commands.

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: 03/19/15 **DATE OF COMPLETION:** 09/04/15 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street - 4TH Floor
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/15 **DATE OF COMPLETION:** 09/08/15 **PAGE** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she encountered a traffic barrier and a uniformed officer told her to stop at the barrier. The complainant stated that she motioned to the named officer that she lived just beyond the barrier and she drove past the barrier to her residence. The named officer then contacted the complainant while she was stopped in her driveway. The named officer told her that when a cop tells her to stop, she would have to stop. The complainant stated she had a discussion with the officer regarding law enforcement priorities in light of recent current events. The complainant stated that the officer then spat in her presence.

The named officer denied the allegation. He stated that he was assigned to the location to perform traffic control duties. The named officer stated that he was standing next to the traffic barrier when the complainant drove towards him. The named officer stated that he raised his hand for the complainant to stop at the barrier and verbally told the complainant to stop; however the complainant continued driving forward past the barrier. The named officer stated that he did not see the complainant motion that she lived on the blocked street just past the barrier. The named officer stated that the complainant yelled at him, accused him of killing people unjustifiably, and mentioned a highly publicized police shooting that occurred in a different state. The named officer stated that he had a cough drop in his mouth and spat away from the complainant to clear his throat. The named officer stated he was fighting a cold.

No witnesses were identified.

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