

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/22/14 **DATE OF COMPLETION:** 10/26/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raised matters not rationally within OCC's jurisdiction.

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

FINDINGS OF FACT: The complainant raised matters not rationally within OCC's jurisdiction.

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DATE OF COMPLAINT: 10/24/13 **DATE OF COMPLETION:** 10/15/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated that she was arrested for a domestic violence incident when she was actually the victim. The complainant stated her former boyfriend stuck her head and face with his fists. The complainant stated that while her former boyfriend was on top of her, she reached out and scratched his face in defense against his attack.

The officers stated that they arrested the complainant after they determined the complainant to be the dominant aggressor, which was based on the lack of injuries sustained by the complainant vs. the injuries that her boyfriend sustained. One officer stated he did not take the former boyfriend's past domestic violence history into consideration in determining the dominant aggressor because it was a "clear-cut case."

The other officer stated the basis for the arrest of the complainant was that the complainant hit the former boyfriend with an object, causing a piece of skin to be torn from his face. The officer stated that if the complainant had been struck in the face, she would have had visible injuries. The officer stated he consulted with the doctor at the hospital and believed that the doctor told him that the bruise appeared to be an old injury.

SFPD evidence established that the officers failed to list the complainant's reported pain on the domestic violence physical assessment form. The incident report was also substantially deficient because of missing or omitted medial information and observations.

The EMT medical records contradicted the officers' statement regarding the injuries to the complainant, whereby the EMT paramedics documented swelling in her face and temporal area and "redness" to her right cheek. Furthermore, medical records from SFGH documented the complainant had a right temporal hematoma, scattered bruises, contusions to her thigh and finger.

An SFPD inspector considered a "special matter expert" on domestic violence stated that officers are taught to consider self-defense and research past history of the parties as well in determining dominant aggressor.

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

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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 the officers refused to allow her the use of the bathroom while at the hospital.

The officers denied the allegation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated while at the hospital, the officers accused her of lying when she told them that she noticed bruises and scratches on her body. The complainant stated the officers told her she had caused the injuries to herself while in the restroom. The officers also accused her of being intoxicated.

The officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to either or disprove the allegation.

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DATE OF COMPLAINT: 10/24/13 **DATE OF COMPLETION:** 10/15/14 **PAGE #3** of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to properly supervise.

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

FINDINGS OF FACT: The OCC investigation established that the officer reviewed and approved the charges for the arrest of the complainant based on the information in the report.

The officer stated that she did not recall the incident. The officer stated she did not recall the domestic violence training she received in the academy nor at the advance officer training. During the OCC interview, the officer's statement showed that her knowledge of the Department's domestic violence protocol was substantially deficient, out of date, and not in compliance with the Department protocol.

Pursuant to DGO 1.04, the officer was obligated to make sure that the named officers complied with the policy and procedures of the Department in regards to this domestic violence incident. The officer failed to ensure that the named officers considered other factors in determining the dominant aggressor, the history of domestic violence between the parties and whether the complainant acted in self-defense. She failed to ensure that the officers discussed in the incident report, whether the wounds and marks on both parties were defensive or offensive. She also failed to ensure the officers listed in the incident report other previous police reports of acts of aggression by the former boyfriend, to include restraining orders against him, previous police reports where the complainant was a named victim and the criminal history of the former boyfriend. Also, in accordance to DGO 2.01, Rule 7, the officer failed to maintain a working knowledge of all information required for the proper performance of her duties.

By a preponderance of evidence, the officer failed to properly supervise, in violation of Department General Order 1.04.

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

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

FINDINGS OF FACT: The complainant stated he did nothing wrong and that he should not have been detained.

Department records showed that the complainant was detained after the named officer and his partner were dispatched to a call regarding an assault of a Parking Control Officer.

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

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

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

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

FINDINGS OF FACT: The complainant stated he was put on the ground and handcuffed. The complainant's wife stated the officer pushed the complainant against a wall and used force to bring him to the ground.

The named officer and his partner stated that the complainant resisted, prompting the named officer to take him to the ground. The officers stated the complainant refused to calm down and advanced towards them in an aggressive manner.

Parking control officers stated they did not witness any excessive force.

No independent witnesses were identified. There was insufficient evidence to establish whether the level of force used by the named officer was minimally necessary to take the complainant into custody.

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

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SUMMARY OF ALLEGATIONS #3 & 4: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers were “friendly and joking” with the parking control officers.

The named officers stated they conducted themselves in a professional manner throughout the incident.

The complainant’s brother-in-law did not mention the alleged behavior and the complainant’s wife said she was unconscious for a portion of the incident.

A witness from the neighborhood said he saw the two men on the ground, but nothing else.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5 & 6: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated the officers did not attempt to get his side of the story, nor that of his brother-in-law.

The named officers stated they attempted to interview the complainant and his brother-in-law, but they were too hostile and aggressive and refused to provide oral or written statements.

The parking control officers stated the two men were hostile, loud, and aggressive throughout the incident.

The complainant’s wife said she was unconscious for a portion of the incident.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation

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SUMMARY OF ALLEGATION #7: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The named officer cited the complainant for battery and for resisting arrest.

The battery citation was pursuant to a valid citizen's arrest. The complainant denied resisting or delaying arrest.

His wife and brother-in-law also denied that the complainant had committed battery, or had resisted or delayed his arrest.

The two parking control officers stated the complainant had committed battery on one of the parking control officers and had resisted and delayed his arrest.

A witness from the neighborhood said he saw the two men on the ground, but nothing else.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer cited the complainant's brother-in-law without cause.

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

FINDINGS OF FACT: The named officer cited the complainant's brother-in-law for resisting/delaying arrest. The complainant, his brother-in-law and his wife all denied the charges.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 11/04/13 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.05, Response and Pursuit Driving.

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

FINDINGS OF FACT: The complainant is the mother of a pedestrian killed by a vehicle that was struck by another vehicle evading police. The complainant said the collision was caused by police pursuing a fleeing vehicle without due care for the risk to civilians.

The OCC reviewed documentary evidence, the audio record of transmissions by involved officers, and interviewed four witness officers and the named officer. The OCC investigation revealed that a motorcycle officer identified and located a vehicle reportedly involved in a shooting. That officer called for marked patrol vehicles to conduct a felony traffic stop. One patrol car with two officers and a patrol vehicle driven by the named officer responded and found the suspect car stopped at a traffic light. As the officers positioned their vehicles for the high-risk stop, the suspect car fled at a high rate of speed. Five seconds later, a sergeant in the named officer’s vehicle identified that vehicle as the “primary unit” in a presumed pursuit.

The named officer said when she arrived at the location to assist in the felony traffic stop, the suspect vehicle was stopped and other officers were beginning their approach on foot. The named officer, who maintained she had not initiated a pursuit, said there was no time before the suspect vehicle fled to determine the risk of a pursuit. The named officer stated she had only begun to follow the fleeing vehicle and did not know if she had even activated a siren when the suspect crashed. The named officer and a witness sergeant who was a passenger in her vehicle stated that when they turned the first corner to follow the fleeing vehicle, they saw the collision occur at the next intersection. The named officer said she had no time to even assess the risk of a pursuit before the crash occurred.

Department incident reports, audio records and statements of witness officers confirmed that the suspect vehicle – ten seconds after beginning its flight – ran a red light and struck another vehicle, resulting in the death of a passenger in the second vehicle, and the complainant’s son, a pedestrian. However, audio records also contained evidence that a siren was activated, just as the named officer’s vehicle was announced as the “primary unit.”

DGO 5.05 mandates officers to evaluate the risk to persons and property before and continually during a vehicle pursuit and immediately terminate the pursuit when it appears to present an unreasonable risk to persons or property. Department records showed that all officers associated with this incident had completed and attested to receiving the Department’s training on emergency response and pursuit driving.

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SUMMARY OF ALLEGATION #1 Continued:

The evidence established that the named officer's vehicle had been designated to the Department of Emergency Management (DEM) as a "primary unit" and had its lights activated during the attempted stop, and possibly had activated its siren when the suspect vehicle fled. As such, steps to establish a pursuit had taken place, but a review of the available evidence shows the named officer did not have sufficient time to determine the risk caused by such a pursuit.

No other witnesses came forward.

There was insufficient evidence to either prove or disprove whether a pursuit was fully initiated, and whether the named officer failed to comply with the Department regulations regarding response and pursuit driving.

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

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SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate traffic collision report.

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer failed to follow the rules of the road.

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

FINDINGS OF FACT: The complainant said the named officer drove his car into her bicycle from behind, as she legally rode on the street, as close to the curb as she could.

The named officer denied that he failed to follow the rules of the road, claiming that he crossed an intersection on a green light and, when he entered the lane at the end of the intersection, the cyclist was not in the lane. He said his vehicle was hit from the side.

A traffic collision investigator concluded that the complainant rode her bicycle in a crosswalk across an intersection, then rode too far from the curb on the other side, causing her bicycle to strike the car driven by the named officer.

A supervisor who reviewed the traffic collision report and conducted a supervisory investigation of the traffic collision agreed with the traffic collision investigator.

One witness who observed the accident said that the complainant was stopped at a red light, perpendicular to the traffic lane in which the officer was traveling, and then turned right into traffic, colliding with the officer's car while her light was still red.

Another witness listed in the accident report did not come forward.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The co-complainant stated he had been riding his bicycle on the sidewalk and was about to enter his grandmother's residence when three plainclothes officers pursued him in their unmarked vehicle by driving in reverse along the street, exiting their unmarked vehicle, and eventually pulling him off of his bicycle.

The named officers stated they were in plainclothes driving an unmarked vehicle when they saw the co-complainant riding his bicycle on the sidewalk. They stated they decided to detain the co-complainant for this traffic violation. They stated that they were taught that plainclothes officers could make traffic stops of pedestrians and bicyclists.

Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the co-complainant's detention was not related to an ongoing criminal investigation and was not necessary to protect life or property. The co-complainant was arrested and charged with violating San Francisco Municipal Code §7.2.12, riding a bicycle on the sidewalk. The evidence demonstrated that the named officers detained the co-complainant for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01.

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

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SUMMARY OF ALLEGATIONS #4 - 6: The officers failed to take required action.

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

FINDINGS OF FACT: The co-complainant stated three plainclothes officers did not identify themselves as police officers when they contacted him. He stated he did not see any badges or stars on their clothing. In a recorded SFPD interview, the co-complainant stated he knew the plainclothes officers were police officers because they were in an undercover car and he had seen them earlier that day.

The co-complainant's sister stated she recognized the three plainclothes officers as police officers but did not see them wearing any police badges.

The named officers stated they verbally identified themselves as police. Videos of the incident during and following the handcuffing of the co-complainant showed one officer's star visible at chest level and no star visible on the other two officers. One of the named officers stated his star was not visible at the time of initial contact.

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

SUMMARY OF ALLEGATIONS #7 - 9: The officers entered the co-complainant's residence without cause.

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

FINDINGS OF FACT: The co-complainant stated that he was attempting to enter his grandmother's house when the officers pulled him from the doorway and took him to the ground. He stated the officers did not enter the residence.

The named officers stated they did not enter the residence. A witness also stated the officers did not enter the residence. The co-complainant's sister stated that her brother was straddling his bike at the front door when officers pulled him to the ground.

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

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SUMMARY OF ALLEGATIONS #10 - 12: The officers arrested the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated that he was arrested for riding his bicycle on the sidewalk. He stated that he did not know that he could not ride his bicycle on the sidewalk and that other adults and children did so at that location.

The named officers stated the co-complainant was detained for riding his bicycle on the sidewalk. The officers stated that their intent was not to cite the co-complainant but identify him, run him for wants and warrants and learn why he was in the neighborhood. The officers stated the co-complainant was arrested because he failed to obey their orders to stop and resisted arrest. They also stated he bit one of the arresting officers.

Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the co-complainant's detention was not related to an ongoing criminal investigation and was not necessary to protect life or property. The co-complainant was arrested and charged (among several other charges) with violating a municipal ordinance prohibiting bicycle riding on the sidewalk (San Francisco Municipal Code §7.2.12, riding a bicycle on the sidewalk.). The evidence demonstrated that the named officers initiated a traffic stop and made a minor traffic arrest for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01. The co-complainant's arrest, which occurred as a result of the unlawful detention, was therefore improper.

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

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SUMMARY OF ALLEGATIONS #13 - 15: The officers used unnecessary force to arrest the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that he was attempting to enter his grandmother's residence when the named officers told him they wanted to talk to him about riding his bicycle in the sidewalk. The co-complainant stated he apologized for riding his bicycle on the sidewalk and continued to enter his grandmother's residence.

The named officers stated that they verbally identified themselves as police and told the bicyclist to stop. When the bicyclist did not obey their orders, the named officers grabbed him and physically removed him from his bike. The named officers fell to the ground with the co-complainant during which time the named officers struck the co-complainant several times with a closed fist. The named officers stated that the co-complainant violently resisted their attempts to handcuff him and the strikes were necessary to control the co-complainant. The co-complainant acknowledged that he bit one of the officers and stated that he had not acted intentionally.

A witness stated the co-complainant refused the officers' orders to step away from the door and pulled his body away from the named officers when they grabbed him on the bicycle. She stated the officers took him to the ground and the co-complainant continued to fight the officers.

Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the co-complainant's detention was not related to an ongoing criminal investigation and was not necessary to protect life or property. The named officers' use of force on and arrest of the co-complainant were the direct result of the traffic enforcement activity that DGOs 9.01 and 5.08 prohibit plainclothes officers from taking.

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

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SUMMARY OF ALLEGATIONS #16: The officer used unnecessary force during the arrest of a male subject.

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

FINDINGS OF FACT: The male subject failed to respond to repeated contact attempts by the OCC. His actions were documented by two cell phone videos as well as public housing security cameras.

The videos depict a chaotic scene with several dozen officers and people protesting the arrest of a resident. The male subject can be seen pushing a female officer and she pushes him back. The named officer ran towards the female officer, pushing the male subject away from her. The male subject remained confrontational and the named officer threw several punches at him. The named officer and other officers pushed the male subject against a wall and took him to the ground. The named officer punched the male subject twice while he was on the ground.

A witness stated she saw the male subject run at the police officers and one of the police officers shoved him back but the male subject refused to leave. She further stated that the male subject charged officers again and he got punched in the mouth because he was trying to attack officers. The female officer stated the male subject pushed her and she pushed him back. She stated the named officer also pushed him away.

The named officer stated he saw the male subject run towards the female officer and push her. He stated he ran towards the male subject and “saw him come at me, square up at me; I thought he was ready to strike me.” The named officer stated he was worried about his personal safety and punched at the male subject three times. The named officer stated that he did not think he hit the male subject. However, when he saw a bystander’s video, the named officer acknowledged that he hit the male subject once in the face. He stated he and other officers took him to the ground. The named officer stated he punched the male subject twice in the face while he was on the ground because he was actively fighting and not complying with verbal orders to give up his hands.

A witness officer stated the male subject was “thrashing” on the ground, moving his arms wildly and “wind milling his legs.” He stated the male subject’s arms were locked under his body.

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

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

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SUMMARY OF ALLEGATIONS #17: The officer used unnecessary force during the arrest of a male subject.

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

FINDINGS OF FACT: The male subject failed to respond to repeated contact attempts by the OCC. Interviewed by the police shortly after the incident, he told police he and two family members were trying to check on his cousin, who was being arrested. He stated he was “enraged.” The male subject stated an officer holding a baton approached him and told him to back off. He stated he threw his hands up in defense and told the officer to “[h]it me with the pole if you want to and then I’ll defend myself.” He stated he was then “subdued” by the police.

Security cameras show the male subject walk toward a group of officers at a patrol car with a handcuffed man and then stand next to the officers. A uniformed officer pushes him back. It appears as though the male subject pushes the officer away. He can then be seen swinging his arms at the officer. Officers surround the male subject, push him against a wall and take him to the ground. The male subject struggles with officers on the ground.

A witness stated the male subject was standing in front of her and appeared ready to fight the four cops in front of him. He said, “I’m ready to fight you, I got my arms back, C’mon, bring it on, bring it on.”

Five witness officers stated the male subject repeatedly challenged officers to fight him.

The named officer stated the male subject took a boxer’s stance, put his clenched fists up and started saying things like, “I’m gonna start swinging.” He stated the male subject started screaming and tried to barrel through all the officers. The named officer stated he “bear hugged [the subject] from the back” and tackled him to the ground. He stated the male subject resisted being handcuffed on the ground.

A witness officer stated he saw several unknown officers fall to the ground with the male subject and that the subject was flailing on the ground, twisting his body, resisting arrest.

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

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SUMMARY OF ALLEGATIONS #18 & 19: The officer used unnecessary force during the arrest of a male subject.

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

FINDINGS OF FACT: The male subject failed to respond to repeated contact attempts by the OCC. Video from a public housing security camera captured images of the male subject running out of an apartment into a large chaotic crowd of police and residents. The video shows the male subject stop and pick up a metal cane lying on the sidewalk and walk toward his brother, who is surrounded by officers. A few minutes later, the male subject is taken to the ground by several officers. Photos taken by police show that the male subject has visible injuries.

Five witness officers stated they saw the male subject attempt to strike the first named officer with a metal cane.

The first named officer stated he saw the male subject walk quickly toward the male's brother, who was being arrested. He saw the male subject stop and pick up a metal cane near a tree and walk aggressively toward the officers. Believing the male subject was going to strike the uniformed officers with the cane, the named officer grabbed the male subject's left hand. The male subject then raised the cane above his right shoulder. Using his right hand, the named officer pushed the male subject against a building. The male subject refused repeated verbal orders to drop the cane. Using his foot, the male subject pushed himself off the building line, which caused the male subject, the named officer and a female officer to fall to the ground. The male subject continued to resist the officers on the ground, kicking his legs and rolling over and placing his arms underneath his body. The second named officer and two other officers came over to assist. He stated he did not hear the male subject complain of pain.

The second named officer stated he saw the male subject walk up to the first named officer with a cane. The male subject turned towards the first named officer with his arm fully extended, holding the cane with enough momentum to come down hard. Believing the male subject was going to strike this officer, the second named officer immediately pushed the male subject against the wall. The male subject maintained possession of the cane and was thrashing around. The second named officer stated he tackled the male subject to the ground.

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

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SUMMARY OF ALLEGATIONS #20: The officer behaved inappropriately.

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

FINDINGS OF FACT: Two cell phone videos as well as public housing security cameras documented actions taken by the named officer towards a male subject that appeared to be inappropriate. The male subject failed to respond to repeated contact attempts by the OCC.

In the videos, the male subject can be seen pushing a female officer and she pushes him back. The named officer ran towards the female officer, also pushing the male subject away from her. The male subject faced the named officer and the named officer threw several punches at the male subject while the man walked backwards. It is not clear from the videos whether the officer made physical contact with the male subject. A witness stated she saw the male subject run at the police officers and one of the police officers shoved him back but the male subject refused to leave. She further stated that the male subject charged officers again and he was punched in the mouth because he was trying to attack officers.

The female officer stated the male subject pushed her and she pushed him back. She stated the named officer also pushed him away. She stated she did not know if the named officer made physical contact with the male subject because her attention was diverted.

The named officer stated he saw the male subject run towards the female officer and push her. He stated he ran towards the male subject and “saw him come at me, square up at me; I thought he was ready to strike me.” The named officer stated he was worried about his personal safety and punched at the male subject three times. The named officer stated “because of adrenalin, fear, anger” he didn’t think he hit the male subject. However, when he saw the resident’s video, he saw that he hit the male subject once in the face.

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: 11/18/13 **DATE OF COMPLETION:** 10/21/14 **PAGE #9** of 10

SUMMARY OF OCC ADDED ALLEGATIONS #1 - 3: The officer failed to comply with Department General Orders 5.08 and 9.01.

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

FINDINGS OF FACT: The named officers stated that while in plain clothes and driving an unmarked vehicle, they detained the co-complainant for riding his bicycle on the sidewalk, a violation of San Francisco Municipal Traffic Code §7.2.12.

Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the co-complainant's detention was not related to an ongoing criminal investigation and was not necessary to protect life or property. The named officers' detention, arrest and use of force on the co-complainant were the direct result of the named officers' traffic enforcement activity that DGOs 9.01 and 5.08 prohibit plainclothes officers from taking.

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

SUMMARY OF OCC ADDED ALLEGATION #4: The officer failed to comply with Department Bulletin 13-091.

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

FINDINGS OF FACT: The named officer and her two partners conducted a traffic stop of the co-complainant. Department Bulletin 13-091 requires that officers collect and enter traffic stop data after any vehicle stops, including bicycles.

The named officer stated she did not enter the traffic stop data for this incident and the Department had no record that traffic stop data for the traffic stop of the co-complainant was entered. As the senior officer responsible for the proper completion of the assignment, the named officer had a mandatory duty to collect traffic stop data regarding the traffic stop of the co-complainant and to enter the information the same day.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/13 **DATE OF COMPLETION:** 10/21/14 **PAGE #**10 of 10

SUMMARY OF OCC ADDED ALLEGATION #5: The officer failed to conduct a Use of Force investigation.

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

FINDINGS OF FACT: The named officer stated he conducted a use of force investigation. He determined who was involved and what happened. He stated he spoke to each arresting officer. He stated he learned what force was used, and why. He made entries of all reportable force into the Use of Force Log. He had photos taken of all the arrestees. He handled the paperwork for the injured officers. He learned that video of the incident would be retrieved later. Several hours later, he returned to the scene to look for cameras and any available witnesses on the street. For safety reasons, he did not conduct any canvassing at that time. He did not see, or speak to, any witnesses.

The named officer stated he ensured that the information regarding use of force was included in the incident report. He stated that he determined that the force used was reasonable and appropriate: it was used to effect an arrest, prevent injury or escape and to overcome resistance.

The Use of Force Log provided by the Department properly documented all reportable force.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer stopped him for double-parking outside his cousin's home. The complainant stated the stop was unjustified because he double-parked for only two minutes and cars were easily able to pass him.

The named officer stated he stopped the complainant because he double-parked for several minutes, impeding the flow of traffic for multiple cars and a MUNI bus.

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 cited the complainant without cause.

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

FINDINGS OF FACT: The complainant was cited for double-parking and for not having his driver's license.

The complainant admitted that he double-parked and did not have his driver's license.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant was cited for double-parking in a residential area. The complainant stated the named officer was aggressive, unprofessional, and rude.

The named officer stated he was professional and patient throughout the contact. The named officer stated he asked the complainant for his driver license several times because he needed to positively identify the complainant before issuing a citation. The named officer stated he ordered the complainant to step out of his car for two reasons. First, the named officer stated he was outnumbered and wanted to separate the complainant and his passenger. Second, the named officer stated he initially intended to transport the complainant to a district station for identification purposes. The named officer stated he did not intend to make the complainant feel embarrassed or dehumanized.

The complainant's passenger stated the named officer was abrupt, rude, and unprofessional.

A witness officer did not recall the incident.

A portion of the contact was documented on video. The video did not show the named officer behaving inappropriately.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant was cited after double-parking for approximately two minutes outside his cousin's home. The complainant stated the named officer told him he was stopped because of an ongoing investigation into cars pulling over for drug sales in the area. The complainant stated he felt racially profiled because his was the only car pulled over. The complainant stated the named officer stopped him because the complainant is African American.

The named officer stated he stopped and cited the complainant for double-parking on a busy residential street. The named officer stated he was aware of the complainant's ethnicity before stopping the complainant. The named officer stated the complainant's ethnicity had no impact on his decision to stop or cite the complainant. The named officer did not recall telling the complainant about an ongoing investigation in the area. A witness officer stated she was unaware of an ongoing investigation in the area.

A witness officer did not recall the incident.

A portion of the contact was documented on video. The video evidence showed the officer telling the complainant he was stopped for double-parking on the street. The video did not capture the officer make any mention of an ongoing investigation in the area.

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: 12/02/13 **DATE OF COMPLETION:** 10/14/14 **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 that her sister and an unknown man trespassed inside the complainant's home. The complainant's husband was verbally arguing with them when her husband was pushed to the ground and injured. The complainant called police and by the time officers arrived, her sister had left the house and the unknown male was gone. The complainant stated she told the police that her sister had trespassed and had assaulted her husband, requesting that her sister be arrested. The complainant stated the police then spoke to the sister and then left the scene without doing anything.

The named officer and the back up officers denied the allegation, stating that they were never told about the alleged trespassing and/or assault. The officers stated they were told that there was a verbal dispute between the complainant and her sister.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that her sister and an unknown man trespassed inside the complainant's home. The complainant's husband was verbally arguing with them when her husband was pushed to the ground and injured. The complainant called police and by the time officers arrived, her sister had left the house and the unknown male was gone. The complainant stated she told the police that her sister had trespassed and had assaulted her husband, requesting that her sister be arrested. The complainant stated the police then spoke to the sister and then left the scene without doing anything.

The named officer and the back up officers denied the allegation, stating that they were never told about the alleged trespassing and/or assault. The officers stated they were told that there was a verbal dispute between the complainant and her sister.

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: 12/02/13 **DATE OF COMPLETION:** 10/14/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she was talking with an officer and during the conversation, the complainant told the officer that she had cancer and was undergoing chemotherapy. The complainant then saw her sister and told the officer to not say anything to her sister about having cancer or undergoing chemotherapy. Later, the sister called the complainant and she said something about the complainant having cancer. The complainant believes the officer told her sister this information.

The officer denied the allegation. The officer stated he did not hear the complainant say anything about cancer or chemotherapy and denied saying anything to anyone about the complainant's cancer or chemotherapy.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer never responded to her email.

The named officer admitted speaking to the complainant over the phone. He stated that the complainant's problems were properly addressed.

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: 12/02/13 **DATE OF COMPLETION:** 10/31/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer arrested an individual without cause.

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

FINDINGS OF FACT: The complainant stated that he was in an underground transit center when he saw a man running from police. Officers arrested the man as the man was attempting to run upstairs and out of the transit center to the street level. The complainant assumed that the man was unnecessarily arrested for evading his transit fare.

Department records indicated that the man was arrested for robbery. SFPD performed a cold show and witnesses identified the man as the suspect in an armed robbery. The man was arrested on charges of armed robbery with a gun, conspiracy, and possession of stolen property.

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 displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated he saw one of the officers drawing his firearm while attempting to arrest a man whom the complainant believed to be a fare evader.

The named officer stated he responded to a call that an armed robbery suspect matching the description of the man arrested was running through the transit station. The caller also stated the suspect had taken a handgun from his waistband and threw it away as he was running. The officer stated he drew his firearm when encountering the suspect because he believed the suspect could have another firearm or other weapon in his possession. When the suspect did not resist, the officer immediately holstered his firearm.

Department records showed that a replica firearm was recovered by SFPD during the investigation of this incident.

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: 12/02/13 **DATE OF COMPLETION:** 10/31/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he witnessed and video recorded SFPD officers arrest a man he assumed was evading his transit fare. During the arrest, the complainant said he “heard” what sounded like an officer kicking the suspect. The complainant stated that he did not see anyone kick the suspect.

The video recording provided by the complainant does not show any officer using unnecessary force or kicking the suspect. The video shows SFPD officers arrest the suspect, bring the suspect to his feet and then walk the suspect up the stairs and out of the underground transit center to the street level.

The named officer stated that he did not kick the suspect. The officer stated that the suspect did not resist during the arrest and that there was no struggle during the arrest.

The suspect’s attorney, who refused to allow his client to provide a statement to the OCC, stated that there is no indication that there was any force used by the police during his client’s arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 3: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant described an incident in which he claims his roommate assaulted him. Consequently, the complainant filed an Emergency Protective Order (EPO) against his roommate. The roommate owned the residence where he and the complainant resided, but the EPO essentially prohibited the roommate from entering or staying at the residence for a certain period of time. The roommate retained an attorney who sought the assistance of the officers on two occasions.

On the first occasion, with the EPO still in effect, the attorney requested police assistance in serving the complainant with a Temporary Restraining Order (TRO). The roommate, who was not present when entry to the residence was made, provided the attorney with a key to the residence. The roommate allowed the attorney to enter the residence without asking the complainant for permission. The attorney and the officer entered the residence without the complainant's permission. The officer stood by on this first occasion, while the attorney served the complainant. The TRO ordered the complainant to move out of the residence, and was to take effect almost immediately after the EPO expired.

On the second occasion, after the EPO had expired, different officers responded to a second call for service from the attorney. The attorney requested the assistance of these officers when the attorney determined the complainant had not moved out. The officers stated the complainant allowed them entry. These officers subsequently arrested the complainant for violating the terms of the TRO.

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: 12/12/13 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4 - 5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged he was not properly served with a TRO. He stated an EPO prohibited his roommate from contacting him or entering the residence where the complainant was residing. The roommate owned the residence. The complainant stated the EPO was in effect on the first occasion when the roommate's attorney, accompanied by a different officer, entered the complainant's residence without the complainant's permission. The complainant indicated his roommate indirectly violated the EPO by having his (the roommate's) attorney serve him with the TRO. On the second occasion, the named officers subsequently arrested the complainant for violating the terms of the TRO after the EPO had expired. The complainant stated that since he was not properly served on the first occasion, the named officers wrongfully arrested him.

The named officers stated they followed Department policy in determining the TRO was valid, and they also confirmed the complainant had been served.

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: 12/12/13 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an EPO was in effect when his roommate's attorney, accompanied by the named officer, entered the complainant's residence without the complainant's permission. The complainant indicated his roommate indirectly violated the EPO by having the roommate's attorney serve the complainant with the TRO. The complainant contended the attorney, acting as an agent of the restrained party (roommate), trespassed on the property and improperly served the complainant with the TRO. The complainant alleged the officer was also wrong when the officer accompanied the attorney to serve the TRO.

The named officer stated he responded to the incident based on concern of the reporting party (attorney) that violence might erupt. The officer conferred with the attorney and examined the TRO before he and the attorney confronted the complainant. The officer stated he determined the TRO was an official court document. The officer stated the attorney told him that he (the attorney) had the roommate's permission to enter the residence, without the complainant's consent. The purpose of entering the residence was to serve the complainant. The roommate provided the attorney with a key to the residence. The attorney unlocked the front door; then, he and the officer entered the residence. Once inside the residence, the attorney served the complainant with the TRO.

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: 12/24/13 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that her son took a small sign designating their section at Candlestick Park. The complainant was not present to witness what occurred but said her son was taken to a substation within the park. The complainant said her other son questioned the officer about what was going on and he was then taken into the station as well. The complainant said she was told that one son had stolen a sign and the other was drunk. The complainant insisted that her sons had not been drinking and when she continued asking why her second son was detained, she was told that he had tried to interfere with an arrest and was obstructing justice. Ultimately, one son was cited for malicious mischief and the second was cited for obstructing justice.

The named officer confirmed that he cited the complainant's two sons but denied that the citations were issued without cause. He said that he witnessed the first son take a sign off the wall. When the second son would not follow the officer's instructions to leave, and began pushing against the officer as he escorted him to the exit, the officer said he arrested him for resisting and interfering with an investigation.

One of the detainees stated that he was exiting the game when his brother grabbed a sign off the wall. The detainee's brother was arrested and taken to a station inside the stadium. The detainee said he knocked on the door to get information and the officer grabbed his shirt and began dragging him towards the exit of the stadium. He told the officer that he hadn't done anything wrong and questioned what was going on when the officer threw him to the ground and kept him down until other officers arrived to take him to the station. He said that he and his brother were both cited and released.

A witness officer said he was with the named officer when they saw a male taking a sign off the wall and stuffing it into his clothing. The named officer detained the suspect. The witness said that the suspect's brother then came to the station demanding answers about his brother. The witness officer took control of the first suspect while the named officer spoke to the suspect's brother. The witness said when he came back out to the hallway, he saw the named officer struggling with the brother. He said that the second brother was brought back to the station and both of the complainant's sons were put in a detention cell before being cited and released.

The first suspect was unresponsive to requests for an interview. However, several witnesses, including the complainant, confirmed that he stole a sign, prior to being detained and cited by the named officer. There were mixed accounts of what led up to the second suspect's citation. 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: 12/24/13 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during the detention of her two sons.

The named officer denied the allegation.

The complainant's son, who was detained and cited by the named officer, said the officer used profanity toward him as he questioned why his brother had been detained. He said that he was then also detained and that the named officer berated him and used derogatory language throughout the detention.

Several witness officers denied hearing the named officer use profanity.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that she asked for the officer's name and he wouldn't give it to her. She was told that it would be on the citation.

The named officer denied the allegation and said he provided it to her when she said that she knew the Chief and also informed her that it would be on the paperwork.

Two witness officers denied hearing anyone ask for the named officer's name or star number.

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: 12/24/13 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant was not present to witness what occurred but said she was told that the officer tackled her son and dragged him to a police station within the park.

The named officer denied using any force against either of the complainant's sons. He said that the first suspect tried to leave while being detained, so he grabbed the front of his jacket and walked him backwards to the station, where a sergeant took control. The named officer said that as this was happening, the complainant's other son came up and began questioning what was going on, saying his brother hadn't stolen anything and making numerous inappropriate comments to the officer about his weight and health. The named officer said he started walking the brother out of the stadium at which point the brother began pushing against him. The named officer turned him around to take him back to the station. He said the second suspect threw himself to the ground, causing the named officer to fall over him. Another officer helped the named officer up off the ground and then walked the suspect to the station. The named officer denied throwing the suspect to the ground as alleged and said the suspect actually threw himself to the ground and he tripped over the suspect.

The second detainee said when he told the officer he hadn't done anything wrong, the officer threw him to the ground and lay down on him with his elbow in his face. He said they stayed that way for about 3 seconds until other officers arrived and placed him in handcuffs. He said he was then pulled up and an officer was holding his arms up high as they dragged him to the substation. When asked about being dragged, he explained that he was off balance and couldn't really get his footing so he was kind of bent over as they pulled him toward the station.

Two witness officers witnessed the incident involving the second suspect. Both officers said it appeared the suspect fell and the officer tripped or fell over him. Both officers denied seeing the named officer use force.

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: 12/24/13 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #5: The officer failed to provide his name and/or star number upon request.

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

FINDINGS OF FACT: The complainant said the officer didn't provide his name or star number when she asked for it.

The officer has retired from the Department and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant said the officer made inappropriate comments to her and her sons and that he also slammed a door in her face.

The officer has retired from the Department and is no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/13 **DATE OF COMPLETION:** 10/21/14 **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: In his written complaint, the complainant stated he was dragged from the backseat of a police car and “punched in the face by a police officer.” The complainant did not respond to OCC’s request for an interview.

The named officers denied the allegation.

Department records showed that the complainant was arrested and booked pursuant to a private person’s arrest. While in the back seat of a patrol car, the complainant spat at one of the officers, requiring the officers to ask for a wagon to transport the complainant to the County Jail.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant, who works as a taxi driver, stated that he was driving his taxicab approaching an intersection with a red light when he noticed a police car behind him. The complainant stated that as he came near the intersection, the officer driving the police car started honking his horn. The complainant stated it appeared to him that the officer wanted him to continue driving on a red light. The complainant stated he stopped at the intersection, waited for the left arrow light to turn green, and then made a left turn. The complainant stated the officer stopped him and issued him a citation for failing to stop at a red arrow light.

The named officer stated the complainant did not make a full stop on the marked limit line. The officer stated the complainant move slowly past the marked limit line into the middle of the intersection on a red arrow light. He stated he activated his overhead lights, sounded his horn and conducted traffic stop on the complainant. The named officer's partner corroborated the named officer's contention.

The complainant contested his citation and it was dismissed. The court ruled the officer cited the complainant for the wrong section of the California Vehicle Code, but did not identify the correct section.

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

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

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

FINDINGS OF FACT: The complainant stated the officer failed to call a supervisor to the scene upon request.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer laughed and put his hand on his firearm when the complainant asked for a supervisor. The complainant stated the officer also lied in court about the stop.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer stopped him because of his race.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #3 of 3**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant stated he went to a police station to file a complaint regarding the incident and spoke with a sergeant. The complainant stated the sergeant told him he could not help him and that he should contact OCC.

A poll of the officers at the station in question failed to establish the identity of the alleged officer.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 10/08/14 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers detained the complainant during a traffic stop.

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

FINDINGS OF FACT: The complainant was stopped and cited for violating California Vehicle Code sections 22450(a), Stop Requirements, and 16028, Providing Evidence of Financial Responsibility on Request of Peace Officer.

The complainant denied these violations.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was stopped and cited for violating California Vehicle Code sections 22450(a), Stop Requirements, and 16028, Providing Evidence of Financial Responsibility on Request of Peace Officer.

The complainant denied these violations.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 10/08/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant was stopped and cited for violating California Vehicle Code sections 22450(a), Stop Requirements, and 16028, Providing Evidence of Financial Responsibility on Request of Peace Officer. The complainant stated that during the traffic stop, he was unnecessarily placed in handcuffs.

The named officer and his partner stated that the complainant repeatedly refused to provide his driver's license and other documents. The officers stated the complainant was uncooperative, belligerent and combative, prompting the named officer to place him in handcuffs.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant said that the named officer used profanity numerous times during the traffic stop.

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 10/08/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officer used unnecessary force when the named officer grabbed and pulled him out of the complainant's car.

The named officer and his partner denied the complainant's allegation of unnecessary force. The officers stated the complainant was uncooperative, belligerent and combative, prompting the named officer to place him in handcuffs.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #7-8: The officers conducted a vehicle search without cause.

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

FINDINGS OF FACT: The complainant said the officers searched his vehicle including the front and back seat and the trunk. The complainant said he never gave the officers permission to search his car.

The officers acknowledged the complainant's car was searched. The officers stated the search was done to locate the complainant's driver's license, registration and the proof of insurance. The officers either denied searching the trunk of the car or did not recall if the trunk was searched.

No other witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/14 **DATE OF COMPLETION:** 10/08/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #9-10: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant said both officers searched his vehicle, damaging his glove box.

The officers denied causing any damage to the complainant's glove box.

No witnesses were identified.

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

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with the SFPD Department Bulletin No. 13-091.

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

FINDINGS OF FACT: SFPD Department Bulletin No. 13-091 requires members to collect and enter traffic stop data after any vehicle stops related to moving violations, including bicycles, MPC violations, etc.

The named officer stated he issued the citation to the complainant and would have been responsible for making the traffic stop data entry for the complainant's traffic stop.

Department records failed to produce evidence that the traffic stop data was collected and entered as required.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/14 **DATE OF COMPLETION:** 10/03/14 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed threatening and intimidating behavior toward the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer displayed threatening and intimidating behavior towards the complainant during a traffic stop.

The officer denied the allegation.

The complainant's passenger did not come forward.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that the named officer was driving erratically, speeding, crossing lanes, and tailgating.

The officer denied the allegation

The complainant's passenger did not come forward.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/14 **DATE of COMPLETION:** 10/03/14 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited without cause.

The named officer denied the allegation.

The complainant's passenger did not come forward.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the named officer stabbed and twisted a knife in the complainant's driver's license and slashed, ripped and crumpled the complainant's car registration and the plastic sleeve.

The named officer acknowledged punching holes in the complainant's expired driver's license to notify DMV. He denied damaging the complainant's car registration as alleged.

The complainant's passenger did not come forward.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officers arrested her for stealing a dog. The complainant stated she did not steal the dog, and that she received the dog as a gift from her boyfriend earlier the same day. The complainant told the named officers she did not know where the dog was because she had given it back to her boyfriend.

The named officers stated the dog was a registered service animal that belonged to another person. The named officers stated video evidence and witness statements indicated the complainant concealed the dog in her apartment building. The named officers stated the complainant refused to return the dog.

The complainant's neighbor stated she asked him to keep the dog in his apartment shortly before officers arrived. The neighbor stated he surrendered the dog to the named officers and informed them he had been holding the dog on the complainant's behalf.

Video evidence showed the neighbor surrendered the dog to the named officers shortly after the officers placed the complainant under arrest.

A preponderance of the evidence established that the officers 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: 01/08/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officers “brutally abused” her during her arrest. The complainant stated the named officers pulled her arms, tried to break her fingers, and pushed her against a wall. The complainant stated that, after she sat on the ground, one of the named officers pressed his foot onto her head and his knee into her ribs.

The named officers stated the complainant resisted arrest by kicking and pulling her arms and body away from them. The officers stated they used the minimal amount of force necessary to arrest the complainant. The officers denied putting pressure on the complainant’s head with any part of their bodies. One named officer stated he used his knee and leg to control the complainant without applying any pressure to the complainant’s body.

Video evidence showed the complainant pulled away from the named officers and kicked her legs. Video evidence also showed the named officers pulled on the complainant’s arms as they applied handcuffs to her wrists and used control holds to keep her in place on the ground. The video did not have audio.

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

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5-6: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated she was told to “shut up” while being arrested.

Both named officers denied that they told the complainant to “shut up” or anything similar.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/14 **DATE OF COMPLETION:** 10/14/14 **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 while he was standing in line at a sandwich shop, he made an innocuous religious comment about the ownership of the establishment. A person, who was standing near the complainant, took offense to the comment and verbally confronted the complainant. The complainant stated this person pushed him to the ground and the complainant stated he responded by punching this person in the face. Store personnel intervened and attempted to break up the fight. The complainant stated he called police to report the incident and followed this person outside to a parked car. The complainant stated he stood behind the car in order to make this person stay until police arrived. The person exited the car and came towards the complainant. The complainant thought he was about to be assaulted a second time and threw lukewarm coffee into the person's face and ran away from the person.

The named officer stated he responded to the scene regarding a physical and verbal altercation. He was familiar with the complainant and knew the complainant had been detained on several occasions for psychiatric evaluations. The named officer stated he saw the other party to this altercation and noticed he had swelling to his lower lip and spilled coffee on his forehead, shirt and trousers. The officer interviewed store employees who overheard the ethnic comments the complainant made. The store employees also saw the complainant and the other party kicking each other, but the employees did not know who started the altercation.

The other party to this altercation was interviewed as a witness to the incident. The witness stated the complainant made ethnically offensive remarks and admitted that he initially pushed the complainant who countered by punching the witness in the mouth. This action led to a short flurry of kicks and punches by both parties. The witness exited the sandwich shop and tried to drive away; however, the complainant followed the other party out to his car and began kicking the side door and rear bumper of the car. The witness exited the vehicle and the complainant threw coffee into the witness' face. The complainant then fled the area.

The officer stated he also talked to the complainant who voluntarily provided details of the incident. Based on the facts of the subject incident and the complainant's mental health history, the officer determined the complainant was a danger to others. Initially, the named officer was going to place the complainant on a seventy-two hour mental health detention; however, Inspectors from a different unit arrived and questioned the complainant. These Inspectors directed the officer to instead book the complainant for a hate crime due to the offensive ethnic remarks the complainant had made. The complainant was subsequently taken to the County Jail where deputies placed him on a 5150 mental health detention. The complainant questioned the arbitrary nature of the mental health detention. The other party refused to press charges believing the complainant needed psychiatric help. The District Attorney's Office later dropped the charges against 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: 01/13/14 **DATE OF COMPLETION:** 10/14/14 **PAGE #2 of 3**

SUMMARY OF ALLEGATIONS #2-3: The officers searched the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant admitted punching the other party in the mouth during a physical altercation. The complainant was initially detained, then arrested for assault and other charges. The complainant also stated his personal possessions were searched in the absence of a search warrant.

The evidence showed that the complainant's property was inventoried and searched during the booking process. The search is required by Department policy following an arrest and is legally permissible in order to ensure safety and accountability.

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

SUMMARY OF ALLEGATION #4: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated he was not provided his Miranda Rights during two hours of interrogation after he was detained, then arrested for assault and other charges.

A copy of the complainant's interview with the officer indicates the officer did provide the complainant with the Miranda Admonishment prior to questioning. The complainant stated he wanted to talk to his attorney, and the interview was ended.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/14 **DATE OF COMPLETION:** 10/14/14 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #5: The officer stole the complainant's money.

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

FINDINGS OF FACT: The complainant stated he was missing approximately \$600 in cash after he was arrested and later released from the Psychiatric Evaluation Services unit at San Francisco General Hospital (SFGH-PES). The complainant stated he had this money in his possession prior to being booked at the police station. The complainant also acknowledged he signed a receipt indicating he had a lesser amount of money in his possession at the time he was booked into the station.

When asked why he signed the property receipt knowing the amount of money he had in his possession was substantially more than what was shown on the receipt, the complainant stated he was less concerned about the money and more concerned about being wrongfully arrested. Additionally, the complainant stated he never brought the shortage to the attention of the named officer or any other officer at the station. The complainant was subsequently transferred to the County Jail and then to SFGH-PES. He stated he never brought up the missing money to jail or hospital officials. The complainant stated that he did not observe any specific officer take his money.

The named officer denied the allegation, pointing out that the complainant signed the property receipt with the amount taken from him at the time he was booked.

No witnesses were identified.

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

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 referred to:

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Ave., Suite 350
San Francisco, CA 94102
(415) 554-2380

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated he was driving in a normal manner and rate of speed when he was pulled over by the named officer. The officer told the complainant that the complainant was speeding, driving erratically and that the named officer believed the complainant might be under the influence. The officer conducted a field sobriety test with the complainant and asked if the complainant was using any medication. The complainant told the officer that he was on prescribed medication. The complainant was eventually allowed to leave. He was not cited but the officer required him to undergo a non-priority reexamination with the DMV to determine if the prescribed medication could compromise the complainant's ability to safely drive a vehicle.

The named officer stated he witnessed the complainant traveling at a high rate of speed, weaving through traffic on a city street. He pulled the complainant over for those initial traffic violations and then suspected that the complainant was under the influence. The officer had the complainant perform a sobriety test. The officer determined that the complainant was able to drive safely but learned that the complainant was taking prescribed medication. The officer then required the complainant to take a reexamination with the DMV to determine if the complainant should be driving.

No independent witnesses were identified. 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated that when the officer ordered him to get out of his vehicle, the officer told him to leave his GoPro camera in the car.

The named officer stated that he was detaining the complainant for a traffic violation and under suspicion that the complainant was driving under the influence. He ordered the complainant out of the vehicle to administer a sobriety test. He ordered the complainant to leave the camera in the car because it would have interfered with the sobriety test and it could also be used as a weapon to attack the officer.

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: 01/17/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated he was pulled over and given a sobriety test. The complainant stated the officer was aggressively asking him about his medical history and the complainant felt compelled to tell the officer that he was taking prescribed medication. The officer then told the complainant that many people abuse prescribed medication and that the complainant may be abusing his medication. The officer then made the complainant take a re-examination with the DMV.

The officer stated the complainant was speaking very fast and appeared agitated. The officer believed the complainant was taking some sort of drug and it was important for the officer to ascertain that information to ensure that the complainant was capable of driving. Once the complainant told the officer that he was taking a prescribed drug, the officer decided to require the complainant to have a re-examination with the DMV. The officer stated that he knows that people abuse prescription medication but denied accusing the complainant of abusing his medication.

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

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

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

FINDINGS OF FACT: The officer performed a traffic stop involving the complainant. He failed to enter the required E585 traffic stop data by the end of his shift. The officer stated he is aware that he is required to enter traffic stop data before the end of his shift but could not remember if he did so in this particular traffic stop.

SFPD could not find any record that the officer recorded the required traffic stop data.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: SFPD officers entered and searched a residence without cause.

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

FINDINGS OF FACT: Department records showed that the entry and search were conducted pursuant to a search warrant signed by a superior court judge.

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

SUMMARY OF ALLEGATION #2: SFPD officers detained the complainant without justification.

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

FINDINGS OF FACT: Department records showed that the entry and search were conducted pursuant to a search warrant signed by a superior court judge. Department records also showed that the complainant was the subject of the search warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to show him the search warrant or leave him a copy.

The named officer and other another officer denied the allegation, stating that the warrant was explained and that a copy was left at the scene.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that officers laughed and made jokes and comments about the cockroaches that the officers saw during the search.

The named officer and other officers denied the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/14 **DATE of COMPLETION:** 10/20/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-6: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated he was on crystal meth and acknowledged vandalizing a church and making deadly threats, including to the responding officers. He said the officers threw him to the ground, and an officer was on top of him trying to put him into handcuffs. He stated he could not breathe and just wanted them to let him go. He said the arresting officers banged his face into the ground.

The named officers as well as three witness officers all denied banging the complainant's head into the ground or seeing any other officer do so. The officers all denied the complainant could not breathe and stated that he was yelling through the entire incident, even after being administered a sedative by paramedics. One of the named officers described the complainant as thrashing about and banging his own head into the ground. She said she tried to hold his head to prevent him from injuring himself.

One witness, who encountered the complainant prior to police arrival, described him as extremely violent and exhibiting strength, "as if he was superman or the hulk." The witness said he feared for his safety and that of others nearby. He said he observed officers initially making contact with the complainant verbally, and described them as politely trying to calm him, but did not see the complainant being taken into custody.

A second witness stated he looked down from a 3rd story and saw a man face down on the ground, and saw two officers with their knees in the man's back, apparently trying to handcuff him. He said the man was screaming, but he couldn't understand what was being said. The witness said two more patrol cars arrived on the scene and eventually about six officers were involved in the detention.

Department records showed the complainant sustained abrasions to his face and that a sergeant and two officers were injured while using physical control when attempting to handcuff the complainant. Records of medical treatment of the complainant showed that while he denied to hospital personnel that he was not on drugs, he tested positive for amphetamines. The records also showed that medical personnel noted his altered mental status, and the fact that tests were negative for head trauma. The complainant was held for being a danger to himself or others after his initial medical evaluation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/14 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was the victim of a crime committed by a visitor in his room. The complainant stated he pulled a knife on the visitor in self-defense. The complainant stated he could not recall exactly what he told the police because he was in shock. The complainant stated he probably told the officers that he had been in a scuffle with the visitor.

The witness stated he was visiting the complainant when a confrontation broke out between them. The witness stated the complainant pulled a knife on him and shoved the knife toward his chest. The witness stated that when he brushed the knife away, he was cut on his right thumb. The witness said his hand was “squirting” blood everywhere. The witness stated he went to the lobby of the building where he remained until the police arrived. The witness stated he provided the details to the officers and the complainant’s room number. The witness stated he was transported to the hospital and received six stitches for his injury.

The named officers stated they found the victim in the hotel lobby bleeding from his hand. The officers stated that the victim told them the complainant had just stabbed him in the complainant’s room with a knife from the kitchen drawer. They summoned an ambulance and the victim was transported to the hospital. The officers went to the complainant’s room and observed blood in the elevator and on the 3rd floor hallway leading to the complainant’s room. The officers stated they knocked and announced themselves as police officers through a door slightly ajar. The officers stated no one responded, so they entered the complainant’s room and immediately detained and handcuffed the complainant. The complainant was the sole occupant in the room.

The officers stated they were justified in entering the room because they were in fresh pursuit of an armed individual who had just committed a felony and had reason to believe the suspect was still inside the room and was armed and dangerous. The officers said the complainant was arrested for assault with a deadly weapon.

The evidence established that the officers had probable cause to arrest the complainant based on their investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/14 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer failed to properly handle the complainant's property.

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

FINDINGS OF FACT: The complainant stated that after his arrest, the building maintenance staff secured his room door. The complainant stated that when he returned home several days after his arrest, currency and numerous utensils were missing from his room. The complainant suspected that police might have entered his room while he was away.

The officers who entered the complainant's room to arrest him denied removing any currency or any utensil.

Other witness officers could not recall the incident.

The identity of the alleged officer was not established.

The complainant failed to respond to the OCC requests for additional information regarding individuals who may have access to his room.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/14 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #4: The officer(s) used unnecessary force.

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

FINDINGS OF FACT: The complainant stated officers entered his room and took him to the floor. The complainant stated one of the officers placed his shoe on the complainant's neck, which caused pain to his neck. He could not identify or describe the officer who placed his shoe on his neck because the complainant was face down on the floor. The complainant said he was escorted to a transporting vehicle and shoved inside by one of the officers. The complainant stated the shove by the officer caused pain to his back and shoulder.

All of the officers questioned regarding the complainant's allegation either denied the allegation or could not recall the incident in question.

The identity of the alleged officers was not established.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS # 5 - 6: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated he opened his door to find officers standing in the hall. The complainant stated the officer in the front had his gun out and pointed at the complainant's head.

The officers corroborated that they had their weapons drawn and pointed at the complainant. One officer stated he entered the room and saw the complainant facing away from him so he pointed his gun and gave the complainant commands. The other officer stated he was in fresh pursuit of an armed individual who had just committed a felony and had reason to believe that the complainant was still armed and dangerous.

The named officers made contact with the victim in the lobby who said the complainant stabbed him with a knife.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/14 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer searched the complainant's room without cause.

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

FINDINGS OF FACT: The complainant stated that when he returned to his residence three days after his arrest, currency and several utensils were missing. The complainant believed that, in his absence, officers may have entered and searched his room, removing the missing items. The complainant stated upon his arrest, the building security guard secured his door.

Officers questioned by the OCC denied searching or removing any items from the complainant's room other than the one piece of evidence that was photographed and booked into evidence.

The police report does not document any officer having returned to the complainant's room. There is no documentation of any other item being seized from the room or of the room being otherwise searched.

The identity of the alleged officer was not established.

The complainant failed to respond to the OCC requests for additional information regarding individuals who may have access to his room.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 10/17/14 **PAGE** #1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was detained in 2001 for no apparent reason. The complainant stated the officer issued his girlfriend a citation for parking in a handicapped space at a fast-food restaurant. The complainant stated he pleaded with the officer to “have a heart” and give his girlfriend a break since it was the holidays. As the officers began to drive off, he uttered, “What a fucker.” The complainant stated the patrol car stopped and the named officer stepped out of his car, demanding that he provide his name and identification. The complainant refused. The complainant stated the officer grabbed him by his arm and pulled him over to the patrol car.

The named officer stated that after issuing the citation to the complainant’s girlfriend, the complainant approached their patrol car and placed his right hand to the left side of his waistband underneath his black leather jacket. The officer stated he and his partner believed that the complainant was either reaching for a weapon or simulating the same, so they exited their car to detain the complainant and conduct a weapons search.

OCC efforts to locate and contact the complainant’s former girlfriend for an OCC interview were unsuccessful. Several other witnesses failed to come forward for an OCC interview.

The named officer’s partner has retired from the Department.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated all he did was curse at the officers and the named officer responded by detaining and arresting him. The complainant stated he resisted the officers because they did not have reasonable suspicion or probable cause to physically detain him.

The named officer stated the complainant struck him in the face while attempting to conduct a weapons check, prompting the complainant’s arrest.

The named officer’s partner has retired from the Department.

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: 01/28/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated the named officer used unnecessary force.

The named officer denied the allegation.

The named officer's partner has retired from the Department.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer behaved inappropriately and made inappropriate comments.

The named officer denied the allegation.

The named officer's partner has retired from the Department.

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: 01/28/14 **DATE OF COMPLETION:** 10/17/14 **PAGE #3 of 3**

SUMMARY OF ALLEGATION 5: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant stated that the incident report was inaccurate.

The named officer denied the allegation.

The named officer's partner has retired from the Department.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #6: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he believed the officer behaved inappropriately because of his and his former girlfriends' Asian ethnicity.

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

The named officer's partner has retired from the Department.

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: 02/05/14 **DATE OF COMPLETION:** 10/30/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated she was stopped and cited for a stop sign violation. The complainant denied the violation and said that she stopped at the intersection.

The named officer, who said he had been sent to conduct traffic stops at trouble spots, said he was parked in a position to clearly see the side of the complainant's car, and watched as it slowed but did not stop at a stop-sign controlled intersection.

One witness officer said he did not recall the incident.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/14 **DATE OF COMPLETION:** 10/30/14 **PAGE #2** of 3

SUMMARY OF ALLEGATION #2: The officer acted and spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant said she was stopped by the named officer for running a stop sign. The complainant said the officer told her that he was going to issue a citation but that he would not likely show up in court if she challenged the citation. The complainant said further the officer engaged in a personal conversation about the job search she was engaged in, and then offered to “vouch for” her if she had “any issues” in the city. He gave her a card identifying himself and told her that he would send her his current phone number by text message. The officer then sent four text messages to the complainant over two days, asking her about her job search and suggesting that she contact him. The complainant found the comments and the officer’s suggestions “creepy” and “highly inappropriate.” The complainant challenged the citation, but felt nervous that the process could be affected by the officer if she did not respond to his suggestions to call him. The officer then appeared in traffic court, and again attempted to engage the complainant personally, before and after the citation was dismissed, due to the named officer telling the court he did not recall the traffic stop.

The named officer confirmed that he sent the text messages received by the complainant and could give no law enforcement reason for doing so. The named officer did not recall making the comment suggesting he would not appear in court if the complainant challenged the citation. The officer denied that he in any way implied that he would alter his professional position regarding the citation if the complainant contacted him.

A witness officer, who was patrolling with the named officer, said he did not recall the stop.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/14 **DATE OF COMPLETION:** 10/30/14 **PAGE #3** of 3

SUMMARY OF OCC-Added ALLEGATION #1: The officer failed to log Traffic Stop Data as required under Department Bulletin 13-091.

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

FINDINGS OF FACT: The OCC, in its investigation, requested evidence that the named officer entered required traffic stop data after performing a traffic stop of the complainant and the issuance of a traffic citation.

Department records contained no evidence that the named officer entered traffic stop data after the traffic stop of the complainant.

The named officer confirmed he performed the traffic stop but said he did not recall if he entered the required traffic stop data.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/14 **DATE OF COMPLETION:** 10/15/14 **PAGE #** 1 of 2

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 cited for violation of California Vehicle Code sections 27001, Use of Horns, and 12500(a), Unlawful to Drive Unless Licensed. The complainant stated that during her interaction with the officer, the officer repeatedly called her “stupid.”

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

The complainant’s witness was not present when the named officer allegedly called the complainant “stupid.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer gave her car keys to her friend who does not have a driver’s license. In addition the complainant stated that the named officer did not give her the opportunity to call for a licensed driver. The complainant stated that her vehicle was not towed.

The complainant’s friend stated that one of the officers gave her the complainant’s keys.

The named officer could not specifically recall what he did with the complainant’s keys. The named officer noted, however, that the complainant’s vehicle was not towed because it was legally parked.

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: 02/11/14 **DATE OF COMPLETION:** 10/15/14 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code (CVC) sections 27001, Use of Horns, and 12500(a), Unlawful to Drive Unless Licensed.

The complainant admitted that she did not have a driver's license. She also admitted honking her horn three times while waiting for a person to come out of a house, in violation of CVC 27001, which states, "The driver of a motor vehicle when reasonably necessary to insure safe operation shall give audible warning with his horn."

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: 02/14/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, who refused to have his interview with the OCC tape-recorded, stated he was sitting in his legally parked vehicle when he was detained by the named officers.

According to the Computer Aided Dispatch (CAD) and the incident report, the named officers responded to a report of a suspicious person sitting in a vehicle. Both officers detained the complainant after a computer check revealed that SFPD Homicide Division was to be advised if police came into contact with the complainant. After contacting the Homicide Division and obtaining the complainant's information, the complainant was issued a Certificate of Release and released at the scene. An incident report was prepared, documenting the complainant's detention. Department records showed that the complainant was a person of interest in a homicide, which constituted reasonable suspicion, according to the Homicide Inspector interviewed by the OCC.

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

SUMMARY OF ALLEGATION #3: The officer made inappropriate comment(s).

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

FINDINGS OF FACT: The complainant stated one of the officers asked him if he had any dead bodies in his car. He did not state which officer made this comment.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was searched. He did not state which officer searched his vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant was stopped and cited for violation of California Vehicle Code section 27151(a), Modification of Exhaust Systems.

The complainant denied the violation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was stopped and cited for violation of California Vehicle Code section 27151(a), Modification of Exhaust Systems.

The complainant denied the violation.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer made offensive comments.

The named officer did not recall the incident.

Two witness officers denied hearing the named officer make the alleged comments; however, the witness officers were not always within hearing distance of the conversation between the named officer and the complainant.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated he was pulled over because of his ethnicity.

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

The two witness officers denied the allegation and said they did not know the ethnicity of the complainant until after the traffic stop.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/14 **DATE OF COMPLETION:** 10/07/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, a limousine driver, stated that the officer stopped him for a traffic violation and that during the stop the officer made inappropriate comments and engaged in inappropriate behavior.

The named officer stated that he didn't recall the traffic stop involving the complainant but stated that he deals professionally and courteously with every driver he stops.

Attempts to contact a passenger who was in the complainant's limousine were unsuccessful.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/14 **DATE OF COMPLETION:** 10/07/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant, a limousine driver, stated the officer cited him without cause for driving in a traffic lane reserved for buses and taxis. The complainant believed his vehicle should have been considered a taxi and entitled to drive in this lane.

The traffic citation issued to the complainant indicated he was cited for failing to make a required right turn onto 10th Street from Market Street. The citation and Communications records indicated the complainant was stopped at Market and 10th Streets, over one-half mile from the location where he claimed he was stopped.

The named officer stated that he didn't recall the traffic stop involving the complainant but stated that the citation indicated the complainant was cited for failing to make a required right turn onto 10th Street from Market Street and that only buses and taxis are permitted to drive eastbound on Market Street east of 10th Street.

Visits to this location confirmed that eastbound traffic on Market Street is required to turn right onto Market Street and that drivers who fail to turn right are regularly stopped and cited by traffic officers.

The complainant also stated that the officer cited him for not having a waybill although the complainant showed the officer an electronic waybill on his tablet.

The named officer stated that he didn't recall the traffic stop involving the complainant and stated that he was unaware of a recent change to state law allowing waybills to be provided in either electronic or hardcopy format. The named officer also stated that if a driver showed him a waybill in electronic format he would have accepted it, and that if he cited the complainant for not having a waybill it was because no waybill was provided.

Attempts to contact a passenger who was in the complainant's limousine were unsuccessful.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate comments to him.

The officer denied the allegation.

Two witness officers stated they did not recall the officer having any contact with the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/12 **DATE OF COMPLETION:** 10/07/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was arrested for public intoxication. The complainant denied being intoxicated.

The named officer and three witness officers stated that the complainant was detained for public intoxication.

A witness, who called 9-1-1, stated she saw the complainant jumping in and out of the street. The witness stated that the complainant was intoxicated and was creating a dangerous situation for drivers and himself, prompting the witness to call 9-1-1.

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

SUMMARY OF ALLEGATION #2: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant said upon being released from the police station, he was not provided with any type of paperwork that documented his detention.

The named officer provided the OCC with a copy of the Certificate of Release he prepared in this detention, but he could not recall if he gave the complainant a copy.

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: 11/12/13 **DATE OF COMPLETION:** 10/03/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code sections 4000(a)(1), Registration Required, and 16028 (a), Insurance required.

The complainant admitted these violations.

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

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

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

FINDINGS OF FACT: The complainant alleged that he was stopped because of his race.

The named officer was interviewed pursuant to the OCC Biased Policing Investigation Protocol, denying the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/13 **DATE OF COMPLETION:** 10/03/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer was angry and that the officer did not want to hear the complainant explain his situation. The complainant further stated the officer told him he was going to take him in.

The officer denied the allegation. The officer stated the complainant was upset during the incident. The officer stated he was calm and professional. The officer stated the he was not angry and that he did not raise his voice toward the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/14 **DATE OF COMPLETION:** 10/30/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that he was arrested based on what a woman told police about her belongings that the complainant was holding as collateral. The complainant did not respond to OCC's request for an interview.

Department records showed that the complainant was arrested pursuant to a Crime Alert Notification, with the assigned SFPD investigator requesting that the complainant be booked on one count 487 P.C. if the complainant was located.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the officer used unnecessary force by slamming him to the ground. The complainant did not respond to OCC's request for an interview.

The named officer stated the complainant attempted to flee, prompting the named officer to grab him and guided him to the ground.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/14 **DATE OF COMPLETION:** 10/30/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide medical attention.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the officer failed to provide him medical attention. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/14 **DATE OF COMPLETION:** 10/02/14 **PAGE# 1 of 1**

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

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

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

Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/14 **DATE OF COMPLETION:** 10/06/14 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officers behaved and spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant said the named officer acted in a threatening manner, ordering the complainant to leave a property the complainant owned.

The named officer confirmed he responded to a call involving the complainant and another party in a civil dispute over property ownership and control, but denied taking the alleged actions or making the alleged comments.

One witness officer said he did not specifically recall the details of the incident as he had responded to several incidents at the location, involving disputes between the two parties.

One other witness denied that the officer spoke or acted inappropriately 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 became involved in a civil action.

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

FINDINGS OF FACT: The complainant said the named officer became involved in a civil dispute involving the complainant and other parties with whom he was contesting the ownership of a property, ultimately siding with the complainant's opponents in the dispute.

The named officer denied the allegation. The named and one witness officer said the named officer realized there was no criminal activity occurring during this incident and informed the parties they needed to work out their differences in civil court.

Another witness, one of the parties to the civil dispute, said the named officer told the complainant he needed to pursue the complaint in court.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/14 **DATE OF COMPLETION:** 10/06/14 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant said the named officer ordered him to leave a property the complainant owned.

The named officer confirmed he responded to a call involving the complainant and another party in a civil dispute over property ownership and control, but denied ordering anyone to leave.

One witness officer said he did not specifically recall the details of the incident as he had responded to several incidents at the location, involving disputes between the two parties.

Another witness, a party to the dispute, denied the officer ordered the complainant to leave, saying the named officer instead treated the complainant with great respect and convinced him to pursue the matter in court.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/14 **DATE OF COMPLETION:** 10/17/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated she left her vehicle with her boyfriend because the battery died. The complainant later learned from her boyfriend that he was arrested while he was in her vehicle and that her legally parked vehicle was towed.

The complainant's boyfriend did not come forward.

Department records showed that the complainant's boyfriend and his friends were detained after the Department of Emergency Management received a 9-1-1 regarding a suspicious vehicle parked at a location with the engine running, playing loud music. When the responding officers approached the vehicle, one of the officers smelled a strong odor of marijuana emanating from the vehicle. A records check showed that one of the friends had a warrantless search condition, prompting the officers to search the vehicle. During the search, a firearm and marijuana were found. The complainant's boyfriend was cited and released at the station. One of the friends was booked and the other friend was issued a Certificate of Release at the station. The complainant's vehicle was towed pursuant to California Vehicle Code section 22655.5(a), which states, in part:

A peace officer...may remove a motor vehicle from the highway or from the public or private property within the territorial limits...when any vehicle is found upon a highway, public or private property and a peace officer has probable cause to believe the vehicle was used as a means of committing a public offense.

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: for seizure of property without justification.

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

FINDINGS OF FACT: The complainant stated that the officer placed a hold on her vehicle.

Department records showed that the vehicle was placed on hold pending further investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/14 **DATE OF COMPLETION:** 10/14/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer detained and cited the complainant's father without cause.

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

FINDINGS OF FACT: The complainant filed the complaint on behalf of his father. The complainant's father stated that he began crossing an intersection on a green traffic signal. As he crossed, he blocked the path of the car driven by the named officer, who was turning right on a red light onto the street the complainant's father was crossing. He stated that he had almost reached the opposite curb when the signal turned red and that the named officer wrongfully issued him a citation for crossing on a red signal.

The named officer stated that he detained and cited the complainant's father because he saw him crossing against a red signal. The named officer acknowledged that he did not know where the complainant's father was when the signal turned red. He stated that he was stopped at a red light when he saw the complainant's father crossing the street illegally and turned right after the complainant's father finished crossing the street.

No witnesses were identified.

There was insufficient evidence to 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 filed the complaint on behalf of his father. The complainant's father stated that when the named officer stopped and cited him for crossing the street, the named officer screamed at him and told him to stand against a wall.

The named officer stated that when he initially told the complainant's father to stop, he raised his voice so he could be heard over the sound of vehicle traffic, his car engine and his two police radios. He stated that when the complainant's father refused to provide his identification and tried to walk away, he raised his voice and told the complainant's father to stop and follow his instructions. The named officer stated that he asked the complainant's father to step over to the wall so they would not be blocking the path of pedestrians on the sidewalk.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that in connection with a parade, a police barricade was placed outside the building where he lived, blocking the street leading to the building's garage. The complainant, who was alone in his vehicle returning from buying groceries, saw an officer seated in a car parked near the barricade. The complainant approached the barricade and asked the officer if he could drive past the barricade to enter his garage. The officer rapidly exited his car, came to the complainant's car window and threatened to arrest the complainant if he drove any further.

The named officer stated he closed the street referred to by the complainant because parade floats had backed up to that location. The officer stated dozens of irate individuals told him they were upset because he would not allow them access to the street. He stated one driver, who he believes was the complainant, was with a female passenger and asked if they could drive past the barricade to drop off groceries. The officer told him to clear the lane and to not impede traffic flow. The driver argued with him about this. When the officer moved the barricade aside for a large truck, this driver tailgated the truck and attempted to drive past the barricade against the officer's commands. The officer stated that he did not threaten the complainant but told the complainant the consequences of his actions if he continued to disregard the officer's orders. The complainant denied attempting to drive past the barricade behind a truck.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited a rude attitude.

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

FINDINGS OF FACT: The complainant alleged that the officer was rude.

The named officer stated that he spoke to the complainant in a manner that was direct, professional and crystal clear.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/14 **DATE OF COMPLETION:** 10/28/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer would not allow him to borrow a pen to write down the officer's name or badge number. The complainant stated that the officer repeated his name and badge number multiple times, which the complainant felt was rude.

The named officer stated that he was professional and courteous to the complainant during their interaction. He denied that the complainant asked to borrow a pen and stated that he wrote down his name and star number for the complainant. He stated that he repeated his name and star number multiple times because the complainant continued to ask for it and he did not want to ignore the complainant. The officer denied behaving inappropriately or making any inappropriate comments.

Security Guards at the location of this incident did not recall the encounter with the complainant, and denied having any documentation pertaining to it.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/14 **DATE OF COMPLETION:** 10/30/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The incident report was incomplete and inaccurate.

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

FINDINGS OF FACT: The complainant stated the officer deliberately omitted relevant information from the incident report, which documented a physical altercation between the complainant and another party. The complainant stated the officer inaccurately reported her physical description and the weight of the other party. The complainant stated the officer failed to report defensive wounds to her left hand, the back of her head and her neck.

The witness stated the complainant took her cell phone when it was charging, unplugged it and threw it. The witness said she got her phone back from the complainant. The witness said she had a “tiff” with the complainant the week prior to this incident over the complainant throwing knives at people with disabilities and she had admonished the complainant.

The other witness stated that the officer remained at the incident for over an hour. The witness said the other party involved in the fight is at least 6 feet and solidly built. The witness stated the complainant was very shaken up from the altercation and the officer spent a lot of time with the complainant.

The officer denied omitting or fabricating relevant information from the incident report. The officer stated that he estimated the height and weight of the complainant and the other party. The officer stated that the report reflects his best efforts to accurately document what transpired. The officer stated that he spent an hour at the scene, interviewing potential witnesses and interviewing the parties to the altercation in order to determine what took place.

The incident report documented the physical altercation between the two parties, which included a summary of the statements from both parties. The report documented that the named officer did not observe any bleeding nor did he observe any other visible injuries on the complainant. The report documented the complainant as 5’4” 150 pounds and the other party as 5’7” 235 pounds.

Paramedics who arrived on scene to medically assess the complainant completed the patient care report. The complainant’s chief complaint was for anxiety. The patient care report assessed the complainant and found no abnormalities to her head, neck or her hands. The report documented the complainant’s weight as 120 pounds. The patient care report indicated the complainant was released at the scene to care for herself.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/14 **DATE OF COMPLETION:** 10/30/14 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated the officer refused to arrest the person who had assaulted her. The complainant stated the officer neglected his duty and violated her rights.

The named officer stated he advised the complainant that he could not take the other party to jail because there was insufficient probable cause to make the arrest. The officer stated he explained the situation to the complainant but that she was not happy with his explanations. The officer stated after investigating and speaking with independent witnesses, he informed the complainant that he did not think her version of the events were accurate. The officer further explained to the complainant that it was an ongoing investigation and if new evidence came to light it would be taken into account.

The witness stated the complainant took her cell phone when it was charging, unplugged it and threw it. The witness said she got her phone back from the complainant.

The other witness stated she did not see who started the altercation between the complainant and the other party. The witness said she went over and tried to break up the fight. The witness stated she could not determine who dominated the fight.

The incident report documented the officer did not believe probable cause existed to arrest either party for battery, based on his initial investigation and the contrasting accounts of both parties. The report documented that the other party declined to press charges over a possible damaged cell phone.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/14 **DATE OF COMPLETION:** 10/30/14 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer tried to dissuade her from pressing charges against the other party by threatening to arrest her.

The officer denied making statements to the complainant that would deter her from pressing charges. The officer stated that he was professional with the complainant and maintained a calm demeanor.

The witness described the officer as “very compassionate” towards the complainant.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing, based on race, gender and ethnicity.

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

FINDINGS OF FACT: The complainant stated the officer sided against her because she is Hispanic and that English is her second language. The complainant stated the officer also showed preferential treatment to the other party she perceived to be transgender.

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. He stated the complainant mistakenly believed that he was spending a disproportionate amount of time with the other party to the altercation; however, that was not the case. He denied that the complainant’s race, ethnicity or her language skills had any bearing on the manner in which he handled the investigation. The officer denied showing preferential treatment to the other party. Furthermore, the officer stated he did not perceive the other party as being transgender.

The witness stated that the officer was not inappropriate in any way with the complainant and that he behaved professionally. The witness stated that the other involved party is a female and that there is no reason to think otherwise.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 21955, Crossing Between Controlled Intersections.

The complainant denied jaywalking. He stated that he walked into the street to talk to the officers.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer asked him to sit on the sidewalk and he refused to do so. He stated the officer put his hand on the complainant's arm and placed his leg behind the complainant's leg, and sat him on the ground. The complainant did not complain of pain or injury.

The named officer stated the complainant refused to provide his identification. He stated the complainant was very angry, agitated, loud, and was pacing around. The named officer stated he told the complainant several times to sit on the sidewalk but he refused each time. Concerned that the complainant was going to run into the street, he conducted a rear leg take down, i.e., he pushed down on the complainant's shoulders and used his knee to bend the complainant's knee until he sat down. The officer stated the complainant did not complain of pain or injury.

The named officer's partner stated the complainant was argumentative with his partner. He stated the named officer took the complainant by the arm and guided him to the ground. The complainant did not complain of pain.

There was insufficient evidence to establish whether the force used by the named officer was minimally necessary to accomplish a lawful police task.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/14 **DATE OF COMPLETION:** 10/06/14 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that, during his detention, his cell phone was temporarily taken from him when he attempted to call 9-1-1.

The named officer stated that, while he was preparing a citation, the complainant took his cell phone out of his pocket. The named officer stated that for officer safety, he ordered the complainant to get off the phone but the complainant refused. The named officer stated he took the complainant's cell phone. When the complainant signed the citation, the cell phone was returned.

The named officer's partner stated that during the detention, the complainant began to make a call on his cell phone. He stated the named officer repeatedly asked the complainant to put his phone away but the complainant ignored him, saying he knew his rights. The named officer took the phone away from the complainant, telling him he'd give it back when they were done.

There was insufficient evidence to either prove or disprove that the complainant's detention was proper. Therefore, there was also insufficient evidence to either prove or disprove this allegation.

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment to him.

The named officer denied making the comment. The named officer's partner stated he did not hear his partner make the inappropriate comment.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/14 **DATE OF COMPLETION:** 10/30/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant was being detained for fare evasion when her son interfered, prompting the named officer to arrest him. The complainant's son admitted interfering, challenging the officer's authority during the named officer's interaction with the complainant.

Witnesses interviewed by the officer supported the named officer's account of what occurred. The evidence established that the named officer had probably cause to arrest the complainant's son.

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

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

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

FINDINGS OF FACT: The complainant said she was pushed, punched in the face and that her arms were unnecessarily twisted in a painful manner by officers who handcuffed her. The complainant also said her son was choked by one of the officers.

The named officers denied the allegations.

Witnesses did not support the complainant's allegations.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/14 **DATE OF COMPLETION:** 10/23/14 **PAGE #1** of 3

SUMMARY OF ALLEGATIONS #1-2: The officers screamed at the complainant and made inappropriate comments about the complainant's wife.

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

FINDINGS OF FACT: The complainant stated the named officers stopped him because he made an illegal turn. The complainant stated he told the named officers he was rushing to find his injured wife. The complainant stated the named officers screamed "awful things" and said, "We don't care about your wife."

The named officers denied screaming at the complainant. The named officers denied making any inappropriate comments about the complainant's wife.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate citation and failed to cite the complainant for an additional violation.

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

FINDINGS OF FACT: The complainant stated was cited for violation of California Vehicle Code section 21460(a), Double Lines, which states, "If double parallel solid yellow lines are in place, a person driving a vehicle shall not drive to the left of the lines, except as permitted in this section."

The complainant admitted making an illegal left turn. The complainant stated he should also have been cited for failing to provide proof of insurance.

The named officer and his partner stated that the complainant made an illegal u-turn. The named officer stated he exercised discretion by not citing the complainant for failure to provide proof of insurance.

The evidence proved that the act, which provided the basis for the allegation, did not occur so the allegation is unfounded.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/14 **DATE OF COMPLETION:** 10/23/14 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #4: The officer unlawfully seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated he gave the named officer permission to look through his pockets to find a cell phone. The complainant stated the named officer did not find the cell phone and instead pulled out the complainant's wallet out of his pocket. The complainant stated the named officer kept the complainant's wallet for several minutes before returning it.

The named officer stated he did not recall taking the complainant's wallet out of his pocket or holding it for several minutes.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer searched the complainant's wallet without permission.

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

FINDINGS OF FACT: The complainant stated the named officer had possession of the complainant's wallet for a few minutes during a traffic stop. The complainant stated he suspected the named officer "ransacked" his wallet because several items inside the wallet were rearranged.

The named officer did not recall looking inside the complainant's wallet.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/14 **DATE OF COMPLETION:** 10/23/14 **PAGE #3** of 3

SUMMARY OF ALLEGATIONS #6-7: The officers used unnecessary force during a traffic stop.

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

FINDINGS OF FACT: The complainant stated he was afraid the named officers intended to hurt him during a traffic stop. The complainant stated he lay down in the middle of the street in hopes of attracting an audience and preventing an attack. The complainant stated the named officers then pulled excessively on his arms and put extreme pressure on his thumbs before placing him in handcuffs.

The named officers stated the complainant behaved in a belligerent and erratic manner throughout the traffic stop. The named officers stated the complainant got out of his car against their orders and lay down in the middle of the street. The named officers stated they used a “dummy drag” to pull the complainant to a safe position on the sidewalk because the complainant refused to move. The named officers stated it was necessary to handcuff the complainant for his safety and theirs. The named officers stated the complainant refused to put his hands behind his back. The named officers stated they forced the complainant’s hands behind his back using a “twist lock grip” and applied handcuffs to his wrists.

No witnesses came forward.

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

SUMMARY OF ALLEGATIONS #8-9: The officers applied handcuffs to the complainant’s wrists too tightly.

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

FINDINGS OF FACT: The complainant was handcuffed during a traffic stop. The complainant stated the named officers tightened the handcuffs to his wrists, causing the complainant pain.

The named officers stated they applied handcuffs to the complainant’s wrists with the proper degree of tightness.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/14 **DATE OF COMPLETION:** 10/23/14 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that following his arrest, he was transported to a hospital for treatment and his personal property was taken from him. He recalled giving his wedding ring to medical personnel in the presence of an officer. He stated when he was released from custody, some of his property, including his wedding ring, was missing. The complainant also stated that at the time of his arrest, he was withdrawing from drugs and was in a state of delirium.

The initial incident report states that the two named officers booked the complainant in absentia at the hospital and transported the complainant's property to County Jail where a Sheriff's Deputy took custody of it. The complainant's Property Inventory does not list the alleged missing items.

One of the arresting officers recalled that at the time of the complainant's arrest, his property was placed in a Personal Property bag. This officer stated he did not recall whether the complainant's wedding ring was given to medical staff or if it was placed in the property bag. He stated he did not recall the items included in the complainant's property. He further stated he did not recall if he was the officer who removed property from the complainant at the time of his arrest.

The second arresting officer stated the complainant's property was initially obtained upon the complainant's arrest. He stated the property was transferred to the two named officers. This officer stated that the complainant's personal property was with the complainant the entire time he was in custody up until he was booked into jail. This officer further stated he did not witness the complainant give any property to medical personnel.

Both named officers stated they did not witness the complainant give his wedding ring to medical personnel. They did not recall the inventory of the complainant's property. They stated the complainant's property was transported to county jail and left in the custody of a Sheriff's Deputy.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/14 **DATE OF COMPLETION:** 10/15/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was stopped and cited for violating California Vehicle Code sections 22350, Basic Speed Law. The complainant denied speeding.

The named officer stated that he observed the complainant traveling at a high rate of speed, driving over the 25 mile per hour speed limit. The named officer stopped and cited the complainant for speeding.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The complainant alleged that the officer used profanity towards him during the traffic stop.

The officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was transported from a city park to a hospital and placed on an involuntary 72-hour hold. The complainant stated she was unsure if SFPD officers transported her to the hospital and initiated the hold. The complainant failed to provide OCC with a signed medical release, despite multiple attempts to secure one.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer detained him for a fare evasion investigation. The complainant admitted having an expired MUNI transfer and no valid identification on his person.

The named officer stated that an MTA fare inspector directed the complainant to him regarding an expired transfer. The named officer stated the complainant did not have a valid transfer and when asked for identification, the complainant stated he had none and provided a false name.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #2-4: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force. The complainant admitted he fled the scene of a police investigation into his alleged fare violation. He further admitted he had no valid proof of payment or identification. The complainant stated police officers failed to use verbal commands to his gain compliance. The complainant admitted he had an unsheathed knife concealed in his waistband.

The officers denied the allegation. They stated the complainant fled the scene and failed to stop when ordered by uniformed police officers. Two uniformed officers observed the complainant coming toward them with a third officer in pursuit, yelling for the complainant to stop. They attempted to block the complainant's path, ordered him to stop, but he refused. The complainant continued to resist and evade the officers.

One officer observed that the complainant had a concealed knife and was reaching for the knife. That officer yelled out "knife" to inform the other officers of the concealed weapon. The complainant failed to comply with many demands to stop resisting. The named officers stated that for their safety they attempted to use physical control holds, and a fist strike to stop the complainant from reaching for the knife. When the complainant continued to resist, the complainant was taken to the ground.

One named officer used baton strikes and stated that this was necessary for officer safety due to the continued resistance and because OC spray could not be used in this situation with many people in the area. Another named officer used a carotid hold to gain control of the complainant.

A witness stated that the complainant did not comply with the officer's multiple orders, fled and resisted the officer during the arrest process and remained combative while on the ground. The witness stated he observed the knife and yelled this to the officers and that officers yelled many commands to the complainant, which were ignored.

No independent witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that he was told he was going to jail if he could not be identified.

The named officer stated he told the complainant that he was not free to leave until the officer was able to verify the complainant's identity.

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

SUMMARY OF ALLEGATION #6: The officer used a racial slur.

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

FINDINGS OF FACT: The complainant stated the officer used a racial slur.

The officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that the named officer did not stop persons of another ethnicity for fare evasions.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied the allegation. The officer stated that he was working a Muni detail when a Muni fare inspector brought the complainant directly to him for a fare evasion investigation. The named officer did not make the initial contact with the complainant as the Muni fare inspectors were directing persons to the Muni detail officers for further investigations into alleged violations.

A Muni fare inspector was interviewed and stated that he stopped and determined that the complainant did not have a valid transfer. The Muni fare inspector stated that he then walked the complainant over to the named officer for further investigation into the fare evasion charge.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/16/14 **DATE OF COMPLETION:** 10/29/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that San Francisco Police Department officers executed a search warrant, breaking her door down. She stated that when she went to talk to the assigned inspector in person regarding possible reimbursement for her door, he was rude to her.

The named officer denied having any contact with the complainant in person.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer was asked by another officer to conduct a traffic stop on the complainant's vehicle.

SFPD Department Bulletin No. 14-059, issued on March 3, 2014, requires members to make all E585 entries after any vehicle stops related to moving violations, MPC violations, BOLO/APB/Warrants, etc.

The evidence established that the named officer failed to collect and enter the required traffic stop data.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/14 **DATE OF COMPLETION:** 10/17/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The named officer failed to comply with Department Bulletin 13-135, USE OF CELLULAR PHONES AND ELECTRONIC COMMUNICATIONS DEVICES BY MOTORISTS AND MEMBERS, issued on July 9, 2013.

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

FINDINGS OF FACT: The complainant stated that she saw an officer driving a patrol car with a telephone held up to his ear. The complainant felt this was inappropriate since civilians are not allowed to talk on their phone without a hands-free device. The complainant was unable to provide a description of the officer, or other evidence to establish the user of the car.

The named officer was indicated in Department Records as being assigned to the patrol car cited by the complainant on the date of this incident.

The named officer denied using a cell phone in the car as alleged, denied that he was driving the vehicle at that place and time, but provided no other evidence that he was driving another vehicle.

An officer identification poll sent to the commanding officer of the station where the car was assigned did not identify who was in the car at the time and date alleged.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/14 **DATE OF COMPLETION:** 10/07/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the named officers failed to take required action to abate noise caused by a demonstration on the street.

Department records indicated that the named officers responded to the location of the demonstration on the dates the complainant said he complained about noise.

One named officer said he did not have any recollection of the incident to which the records show he responded.

The other named officer said that he was ordered to the location of the demonstration to monitor the exercise of the rights to demonstrate and to prevent criminal acts during the demonstration. He said further that the party that reported noise did not give an identity or address, and that in order to make an arrest, the officer would need the identity, location and cooperation of the reporting party.

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: 06/11/14 **DATE OF COMPLETION:** 10/09/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer displayed a rude demeanor to the complainant.

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

FINDINGS OF FACT: The complainant said he was directed to a police station to have officers run a license plate to determine if a car he was considering buying was clear of encumbrances. The complainant said the named officer was rude after notifying the complainant he would not run the plate, telling the complainant, "Make sure you spell my name correctly when you file your complaint."

The named officer acknowledged the alleged exchange, and acknowledged making the statement alleged by the complainant, but denied he was being rude. The named officer said he provided his name in writing to the complainant when asked, and said he was being direct, and assertive, to assure that the complainant knew he could not run the plate and that he had the proper spelling of his name if he wished to complain.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/14 **DATE OF COMPLETION:** 10/03/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was drinking in a club when she saw a person whom she recognized as a man who had previously raped her. The complainant stated she and the person had a verbal confrontation, and she ended up getting furious and called the police. The complainant stated the officers ended up arresting her for being drunk in public, instead of arresting the person who had raped her.

The named officers stated the complainant was intoxicated, was yelling and belligerent and repeatedly refused to follow orders. The officers stated the complainant was arrested because she was unable to care for herself.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly process the complainant's property.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #5-6: The officers intentionally damaged the complainant's property.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated the named officer did not explain to her how to obtain a copy of the incident report, did not provide the other party's contact information, and did not tell her what to do with the follow up form that the named officer had provided.

The named officer and his partner denied the allegation. The named officer stated he spoke to the complainant and the other party on scene. He stated he provided both parties with a follow up form with the assigned case number. The named officer stated he told the complainant how to get a copy of the incident report.

There no other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated she attempted to retain her clients' passports during a civil dispute. The complainant stated she reluctantly complied with the named officer's verbal order to give back her clients' passports during the civil dispute.

The named officer stated he advised the complainant that she could not hold the passports as collateral in a civil dispute as they were not her property. The named officer stated he told the complainant to return the passports. The named officer stated that the passports were returned to the rightful owner.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/14 **DATE OF COMPLETION:** 10/31/14 **PAGE** #1 of 2

SUMMARY OF ALLEGATION #1: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant stated that he was detained under California Welfare and Institutions Code section 5150 (Involuntary Psychiatric Hold). The complainant was uncertain about the date and location where the incident occurred. He did not know the name of the officer who allegedly detained him.

The incident in question has not been located. The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he was detained under California Welfare and Institutions Code section 5150 (Involuntary Psychiatric Hold). The complainant was uncertain about the date and location where the incident occurred. He did not know the name of the officer who allegedly detained him.

The incident in question has not been located. 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: 07/25/14 **DATE OF COMPLETION:** 10/31/14 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was detained under California Welfare and Institutions Code section 5150 (Involuntary Psychiatric Hold). The complainant was uncertain about the date and location where the incident occurred. He did not know the name of the officer who allegedly detained him. The complainant alleged that the officer behaved inappropriately and made inappropriate comments toward him.

The incident in question has not been located. The identity of the alleged officer has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that he was detained under California Welfare and Institutions Code section 5150 (Involuntary Psychiatric Hold). The complainant was uncertain about the date and location where the incident occurred. He did not know the name of the officer who allegedly detained him. The complainant alleged that the officer used profanity toward him.

The incident in question has not been located. 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: 07/31/14 **DATE OF COMPLETION:** 10/02/14 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/14 **DATE OF COMPLETION:** 10/28/14 **PAGE #1** of 3

SUMMARY OF ALLEGATION #1: The officer failed to drive safely.

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

FINDINGS OF FACT: The complainant said he turned right in his car on a red light and a police car almost hit him because the named officer was driving over the speed limit with no lights or siren on.

The named officer denied driving unsafely.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer displayed a rude demeanor.

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

FINDINGS OF FACT: The complainant said the named officer talked to him with “an angry, annoyed, aggressive, and authoritarian demeanor,” “over-enunciating” when talking to the complainant and failing to look at the complaint. He said it made him feel less than human and really like an animal.

The named officer, who was patrolling alone, denied that he displayed a rude demeanor, explaining that he did use layman’s terminology and tried to be clear in his speech to the complainant, as he believed the complainant was confused about why he was stopped.

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: 08/06/14 **DATE OF COMPLETION:** 10/28/14 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing, based on race.

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

FINDINGS OF FACT: The complainant said he felt as though the officer treated him the way he did during a traffic stop based on the complainant's race. The complainant said he felt as though the officer's actions felt to him as though the officer might imprison him or shoot him if he did not follow instructions and continued to challenge the reason for the traffic stop.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied that he based the traffic stop on the complainant's race, stating that although he could see the driver through his open window before conducting the stop. He stated the only reason that he stopped the driver was because he violated a Vehicle Code section and almost caused a traffic collision.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer spoke and behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant said the named officer spoke down to him.

The named officer denied that he behaved inappropriately and said anything inappropriate to the complainant.

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: 08/06/14 **DATE OF COMPLETION:** 10/28/14 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: The complainant was cited for violating California Vehicle Code section 21803(a), Intersection controlled by yield right-of-way sign, which states:

The driver of any vehicle approaching any intersection which is controlled by a yield right-of-way sign shall, upon arriving at the sign, yield right-of-way to any vehicles which have entered the intersection, or which are approaching on the intersecting highway close enough to constitute an immediate hazard, and shall continue to yield the right-of-way to those vehicles until he or she can proceed with reasonable safety.

The complainant acknowledged he turned right on a red light just before the named officer, entering an intersection on a green light, almost struck him from the side, allegedly because the officer was traveling too fast.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/14 **DATE OF COMPLETION:** 10/06/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer entered inaccurate information on the CAD.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 2, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/14 **DATE OF COMPLETION:** 10/14/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she called the police because she saw a female Security Guard from Glide Memorial Church cross a street. She stated that when police arrived, she stepped down from the curb to meet with the responding officers. The complainant stated that one of the officers grabbed her arm and said, "Get out of the street. Get out of the street" about 4-5 times. The complainant stated she complied and returned to the curb. The complainant stated the officer asked her what happened. The complainant told the officer what she saw and what people did. The officer responded, "I'm leaving."

Records from the Department of Emergency Management showed that the complainant called 9-1-1 and told the dispatcher that she was being disrespected by a security guard. Two officers responded and noted that there was no merit to the 9-1-1 emergency call after making contact with the complainant.

The two responding officers could not recall the incident in question.

The identity of the alleged officer could not be established.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/14 **DATE OF COMPLETION:** 10/03/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 2, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/14 **DATE OF COMPLETION:** 10/18/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was driving slowly at the airport so she could merge into another lane when suddenly lights and siren came on behind her. She started to go right and the officer yelled over the bullhorn for her to pull over. She stated that she stopped and the officer came up and told her to take her ear buds out of at least one ear while driving. The complainant stated that she did not have the ear buds in both ears. The officer did not query her or give her a ticket.

The named officer denied the allegation. The officer stated he spotted the complainant wearing ear buds while driving slowly at the airport. The officer stated he drove up next to her vehicle and sounded his air horn to get her attention. She rolled down her window and he told her to take her earphones out. She did and then she drove away. The named officer stated he did not pull her over. He only advised her from his vehicle and they both continued on. The officer stated that he did not conduct a traffic stop.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer yelled at her.

The named officer stated that he pulled up next to the complainant and told her to take her headphones out because she was driving in a distracted manner. The officer denied yelling at the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 10/06/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on October 1, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/14 **DATE OF COMPLETION:** 10/09/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that, following the theft of his bicycle from a MUNI bus, he called 3-1-1 to report the theft. The complainant told the 3-1-1 dispatcher that he wanted the video pulled from the bus as the theft of his bicycle might have been captured on the security video. The complainant stated that the following day, he received an automated email from SFPD, providing him with a report number. He then received a copy of the report the next day. The complainant alleged that the police failed to investigate the theft of his bicycle.

The named member stated that incident reports are assigned for investigation based on a number of factors, including the presence, or lack of, physical evidence. He stated that in this case, by the time this case was reviewed for assignment, the bus video evidence was no longer available. He stated that MUNI video is retained for just 72 hours. The named member stated he advised the complainant that making a counter report, rather than an online report, would have been a better option due to MUNI's sensitive 72-hour rule.

A MUNI representative stated bus video is retained for 48 to 72 hours before being re-recorded. She stated that the bus driver prepared a report of this incident but the video was never downloaded.

OCC's investigation established that the named officer's action was proper and in compliance with SFPD Department Bulletin 13-058, Case Assignments.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 10/06/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was riding his bicycle in a bicycle lane when the officer turned his patrol car in front of the complainant, causing the complainant to take evasive action to avoid a collision. The complainant stated the officer did not use a turn signal, the vehicle lights were not activated and the officer did not stop or slow down.

The officer denied the allegation.

The officer stated he was unaware of this incident and that he did not recall driving in the area of 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: 09/04/14 **DATE OF COMPLETION:** 10/16/14 **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 the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 14, 2014.

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 October 14, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that he viewed an online video depicting a confrontation between two subjects. He stated one of the subjects should have been arrested. He could not provide any additional information.

The video failed to show evidence of a crime.

No witnesses were identified.

There was no evidence that the incident was reported to police.

There was no additional evidence provided by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/14 **DATE OF COMPLETION:** 10/06/14 **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 Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 10/16/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant raised matters not rationally within OCC's jurisdiction.

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

FINDINGS OF FACT: The complainant raised matters not rationally within OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/14 **DATE OF COMPLETION:** 10/06/14 **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 Sheriff's Department
25 Van Ness Ave., Suite 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/13 **DATE OF COMPLETION:** 10/02/14 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer unsafely drove his motorcycle onto a sidewalk curb while chasing a suspect. The complainant stated the named officer lost control of his motorcycle, which flew threw the air and landed on her foot. The complainant stated the named officer's reckless driving put her and several other pedestrians in danger.

The named officer stated he drove slowly and safely onto the sidewalk. The named officer stated he drove onto a portion of the sidewalk clear of pedestrians before being surrounded by a hostile crowd. The named officer stated he did not cause anyone injury as he entered the sidewalk. The named officer stated he was forced to briefly set his motorcycle on the ground after being pushed or bumped by someone in the crowd.

A witness and relative of the complainant stated the named officer ran over the complainant's toe as he drove slowly onto the sidewalk. During the course of the investigation, the complainant failed to provide additional evidence and corroborating documents after numerous attempts from the OCC.

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: 10/02/13 **DATE OF COMPLETION:** 10/02/14 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #2 - 4: The officers failed to obtain the complainant's statement.

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

FINDINGS OF FACT: The complainant stated she stood on a sidewalk bordering a parking lot and watched as officers arrested her cousin inside the parking lot. The complainant stated the named officers should have interviewed her regarding her observations of the arrest. However, the complainant stated she refused to talk to an officer who asked for her name, contact information, and statement.

The named officers stated they had no duty to interview the complainant simply because she witnessed an arrest. The named officers stated they tried to interview the complainant only because she claimed to have been injured while watching the arrest from the sidewalk. The named officers stated the complainant, despite their efforts, refused to communicate with any officers present at the scene.

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

SUMMARY OF ALLEGATIONS #5 - 7: The officers failed to provide medical assistance upon request.

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

FINDINGS OF FACT: The complainant stated she was injured when an SFPD motorcycle fell on her toe. The complainant stated several officers refused to call her an ambulance and told her she was not injured.

The named officers denied refusing to call the complainant an ambulance. The named officers denied telling the complainant that she was uninjured.

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: 10/02/13 **DATE OF COMPLETION:** 10/02/14 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated she was injured while witnessing the arrest of her cousin. The complainant stated she informed the named officers of her injury. The complainant stated the named officers laughed at her and told her she was uninjured.

The named officers denied laughing at the complainant or telling the complainant she was uninjured.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #11: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity when commenting on a crowd of people gathered to watch an arrest.

The named officer and other officers denied the allegation.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/13 **DATE OF COMPLETION:** 10/02/14 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #12: The officer used unnecessary force during an arrest.

\CATEGORY OF CONDUCT: UF **FINDING:** U **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated the named officer knocked an arrestee to the ground by using an outstretched right arm impact to his neck. The complainant stated the named officer kicked the arrestee while he was on the ground.

The named officer stated he did not have physical contact with the arrestee.

Several witness officers stated the named officer did not have physical contact with the arrestee.

The arrestee stated he went to the ground of his own volition. The arrestee stated he was not kicked by the named officer. The arrestee's wife witnessed the incident and stated the named officer did not have physical contact with the arrestee in the parking lot.

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

SUMMARY OF ALLEGATIONS #13 - 14: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant stated that, during an arrest, the named officers kicked and punched the arrestee who was on the ground and handcuffed.

The named officers denied kicking or punching the arrestee. The named officers stated they touched the complainant's arms only to apply handcuffs to his wrists.

The arrestee stated he was not kicked or punched by officers. However, the arrestee stated the named officers pulled his arms excessively hard while applying handcuffs to his wrists, which caused his face to press painfully into the ground.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/14 **DATE OF COMPLETION:** 10/23/14 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: An anonymous complainant stated that the officer drove improperly and behaved inappropriately towards the complainant.

The officer denied the allegation. He stated he was responding to an "A" priority call and had to drive around the complainant's vehicle.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/17/14 **DATE OF COMPLETION:** 10/26/14 **PAGE#** 1 of 1

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

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

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

BART Police Department
Attn: Internal Affairs
800 Madison St.
Oakland, CA 94604

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/14 **DATE OF COMPLETION:** 10/26/14 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1/CHP **DEPT. ACTION:**

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

California Highway Patrol
Attn: Officer Karl Kwitte #19737
455-8th Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/14 **DATE OF COMPLETION:** 10/26/14 **PAGE#** 1 of 1

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

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

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