

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/15 **DATE OF COMPLETION:** 12/10/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was driving his friend's car when he was pulled over and cited for failing to use his turn signal. The complainant stated he later learned from his friend that the vehicle's turn signal was not working.

The named officer stated he observed the complainant turn without using a left blinker, in violation of California Vehicle Code section 22108, which states, "Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning."

The complainant's own statement established that the vehicle's turn signal was not working.

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 stated he was driving his friend's car when he was pulled over and cited for failing to use his turn signal. The complainant stated he later learned from his friend that the vehicle's turn signal was not working.

The named officer stated he observed the complainant turn without using a left blinker, in violation of California Vehicle Code section 22108, which states, "Any signal of intention to turn right or left shall be given continuously during the last 100 feet traveled by the vehicle before turning."

The complainant's own statement established that the vehicle's turn signal was not working.

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: 01/09/15 **DATE OF COMPLETION:** 12/10/15 **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 stated the named officer initially told him that he was being pulled over for tinted windows, but later told the complainant that he failed to use his turn signal.

The named officer denied the allegation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that when he asked for a supervisor, the officers told him he should not ask for a supervisor because it would “make things worse.”

The officers at the scene denied the allegation.

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

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: 01/08/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer filed a false charge against the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer filed a false charge against him of failing to register as a sex offender.

The named officer acknowledged that she erroneously filed a false charge against the complainant for failing to register as a sex offender. She stated that she ran the complainant's name on the computer terminal in her patrol vehicle while en route to the County Jail, where the complainant was booked. The named officer recalled that she saw a requirement to register as a sex offender after entering the complainant's first and last names. She did not recall if she entered his middle initial. The named officer did not recall if she told her supervisor of her plan to levy the charge when she phoned the supervisor to approve the charges.

The named officer's partner stated that he believed the sex registrant charge against the complainant was dropped.

The named officer's supervisor stated that she did not recall discussing the sex offender charge when the named officer phoned her to have charges approved.

Records showed that that the complainant was falsely charged as a sex registrant.

Department General Order 2.01 states that officers are required to maintain knowledge necessary to properly perform their duties and that they are required to devote their attention to their duties while they are on duty.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 12/16/15 **PAGE #**1 of 5

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

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

FINDINGS OF FACT: The complainant stated that he entered the Muni bus, paid his fare and sat next to the bus driver. He stated the named officer and two other officers entered the bus to conduct fare inspections. He stated that he handed the named officer his transfer, but the named officer refused to accept the transfer unless the complainant unfolded it. He stated that he made a comment of disdain but presented his unfolded transfer to the named officer. He stated the named officer subsequently grabbed his transfer and told the complainant that he was going to jail. The complainant stated that he was removed from the bus.

The named officer stated that the complainant was not removed from the bus for fare evasion. The named officer stated that the complainant had a valid transfer. He stated that the complainant was removed from the bus because the complainant caused a disturbance, used profanity, delayed the bus and delayed the named officer's duty as a police officer.

The witness officer stated that he was conducting proof of payment inspections near the rear of the bus when he heard a commotion caused by both the complainant and the named officer. He stated that he assisted the named officer with escorting the complainant off the bus because he thought the complainant was a fare evader.

The other officer stated that he did not recall entering the same bus as the complainant. He stated that he provided backup for the named officer, while the complainant was outside the bus.

The incident report depicted the complainant as an individual who continuously challenged the named officer, caused a disturbance and used profane language throughout their interaction, however video footage from the bus disputed those claims.

The US Constitution First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition. Thus, under the First Amendment, the complainant can use profanity in a public place as long as it will unlikely provoke an immediate violent reaction.

DGO 5.03 states, in part, a police officer may briefly detain a person for questioning if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific articulable facts to support his/her actions.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 12/16/15 **PAGE #2 of 5**

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

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

FINDINGS OF FACT: The complainant stated that the named officer snatched him by the arm, grabbed him and removed him from the bus. He stated that the named officer also twisted his arms behind his back and slammed him against the wall.

The named officer denied using force on the complainant during the complainant's arrest. Two witness officers denied that force was used during the arrest.

Bus video footage of the incident refuted the named officer's account of his contact with the complainant and established that the named officer did not have justification to detain and remove the complainant from the bus by force; therefore the force used during the arrest was unnecessary.

SFPD DGO 5.01 states that officers may use force during the performance of their duties...[t]o effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention."

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

SUMMARY OF ALLEGATION #3: The officer used force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that the named officer slammed him against a wall.

The named officer denied slamming the complainant against a wall. The named officer's partners denied observing the complainant being slammed against a wall.

The bus footage did not capture the complainant being slammed against a wall. No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 12/16/15 **PAGE #3 of 5**

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

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

FINDINGS OF FACT: The complainant stated that he paid his bus fare, but was removed from the bus during a fare inspection. He stated that he was cited for harassment and disturbing the peace for no reason.

The named officer stated that the complainant was detained and removed from a bus for delaying the officer in the conduct of his duties, and that he was cited and arrested for using profanity in public, causing a disturbance on the bus and delaying his duty as a police officer.

The witness officer stated that he thought the complainant was a fare evader. He stated that he did not know why the complainant was cited. He stated that he did not recall hearing the complainant use profane language.

The security footage captured the interaction between the named officer and the complainant on the bus. The footage disputes the named officer's account of the incident. There was no evidence to support the detention, arrest and citation of the complainant.

DGO 2.01 states, in part, that members shall maintain a working knowledge of all information required for the proper performance of their duties.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 12/16/15 **PAGE #**4 of 5

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

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

FINDINGS OF FACT: The complainant stated that the named officer's star number was covered by his coat. He stated that when he attempted to get the named officer's star number, the named officer threatened to arrest the complainant if the complainant's turned and looked at his star again.

The named officer denied closing his coat to hide his star number. The named officer denied threatening to arrest the complainant for looking at his star number.

The named officer's partners denied hearing the named officer threaten to arrest the complainant if the complainant continued to look at his star number.

There were three officers at the scene. The complainant provided star numbers for two of the three officers. The named officer's star number was the only number the complainant did not provide.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 12/16/15 **PAGE #5** of 5

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer stated that to the best of his knowledge the incident report that he wrote was accurate and complete.

An incident report by the named officer included allegations that the complainant directed statements such as, “fuck the police” for hassling about “bullshit” fare; “can’t you see it, asshole” and “fucking open it yourself, asshole” at the named officer while the named officer was conducting a fare inspection.

Video and audio records of the incident captured by the Muni bus recording equipment demonstrate that the named officer misrepresented the complainant’s conduct and statements.

The named officer’s written account of his interaction with the complainant also eliminated several exculpatory facts about the conduct of the complainant, which further presented the incident in a false light.

The witness officer stated that he did not recall hearing the complainant use profane language.

The SFPD Report Writing Manual states, in part, “preparing factual and thorough incident reports is one of the most important duties of a professional police officer. . . . An accurate and objective account of an incident, and a clear description of the officer’s preliminary investigation are key to a complete incident report.”

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/15 **DATE OF COMPLETION:** 12/07/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving his girlfriend's car when he was cited for expired vehicle registration. The complainant stated the named officer told him that the violation would not effect his driver's license and to give the citation to the registered owner of the vehicle. The complainant stated that as instructed by the named officer, he gave the citation to the registered owner of the vehicle. Several months later, the complainant stated he received a notice of civil assessment and resolution, which documented that he had a fine against him. The complainant also learned that his driver's license had been suspended.

The named officer denied the allegation, stating that he told the complainant that he would be responsible for the citation, and that the registered owner of the vehicle would be responsible for registering the vehicle.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: An anonymous complainant sent a letter to the Chief of Police stating that an officer parked in front of a fire hydrant and that the officer jaywalked twice.

The complainant failed to provide his contact information and failed to provide a specific date of when the alleged misconduct occurred.

The complainant failed to provide additional information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/15 **DATE OF COMPLETION:** 12/22/15 **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 his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 12/28/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In a complaint filed more than a year after a traffic collision, the complainant stated that he suffered a concussion and injuries to his neck from a vehicle collision. He stated that the named officer kept him at the scene in spite of paramedics attempting to transport the complainant to the hospital. The complainant stated that a paramedic told the named officer to follow basic protocol and follow the ambulance to the hospital, but the named officer told the EMT he would not be long.

The named officer denied that he delayed the complainant's transport to the hospital. He stated that the complainant was given an opportunity to make phone calls so his vehicle would not get towed. He stated that the complainant delayed his own transport, attempting to get a family member to respond and move the vehicle he was driving. He stated that he requested the complainant stop talking on his cell phone and sign the citation.

The named officer's partner denied that their investigation or anything they did at the scene delayed the complainant's transport to the hospital. He stated that paramedics determine when a patient needs to be transported.

An SFPD Academy First Aid/CPR instructor, who is a former paramedic and paramedic evaluator in San Francisco, stated that paramedics can ignore the request of police officers to remain at the scene if a patient needs to be transported to the hospital. He stated that paramedics are in charge of the health and safety of the victim, whereas law enforcement is in charge of the scene.

The paramedic records indicated that the complainant's transport was delayed due to SFPD and the complainant working out the information of the accident. The paramedics, who responded to the collision, have left the company and could not be reached for an interview.

Department and ambulance company records showed that that SFPD arrived at the complainant's vehicle collision scene 10 minutes after paramedics arrived, and that paramedics were on the scene for eight minutes after SFPD arrived. Records also showed that the paramedics' response and transport priority were Code 2, Urgent, meaning they did not use lights and sirens.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 12/28/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated an emergency medical technician (EMT) told the named officer to follow the ambulance to the hospital to complete his investigation, but the named officer told the EMT he would not be long. The complainant stated the EMT then told the named officer that the complainant could be hemorrhaging, and the named officer responded, "We have other things to do today."

The named officer denied making the alleged comments, and denied saying anything to delay the departure of the EMT.

The named officer's partner stated that he did not hear the named officer make the alleged comment.

The paramedics, who responded to the collision, have left the company and could not be reached for an interview.

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

SUMMARY OF ALLEGATION #3: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that one of the responding officers was going to move his vehicle out of the roadway but there were no parking spaces available. He stated that he called his brother to move his vehicle. He stated that the named officer notified the complainant that the vehicle was being towed before his brother arrived at the scene.

The named officer stated that a records check found that the complainant had a suspended license.

Department policy allows officers to tow any vehicle being driven by a person who has had his/her driver's license suspended or revoked.

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

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

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

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

Department of Public Works
1 Dr. Carlton Goodlett Place, Room 348
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/15 **DATE OF COMPLETION:** 12/02/15 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/15 **DATE OF COMPLETION:** 12/02/15 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/23/15 **DATE OF COMPLETION:** 12/04/15 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Division
25 Van Ness Avenue, 3d Floor
San Francisco, CA 94102

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/15 **DATE OF COMPLETION:** 12/28/15 **PAGE #1 of 1**

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

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

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

San Francisco Fire Department
Department Headquarters
698 2nd Street
San Francisco, CA 94107

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/15 **DATE OF COMPLETION:** 12/04/15 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer issued her a citation without cause after she came to a complete stop at an intersection.

The named officer stated that, while on traffic enforcement duty, he observed the complainant's car approach the intersection, cross the limit line, and continue through the intersection without coming to a complete stop.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer raised his voice in anger, "shut her down" verbally when she tried to speak with him, and was condescending and rude. The complainant further alleged that the named officer told her that if she appealed the citation in court, he would appear to make sure she lost.

The named officer denied raising his voice in anger and denied that he was condescending to the complainant. He stated that he listened to the complainant's explanation. He denied telling the complainant that he would make certain that she lost any appeal of the citation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/14 **DATE OF COMPLETION:** 12/07/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he attempted to make a left turn on a green light, but traffic caused him to get caught in the middle of the intersection. He stated that he completed the left turn on a red light and officers followed him to the next light and pulled him over. He stated that he was cited for a red-light violation. The complainant denied running a red light.

The named officer stated he and his partner were in their patrol car facing a green light and stated he observed the complainant cross the intersection through a solid red light. He stated the complainant was stopped and cited for the red-light violation.

The named officer's partner stated that he observed the complainant run the red light.

Both officers denied that the complainant was stopped in the intersection by slow traffic.

The complainant's daughter stated she was riding in the vehicle when the named officer stopped her father. She stated that they had been stopped in the middle of the intersection when the light changed to red. She stated her father was subsequently pulled over and cited for a red-light 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: 12/31/14 **DATE OF COMPLETION:** 12/07/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer failed to provide name and star number.

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

FINDINGS OF FACT: The complainant stated that when he asked the named officer for his partner's name, the named officer said he did not know his partner's name and badge number. The complainant stated that while the named officer ultimately wrote down his partner's name and star number on the citation, the complainant did not believe that the information he was provided was accurate.

The citation showed that the named officer's partner's last name and star number were legibly written on the citation issued to the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that he was racially profiled because he was wearing a beanie and driving in a bad neighborhood, in a big van with tinted windows. He stated that he could think of no other reason the named officer would have opened the complainant's vehicle without his consent.

The named officer and his partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both officers denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/14 **DATE OF COMPLETION:** 12/07/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer violated his Fourth Amendment right by opening the complainant's vehicle without cause and without consent.

The complainant's daughter stated the named officer opened the rear door of the van and looked inside. She stated that when she confronted the named officer about opening the door, the named officer apologized.

The named officer stated that the complainant's van had dark tinted windows and he could not see inside. He stated that he pulled the latch of the complainant's rear door, the door swung open and he noticed there were people in the complainant's van. He stated that he looked inside the van for any officer safety threat that may have been inside. He stated that he has been trained in the Police Academy to conduct such officer safety checks during traffic stops.

The named officer's partner stated that the complainant's van had tinted windows like most commuter vans he had seen. He stated that such tinted windows were not considered suspicious. He stated that he was able to see inside the complainant's van as he got close to it. He stated that officers are trained to ensure rear doors or trunks are secure and not going to pop open. He stated that the named officer accidentally opened the van door.

An SFPD Academy Traffic Stop instructor stated that officers are trained to utilize officer safety techniques to prevent ambushes during vehicle stops. He stated that officers are trained to ensure vehicle doors are secure before approaching a driver, but not to open them.

The Fourth Amendment of the United States Constitution, guarantees that, "the right of people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . ."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/14 **DATE OF COMPLETION:** 12/07/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated his car was stolen from outside his home and the named officer took his contact information, including two phone numbers, for a report. The complainant stated his primary phone number was inaccurate in the incident report. The complainant stated his car was recovered in another city and the named officer failed to notify him by phone as promised. The complainant stated the named officer should have called both of his phone numbers to notify him of the recovered car.

The named officer stated he wrote down the complainant's phone numbers correctly and read them aloud for the complainant to verify. The named officer stated the complainant verbally confirmed the phone numbers were accurate. The named officer stated he was not responsible for notifying the complainant regarding his recovered car.

The complainant's primary phone number was incorrect in the incident report.

Department records showed the SFPD attempted to notify the complainant by phone three times. The named officer had no duty to notify the complainant of his recovered car, but did have a duty to correctly record the complainant's contact information. The officer stated the complainant verbally confirmed his phone numbers, but no witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated in an email sent to the Department that officers detained him after he was the victim of an assault. The complainant stated that upon his release, everything was returned to him except for his wallet and cell phone.

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

The named officer stated he responded to a call for service regarding a bar patron fighting with bar staff. He stated the complainant was intoxicated and he detained him. The named officer arrested the complainant for violation of Penal Code Section 647 (f) drunk in public. The named officer stated that he never saw the complainant's wallet or cell phone. The officer also stated that the complainant did not have the items on his person prior to being arrested and was therefore not booked into county jail with the items.

The named officer's partner stated he did not see the complainant's wallet or cell phone. He further stated that the complainant did not have a wallet or cell phone at the time of the incident.

A witness stated a female came to the bar and ordered a drink. The witness stated that a male entered and began talking to the female. The witness thought the male seemed aggressive and asked him to leave. The witness stated he approached the man and the man started swinging at him and head butted him. The witness was able to pin the subject to the ground and patrons assisted him until the officers arrived. The witness stated he heard the subject mumbling and saying something like his wallet was missing, or had been taken from him. The witness stated he saw the officers search the subject for weapons but did not see them take anything from the subject.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/14 **DATE OF COMPLETION:** 12/30/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that SFPD officers entered his residence without cause.

Department records showed that the entry to the complainant's residence was made pursuant to a search warrant.

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

SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was handcuffed without justification.

Department records showed that the entry to the complainant's residence was made pursuant to a search warrant.

The named officers stated they handcuffed the complainant for officer safety reasons. The named officers stated it is department policy to handcuff everyone when executing a search warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/14 **DATE OF COMPLETION:** 12/30/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was asleep in the living room when he was awoken to his stepdaughter screaming. He exited the living room into the dining room and saw a dark shadowy figure say, "Hands up." The complainant stated he complied and put his hands up and asked the officer if he had a warrant. The officer didn't answer and instructed him to get on the ground. The complainant said he got on his knees but wasn't moving fast enough, so the officer pushed him down all the way so he was lying face down on the ground. The officer placed him in handcuffs and then used his cuffed hands to pull him back up onto his feet.

The first named officer stated he stated he kept telling the complainant to put his hands up and get down on the ground. The officer stated that when he put his gun away and went to detain the complainant, the complainant tried to pull away from them, prompting both named officers to do an arm bar takedown. The officer stated the complainant did not complain of pain and had no visible injury.

The second named officer stated that when they grabbed hold of the complainant's wrists, he stiffened up and tried to pull away from them, so they used an arm bar takedown on the complainant to bring him down to his knees and to his stomach. The officer stated that he used a department-approved technique by getting the complainant up on one knee and rolling him up while holding his arm and assisting him up. The officer stated he did not hear the complainant complain of any pain and the complainant did not say he was injured after being pulled up onto his feet. In addition, the officer stated the complainant did not ask for medical assistance.

No independent witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/14 **DATE OF COMPLETION:** 12/30/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he was cited for resisting arrest, which he denied.

The named officer and another officer stated that the complainant resisted, prompting the named officer to cite the complainant.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated he heard the officer using the “F-word” while talking to another officer about something unrelated to the warrant and incident at hand.

The named officer was interviewed. He denied using the “F-word” and denied using any profanity.

All officers at the scene were questioned and stated they did not hear the named officer use any profanity.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 12/17/15 **PAGE #1 of 3**

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

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

FINDINGS: The complainant stated an officer at the scene acted like a “big bully” and told the complainant it was possible that he struck the other vehicle.

The officer identified by the complainant by last name was not present at the incident in question.

Officers at the scene denied the allegation.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 12/17/15 **PAGE #2** of 3

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS: The complainant stated the named officer lied on the DMV Re-examination form. The complainant stated the named officer made several false statements and lied about personally observing his driving habits. The complainant stated the officer obviously lied because she arrived after he had already parked his vehicle. During the OCC interview, the complainant acknowledged that his vehicle made contact with the bumper of the truck behind him when he parked. The complainant reiterated to the OCC, "That's what bumpers are for."

The witness and registered owner of the involved vehicle stated the complainant was belligerent throughout the incident and called her, her mother and the officers' names and used racial epithets. The witness stated she returned to her car from shopping and found a note on her car from an employee at a nearby store who observed the complainant hit her car more than once. The witness stated the employee provided her with the complainant's license plate number on a note, then came out of the store and spoke with the witness and her mother about what she saw. The witness stated she called the police, who arrived around the time the complainant walked out of a pizza restaurant. The witness stated the complainant refused to provide his license and insurance for quite some time. The witness stated that the officers were patient and nice. The witness stated the complainant finally gave his license to an officer at the scene.

Evidence from an auto body shop established that repairs to the witness' front bumper of her vehicle was completed approximately five weeks after the incident at a cost of \$1,411.39 dollars.

The named officer denied committing perjury on the DMV reexamination form. The named officer stated she investigated the incident and determined that the complainant most likely caused the collision with the witness' parked car based on his statements that he hit her bumper and the location of the damage to the witness' bumper. The named officer stated she personally observed the complainant driving away from the scene of the collision. She observed the complainant nearly caused a second collision with the witness' parked car when he pulled out of his parking space in a hasty manner. The named officer stated she was forced to shout at the complainant for him to stop. The officer stated she observed the complainant "not reacting to other cars" and "not adequately controlling" his vehicle when he nearly caused a collision with the witness' car a second time.

A representative from the DMV Driver Safety Division reviewed the complainant's request for regular re-examination. She reviewed the DS427 form completed by the named officer and stated it was acceptable for the officer to check a box indicating she observed the complainant cause or nearly cause a collision, fail to react to other cars, and fail to adequately control a vehicle because she responded to the collision scene. The DMV representative stated the named officer's presence at the collision scene would have

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 12/17/15 **PAGE #3 of 3**

allowed her to personally observe the aftermath of the collision and determine what happened and who was at fault based on the evidence. Furthermore, the DMV representative stated it would have been acceptable for the named officer to assume the complainant did not react to other cars or adequately control his vehicle based on the damage he caused to another car and his statement that “Bumpers are for hitting vehicles,” which implied he admitted to hitting the other car’s bumper. The DMV representative stated the important factor was that the named officer “interacted” with the complainant at the collision scene.

Both witness officers stated that based on their observations of the complainant at the scene, the DMV re-examination form was the appropriate action.

The statements and evidence established that the complainant struck the witness’ vehicle and that the named officer followed the proper procedures in issuing the complainant a DMV Re-examination form, in accordance with the Department’s guidelines. The named officer had sufficient evidence to determine who was at fault based on the evidence present at the scene. Additionally, the named officer observed the complainant’s behavior while at the scene and his driving actions when he left the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/30/15 **DATE OF COMPLETION:** 12/30/15 **PAGE #** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/24/15 **DATE OF COMPLETION:** 12/29/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The complainant stated the officer failed to properly investigate a traffic collision. The complainant stated she did not speak to an officer at the scene. The complainant stated that while she was in the emergency room at the hospital, the named officer came to take her statement. The complainant stated the named officer did not read her statement back to her.

The named officer denied that he failed to properly investigate the collision. He stated he got information from all parties involved, including a witness. The named officer did not recall going to the hospital to speak with the complainant.

The named officer's supervisor stated he reviewed the named officer's traffic collision report and made sure all boxes were completed and that the narrative and summary of the report were complete.

A witness officer stated that he and his partner were the first to arrive on scene. They determined the collision occurred in the Park District and a Park unit arrived on scene and took over the investigation.

The second witness officer stated that he spoke with the driver regarding the location of where the collision occurred. When it was determined that the collision occurred in the Park District, a Park Unit responded to the scene and took over the investigation.

A witness stated an officer came and began talking to people, trying to determine who the involved parties were. A second police officer came and began taking statements from all the parties.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE #2 of 4**

SUMMARY OF ALLEGATION #2: The officer wrote an incomplete and/or inaccurate report.

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

FINDINGS OF FACT: The complainant stated that when she reviewed a copy of the incident report, she noticed that it had the wrong location for where the impact actually occurred and it did not include a statement from the witness who helped her at the scene.

The named officer stated he determined the location of where the impact occurred through the witness statement and statements of the parties involved in the incident. The named officer stated he got information from all parties involved including a witness.

The initial responding officers stated that after they determined that the collision occurred in the Park District, a Park unit arrived on scene and took over the investigation.

A witness stated that he estimated that the impact occurred about 200-300 feet from the intersection. The witness acknowledged that the complainant's bike had been moved prior to the emergency personnel arriving on scene.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE #3 of 4**

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

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

FINDINGS OF FACT: The complainant was involved in a traffic collision and was subsequently cited by the named officer.

The named officer stated he cited the complainant because she was attempting to pass a vehicle when she and the driver of the vehicle were both making a right turn, in violation of California Vehicle Code section 21754, Passing on the right.

The witness identified in the traffic collision report reportedly told the named officer that he did not witness the collision. The witness did report to the named officer that both the complainant and the driver of the vehicle involved in the collision turned right simultaneously. The witness told the named officer that he was in the number one lane next to the vehicle involved in the collision.

The OCC interviewed the witness identified in the traffic collision report. He stated he was right behind the vehicle that was involved in the collision when he saw the complainant turn right, followed by the driver of the vehicle who hesitated a second or two before hitting the accelerator. The witness stated the vehicle made contact with the complainant and she went down. The witness stated he accidentally told the named officer that he was in the number one lane next to the driver, where in fact he was behind the driver.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE #4** of 4

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was unable to reach the officer and he did not return her call. The complainant further stated that she called two more times and had to become “agitated” before the officer finally returned her call and listened to the additional information she wanted to add. The complainant also stated the witness told her that he called the officer, but the officer never returned his call.

The named officer stated that if he knew they had called him, he would have called them back. The officer stated he was out on disability for eight months. He stated he did not recall receiving any subsequent phone calls or messages. The officer did not recall speaking to the complainant after the date of the collision.

The witness stated he made one attempt to contact the named officer the day after the incident. The witness stated he called the station and left a message with a man, explaining the situation and trying to amend his statement. He said he never heard back from the named officer.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer conducted a pat search without justification.

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

FINDINGS OF FACT: The complainant stated that he was the subject of a traffic stop. The complainant stated he gave his license and registration upon request and the officer asked him if he'd been smoking, which the complainant denied. The complainant stated the officer then asked if he had a cannabis card and the complainant showed him the card. The officer returned to his patrol car. The officer came back to the complainant's vehicle and asked the complainant to step outside of the car. The officer patted his pockets and began searching the car.

The named officer stated he conducted a traffic stop of the complainant after he observed a Vehicle Code violation. The officer stated he asked the complainant to exit the vehicle and he pat searched the complainant for weapons and then searched his vehicle. The officer stated he had probable cause to search the vehicle due to the strong odor of marijuana emanating from the vehicle and visible marijuana cigarettes he could see in the center console.

The named officer's partner stated they conducted a traffic stop of the complainant's vehicle because the center brake light was not in working order, a violation of California Vehicle Code section 24252(a). Upon approaching the vehicle, there was a strong odor of marijuana, prompting the named officer to search the complainant and his vehicle.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer searched the complainant's vehicle.

The named officer stated that he had probable cause to search the complainant's vehicle due to the strong odor of marijuana emanating from the vehicle and visible marijuana cigarettes he could see in the center console.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 24252(a), Lighting Equipment Requirements, which, states:

All lighting equipment of a required type installed on a vehicle shall at all times be maintained in good working order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage at the lamp socket.

During his interview, the complainant admitted one of the two rear window center brake lights was out.

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: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that another police car pulled up to the left of the complainant's car, with a female officer in the passenger seat. The female officer asked, "What's going on Bruh?" The complainant said, "Excuse me? I have a name, ma'am." He said that she then started "going off to her partner", saying things like, "This juicy jay" and "Woo whoop".

The named officer stated upon arriving, she immediately spoke with the officers on the scene. The officer could hear the complainant yelling, "Bruh, you only stopped me because I'm black! Bruh, the police had no reason to stop me!" The named officer stated she attempted to speak to the complainant because the other officer was not getting through to him. She asked the complainant, "What's going on Bruh," which meant, "What's going on, brother, bro, or friend, etc?" The named officer stated "Bruh" and "bro" are just a few of the common friendly greetings used by many in the younger generation. Based on her experience, the younger generation tends to take offense to being referred to as "sir" or "ma'am". The complainant's use of the word "bruh" indicated to her that this was his vernacular of choice, and she attempted to meet him on his level. The officer denied that she made any inappropriate comments or engaged in any inappropriate behavior.

In his MRF, the first witness officer stated the named officer did not make any inappropriate comments to the complainant nor did she behave inappropriately. The witness officer stated when they arrived on scene the complainant was arguing with the other two officers on the scene after receiving a citation. The named officer tried to diffuse the situation by talking to the complainant. The named officer walked over to the complainant and said, "What's going on bruh?" The officer stated he recalled the complainant got upset after the officer addressed him as "bruh."

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 12/02/15 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated the officer issued him a citation without cause. The complainant stated that after he received the first citation, the officers told him he needed to leave and that he was blocking traffic. The complainant refused. He said the female officer then gave him a ticket for littering and for being double-parked.

The named officer stated when they arrived, she observed the complainant's vehicle blocking traffic. The named officer stated she asked the complainant 3-5 more times to leave. The complainant slowly entered his vehicle, slowly drank a bottle of water, slowly pulled on his seatbelt and then slowly pulled out his cell phone. He remained parked in his vehicle in the middle of the street for more than 10 minutes and after being told repeatedly to leave. The named officer stated she again asked him to leave and told him if he did not do so that she would cite him for double parking and impeding the flow of traffic. The complainant continued to ignore her lawful orders and refused to move his vehicle, prompting her to cite the complainant.

The officer stated the complainant refused to accept the citation, so she placed it on his windshield, underneath the wiper blade to avoid further confrontation. The complainant grabbed the citation and deliberately threw it on the ground. She told him at least 3 times to pick up the ticket or she would cite him for littering. He responded with numerous obscenities and then drove away leaving the citation on the ground. She picked up the discarded ticket and completed another citation for the violation of 33 MPC (littering). The officer stated she planned to mail the citation to the complainant as he had already driven off, but less than 20 minutes later, she was called to the station and was told the complainant was at the station wanting to speak to her. When she arrived at the station, the complainant approached her in the parking lot. She then asked him to sign the littering ticket and he became irate. He refused to sign the citation and walked away. She could have arrested the complainant for refusing to sign the citation, but she did not want to further escalate the situation and allowed him to leave. She wrote in the signature box, "Refused to sign". The officer stated the continued offenses are what caused her to issue the two citations.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/15 **DATE OF COMPLETION:** 12/28/15 **PAGE #1** of 1

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 arrested for allegedly stealing a laptop from the senior living center where he lived. While the complainant admitted examining a gray-colored VCR that was in the recycling area, he denied stealing a laptop.

Department records show that the complainant was arrested pursuant to a private person's arrest.

OCC's investigation established that the officers' action was within the guidelines set forth in Department General Order 5.04, Arrests by Private Persons.

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

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

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

FINDINGS OF FACT: The complainant stated the officer accused him of stealing in an aggressive tone.

The named officer denied the allegation.

The witness did not see or hear the entire contact.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/15 **DATE OF COMPLETION:** 12/09/15 **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 that her vehicle was towed without justification.

The named officer stated that the complainant's vehicle was towed because its registration expiration date was in excess of six months, in violation of California Vehicle Code section 22651(o)(1)(a).

Tow records showed that the complainant's registration expiration date was in excess of six months when the vehicle was towed, providing the named officer the authority to tow the vehicle.

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: 08/19/15 **DATE OF COMPLETION:** 12/21/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 14, 2015.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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 December 14, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 12/30/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated he observed two officers walking away from two men he had seen selling drugs. The complainant approached the two officers and asked them if this was a “Free Zone” area. One of the officers waved his hand, dismissing the complainant, and said, “What do you think I just did?” The complainant stated that as the officers drove away, the two men walked away laughing.

One of the named officers stated he was getting into the driver’s seat of his patrol car when an unknown subject (the complainant) asked him if the area was a drug free zone. He stated he told the complainant that everywhere is a drug free zone. He also told the complainant that he frequently patrols the area and takes appropriate action if he sees anything. He stated the complainant did not make a specific complaint about a person selling drugs.

Both of the named officers stated that prior to this contact, they were on foot patrol and made consensual contact with a male subject who appeared nervous and tried to walk quickly away from the officers. They stated they did not see this subject selling any narcotics. They stated they identified the subject and sent him on his way when they learned he was not on probation or parole.

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: 08/13/15 **DATE OF COMPLETION:** 12/30/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer issued him a citation without cause.

The named officer stated that, while on patrol, he observed the complainant's car drive through a red light, prompting the named officer to cite him for the violation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer told him to wait to present his documents until ordered to, and then refused to look at the documents once they were presented to him. The complainant further stated the named officer rested his hand on his gun throughout his interaction with the complainant, and that the named officer accused the complainant of being under the influence of drugs or alcohol and said he should not be driving a vehicle. The complainant also stated that the named officer told him that the complainant had an attitude problem.

The named officer stated he did not tell the complainant to wait to present his documents until he was ordered to, and that once the documents were presented, he accepted them. The named officer denied resting his hand on his gun as alleged and denied accusing the complainant of being under the influence of drugs or alcohol. He stated he did not tell the complainant that he should not be operating a vehicle, but rather asked him if he was able to drive based on the officer's observation of the complainant running a red light. The named officer stated that he did not tell the complainant that he had an attitude problem.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 12/30/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer said, "Hey, asshole!" when he approached the complainant's vehicle. The complainant also stated that the named officer told him, "You don't have any fucking insurance."

The named officer stated that he did not say "Hey, asshole," or anything similar to that. He also stated that he did not tell the complainant "You don't have any fucking insurance," or anything similar to that.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/15 **DATE OF COMPLETION:** 12/21/15 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was cited for failing to yield to a pedestrian, which he denied.

The named officer denied the allegation, stating that he observed the complainant failing to yield to a pedestrian in the crosswalk.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer told the complainant not to argue. The complainant stated the officer lied to him about which violation he was going to charge the complainant.

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: 07/24/15 **DATE OF COMPLETION:** 12/28/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was at a nightclub for about two hours and drank four alcoholic drinks. He said he went outside to get some fresh air and when he tried to re-enter the club, the manager told him he could not come back in. The complainant stated club security held him until two officers arrived and detained him for being drunk in public.

Records from the Department of Emergency Management (DEM) showed that DEM received two 911 calls regarding the complainant. The first call was classified as a mentally disturbed person being belligerent, "screaming and trying to get confrontational." In addition, the 911 caller told dispatch that the person was, "screaming in the middle of the street, threatening everyone." Another call came in, notifying dispatch that the person was "running into traffic, punching cars and punching people."

The named officers stated that when they arrived at the scene, club security was holding the complainant down on the sidewalk. One officer stated club security told him the complainant was acting crazy, threatening cars and numerous passers-by. Both officers stated the complainant displayed the following objective signs of intoxication: watery, droopy eyes, strong smell of alcohol on his breath and clothing, an unsteady gait and slurred speech. They stated the complainant was unable to care for himself, prompting them to detain him for being drunk in public.

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: 07/24/15 **DATE OF COMPLETION:** 12/28/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that while he was being transported to jail, the named officer said to him, "We're gonna have some fun with you when we get there."

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 ALLEGATIONS #4-5: The officers used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated that one of the named officers applied the handcuffs very tightly and the officers refused to loosen them when the complainant asked them to. He stated that when he got out of the car at the jail, the officers slammed him to the ground for no reason and an officer pushed the side of his face into the ground. The complainant stated that the next day, he went to the hospital for facial abrasions and nerve pain in his hand. The complainant failed to sign a release for medical records.

The named officers stated the complainant never complained of tight handcuffs. They stated the complainant refused to exit the patrol car. When they pulled him out of the car, he ended up on the ground under his own weight. They denied pushing his face into the ground. The named officers stated a Department-approved rear bent wristlock was employed to escort him into the jail. Both officers stated the complainant was cleared for custody by the jail nurse. They stated the complainant did not complain of pain, did not have any visible injuries and did not ask for medical assistance.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited him for failing to stop for a red light, which the complainant denied.

The named officer and his partner stated they both observed the violation, prompting the named officer to issue the complainant a citation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated there was no justifiable reason for the named officer to order the complainant to sit on the dirty ground, while being issued a citation. The complainant stated the ground was covered with urine and excrement.

The named officer acknowledged ordering the complainant to sit on the ground, but denied the ground was dirty. The named officer stated the ground was clean. The named officer stated he routinely orders cyclists to sit on the ground when the cyclist is being issued a traffic citation. The named officer stated he does this for two reasons. One reason is to prevent the person from potentially running away, and the second reason is to place the person at ease. The named officer noted that the complainant did not object to sitting on 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: 07/03/15 **DATE OF COMPLETION:** 12/30/15 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he had his camera repaired at a shop. When he picked up the camera, a lens hood was missing, prompting him to call police. The complainant stated that the named officer told him that his dispute with the owner of the shop was a civil matter.

The named officer stated he was on a “10B assignment” for an event when he responded to a high priority call nearby regarding an argument. He stated he interviewed both the complainant and the manager of the shop and determined that the dispute was a civil matter and that no crime had occurred. The named officer stated that because he was on a 10B assignment, he asked dispatch to have the sector car handle the matter.

The shop manager stated the complainant was agitated about a missing part that was worth about \$7.50. While nobody at the shop saw the alleged missing part, the manager offered to replace the part, but the complainant refused the offer and called police. The manager stated that the named officer was nice, professional and courteous to everyone involved.

OCC’s investigation established that the complainant’s dispute with the shop was civil in nature, making the named officer’s actions proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/15 **DATE OF COMPLETION:** 12/30/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #2: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to provide his name and star number upon request.

The named officer stated that when the complainant asked for his star number and name, the named officer pointed to his star number and name on the front of his uniform and the complainant wrote down the information.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer, who is white, sided with the white store manager because the manager is white, and the complainant is African American.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He stated that race played no role in how he handled the call.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 12/02/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated she was walking in a crosswalk with her dog when a car turned the corner and almost struck her dog. The complainant stated that the officer sided with the driver's actions. The complainant stated the officer did not de-escalate the situation. The complainant further stated the officer was not concerned about public safety.

The named officer denied the allegation. The named officer stated his role was to assist construction workers and pedestrians with traffic control. The named officer stated the complainant told him that she was walking in a crosswalk with her dog on a green traffic light but was almost struck by a construction vehicle. The named officer stated he was calm and attempted to calm the complainant who was angry, yelling and using profanities during the incident. The named officer stated he interviewed and informed the complainant and the driver about traffic laws.

The driver of the vehicle was located by OCC and interviewed as a witness. The witness stated the complainant was disrespectful and aggressively talking and using profanity to the officer. The witness stated the officer was professional and respectful and that he tried to calm the complainant down. The witness stated the officer listened and explained traffic laws to both parties. The witness stated the complainant did not listen to the officer. The witness stated the officer sided with the complainant that she, as a pedestrian, had the right of way over vehicles.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 12/28/15 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used force against the complainant.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/15 **DATE OF COMPLETION:** 12/01/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she got into a verbal altercation with another female at a Laundromat, prompting the female to call the police. The complainant stated she felt threatened by the named officers who tried to speak to her even though she did not call the police.

The named officers denied the allegation. One of the named officers denied that he behaved or spoke inappropriately to the complainant. The other named officer stated he approached the complainant in a calm, non-threatening demeanor.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officers refused to call their sergeant to the scene.

The evidence established that the named officers' supervisor responded to the scene and received the complainant's complaint against the named officers, completing an OCC 293 Complaint Form.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/15 **DATE OF COMPLETION:** 12/01/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was assaulted inside a nightclub. He stated he asked two officers outside the nightclub to go inside and find his assailant. The complainant stated the officers told him that it was too crowded to go inside the club. He stated a security guard went inside to find the assailant, to no avail. The complainant stated the officers refused to go inside with the complainant so he could find the assailant. The complainant stated the officers told him he had no visible injuries and no witnesses. The complainant stated the officers told him to get in a taxi and go home or be arrested for being drunk in public.

One of the named officers stated the complainant was escorted outside of the club by security. The complainant provided two conflicting descriptions of his assailants and had no visible injuries. The officer stated the complainant refused to answer questions for the police report and screamed at the officer to go into the club and arrest his attacker. The officer stated that security told him that the complainant was not allowed back inside. The officer stated he told the complainant the club was too crowded, loud and unsafe for one officer to enter. He stated he told the complainant that the club was closing soon and they would wait by the main doors so he could identify his attacker. The officer asked security to look for the suspect based on the complainant's description, but they were unable to locate him. An unidentified female patron told the officer she was glad the complainant was stopped because he had used a lot of drugs inside the club and had been very disruptive. The officer stated the complainant displayed objective signs of intoxication but denied telling the complainant to go home or risk being arrested. The officer stated he told the complainant to go to the police station where they could file a police report. The officer stated the complainant turned away from him and left.

The second named officer stated he recalled the complainant was upset and was talking about an altercation inside the nightclub but he did not recall the details. The officer stated he was outside trying to clear the curb area of vehicles at the end of the event. He stated he did not recall why officers did not enter the nightclub to search for the complainant's assailant. He also did not recall if the complainant displayed objective signs of intoxication. He stated he did not tell the complainant he would be arrested for public intoxication.

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: 05/21/15 **DATE OF COMPLETION:** 12/21/15 **PAGE #** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity toward her son. The complainant's son did not come forward.

The named officer and his partner denied the allegation.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately and made inappropriate comments to the complainant's son.

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

FINDINGS OF FACT: The complainant stated the named officer harassed her son and was unprofessional when the officer spoke to her son. The complainant's son did not come forward.

The named officer and his partner denied the allegation.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/15 **DATE OF COMPLETION:** 12/21/15 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #3: The officer threatened the complainant's son.

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

FINDINGS OF FACT: The complainant stated the named officer threatened to take her son to jail. The complainant's son did not come forward.

The named officer and his partner denied the allegation.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated her son was cited without cause. The complainant's son did not come forward.

The named officer denied the allegation. The named officer stated that he cited the complainant's son for reckless driving and for driving on a suspended license.

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: 05/21/15 **DATE OF COMPLETION:** 12/21/15 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #5: The officer prepared an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the officer wrote an inaccurate citation. The complainant stated a different address appeared on the citation for her son. The complainant stated her son resided with her, which was not the address on the citation. The complainant's son did not come forward.

The named officer denied the allegation. The named officer stated the complainant's son did not have identification with him during the incident. The named officer stated he used his vehicle's Mobile Display Terminal and the system provided the complainant's son's current DMV mailing address. The officer stated that the complainant's son has had several addresses but the officer used the address that came from DMV. The named officer further stated the complainant's son reviewed the citation and then signed the citation.

Department records showed that the complainant and her son have had multiple addresses.

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: 05/05/15 **DATE OF COMPLETION:** 12/10/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 5, 2015.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 5, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was minding his own business when he was cited for an unknown violation. The complainant stated that he was being harassed for filing complaints with the OCC. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation. He stated he and his partner observed the complainant walking near the yellow lines in the middle of a busy street, prompting the named officer to cite him for the violation.

The witness officer corroborated the named officer's version of the incident.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 1 of 2

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 her complaint.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2015.

SUMMARY OF ALLEGATION #2: The officer made inappropriate statements.

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 December 15, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/14 **DATE OF COMPLETION:** 12/28/15 **PAGE #1** of 2

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

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

FINDINGS: The complainant stated she called police and reported what she believed was an abduction of a drugged or intoxicated female by a male suspect in a car. The complainant stated the officers who responded failed to properly investigate and failed to apprehend the alleged suspect when they drove by the scene. The complainant stated the officers failed to search the area for the suspect and the victim and failed to preserve as evidence the liquid contents of beer bottles left behind by the suspect. The complainant stated the officers should have made an effort to canvas for security video and to seek out video recordings from nearby businesses where the victim or suspect might have been prior to the abduction.

One of the named officers stated he and his recruit officer responded as backup to assist the other named officer on the call. He stated they searched both sides of the street where the subjects were last seen including the adjacent streets and apartment complexes in the area of the intersection. They searched directly in front of the middle school where the incident allegedly occurred. The officer stated they did not locate any video cameras in the area that would have captured the incident. The officer stated they did not locate additional witnesses and were eventually dispatched to a trespasser call at another location in the district. The officer stated they did not search nearby businesses for cameras in the area due to the vague physical descriptions provided by the complainant, and they did not know which establishments the subject may have frequented during the night. The officer stated all investigative steps were exhausted, and they explained the investigative steps to the complainant prior to all officers leaving the scene. The officer stated all police officers followed Department Policy and searched the area for surveillance cameras but none were located.

The other named officer stated that while responding to the call, he stopped a vehicle matching the color of the suspect's vehicle approximately half a block from the incident. The investigative stop was a negative match, so he released the driver and continued his search for the suspect's vehicle. The officer stated he was the patrol unit that, according to the complainant, had driven by the suspect's car, yet the officer stated he did not see a male and female struggling at that location. The officer stated he asked the complainant to join him in the search to identify the suspect's vehicle; however, the complainant could not leave her house door unsecured. The officer stated he searched the adjacent areas for the suspect vehicle with negative results and had dispatch contact the park police in case the suspect entered the large park areas. He also instructed the responding officers to collect the beer bottles as evidence and to canvas the area for surveillance cameras. The officer stated in incidents where a victim/suspect could not be located to ascertain whether a crime was in fact committed, perishable items such as food and liquid are not usually booked as evidence. Instead, evidence items are photographed for evidentiary purposes and appropriately disposed of.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/14 **DATE OF COMPLETION:** 12/28/15 **PAGE #2** of 2

The officer stated he talked at length to the complainant regarding public safety and was thankful for her proactive response. He stated that he provided the complainant with some advice for describing the location of where the suspect vehicle was located due to the area having numerous parked vehicles in a residential zone. The officer stated he explained that providing a more precise location with descriptors would have allowed the officers to quickly locate the vehicle.

The witness officer corroborated the account of the named officers. The witness officer prepared an incident report of a suspicious act towards a female at 0207 hours. Two beer bottles were left at the scene and collected as evidence. The witness officer reported that the named officer also responded and was the first officer on the scene. The report details the actions of the officers.

The CAD audio establishes that dispatch provided the details to the officers as provided for by the complainant. The complainant told dispatch that she was in her residence looking through tinted glass and was observing the incident. The complainant told dispatch that the suspect's vehicle was parked in front of and alongside a middle school on the same block. The complainant initially told dispatch that the vehicle was possibly an American made car with 4 doors. After four minutes, the complainant went to the street level and provided dispatch with a partial description of the unknown male suspect as bald and wearing all black clothing. The complainant stated the male suspect left the area with the female in the vehicle driving a silver Nissan. The complainant could not provide dispatch with a description of the unknown female. The call was created at 0206 hours and was cleared at 0255 hours.

Google maps established that the area is a residential zone with numerous vehicles parked along both side of the entire block. The middle school is located directly across from the complainant's residence, spans the entire block and is landscaped with numerous trees and shrubs. Google map shows that the street is abnormally wide with a separate center turn lane, two lanes in each direction, a wide bike lane and a wide parking lane.

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: 09/17/15 **DATE OF COMPLETION:** 12/01/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving a company truck and was backing out of his parking lot near the Hall of Justice when a vehicle in the roadway passed him suddenly. The complainant stated that the female driver stopped and yelled at him – “Why didn’t you wait for me? Why didn’t you let me pass first?” The complainant further stated that he has difficulty backing out because drivers are speeding down the street. The complainant stated he believes the drivers are SFPD officers driving their personal vehicles.

The complainant stated the female driver was not in uniform and was driving a personal vehicle. The complainant stated he was unable to get a vehicle license plate number.

The parking lot in question is used by City & County of San Francisco employees. The Hall of Justice houses sworn and civilian personnel who are employed with SFPD, SFSD, Superior Court and the District Attorney’s Office.

The unidentified female driver could not be identified as a sworn member of the Department.

The information the complainant provided was insufficient to investigate his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he called police after being assaulted. The complainant stated while talking to the named officer, the named officer asked him if the complainant had Alzheimer's disease or dementia.

The named officer denied the allegation. None of the witnesses interviewed by the OCC heard the alleged line of questioning. No other witnesses were identified.

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

SUMMARY OF ALLEGATION 2: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: The complainant stated the named officer unnecessarily drew his weapon during the incident.

The named officer stated he was by himself when he responded to the complainant's home regarding a residential breaking and entering and an assault involving numerous suspects. He stated he drew his weapon for officer safety and kept his weapon out until all the suspects had been properly accounted for and detained.

SFPD General Order 5.02, Use of Firearms, section I.B.2. states, in part:

AUTHORIZED CIRCUMSTANCES. An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

Given the nature of the 911 call, the named officer had reasonable cause to believe that it was necessary for him to draw his firearm for his own safety or for the safety of others.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION 3: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated he reported an assault, and the named officer failed to write an incident report.

The named officer denied that the complainant told him he had been assaulted. The named officer stated his investigation established the incident involved a landlord/tenant dispute and that no crime was committed. The named officer denied being asked for a private person's arrest.

Witnesses interviewed by the OCC either did not hear the named officer's conversation with the complainant or did not hear what the complainant specifically told the named officer.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION 4: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated he reported an assault, and the named officer failed to arrest the suspect.

The named officer denied the complainant told him he had been assaulted. The named officer stated his investigation established the incident involved a landlord/tenant dispute and no crime was committed. The named officer denied being asked for a private person's arrest.

Witnesses interviewed by the OCC either did not hear the named officer's conversation with the complainant or did not hear what the complainant specifically told the named officer.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/30/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION 5: The officer failed to provide the complainant with required information.

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

FINDINGS OF FACT: The complainant stated he reported an assault, and the named officer failed to write an incident report. The complainant stated because the named officer failed to write an incident report, the complainant was not able to establish the identity of the suspects for the purposes of getting a restraining order against them.

The named officer denied that the complainant told him he had been assaulted. The named officer stated his investigation established the incident involved a landlord/tenant dispute and no crime was committed.

Witnesses interviewed by the OCC either did not hear the named officer's conversation with the complainant or did not hear what the complainant specifically told the named officer.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION 6: The officer mishandled the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officer took the complainant's cell phone and left it unsecured on the ground.

The named officer denied the allegation.

None of the witnesses recall a cell phone at the scene.

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: 03/30/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION 7: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated one of his houseguests told him the named officer told her she had to leave the complainant's home.

The named officer denied the allegation.

The complainant's guest stated she was told to leave by the named officer.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION 8: The officer handcuffed the complainant's friend without justification.

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

FINDINGS OF FACT: The complainant stated that one of his guests was placed in handcuffs.

The named officer stated he was by himself when he responded to the complainant's home regarding a residential breaking and entering and an assault involving numerous suspects. He stated he drew his weapon for officer safety and kept his weapon out until all the suspects had been properly accounted for and detained. The named officer stated he handcuffed one of the complainant's guests because he was uncooperative, running back into the house when he was ordered to vacate the residence.

The complainant's guest, who was placed in handcuffs, denied being non-compliant.

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: 03/30/15 **DATE OF COMPLETION:** 12/17/15 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: A preponderance of the evidence established that the named officer, by his own admission, detained and handcuffed the complainant’s houseguest during the investigation of an assault and trespassing.

After completing his investigation, the named officer released the detainee but did not provide him with a Certificate of Release. The officer stated that he was not required to issue a Certificate of Release because handcuffing someone was not considered a “physical restraint” under the Department General Orders.

SFPD General Order 5.03, Investigative Detention, section II., states, in part:

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3. **PHYSICAL RESTRAINT.** If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.
4. **UNDER THE INFLUENCE.** If you arrest a person solely for being under the influence of a narcotic, drug or restricted dangerous drug and take him/her to a facility or hospital for treatment and no further proceedings are desirable, issue the person a Certificate of Release.
5. **QUESTIONABLE SITUATIONS.** If there is doubt as to whether you should issue a Certificate of Release, always resolve the doubt by issuing the form.

The evidence established that the named officer placed the complainant’s houseguest in handcuffs, physically restraining him.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/15 **DATE OF COMPLETION:** 12/29/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer used excessive force during a detention.

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

FINDINGS OF FACT: The anonymous complainant stated she saw the named officer use a “neck hold” on a man who appeared to be homeless.

The named officer denied the alleged use of force. The named officer stated he attempted to detain the man, who got away from him.

The identity of the man the named officer attempted to detain has not been established.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/15 **DATE OF COMPLETION:** 12/01/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated that several officers threw him to the ground, bruised his face, broke his eyeglasses, and then jumped on his right shoulder, fracturing his clavicle.

The named officers said they arrested the complainant without incident and denied they threw the complainant to the ground or jumped on his right shoulder.

A witness stated she saw the officers take the complainant into custody without incident. She stated she observed no force and no struggle.

Two other witnesses did not observe the arrest.

No other witnesses came forward.

County Jail medical records established the complainant arrived in unremarkable general appearance, and told Sheriff's personnel he had no recent trauma or injury.

Department records showed that named officers and another officer responded to the scene regarding an assault/battery. The reporting party told police that the complainant had pepper-sprayed an elderly woman and her dog.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/15 **DATE OF COMPLETION:** 12/01/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was wrongfully cited for parking violations. The complainant did not respond to OCC's request for an interview.

The named officer and three witness officers stated they saw a vehicle without license plates parked in a red zone, blocking a handicapped ramp and a crosswalk, prompting the named officer to cite the vehicle.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was wrongfully cited for parking violations. In addition, the complainant stated that his vehicle was searched without his permission. The complainant did not respond to OCC's request for an interview.

The named officer and his partner stated that the strong odor of marijuana emanating from the complainant's vehicle gave them probable cause to search the vehicle. The named officer admitted searching the complainant's vehicle.

No independent witnesses were identified.

There was insufficient evidence to establish whether or not the named officer was able to detect the odor of marijuana coming from the complainant's vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/15 **DATE OF COMPLETION:** 12/01/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the named officer threatened to arrest him, threatened to tow the complainant's vehicle and insulted the complainant's female passenger. 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.

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: In his written complaint, the complainant alleged that he was racially profiled. The complainant did not respond to OCC's request for an interview.

The named officer and his partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied the allegation, stating that the complainant's vehicle was cited based on the parking violations they observed.

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: 03/18/15 **DATE OF COMPLETION:** 12/22/15 **PAGE** #1 of 3

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 that he was driving when he was stopped and subsequently placed under arrest by the named officers. The complainant stated that his arrest was without probable cause. He denied engaging in commercial narcotics sales.

The named officers stated that the complainant was stopped and detained pursuant to a search warrant, commanding officers to search the complainant's residence and vehicles. The named officers stated that during the search of the complainant's residence and vehicles, officers located narcotics, packaging material, digital scales and over \$1000.00 in small denomination currency. The named officers then arrested the complainant for health and safety violations related to the narcotics found during the searches.

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

SUMMARY OF ALLEGATIONS #3-4: The officers conducted a strip search without probable cause.

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

FINDINGS OF FACT: The complainant stated he is a medical marijuana user and that the named officers performed a strip search of him without probable cause.

Department records showed that the complainant was detained pursuant to a search warrant, commanding officers to search the complainant's person, residence and vehicles. The statement of facts on the warrant indicated that the complainant was a known narcotics dealer. Records showed that the strip search was approved by the named officers' supervisor.

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: 03/18/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #5: The officer seized property (vehicle) without cause.

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

FINDINGS OF FACT: The complainant stated he was driving when he was stopped and subsequently placed under arrest. The complainant stated that his vehicle was then driven away from the scene.

The named officer stated that the complainant was stopped and detained pursuant to a search warrant, commanding officers to search the complainant's person, residence and vehicles. With his supervisor's approval, the named officer stated he drove the complainant's vehicle to the station where it was searched by a K-9 unit. The vehicle was then released to the complainant's girlfriend.

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

SUMMARY OF ALLEGATION #6: The officer made an inappropriate comment or behaved inappropriately.

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

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

The named officer denied the allegation. The named officer denied making any inappropriate remarks.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/18/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, reminds members that E585 entries shall be made after any vehicle stop related to the following incidents:

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

The named officer stated that he did not enter the required E585 information for this investigative stop.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/15 **DATE OF COMPLETION:** 12/02/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer issued him multiple citations without cause. The complainant stated he drove by a bar and honked his horn to greet a friend. The complainant denied he committed any driving violations except for not signaling when he made a turn. The complainant further denied that he was operating his vehicle as a taxicab for hire without a permit.

The named officer denied the allegation. He stated he was conducting routine traffic enforcement patrol and observed the complainant in his vehicle double-parked in front of a bar. The named officer spoke to witnesses who confirmed the complainant was offering rides for a fare. The named officer stated his investigation revealed that the complainant was operating his car as a taxicab for hire without a permit. The named officer stated he observed the complainant's car leave the area, fail to stop at a stop sign and fail to signal when turning, prompting the named officer to stop and cite the complainant.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during the traffic stop.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/15 **DATE OF COMPLETION:** 12/02/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest him and tow the complainant's car.

The named officer denied the allegation.

No independent witnesses were identified.

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

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

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

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

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: 03/05/15 **DATE OF COMPLETION:** 12/08/15 PAGE# 1 of 1

SUMMARY OF ALLEGATION #1: The named officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainants stated they heard the officer make a sexually derogatory comment towards other persons.

The named officer denied the allegation. He stated that if he yelled something at the fleeing suspects, he did not recall using the term alleged by the complainant. The named officer denied that the complainants or anyone else approached him.

A witness officer denied the allegation. The witness officer stated that he was not involved in the foot chase wherein the alleged comment occurred.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The named officer failed to promptly provide his name and star number upon request.

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

FINDINGS OF FACT: The complainants stated the officer failed to identify himself upon request.

The named officer denied the allegation, denying that anyone approached him or asked him for his information.

A witness officer denied the allegation and stated that no one asked for any officer information.

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: 02/23/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #1 of 2**

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.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate and/or incomplete incident report.

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: 02/23/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to complete an arrest/citation for a traffic collision.

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: 02/16/15 **DATE OF COMPLETION:** 12/04/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 3: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated the officers entered her residence without probable cause. She stated the officers entered the residence using a key she had given her juvenile son. She told the OCC that her son did not live at the residence. She admitted her son was on probation.

The named officers denied the allegation, stating that the entry was pursuant to the complainant's warrantless search condition. The named officers stated they used the key that was found on the complainant's son to enter the complainant's residence.

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

SUMMARY OF ALLEGATIONS #4 - 6: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officers searched her residence without probable cause, searching all of the rooms, including closets, dressers, and drawers.

The named officers stated that the search was pursuant to the complainant's son's warrantless search condition. The supervisor at the scene denied that a full search was conducted.

No witnesses were identified. As such, the scope of the search could not be established.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/15 **DATE OF COMPLETION:** 12/04/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: Department General Order 7.01 Section III.I.3., states:

DOCUMENTING THE TRANSPORT OF JUVENILES: Prior to the transport of any juvenile, officers shall broadcast to Department of Emergency Management (DEM) his or her destination and the police vehicle's starting mileage. Upon arrival, officers shall inform DEM of their ending mileage. In both instances, dispatch shall broadcast and record in CAD a starting time and ending time for the transport.

Records from the Department Emergency Management showed that the named officer transported the complainant's son to two different locations. Each time, the named officer provided the starting mileage and destination. However, the records do not reflect the ending mileage for both destinations.

The named officer stated he believed he provided the starting time and ending time for each location. The officer wrote:

The ending times may have been broadcasted on a different channel, we all have different radio identifiers and it may have been recorded under a different units call sign, bad reception, or our transmission was covered by another unit may have prevented to [sic] transmission from being broadcast. We were also in three different police districts throughout this encounter utilizing 6 to 7 different radio channels and that may have caused confusion with dispatch as we often switch channels as we drive through the city. It is my belief that it was done in accordance with the DGO as we deal with juveniles on a regular basis and not only have a good working knowledge of the DGO, but ensure that we comply in full with DGO 7.01.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/15 **DATE OF COMPLETION:** 12/10/15 **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, who was not present at the time of her son's arrest, stated that her son was at his grandmother's house when the named officer moved him at least 200 feet to another area where there were other gang members. The complainant stated her son was then arrested for associating with other gang members.

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

The named officer, who was in plain clothes, stated he used binoculars and observed the complainant's son associating with many known gang members and participating in a dice game. The named officer stated the complainant's son was listed on a civil gang injunction and that his actions were in violation of the gang injunction. In addition, the named officer stated the complainant's son was on probation with a warrantless search condition. The complainant son's was arrested for violating the gang injunction.

OCC's investigation established that the complainant's son was in violation of the court injunction at the time of his arrest.

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

SUMMARY OF ALLEGATION #2: The officer harassed the complainant's son.

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

FINDINGS OF FACT: The complainant stated the named officer harassed her son on several occasions over five years including detaining, searching, arresting and interrogating her son.

The named officer denied the allegation, stating that the complainant's son is a known gang member, who was on probation with a warrantless search condition.

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: 02/10/15 **DATE OF COMPLETION:** 12/09/15 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he called dispatch and asked for a Spanish-speaking officer; however, a Spanish-speaking officer was not sent. The complainant stated he did not understand some of the things that the named officer said.

The named officer denied the allegation. He stated the complainant spoke English with an accent and did not request a Spanish-speaking officer while he was at the scene. The named officer stated he understood the complainant. He stated the complainant was upset about being suspended from a meal program. The officer stated he responded to the scene a second time because the complainant wanted to enter the meal program facility. The named officer stated he informed the complainant that he could be subject to arrest for trespassing. The named officer reiterated that the complainant did not request language services and he was able to communicate with the complainant.

The named officer stated he was familiar with the Department policy on language access and believed there was no need for language services because the complainant was able to speak English. The named officer submitted two SFPD incident reports, showing that the complainant was able to file police reports without the use of language services.

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 a report.

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

FINDINGS OF FACT: The complainant stated he asked the officer for a report because security officers pushed him.

The named officer denied the allegation. He stated that there was no merit to any physical altercation between the complainant and the security staff. He stated the staff informed him that the complainant was suspended from the program for six months, due to his behavior. The officer stated that when he spoke to the complainant, he did not mention being pushed by the security officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/15 **DATE OF COMPLETION:** 12/09/15 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer intimidated him, threatening to call immigration.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

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: 02/10/15 **DATE OF COMPLETION:** 12/01/15 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: The complainant stated that her son and his friends were detained for no apparent reason. The complainant was not present during the initial detention, but she went to the scene after receiving phone calls that her son was being detained.

Department records showed that two robberies occurred in the area where the complainant's son and his friends were detained. Records showed that the victim pointed out the complainant's group, prompting numerous officers to detain the group of individuals, including the complainant's son. The detention was documented in an incident report and the complainant's son was issued a Certificate of Release by the named 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 harassed the complainant's son.

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

FINDINGS OF FACT: The complainant stated her son and his friends were detained for no apparent reason. The complainant was not present during the initial detention, but she went to the scene after receiving phone calls that her son was being detained. The complainant considered her son's detention as a form of harassment.

Department records showed that two robberies occurred in the area where the complainant's son and his friends were detained. Records showed that the victim pointed out the complainant's group, prompting numerous officers to detain the group of individuals, including the complainant's son. The detention was documented in an incident report and the complainant's son was issued a Certificate of Release by the named officer. There is no evidence to establish that the detention was intended to harass the complainant's son.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 12/04/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was involved in a traffic collision. The complainant stated he told the named officer that he was not blocking the intersection and that the other driver slammed into the side of his vehicle; however, the officer instead wrote in the report that the complainant was at fault for the collision and that the complainant had been blocking the intersection.

The other driver involved in the collision stated that the complainant ran a red light and slammed into the left side of his car as he was entering the intersection on a green light.

The named officer stated that she arrived on scene and collected statements from both drivers and looked at the physical evidence. Based on her observations, she wrote in the collision report that the complainant was at fault for the collision and that the complainant had been blocking the intersection. The named officer stated she could not prove that the complainant ran a red light.

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

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

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

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

The other driver involved in the collision stated that the complainant ran a red light and slammed into the left side of his car as he was entering the intersection on a green light.

The named officer stated that when she arrived on scene, she collected statements from both drivers and looked at the physical evidence. Based on her observations, she concluded the complainant was at fault and she cited the complainant for blocking the intersection. The named officer stated that she could not prove that the complainant ran a red light.

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: 02/09/15 **DATE OF COMPLETION:** 12/04/15 **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 stated that when he saw the named officer in court, he told her, "It's nice to see you again." The officer responded, "Are you kidding me?" The complainant said, "At least justice was served." The officer then became visibly angry, raised her voice and waved her arms around.

The named officer stated that the complainant was angry because he was cited. When the named officer and the complainant met in court, the complainant told her, "It's nice to see you again." The named officer responded by asking if he was kidding with her. The named officer stated that she did not know the complainant personally and the last encounter she had with him was at the traffic scene where he was yelling at her for issuing him a citation. The named officer did not understand why the complainant would make a comment like that especially if he believed that the named officer was rude to him during their initial encounter.

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: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 1 of 11

SUMMARY OF ALLEGATION #1: The officer interfered with the right to counsel.

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

FINDINGS OF FACT: The complainants stated the named officer unlawfully detained, questioned, and photographed two men outside a courtroom. The complainants stated that when the attorney for one of the detained men tried to intervene, the named officer arrested her without cause. The complainants stated the named officer deprived the men of their constitutional right to counsel by arresting the attorney.

The named officer stated he detained the two men as part of a police investigation. The named officer stated the suspects had no right to counsel because charges had yet to be filed and he was not interrogating them. The named officer stated he arrested the attorney because she was interfering with his investigation.

Witness officers and one witness stated the attorney interfered with the named officer's investigation by asking questions, opposing the named officer's actions and standing between the suspect and the named officer when he began to photograph one of the suspects.

The attorney stated the named officer detained her client and his codefendant immediately after they appeared in court on a criminal charge. The attorney stated she asked the named officer the basis for the detentions and objected to him taking photos. The attorney stated the named officer told her he was conducting a police investigation, but would not give any details. The attorney stated she continued questioning and objecting to the named officer's actions because she did not know if his investigation related to the charges already filed against her client. The attorney stated she asserted her right to be present as counsel and was arrested anyway. The attorney stated her arrest caused a chilling effect and sent a message to her client that he could not object to police actions or demands.

Two of the attorney's colleagues witnessed the incident and stated they also asked the named officer the reason for the detentions. The named officer said he was conducting an investigation and because it was ongoing and open he could not provide more information.

The Department does not have any procedures concerning the detention and arrests of individuals in the hallways outside of the courts. Nor does the Department have any written procedures concerning officer interactions with attorneys who are present during the detention, arrest and/or question of individuals they represent.

The OCC recommends that in collaboration with the OCC and relevant community stakeholders, the Department develop policies regarding these interactions.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 2 of 11

SUMMARY OF ALLEGATION #2: The officer detained two suspects without justification.

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

FINDINGS OF FACT: The complainants stated the named officer unlawfully detained, questioned, and photographed two men who were waiting for their attorney outside of a courtroom. The complainants stated the men should not have been detained, questioned, or photographed without their counsel of record present.

The named officer stated he detained the two men because of a police investigation. The named officer stated he had reasonable suspicion to detain both men because they resembled two burglars depicted in surveillance video. The named officer stated he asked the men questions in order to confirm their identities. The named officer stated he photographed the men because they were wearing clothing similar to the clothing worn by the burglars. The named officer stated the men had no right to counsel during the detention because he was not interrogating them and they had not yet been charged with a crime.

One witness officer stated he recognized the men and their clothing from surveillance video of a burglary he investigated. Five witness officers stated the named officer asked the men biographical questions.

Four witnesses stated the named officer asked the men biographical questions and took their photographs.

The evidence demonstrated the named officer had a reasonable basis for detaining the men because he believed they were the suspects captured on a surveillance video of a recent commercial burglary. Additionally, there was an urgency to taking the photos at that particular time because the suspects appeared to be wearing the same clothing they were photographed wearing in multiple burglaries.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 3 of 11

SUMMARY OF ALLEGATION #3: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainants stated the named officer unlawfully arrested an attorney while she was representing her client. The complainants stated the attorney calmly questioned the named officer about why he was detaining her client. One complainant stated the named officer's actions showed a gross lapse in professionalism. Another complainant stated the named officer abused his discretion by arresting the attorney who was an officer of the court.

The named officer stated he arrested the attorney because she interfered with a police investigation. The named officer stated the attorney asked numerous questions that delayed his investigation and that she positioned herself between him and two detained suspects he intended to photograph. The named officer stated the attorney interfered with his investigation and that he had no choice but to arrest her for violating Penal Code §148.

Witness officers stated the attorney told the named officer he could not take pictures and stood in front of the detained suspects he was trying to photograph.

The attorney stated the named officer detained her client and his codefendant immediately after they appeared in court. The attorney asked the named officer the basis for the detentions and objected to him taking photos. The named officer told her he was conducting a police investigation, but would not give any further details. The attorney stated she continued questioning the named officer and objecting to his actions because she did not know if his investigation related to the charges for which she had been appointed to represent her client. The attorney stated the named officer arrested her, even after she asserted her right to be present in her role as counsel. The attorney stated she did not interfere with or obstruct the named officer in his investigation. The attorney stated she was advocating for her client who had a right to counsel.

One witness stated the complainant blocked the named officer's ability to take photographs. Two witnesses stated the complainant did not block the named officer's ability to take photographs.

Video evidence showed the attorney calmly questioned the named officer regarding the detentions, that she verbally opposed the named officer's intention to photograph the suspects, moved closer to one of the suspects, and then stood at a diagonal when she continued discussing her objections with the named officer. The video also showed the named officer threatened her with arrest if she continued her behavior, but never specifically ordered her to move.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 4 of 11

SUMMARY OF ALLEGATION #3 continued:

The named officer's arrest of the attorney was highly problematic for several reasons. First, although Penal Code §148 prohibits resisting, delaying, or obstructing a police officer, the First Amendment protects a significant amount of verbal criticism and challenge directed at police officers. The attorney verbally protested the named officer's actions in a calm and non-aggressive manner protected by the First Amendment. Second, the attorney was appointed to represent one of the detained men on theft charges, which meant her client had a Sixth Amendment right to representation at all stages of the criminal proceedings, including postarrest interviews with law enforcement. The attorney reasonably believed the named officer's detention and questioning of her client was about the case he had just appeared in court on and therefore had a duty to be present and zealously advocate for her client. The named officer was dismissive of the attorney's role as appointed counsel and did not explain that his investigation was about a different case. Third, although she verbally opposed the named officer's intention to photograph her client and the codefendant, the attorney did not say anything that indicated she was going to prevent the named officer from taking the pictures. Nor did she encourage her client not to cooperate.

The named officer should have given the attorney a clear order to move and allowed her a reasonable amount of time to comply.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 5 of 11

SUMMARY OF ALLEGATION #4: The officer detained a person in an unduly prolonged manner without justification.

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

FINDINGS OF FACT: The complainants stated the named officer unlawfully kept an attorney in custody for an hour to prevent her from representing clients during a detention. The complainants stated the named officer arrested the attorney when she calmly objected to the detention. The complainants stated the attorney was not interfering with the named officer's investigation.

The named officer stated he arrested the attorney because she interfered with his investigation. The named officer stated the attorney purposefully stood in front of a suspect he was trying to photograph. The named officer stated he ordered another officer to take the attorney to a nearby police station and issue her a citation. The named officer stated he expected the attorney to be released quickly. The named officer stated physically removing the attorney from the area was the only way he could finish his investigation.

One witness officer stated the named officer ordered him to take the attorney to a police station. Two other witness officers stated the named officer ordered them to cite and release the attorney after the detained men were released. One of the witness officers stated he was delayed in issuing the attorney a citation because she was not carrying identification. The witness officers stated they did not issue the citation on the orders of a higher-ranking officer.

The attorney stated the named officer arrested her for verbally objecting to his detention of her client. The attorney stated another officer brought her to a police station and handcuffed her to a bar in a holding cell, where she was kept for approximately one hour.

Video evidence showed the suspects were photographed and released within ten minutes of the attorney's arrest. Video evidence showed the attorney was released approximately 45 minutes after the named officer released the detained suspects.

The general purpose of a detention is to allow an officer enough time to confirm or dispel suspicions that a detainee has committed a crime. In this instance, the attorney was handcuffed to a bar in a holding cell for close to an hour—well beyond the time it took the named officer to photograph and release the men he was detaining. The attorney's prolonged detention served no investigative purpose.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 6 of 11

SUMMARY OF ALLEGATION #5: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the named officer impermissibly ordered two men to pose for line-up style photographs without their attorney present.

The named officer stated he had a reasonable suspicion to detain the two men because they closely resembled two suspects in surveillance video of a burglary. The named officer stated he took photos of the men during the detention. The named officer stated the men had no right to have counsel present because he had not filed any charges against them and was not interrogating them in custody. The named officer stated it was important for him to photograph the men because they were wearing the same clothing he suspected they wore during a burglary.

Department records indicated the named officer had not yet filed charges against either of the detained men.

The named officer had a lawful basis for detaining the two suspects and was permitted to photograph them.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 7 of 11

SUMMARY OF ALLEGATION #6-8: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer arrested her without cause when she objected to him detaining her client. The complainant stated she was acting in her role as appointed counsel at the time of her arrest. The complainant stated the named officers stood by and watched the unlawful arrest without intervening. The complainant stated the named officers were complicit in the unlawful arrest because they did not intervene to address whether her arrest was beyond the arresting officer's authority.

The named officers stated they were not present during the entire incident and were not aware of everything that had transpired. However, the named officers all stated they witnessed the complainant interfere with the arresting officer's investigation. One witness stated the complainant interfered with the arresting officer's investigation. Two witnesses stated the complainant did not interfere with the arresting officer's investigation.

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

SUMMARY OF ALLEGATION #9: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officer forcefully grabbed her arm while escorting her to a police station on foot. The complainant stated the named officer's firm grip was unnecessary because she was already in handcuffs and cooperative. The complainant stated the named officer maintained an aggressive hold on her arm and was unnecessarily rough. The complainant stated the named officer also yelled "ma'am" at her several times, even though she was complying with his orders.

The named officer stated he escorted the complainant to a police station at the request of the arresting officer. The named officer stated the arresting officer applied handcuffs to the complainant's wrists. The named officer stated he held onto the complainant's upper right arm as he walked her to the station because he was trained to always maintain physical control of handcuffed arrestees. The named officer stated it was particularly necessary to hold onto the complainant's arm during the entire trip because, as they approached a stairwell, the complainant announced she was not going to move forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 8 of 11

SUMMARY OF ALLEGATION #9 continued: The named officer stated the complainant was resisting arrest by refusing to move forward and that he repeated “Ma’am” in a loud voice to alert officers down the hallway of the situation. The named officer denied holding on to the complainant with an unreasonably rough grip or in an aggressive manner. The named officer stated he gripped the complainant’s arm with minimal pressure.

Several witness officers stated they heard the named officer say “Ma’am” to the complainant at the top of a stairwell.

One witness stated she heard the named officer say “Ma’am” to the complainant at the top of a stairwell.

Video evidence showed the complainant pausing at the top of a stairwell and the named officer saying “Ma’am” to her loudly.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 9 of 11

SUMMARY OF ALLEGATION #10: The officer failed to comply with DGO 5.07, Rights of Onlookers.

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

FINDINGS OF FACT: The complainant stated that after her arrest, a named officer escorted her to a police station after another officer arrested her. The complainant stated her colleagues recorded video of her arrest and the police escort to the police station. The complainant stated that, at the door to the police station, the named officer ordered her colleague to stop filming. The colleague initially refused to stop filming and the named officer attempted to intimidate him. The complainant stated the named officer was unduly aggressive toward her colleague and acted beyond the rule of law.

The named officer stated he noticed a man recording video as he walked the complainant down a set of stairs and toward a police station. The named officer stated he allowed the man to record him as he escorted the complainant to the police station. The named officer stated that the door to the police station was secured with a keypad. The named officer stated that, when he reached the door, he turned the complainant around so she could not see him enter the secure code. The named officer stated that he also instructed the man to stop recording video for security reasons. The named officer stated the man recording video was standing five to ten feet away. The named officer stated he instructed the man to stop filming multiple times. The named officer stated the man refused to stop filming until a sheriff's deputy intervened and instructed the man to put his camera away.

The complainant's colleague stated he took video of the named officer transporting the complainant to a police station. The complainant's colleague stated the named officer ordered him to stop recording when they reached the police station door. The colleague stated he did not know why he had to stop recording, but complied with the named officer's orders and turned off his camera.

Video evidence showed the complainant's colleague was standing approximately 20 feet from the door to the police station and that the secure keypad was blocked from view by the complainant's body.

DGO 5.07, Rights of Onlookers, states "Bystanders have the right to record police officer enforcement activities by camera, video recorder, or other means...except under certain narrow circumstances." One exception to an onlookers right to record is when the safety of an officer is jeopardized. The named officer stated allowing the complainant's colleague to film him entering a code into a secure door constituted a safety issue. However, the complainant's colleague was filming from a distance and the named officer could have positioned himself so that his body blocked any visual of the code entry.

The OCC recommends that the named officer be retrained concerning DGO 5.07 protocols.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 10 of 11

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

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

FINDINGS OF FACT: The complainant stated an SFPD spokesperson publicly expressed approval of an officer's arrest of an attorney who challenged the officer's authority to detain her client. The complainant stated SFPD should have instead apologized for the attorney's arrest.

The named officer stated he was aware the incident was still under investigation when he held the press conference. The named officer admitted telling members of the media that the officer acted appropriately by detaining the attorney. The named officer stated members of the SFPD Command Staff approved his press conference statement. A news video showed that the named officer told members of the media that the officer who arrested the attorney acted appropriately.

While an investigation into the arrest was still in progress, the named officer publicly announced the SFPD's opinion that the arrest was appropriate. The announcement indicated the SFPD prejudged the outcome of the investigation and undermined the public confidence that a fair and impartial investigation was taking place.

The evidence proved the act by the member was justified by Department policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure, or regulation.

SUMMARY OF ALLEGATION #12: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated he called the Chief's Office to complain about the arrest of an attorney. The complainant stated an unknown officer answered the phone, laughed, and said, "Oh, it's just an arrest." The complainant stated he was offended by the unknown officer's cavalier attitude and trivialization of the incident.

The OCC conducted an officer poll, which did not reveal the identity of the named officer.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 12/09/15 **PAGE#** 11 of 11

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer prepared an incomplete incident report.

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

FINDINGS OF FACT: A preponderance of the evidence established that the named officer prepared an incomplete incident report about the arrest of an attorney for interfering with a police investigation. The named officer was not present during the incident and based the incident report's narrative solely on an interview of the arresting officer. The incident report included statements from several witness officers but no civilian witnesses. Although the arrestee was released prior to when the named officer was assigned to write the incident report, the arrestee's name, phone number and place of work were known to the named officer.

The named officer stated she did not include statements from the arrestee or any civilian witnesses because they were no longer present when she was ordered to prepare the incident report. The named officer stated she ordered several officers to write statements and other officers volunteered to write statements. Although she included the arrestee's name and place of employment in the incident report, the named officer stated she did not attempt to contact the arrestee for a statement before submitting the incident report. The named officer stated she eventually obtained statements from several civilian witnesses, which she documented in a chronological report of investigation according to her training.

The Report Writing Manual states officers are responsible for interviewing all involved parties, and including their statements in the initial report and investigation. The Manual emphasizes that statements are a critically important part of the investigative process that provide the reporting party and suspect an opportunity to explain their perspectives. By interviewing the arresting officer and obtaining officer statements before submitting the incident report yet making no effort to include any statement from the arrestee and civilian witnesses, the incident report was not thorough and accurate.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 1 of 7

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 and his female companion friend (“friend”) drove home from a restaurant located several blocks away, where they each consumed two glasses of wine. The complainant estimated that they left his friend’s home to go to the restaurant at approximately 7:00 p.m., and estimated that they left the restaurant between 9:00 p.m. and 10:00 p.m. The complainant denied he was intoxicated. The complainant stated he had just parked in his friend’s driveway after returning from the restaurant and were about to enter her home when the named officer and his partner stopped their patrol car and contacted him, accusing him of driving while intoxicated. The complainant told the named officer that he could not be cited because the car was parked and the engine was off. The complainant stated the named officer then charged at him with his baton drawn and tackled the complainant.

The complainant’s friend stated she and the complainant drove home from a restaurant located several blocks away, where they each consumed one to two glasses of wine. She stated they left her home for the restaurant between 8:00 and 9:00 p.m. and that when they left the restaurant at approximately 11:00 p.m., they were among the last customers at the restaurant.

She stated she and the complainant exited her car, which was parked in her driveway. They were approaching her house when the named officer approached the complainant and asked him questions about what he was doing and where he was coming from. The officer touched the hood of the car and asked whether they had been driving. The officer drew his baton and used it to push the complainant in the chest. The officer then grabbed the complainant by the arms.

The named officer stated he and his partner were driving when he heard a commotion, heard someone scream, and saw the complainant partially falling out of a car parked in the driveway. The named officer stated he contacted the complainant to determine whether he needed help or medical attention, or whether there had been a fight. The named officer stated the complainant had difficulty standing and appeared to be under the influence of alcohol.

The named officer stated he asked the complainant whether he had been driving and the complainant replied that the named officer could not prove he was driving because the keys were not in the ignition. The named officer stated the complainant’s slurred speech was very antagonistic.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 2 of 7

SUMMARY OF ALLEGATION #1 continued: He stated that he told the complainant to step onto the sidewalk and the complainant turned and began walking towards the front steps of his friend's home. The named officer believed the complainant was going to walk up the steps, so he ordered the complainant to stop. The complainant threw a set of keys he was holding onto the steps. The named officer ordered the complainant to show his hands, and the complainant became visibly agitated and yelled that the named officer had no right to tell him what to do. The named officer ordered the complainant to place his hands behind his back so he could take him into custody. The named officer stated he did this because the complainant was intoxicated, refused to follow simple directions and was becoming visibly agitated. The named officer stated that he decided to detain the complainant because he was under the influence of alcohol and appeared unable to care for his own safety.

The named officer's partner confirmed the named officer's account of the incident. He stated he was talking to the complainant's friend, who was seated in the passenger seat of her parked car, when the complainant began walking towards the passenger side of the car. The named officer ordered the complainant to stop. The named officer's partner stated the complainant was yelling and stumbling, would not follow simple directions and appeared to be intoxicated, and that the named officer wanted to handcuff him because he was not following directions.

Other evidence contradicts the statements of the complainant and his friend regarding one element of the incident. The complainant stated he retained the car keys in his possession and did not throw them onto the steps. The complainant's friend stated she had possession of the car keys. The named officer stated the complainant threw the keys onto the front steps, and photographs taken at the scene by one of the backup officers, show a set of keys on the front steps. The statements of the complainant and his friend regarding the timeframe of when they left the restaurant are also questionable. They both reported leaving the restaurant at least ninety minutes before the contact with police but stated they drove directly home and had just arrived when the officers contacted them. The complainant's friend stated that she paid their restaurant bill with a credit card. While she agreed to provide the OCC with information concerning the credit card charge, she failed to provide the OCC with this information.

The statements of the named officer indicate that the complainant's antagonistic manner and his attitude about whether the named officer could prove that he had been driving while intoxicated were factors in his decision to detain the complainant. The named officer did not observe the complainant driving while intoxicated. When the named officer contacted him, the complainant was in the driveway of his friend's home.

There was insufficient evidence to either prove or disprove whether the complainant was intoxicated and whether he was unable to exercise care for his own safety.

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: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 3 of 7

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

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

FINDINGS OF FACT: The complainant stated that after he told the named officer that he could not be cited because the car was parked and the engine was off, the named officer charged at him with his baton drawn, tackled him and struck him with his baton. After the complainant fell to the ground, the named officer pushed the complainant's face into the concrete, causing injuries to the complainant's face. When the named officer handcuffed the complainant, the named officer clamped the handcuff on the complainant's right wrist very hard, causing the complainant to experience significant pain and numbness in his right wrist and hand. The complainant stated he yelled that his hand was numb because one cuff was too tight and asked the named officer to loosen that handcuff, but the named officer ignored him. Fifteen to twenty minutes later, an unidentified officer loosened and adjusted the handcuffs.

The complainant's friend stated that after the named officer touched the hood of the car and asked whether they had been driving, the named officer drew his baton and used it to push the complainant in the chest. The named officer then grabbed the complainant by the arms, while the named officer's partner assisted him. The complainant's friend stated the complainant went to the ground, but she did not know how he ended up on the ground. She denied the complainant fought with the officers. She stated she then saw the complainant sitting cross-legged on the sidewalk with his hands cuffed behind his back and heard him say that his wrist hurt.

The complainant's friend's next-door neighbor stated that she awoke and heard someone yelling for help. She went to her front window and saw two officers who were on top of the complainant, who was facedown on the sidewalk with his arms behind his back. The officers appeared to be handcuffing the complainant. The officers lifted the complainant up and she saw that the complainant had blood on his face. She heard the complainant say that his arm hurt and "you put it on too tight," and heard him ask the officers to loosen the handcuff. Several minutes later, the same officer who handcuffed the complainant and lifted him up from the ground shone a flashlight on the complainant's arm. She stated she saw that the fat of the complainant's hands were being squished because the handcuffs were too tight. The officer told the complainant not to move because he was going to loosen the handcuffs, which he did.

The San Francisco Fire Department Patient Care Report prepared by paramedics who transported the complainant from the scene of his arrest to the hospital showed that the complainant complained of pain to his right hand, left elbow, right shoulder and right knee. The report also indicated that the complainant had dried blood in both nostrils of his nose.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 4 of 7

SUMMARY OF ALLEGATION #2 continued: The complainant's medical records from the hospital where he was taken immediately after his arrest showed that he reported pain and numbness to his right wrist as a result of tight handcuffs and that he had an abrasion to his face. The records described numbness in the complainant's radial and median nerve distribution, and diagnosed his problem as "likely neuropraxia from handcuffs." It also described "External injuries with L (left) nares bleeding" which had ceased. The written instructions given to the complainant by the hospital stated that they thought he had temporary damage to a nerve in his right wrist caused by handcuffs and that it should gradually improve over the next several weeks.

The complainant's county jail medical records showed that during his physical exam at the jail several hours after his arrest, he was diagnosed with neuropraxia of the right wrist. They noted abrasions to the complainant's left cheek, right wrist, left knee and on both sides of his chest, and dried blood in his right nostril.

A photograph of the complainant's right wrist taken approximately sixteen hours after his arrest shows red marks and an abrasion on the outside of his right wrist.

One of the officers who responded as back-up for the named officer took four photographs of the complainant seated on the sidewalk. Two of these photographs were taken from behind the complainant and show him with two pairs of handcuffs that are linked together on his wrists. Two were taken from in front and show the complainant with blood on his face that appears to be dripping from his nose.

The named officer acknowledged placing a set of black handcuffs that he had personally purchased on the complainant's wrists. The named officer stated he checked the handcuffs for the proper degree of tightness by fitting the tip of his index finger between the handcuff and the complainant's ulna bone and then double-locked the handcuffs. The named officer stated that he never heard the complainant complain that the handcuffs were too tight and did not recall whether the handcuffs were ever adjusted. He did not see any officer adjust the complainant's handcuffs. The named officer stated that he did not recall two pairs of handcuffs being used to handcuff the complainant.

The named officer denied drawing his baton or striking the complainant with a baton, denied striking the complainant with anything but his fist and denied that he or any other officer pushed the complainant's face into the ground. He stated he did not see the complainant's face strike the ground but assumed the complainant sustained the injuries to his face when he fell.

The named officer's partner confirmed the named officer's account regarding how contact was made with the complainant, the attempts to handcuff the complainant and the complainant's physical resistance. He stated he did not strike the complainant, did not see the named officer strike the complainant, and denied that the named officer drew his baton.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 5 of 7

SUMMARY OF ALLEGATION #2 continued: The named officer's partner stated that he and the named officer handcuffed the complainant using a single pair of handcuffs, but he did not recall who placed the handcuffs on the complainant's wrists. He did not recall the complainant complaining of tight handcuffs, did not recall doing anything to adjust the handcuffs and did not recall any other officer adjusting the handcuffs. He stated that he did not recall anyone placing a second set of handcuffs on the complainant's wrists. He stated that when a second set of handcuffs is placed on a subject after they have already been handcuffed, it is for the subject's comfort, and that placing a second set of handcuffs on a subject creates an officer safety issue.

Records from the Department of Emergency Management showed that the named officer and his partner reported contacting a suspicious vehicle at the location of the complainant's arrest and that sixty seconds later, they reported that they had a resisting subject.

Witness officers who responded as backup for the named officer and his partner stated that the complainant did not complain about tight handcuffs in their presence or that they did not recall the complainant complaining of tight handcuffs.

A sergeant who responded to the scene and conducted a use of force investigation stated in his written response to a Member Response Form that the complainant refused to talk to him and that the complainant's companion told him the complainant was intoxicated and that the named officer and his partner threw the complainant to the ground because the complainant was being an "idiot." He stated in his written response that the complainant asked the named officer to remove his handcuffs and fight him, but that the complainant did not complain about tight handcuffs. The sergeant stated during an OCC interview that he had no independent recollection of this incident and had no recollection about a second set of handcuffs being placed on the complainant. He stated the only possible reason for adding a second set of handcuffs would be if the subject was experiencing discomfort, and that this would only be done if the subject was not combative and if there were sufficient officers on the scene to control the subject.

There was insufficient evidence to either prove or disprove the complainant's claim that the named officer struck him with a baton, tackled him without provocation or pushed his face into the ground. Although the complainant's friend corroborated his claim about the named officer using his baton, her credibility and the credibility of the complainant are diminished because other evidence contradicted several elements of their account.

The complainant's medical records and the photograph of his wrist established that he sustained an injury consistent with a handcuff being applied too tightly on his right wrist. The photographs of the complainant at the arrest scene established that at some point after he was initially handcuffed, a second pair of handcuffs was placed on his wrists. The complainant's friend stated that immediately after the complainant was handcuffed, he complained about pain to his wrist.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 6 of 7

SUMMARY OF ALLEGATION #2 continued: The next-door neighbor's statement that the complainant complained about his handcuff being too tight provides credible, independent corroboration that the complainant told officers his handcuff was too tight. Her statement that she saw the tight handcuff squeezing the complainant's skin just before an officer adjusted his handcuffs provides additional corroboration.

The named officer and his partner denied adjusting the complainant's handcuffs or placing a second set of handcuffs on his wrists, and none of the other officers who were present recalled doing this. The next-door neighbor identified the officer who initially handcuffed the complainant and brought him to his feet as the officer who later adjusted the complainant's handcuffs.

A preponderance of the evidence established that the complainant complained of pain to his wrist and that his complaint justified adjusting his handcuffs. The complainant's injury to his right wrist is consistent with the handcuff compressing his wrist, and indicates that the handcuff was placed on his wrist too tightly. A preponderance of the evidence established that the named officer used unnecessary force by handcuffing the complainant's right wrist too tightly, causing injury to the complainant's wrist.

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

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

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

FINDINGS OF FACT: The complainant was arrested for being drunk in public and for resisting arrest, which the complainant and his friend denied.

The named officer and his partner stated the complainant was intoxicated and resisted.

There was insufficient evidence to either prove or disprove whether the named officer was justified in detaining the complainant, insufficient evidence to prove or disprove whether the complainant was intoxicated in public, and insufficient evidence to prove or disprove whether the complainant resisted the named officer and his partner.

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: 01/22/15 **DATE OF COMPLETION:** 12/22/15 **PAGE#** 7 of 7

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

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

FINDINGS OF FACT: The complainant stated that the named officer placed a handcuff on his wrist too tightly, causing the complainant to experience significant pain and numbness in his right wrist and hand. The complainant stated he yelled that his hand was numb because one cuff was too tight and asked the named officer to loosen that handcuff, but the named officer ignored him. The complainant stated that fifteen to twenty minutes later, an unidentified officer loosened and adjusted the handcuffs.

A preponderance of the evidence, including the complainant's medical records, established that the named officer handcuffed the complainant's right wrist too tightly, causing injury to the complainant's wrist. The named officer denied that the complainant ever complained about tight handcuffs. The statements of the complainant, the complainant's friend and an independent witness provided a preponderance of the evidence to establish that the complainant complained about his handcuff being too tight. Photographs taken at the scene establish that at some point after the named officer handcuffed the complainant, a second set of handcuffs was placed on the complainant's wrists. The named officer stated that he did not place the second set of handcuffs on the complainant's wrists, and none of the other officers who were at the scene recalled doing this.

The evidence established that the complainant complained that his handcuff was too tight but that the named officer failed to take required action by adjusting his handcuffs. The evidence established that an unidentified officer eventually responded to the complainant's complaint and adjusted his handcuffs.

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

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

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

FINDINGS OF FACT: The complainant stated the officer engaged in inappropriate behavior at the scene of his arrest by jumping around and mimicking a boxer throwing punches.

The named officer denied the allegation. An independent witness stated she did not see the named officer engaging in the alleged behavior. 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: 01/19/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant alleged the named officer intentionally mistreated a disabled man who was confined to a wheelchair.

Two video recordings show the named officer attempting to push a wheelchair (with the man seated in the wheelchair) over a raised street curb. The named officer repeatedly pushes the wheelchair even while the wheelchair was dangling over the curb. Another officer and an unknown civilian are seen attempting to prevent the person in the wheelchair from going over the curb.

A City and County of San Francisco employee, who specializes in training officers on the Americans with Disabilities Act, stated officers are trained to think of wheelchairs as part of the person, or as an extension of the individual confined to the wheelchair. The ADA Coordinator stated that as a matter of etiquette, an officer should not lean on a wheelchair because the officer would not lean on a person. Applying the same principle that the ADA Coordinator provided, an officer should not push a disabled person in a wheelchair over a street curb.

SFPD Department General Order 5.01 states that it is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged the named officer intentionally mistreated a disabled man who was confined to a wheelchair.

Two video recordings show the named officer attempting to push a wheelchair (with the man seated in the wheelchair) over a raised street curb. The named officer repeatedly pushes the wheelchair even while the wheelchair was dangling over the curb. Another officer and an unknown civilian are seen attempting to prevent the person in the wheelchair from going over the curb.

A City and County of San Francisco employee, who specializes in training officers on the Americans with Disabilities Act, stated officers are trained to think of wheelchairs as part of the person, or as an extension of the individual confined to the wheelchair. The ADA Coordinator stated that as a matter of etiquette, an officer should not lean on a wheelchair because the officer would not lean on a person. Applying the same principle that the ADA Coordinator provided, an officer should not push a disabled person in a wheelchair over a street curb.

The named officer stated that the person in the wheelchair failed to comply with officer advisements to leave the area. The named officer stated that the person rolled the wheelchair onto the named officer's foot causing him pain. The named officer stated that he pushed the man and his wheelchair to get the wheelchair off his foot. The named officer admitted that he pushed either the man or the wheelchair multiple times.

San Francisco Department General Order 2.01 section 9, states:

Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

The evidence established that the named officer's action reflected discredit upon the Department.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/15 **DATE OF COMPLETION:** 12/22/15 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: During his OCC interview, the named officer admitted using profanity during the incident.

The video recording confirmed that the named officer used profanity.

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

SUMMARY OF ALLEGATIONS #4-6: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the named officers did nothing to stop another officer from mistreating a disabled man confined to a wheelchair.

One of the video recordings showed that one of the named officers reacting to prevent the wheelchair occupant from going over the curb. The two other named officers were focused on attending to two other individuals who were being detained.

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.