

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/10/16    **DATE OF COMPLETION:** 11/03/16    **PAGE #1** of 2

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

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

**FINDINGS OF FACT:** The complainant alleged he was wrongfully stopped and detained for a red light violation.

The named officer stated he stopped the complainant after observing him enter into a marked and controlled intersection while the light was red. In addition, the named officer stated the complainant and the complainant's passenger matched the description of the suspects who attempted to use a stolen identification at a nearby hotel.

DGO 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 pat searched the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer pat searched him without reasonable suspicion during the course of a traffic stop. The complainant stated he was not on probation or parole.

The named officer stated that prior to stopping the complainant's vehicle, the named officer learned from the Department of Emergency Management that the complainant had been arrested more than 100 times from narcotics related offenses and had narcotics related convictions. He stated persons convicted of narcotics offenses are known to carry weapons. He stated he was working alone, with backup not arriving immediately. In addition, the named officer stated the complainant was uncooperative and had another person in the car. The named officer further stated he stopped the complainant's vehicle in an area with little or no vehicular or foot traffic very early in the morning on a weekday, heightening his concern for his safety. As such, the named officer stated he conducted a pat search of the complainant's outermost garments for weapons. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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**SUMMARY OF ALLEGATION #3:** The officer made a racially derogatory comment.

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

**FINDINGS OF FACT:** In his written complaint, the complainant alleged that the named officer made a racially derogatory comment to him during the traffic stop.

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

The named officer denied the allegation.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant alleged that the named officer told him to shut up and that the named officer told him that he would get him into a drug treatment program.

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

The named officer denied telling the complainant to shut up at any time. He stated he provided information regarding drug programs to the complainant and his female companion, but he did so out of concern, not in a punitive context as implied by the complainant in his written narrative.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #5:** The officer ordered a vehicle towed without justification.

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

**FINDINGS OF FACT:** The complainant stated the named officer improperly ordered the tow of his vehicle. Department General Order 9.06 section II.A. states, in part:

1. PERMISSIBLE CIRCUMSTANCES. It is the policy of the Department that officers may tow a vehicle driven by, or in control of, a person arrested and taken into custody when:

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- e. The vehicle is not parked in a place that will be legal for at least 24 hours from the time of arrest.

In this case, the named officer stopped the complainant's vehicle on a weekday at a location where it could not be parked legally for 24 hours and vehicles were subject to tow from the hours of 4 p.m. to 7 p.m. Monday through Friday on both sides of the street.

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

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**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 to make all E585 entries after any vehicle stops related to the following incidents:

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

...

The named officer acknowledged that he failed to make the required Traffic Stop Data entry as required. He stated his failure to make the appropriate entry was an oversight.

The Department found no records showing the officer entered the required information.

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

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**DATE OF COMPLAINT:** 05/18/16    **DATE OF COMPLETION:** 11/01/16    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was wrongfully cited at the San Francisco International Airport for driving his limousine without the required permits and carrier identification number, and for not wearing a seatbelt. He stated he is a limousine driver and that his limousine is for both personal and business use. He stated he was not for hire that day and had removed the carrier identification number from his limousine. He stated he was dropping his wife off at a bus station at the time he was cited. He stated he was not wearing his seat belt.

The named officer stated that after stopping the complainant for not wearing a seatbelt, he discovered that the limousine did not display the required carrier identification number and the complainant did not have the proper permits to operate a vehicle for hire. At the named officer's request, two Ground Transportation Compliance Unit (GTC) Investigators arrived at the scene and determined that the complainant did not have permits required by the California Public Utilities Commission and the San Francisco Municipal Transportation Authority.

The GTC Investigators indicated they provided the citation to the named officer at the scene and informed him of the SFMTA code section that the complainant violated. Both investigators indicated that, although the limousine was registered with the CPUC and had a Transportation Charter Permit, it did not have an airport operating permit and it did not bear any markings required by CPUC regulations. They indicated the complainant's last permit was revoked in 2010. One investigator indicated the complainant told him he was picking up his mother at the airport at the time he was cited.

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

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**SUMMARY OF ALLEGATION #2:** The officer misused his authority.

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

**FINDINGS OF FACT:** The complainant stated the officer acted improperly by issuing an “SFMTA” citation rather than a standard SFPD citation, outside city limits.

The named officer cited the complainant using a Division of Taxis and Accessible Services Administrative citation form issued by the SFMTA. He stated the decision to cite the complainant was made with the assistance of two Ground Transportation Compliance Unit (GTC) Investigators at the airport.

The two GTC Investigators indicated they met with the named officer at the scene and provided him with an SFMTA administrative citation at his request.

The evidence established that the complainant was lawfully cited. He was cited at the San Francisco International Airport, which is patrolled, in part, by the San Francisco Police Department.

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.

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**DATE OF COMPLAINT:** 05/04/16    **DATE OF COMPLETION:** 11/02/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she went to a police station to drop off donations for protesters participating in a hunger strike. The complainant saw the named officer and talked to him about her daughter’s 2009 murder and her “lack of protection.” The complainant stated she told the named officer, “I’m a former California Highway Patrol officer” and he remarked, “Oh, why didn’t you protect her?” The complainant stated she felt like the named officer was trying to “pull me into a...he was trying to get me to resist, to fight, so he could bring me down and arrest me. But being an ex-officer, I realized that and I just talked to him.” As the complainant walked away, the named officer stated to his officers, “My daughters will never be killed.” The complainant went back to the named officer and asked what he meant by that and if he had children. The named officer told the complainant that his daughters live in San Francisco and are safe. The complainant stated, “Until it happens to you” and the named officer replied, “It will never happen to me, because I have protection.”

The named officer stated the complainant approached him, wanting to show him some photos. He stated he told her he was busy and stepped away from her. When the complainant approached him again with the same request, he agreed to look at the photos. The complainant told the named officer that the photos depicted her murdered daughter and that he was to blame for her death. She stated her daughter had a restraining order against the man who murdered her and that SFPD, and the named officer, had failed to protect her daughter. The named officer stated he told the complainant he was sorry for her loss and returned to his duties. The complainant approached him again and continued to accuse him for her daughter’s death. He stated the complainant was angry and appeared to be under the influence of alcohol. When the complainant approached him the third time, she accused him of murdering her daughter. The named officer denied making the alleged inappropriate comments.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 02/08/16    **DATE OF COMPLETION:** 11/04/16    **PAGE #** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated she confronted the named officer when she saw the officer and an ambulance crew outside her church with a homeless man she knew. The complainant stated the officer was aggressive and rude, and made inappropriate comments to her.

The complainant's husband, who is the pastor of the church, stated his wife tried to engage in conversation with the officer but the officer was very agitated and said something to the effect of, "I can't deal with this right now." He stated the officer came physically close to his wife in an "authoritative manner," was "intense" and "angry," and said something to his wife about it "not being their business." He described the officer as "pushy" and "aggressive."

The church's music director was witness to a limited but important aspect of the exchange between the complainant and the officer. He stated that he was running the band through a song and became aware that two people were shouting in loud and heated voices. He was unable to hear what was said, but heard raised voices and not fully yelling, but agitated and heated. The music director's testimony was credible in that he did not exaggerate his perceptions of the exchange, even though the complainant talked to him immediately after the incident and told him about her interaction with the officer in detail.

The named officer denied the allegation. The named officer stated she was dealing with an aggressive homeless man when the complainant began to yell at her in an angry manner. The officer ignored the complainant and concentrated on keeping the homeless man from falling and keeping the medics safe. The officer then followed the complainant to the church to find out what the complainant wanted. The officer tried to talk to the complainant but the complainant would not let her. The officer did not like the complainant's demeanor towards her and the officer was upset and frustrated as a result. The officer admitted that her voice may have been raised at some point. The officer admitted that as she left the church, she said, "*Why is everyone bitching at me today?*" to the paramedics at the scene. In addition to the evidence, the officer's last statement was charged with negative emotion and animosity toward the complainant, and indicated the officer's state of mind at the time.

Two paramedics were called to assist and recalled that when the complainant approached from the church, she was pretty irate and very vocal about what to with the man's belongings. The paramedics stated the named officer kept a professional demeanor and they had not known the officer to be disrespectful to anybody before.

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**SUMMARY OF ALLEGATION #1 continued:**

The witnesses' testimony, their recollection of events and pertinent details, their manner of describing their observations, and factors which likely influenced their recollection or their lack of recollection of events, make it more likely than not that the officer did not interact with the complainant in a calm manner but that their exchange had been agitated and heated. Furthermore, the officer admitted using the term "bitching" to refer to the complainant's behavior, thereby making an inappropriate comment.

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 #2:** The officer used a sexual slur.

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

**FINDINGS OF FACT:** The complainant stated that when the named officer walked away, the named officer said, "*You fucking bitch.*" The named officer denied the allegation and there was not sufficient evidence to prove or disprove the allegation.

However, the named officer admitted saying, "*Why is everyone bitching at me today*" in public to the paramedics, as she walked away from the complainant. The reference was clearly made by the officer due to her most recent interaction with the complainant. A sexual slur is a term of disparagement used to refer to members of a given sexual minority, gender, sex, or sexual orientation in a derogatory or pejorative manner. Many sexual slurs are used in a wide range of contexts outside of their primary meaning. In fact, the term 'bitch' can also be used as a verb. When used as such, it means to complain.

The named officer admitted using the term 'bitching' when directing a comment to the paramedics in a public place, complaining and expressing annoyance about her interaction with the complainant. The fact that the term was not used for its primary meaning but rather as a verb in this context does not take away from the fact that the officer used a sexual slur.

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.

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

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

**FINDINGS OF FACT:** The complainant stated she spoke to the named sergeant on the telephone to complain about another officer's behavior. She stated she wanted the officer to apologize to her. The complainant stated the named sergeant laughed and said, "We don't tell police officers to apologize to anyone."

The named sergeant stated the complainant wanted him to force an officer to apologize but he could not do so since it would be a violation of the Peace Officer Bill of Rights. The named sergeant stated that he explained to the complainant that he could not order an officer to apologize. He denied laughing at the complainant.

No witnesses were identified.

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

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**DATE OF COMPLAINT:** 11/20/15    **DATE OF COMPLAINT:** 11/10/16    **PAGE** #1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that a male assaulted her two sons after they left a train station. The complainant stated she received a call for help from her sons because the man was trying to run them over with his car. The complainant called police dispatch and arrived at the scene about the same time as responding officers. During the investigation of the incident, the complainant stated that the officer did not make an effort to notify dispatch of the suspect's description or the suspect's vehicle in hopes of locating the suspect in the area. The complainant stated she works for dispatch and is aware that the officer should have provided details and descriptions of the suspect and his vehicle.

The named officer stated that he did not broadcast a description because he believed the complainant's son was the aggressor and he did not have the other party's side of the story. In addition, the named officer stated he did not believe the other involved party was a suspect.

The complainant's oldest son stated that the officer accused him of starting the fight and antagonizing the unknown male. He said that the police was trying to "flip it" on him. The oldest son said the police did not take notes about the suspect, vehicle description or the unknown male's direction of travel. He stated that the officer believed he was the instigator since people had called in reporting that he and his brother were running away and some saw him strike the headlight of the suspect's car with the bat, however, he was actually defending themselves.

The complainant's youngest son stated he wanted the officers to look for the suspect because he was afraid that the suspect was going to come back with a weapon or friends but the officers were not being helpful. The other witness stated that he provided the suspect and vehicle information to one of the officers and that the officer did not write the information down or take any action with the information.

The CAD audio corroborates that a description of the suspect and vehicle were provided to dispatch by a reporting party. The officer was in violation of DGO 1.03 (I)(a)(6), when he did not promptly furnish a description of the suspect, the suspect's vehicle and direction of travel to the Communications Division. The officer failed to consider that a crime had occurred. He failed to take investigative steps to find out if there was additional information to conduct a complete and thorough investigation for the alleged crime brought to his attention by those reporting it. He failed to search the area after receiving information on the possible suspect, thereby failing to conduct a proper investigation.

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

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**SUMMARY OF ALLEGATION #2:** The officer failed to write an incident report.

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

**FINDINGS OF FACT:** The complainant stated that her older son told the officer what transpired during the assault incident. The officer told the complainant that he would not be writing a police report at this time. The complainant stated she did not understand the officers' reasoning for not writing a report. The officer told her that if they filed a report he would have to charge her son for felony vandalism and they did not even have information of the other involved party. The complainant asked how her son would be arrested if the other guy brought the baseball bat out and had tried to run over both of her sons.

The named officer stated he did not write an incident report for this incident, as he believed the complainant's son was the aggressor and he did not have the other party's side of the story. The officer stated he did not know what the other guy was going to say and if they located the other party and if a report was written, her son may be charged. The officer stated he did not have a duty to prepare a report because he could not find the other party, no one was injured, and the best that he could tell this was two guys yelling at each other, posturing, and they get hundreds of calls like that everyday. The officer stated from the information he had, there was no crime committed. The named officer stated that based on the information he obtained the guy did not really commit any crime against these kids. The named officer stated the details regarding the alleged suspect "attempting to run them over" did not pan out into a crime report or a crime investigation.

The complainant's older son stated they asked for a police report but the officer refused to take a report. The older son stated the named officer said there was no need to make a report because the situation was over and if they did make a report, it would come back on him because he hit the guy's headlight. He stated even if he was defending himself the officer made it sound like they were "letting him off the hook." He felt that the officers did not do their job. The complainant's younger son stated he did not say anything after he provided the description of the suspect and vehicle to the other officer.

SFPD incident report No. 150978587 established that an officer at the district station prepared a report the following day of the incident as an "Assault, Aggravated, w/Other weapon. The same district station's special investigation team opened an investigation nine months later and assigned it to an inspector. The inspector directed the named officer to write a supplemental report of the incident.

According to DGO 2.01, Rule 25, "members shall make all required written reports of crimes or incidents requiring police attention. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

**FINDINGS OF FACT:** The complainant stated he was sitting in a borrowed vehicle legally parked in the street outside his residential hotel when the named officer and four other plainclothes officers approached. The named officer knocked on the window of the vehicle and asked the complainant to confirm his name, which the complainant did. The named officer identified himself as a police officer. The named officer detained the complainant and the officers searched the complainant and the vehicle, although the complainant did not consent to the searches.

The complainant stated the named officer searched his wallet and determined which room he lived in. The named officer took the complainant's keys and officers used them to enter the complainant's hotel. The named officer and the other plainclothes officers escorted the complainant to his room. The officers searched the complainant's room, despite the complainant's objection to the search, and seized some methamphetamine in plain view on a bookshelf. The officers then placed the complainant under arrest.

One of the complainant's neighbors stated she saw several men in civilian clothes who identified themselves as police officers go to the complainant's room. The complainant, who was in the hallway, asked her whether police could search his room without a warrant, and she told him she did not think they could.

The named officer stated he was in charge of the investigation of the complainant that resulted in a search of the complainant's vehicle and room and the complainant's arrest. The named officer stated that a Confidential Reliable Informant told him that an older Filipino male who drives a gray minivan in the immediate area of the complainant's residential hotel was selling methamphetamine. The named officer saw the complainant sitting in a parked gray minivan at that location and approached to investigate. The named officer knocked on the window of the van and identified himself as a police officer. He asked if he could talk to the complainant and the complainant agreed. The named officer told the complainant that he was doing a methamphetamine investigation, and the complainant responded that he was a methamphetamine user but denied having any drugs on him or in his room. The complainant consented to a search of the vehicle, then consented to a search of his room, and gave the officers his room number.

In his incident report, the named officer wrote that he took the complainant's keys. During an interview about the incident, the named officer stated that he gained possession of the complainant's keys, but did not recall how he got them.

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The named officer stated the complainant accompanied the officers to his room, where the officers found methamphetamine in plain view, and arrested the complainant. The named officer denied that the complainant told the officers he did not want his room searched.

The named officer's partner – witness officer No. 1 – stated that he and the named officer saw the complainant sitting in a parked van. The named officer identified the complainant as someone identified by an informant as a seller of methamphetamine. The named officer approached the van and spoke to the complainant, although the witness officer could not hear everything they said. The complainant consented to the officers searching the van after the named officer asked for his consent. Witness officer No. 1 searched the van looking for methamphetamine, but found none. Witness officer No. 1 did not recall any officer searching the complainant's pockets or removing the complainant's wallet or keys.

Witness officer No. 1 stated the named officer said something about the complainant giving officers permission to search his room, and the named officer then gave another officer the keys that opened the front door of the complainant's hotel and the door to the complainant's room. The named officer remained in the hallway outside the complainant's room, while the other officers searched the complainant's room. Witness officer No. 1 stated he did not recall the complainant protesting the search of his room or asking whether officers needed a search warrant. Witness officer No. 1 stated that he found methamphetamine in the complainant's room

A second witness officer – witness officer No. 2 – stated the named officer and witness officer No. 1 summoned him, his partner and a third plainclothes officer they were working with to assist with the detention of the complainant. When they arrived on the scene, he saw the named officer talking to the complainant, who was sitting in a parked van, but he could not overhear their conversation. The named officer and his partner informed Witness officer No. 2 that they were going to search the van, and Witness officer No. 2 assisted in the search. Witness officer No. 2 did not pat search the complainant and did not know whether another officer did.

The named officer or the named officer's partner stated they were going to search the complainant's room. Witness officer No. 2 did not hear any discussion about the complainant consenting to the search, and did not hear the complainant protest the search of the van or of his room. One of the officers opened the front door to the complainant's hotel with keys, but Witness officer No. 2 did not know how they obtained the keys. Witness officer No. 2 and other officers entered and searched the complainant's room, while the named officer stood at the door talking to the complainant.

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Witness officer No. 3 stated the named officer and the named officer's partner summoned him, his partner and a third plainclothes officer they were working with to assist with the detention of the complainant. When they arrived, witness officer No. 3 saw the named officer talking to the complainant, who was sitting in a parked van. Witness officer No. 3 did not hear the named officer's conversation with the complainant because he was not paying attention to it, and did not hear a discussion regarding consent to search the vehicle or the complainant's room. He did not recall the complainant objecting to the search of the van

Witness officer No. 3 did a pat search of the complainant, but did not recall searching inside the complainant's pockets and did not recall another officer doing this. One of the officers had keys that he used to open the door to the complainant's hotel, but Witness officer No. 3 did know where the keys came from. Witness officer No. 3 did not recall the complainant objecting to the search of his room or asking whether a search warrant was required. Witness officer No. 3 participated in the search of the complainant's room, which was filled with clutter. Witness officer No. 3 said he found methamphetamine, scales and plastic baggies, but Witness officer No. 3 did not recall which officer seized evidence from the room or transported it to the station.

Witness officer No. 4 stated he was traveling in an unmarked car with two other plainclothes officers – witness officer No. 2 and witness officer No. 3 – when they saw the complainant seated in a parked vehicle outside a hotel known for thefts and for methamphetamine sales. Witness officer No. 4 stated the named officer previously told him that, according to a confidential informant, a subject using this vehicle was selling methamphetamine. Witness officer No. 4 notified the named officer and the named officer's partner that he had seen the parked vehicle with the complainant inside it.

The named officer and his partner arrived, and all five officers approached the vehicle. The complainant consented to the search of the vehicle and of his room. Witness officer No. 4 searched the complainant's vehicle and did not recall the complainant objecting to this search. Witness officer No. 4 stated he did not recall whether the complainant gave the officers the keys to his room or whether they were taken from him. He did not recall the complainant asking the officers whether they had a warrant to search his room.

No civilian witnesses were identified.

The named officer claimed that the complainant was not detained because the complainant consented to a search of his vehicle, gave the officers his room number, willingly accompanied the officers to his room and consented to a search of his room. Three of the four witness officers who were present stated that they did not overhear the named officer's conversation with the complainant and, therefore, they could not confirm the named officer's claim that the complainant consented to a search of his room.

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The witness officer who confirmed hearing the complainant give consent was convicted in U.S. District Court of felony charges involving theft and other misconduct committed while working as a plainclothes officer at this station. The other four officers who were present contradicted this witness officer's account of who initially contacted the complainant.

The issue of whether or not the complainant was detained hinges on the named officer's claim that the complainant willingly consented to searches of his vehicle, person and residence. The complainant's neighbor's statement about the complainant asking her whether officers could search his room without a warrant supports the complainant's contention that he did not consent to the search of his room. The lack of corroboration by witness officers of the named officer's claim that the complainant consented to the search of his person and residence raises questions about the reliability of the named officer's account. However, weighing the totality of the evidence, there was insufficient evidence to prove or disprove whether the complainant consented to the search of his person and room, and whether he willingly accompanied the officers to his room.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he was sitting in a borrowed vehicle legally parked in the street when the named officer and four other plainclothes officers approached. The named officer knocked on the window and asked the complainant to confirm his name, which the complainant did. The named officer identified himself as a police officer. The named officer detained the complainant and the officers searched the vehicle the complainant had been sitting in without his consent.

As stated above, the named officer stated the complainant consented to the search of the vehicle.

Two of the four officers who were present stated that they did not overhear the named officer's conversation with the complainant and, therefore, they could not confirm the named officer's claim that the complainant consented to a search of the vehicle.

Witness officer No. 1 stated that he heard the complainant consent to a search of the vehicle.

Witness officer No. 4 also confirmed hearing the complainant give consent to a search of the vehicle. Witness officer No. 4, however, was convicted in U.S. District Court of felony charges involving theft and other misconduct committed while working as a plainclothes officer. The other four officers who were present contradicted the account of Witness officer No. 4 concerning who initially contacted the complainant.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove whether the complainant consented to a search of the vehicle.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the named officer searched him without cause.

The named officer stated he initiated contact with the complainant and was in charge of the investigation that resulted in a search of the complainant's vehicle and room and the complainant's arrest. He stated that when he contacted the complainant, the complainant agreed to talk to him, and consented to a search of the parked vehicle he was seated inside. In his incident report, the named officer wrote that he took the complainant's house keys. During an interview about the incident, the named officer stated that he gained possession of the complainant's keys, but did not recall how he got them.

Witness officer No. 1 stated he did not recall any officer searching the complainant's pockets or removing the complainant's wallet or keys.

Witness officer No. 2 stated he did not pat search the complainant and did not know whether another officer did.

Witness officer No. 3 stated he did a pat search of the complainant, but did not recall searching inside the complainant's pockets and did not recall another officer doing this. He stated that one of the officers had keys that he used to open the door to the complainant's hotel, but Witness officer No. 3 did know where the keys came from.

Witness officer No. 4 stated he did not recall whether the complainant gave the officers the keys to his room or whether they were taken from him.

No civilian witnesses were identified.

The evidence established that the named officer initiated contact with the complainant and supervised the investigation at the scene that led to the complainant's arrest, and was therefore responsible for the actions of the other officers at the scene. The pat search of the complainant by witness officer No. 3 was conducted in connection with the contact initiated by the named officer and in his presence. The officer who conducted the pat search stated that he did not recall reaching inside the complainant's pockets. The named officer stated that he did not recall how he came into possession of the complainant's house keys, but that he came into possession of the complainant's keys in conjunction with the complainant's

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consenting to a search of his hotel room. There was insufficient evidence to establish whether the complainant consented to a pat search or whether the complainant's house keys were removed from his pocket during the search. As stated above, there was insufficient evidence to establish whether the complainant consented to a search of his vehicle or whether the complainant was detained without justification. Similarly, there was insufficient evidence to either prove or disprove whether a pat search of the complainant was justified.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer seized the complainant's property without cause.

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

**FINDINGS OF FACT:** The complainant stated his keys were seized and booked into evidence.

The named officer stated he initiated contact with the complainant and was in charge of the investigation that resulted in a search of the complainant's vehicle and room and in the complainant's arrest. In his incident report, the named officer wrote that he took the complainant's house keys. During an interview about the incident, the named officer stated he gained possession of the complainant's keys, but did not recall how he got the keys.

Witness officer No. 1 stated he did not recall any officer searching the complainant's pockets or removing the complainant's keys.

Witness officer No. 2 stated he did not pat search the complainant and did not know whether another officer did.

Witness officer No. 3 stated he did a pat search of the complainant, but did not recall searching inside the complainant's pockets. He stated that one of the officers had keys that were used to open the door to the complainant's hotel, but witness officer No. 3 did know where the keys came from.

Witness officer No. 4 stated he did not recall whether the complainant gave the officers the keys to his room or whether they were taken from him.

No civilian witnesses were identified.

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

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**SUMMARY OF ALLEGATION #5:** The officer entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated officers entered his residence without his consent.

The named officer stated he was in charge of the investigation of the complainant that resulted in a search of the complainant's vehicle and residence and the complainant's arrest. The named officer stated that the complainant consented to a search of his residence, and gave the officers his room number.

As stated above, the named officer stated the complainant consented to the officers entering and searching his residence. Three of the four officers who were present stated that they did not overhear the named officer's conversation with the complainant and, therefore, they could not confirm the named officer's claim that the complainant consented to the entry and search. The witness officer who confirmed hearing the complainant give consent was convicted in U.S. District Court of felony charges involving theft and other misconduct committed while working as a plainclothes officer.

No civilian witnesses were identified.

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

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**SUMMARY OF ALLEGATION #6:** The officer searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated officers searched his residence without his consent

The named officer stated he was in charge of the investigation of the complainant that resulted in a search of the complainant's vehicle and residence and in the complainant's arrest. The named officer stated the complainant consented to a search of his residence and gave the officers his room number.

As stated above, the named officer stated the complainant consented to the officers searching his residence. Three of the four officers who were present stated that they did not overhear the named officer's conversation with the complainant and, therefore, they could not confirm the named officer's claim that the complainant consented to the entry and search. The witness officer who confirmed hearing the complainant give consent was convicted in U.S. District Court of felony charges involving theft and other misconduct committed while working as a plainclothes officer at this station.

No civilian witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was arrested for possession of methamphetamine for sale.

The named officer stated he contacted the complainant in connection with a methamphetamine investigation based on information from a Confidential Reliable Informant. He stated the complainant told him he was a methamphetamine user and consented to a search of his room, during which officers found 1.7 grams of methamphetamine, packaging material and digital scales. The named officer stated that he arrested the complainant after finding these items.

As stated above, there was insufficient evidence to either prove or disprove whether the complainant consented to the search of his room that resulted in the discovery of methamphetamine, and in the complainant's arrest.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #8:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated the officer misrepresented the truth when he wrote in his incident report that the complainant consented to officers searching him, his residence and a vehicle he was in. The complainant stated that he never consented to these searches and objected to them.

As stated above, the named officer stated that he was in charge of the investigation of the complainant that resulted in a search of the complainant's vehicle and residence and in the complainant's arrest. The named officer stated the complainant consented to a search of his residence and gave the officers his room number.

As stated above, the named officer stated the complainant consented to the officers searching his residence. Three of the four officers who were present stated that they did not overhear the named officer's conversation with the complainant and, therefore, they could not confirm the named officer's claim that the complainant consented to the entry and search. The witness officer who confirmed hearing the complainant give consent was convicted in U.S. District Court of felony charges involving theft and other misconduct committed while working as a plainclothes officer at this station.

The other four officers who were present contradicted the account this witness officer concerning who initially contacted the complainant.

A civilian witness confirmed the complainant's claim that he asked her whether officers could search his residence without a warrant.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove whether the complainant consented to officers searching his residence.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

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**SUMMARY OF ALLEGATION #9:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated the named officer misrepresented the truth when he told the complainant to sign a form for his property that was actually a Consent to Search form. The complainant stated he could not clearly read the form because he did not have his eyeglasses and was not given his eyeglasses when he asked for them.

The named officer stated he asked the complainant to sign a Consent to Search form, and that another officer completed the form and was present when the complainant signed it. He stated he believed the complainant knew what he was signing, and did not recall the complainant asking for his eyeglasses.

Witness Officer No. 1 stated he completed and had the complainant sign a Consent to Search form and did not recall the complainant asking for his eyeglasses.

No other witnesses were identified.

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

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**SUMMARY OF ALLEGATION #10:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated officers searched his room and arrested him. When he was released from jail several days later, a laptop computer and a camera were missing. When the complainant viewed a security video recording from his hotel, he saw the officers carrying out the bag that contained his laptop computer. The laptop computer and the bag were not documented by police or booked as evidence.

The named officer stated that he seized paperwork from the complainant's room regarding the registered owner of the vehicle the complainant had been sitting in when officers first contacted him. The named officer placed this paperwork inside a bag – possibly a briefcase or a laptop bag – that he found in the complainant's room. The named officer denied that there was anything besides paperwork inside the bag he took from the complainant's room and denied taking a laptop computer or a camera from the complainant's room. The named officer stated that he did not see any other officer take a laptop or a camera, and had no information about another officer taking these items. The named officer stated that at the police station, he determined that he had seized the paperwork by mistake and did not book these items into evidence. He stated that he thinks he threw the bag and its contents away. The named officer was subsequently tried and convicted in U.S. District Court of criminal charges involving theft and other misconduct committed while working as a plainclothes officer.

Other officers who were present denied taking a laptop computer or a camera from the complainant's room and denied knowledge of any officer taking these items.

No other witnesses were identified.

The named officer is no longer a member of the San Francisco Police Department.

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**SUMMARY OF ALLEGATION #11:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated officers searched his room and arrested him. When he was released from jail several days later, a laptop computer and a camera were missing. When the complainant viewed a security video recording from his hotel, he saw officers carrying out the bag that contained his laptop computer. The laptop computer and the bag were not documented by police or booked as evidence.

The named officer stated he placed evidence seized from the complainant's room inside a canvas bag he found in the room. The named officer denied taking a laptop computer or a camera from the complainant's room and denied knowledge of any officer taking these items. The named officer stated that he failed to process the bag he took from the complainant's room in accordance with San Francisco Police Department regulations.

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. However, as the result of an internal administrative investigation by the Department, no further action was taken against the named officer as he had already been disciplined for his failure to follow Department regulations.

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**SUMMARY OF ALLEGATION #12:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated officers searched his room and arrested him. When he was released from jail several days later, a laptop computer and a camera were missing. When the complainant viewed a security video recording from his hotel, he saw officers carrying out the bag that contained his laptop computer. The laptop computer and the bag were not documented by police or booked as evidence.

The named officer stated he was in charge of the investigation that resulted in a search of the complainant's residence and the complainant's arrest for possession of methamphetamine. The named officer stated that during the search, methamphetamine, scales and packaging material were seized from the complainant's room.

The evidence established the named officer remained outside the complainant's hotel room, while other officers searched it. The evidence established that one officer removed a briefcase or laptop bag containing papers that he failed to process in accordance with Department regulations.

There was insufficient evidence to establish that the named officer was aware of the officer's actions.

The evidence also established that a second officer placed evidence he seized from the complainant's room inside a bag he found in the room, and that he failed to process the bag in accordance with Department regulations.

There was also insufficient evidence to establish that the named officer was aware of the officer's actions.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

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**DATE OF COMPLAINT:** 10/12/11    **DATE OF COMPLETION:** 11/08/16    **PAGE#** 16 of 16

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to follow proper procedures for disbursement of funds to a Confidential Reliable Informant.

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

**FINDINGS OF FACT:** The named officer stated he initiated his investigation of the complainant after receiving information from a Confidential Reliable Informant. The OCC reviewed Officer's Monthly Expenditures reports submitted by the named officer, which documented his cash payments to Confidential Reliable Informants. The review established that between January 2010 and January 2011, nine Monthly Expense Reports documenting a total of \$4700 expended by the named officer (including \$1700 paid to the Confidential Reliable Informant in this case), lacked the signature of a supervisor who had approved the report.

No existing San Francisco Police Department regulations required a supervisor's signature on an Officer's Monthly Expenditures reports. However, the Officer's Monthly Expenditures form includes a space for the officer completing the form to sign it, certifying that it "is true and correct." Immediately underneath the officer's signature line, there are three lines, each labeled "Approved By" and "Date Approved." Inclusion of these three lines for supervisors' signatures clearly indicates that the form required a supervisor's signature of approval.

Ten of the Officer's Monthly Expenditures Reports submitted by the named officer between March 2009 and January 2010 include the signature of a supervisor who approved the report, and six of those reports include the signatures of two supervisors, often a Sergeant and a Lieutenant. The inclusion of supervisors' signatures on these ten monthly forms in 2009 and 2010 indicates that the named officer understood that such written approval was required.

The San Francisco Police Department Informant Management Manual in effect in 2009, 2010 and 2011 failed to specifically require the approval of a supervisor for an Officer's Monthly Expenditures report.

The evidence proved that the act by the member was justified by Departmental policy, procedure or regulation. However, the OCC recommends a change in the particular policy and procedure.

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**DATE OF COMPLAINT:** 12/23/15 **DATE OF COMPLETION:** 11/17/16 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The San Francisco Police Department failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated that someone repeatedly stole items from her home over the course of a year. She stated the suspect stole food, purses, a jacket, a box of silver, and packages she had planned to mail. The complainant stated she once found a broken dish in her home, which was proof that someone had been inside her apartment without consent. She stated that the SFPD failed to investigate the burglaries. She stated that it had been a year and the suspect had not been arrested.

Department records showed that multiple officers responded to the complainant's residence on several occasions regarding reports of theft or burglary. Each time, officers concluded that the complainant's reports were without merit.

A witness officer stated that he and several other officers had frequent contact with the complainant. The officer stated that the complainant always showed him empty food containers and drawings as evidence that a burglary had occurred while she was away from home. The officer stated he reviewed security video on several occasions and saw no evidence of a person breaking in to the complainant's apartment.

The complainant's building support services manager stated that building management received multiple notifications from the complainant regarding her apartment being burglarized. The manager stated she reviewed security footage for every notification, which showed no evidence of a burglary.

No other witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/29/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was wrongfully arrested.

The named officer stated he was aware of a Crime Alert Notification that bore a photograph of the complainant. Additionally, the named officer knew about the complainant and the complainant's suspected criminal activities. The officer stated he knew the complainant had ties to the address where the officer arrested the complainant. The officer stated that while he and his partner were on patrol, the named officer saw the complainant near the address the officer stated was known for criminal activity. The named officer detained the complainant. The officer also confirmed the identity of the complainant and confirmed the complainant was to be arrested. Consequently, the named officer arrested 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 ALLEGATIONS #2 - 5:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the evidence used to arrest him was flawed and fabricated.

The named officers described their knowledge of the complainant's criminal activity. The investigating officers stated that evidence in a burglary investigation included a wallet the complainant left at the scene of a burglary, video surveillance of the area of one of the burglaries, similar methods of operation involved in other burglaries the complainant was suspected of having committed, descriptions of the suspect provided by witnesses, the complainant's recorded conversations, and property the complainant had at the time of his arrest. Some of this property was found to be from one of the residential burglaries. This evidence was used to prosecute the complainant, leading to a conviction after a jury trial.

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.

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**DATE OF COMPLAINT:** 10/29/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officer misrepresented items used as evidence against him as having been found in his property.

The named officer described her investigation of a residential burglary that was committed in the district to which the officer was assigned. During the investigation, the named officer identified the complainant as a suspect in the burglary.

Department records show that the evidence gathered during the burglary investigation was used to prosecute the complainant, leading to a conviction after a jury trial.

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

**SUMMARY OF ALLEGATIONS #7 – 10:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated the officers arrested him on the basis of his race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied race played a part in the complainant's arrest. The lead investigating officer described the process of identifying the complainant as a suspect and the evidence she developed in her investigation of a residential burglary. The evidence consisted of items associated with several other residential burglaries that the complainant was suspected of having committed. This evidence consisted of a wallet containing identification the complainant left at the scene of a burglary, surveillance video of the area of one of the burglaries, similar methods of operation the suspect used in other burglaries, descriptions of the suspect provided by witnesses, recordings of conversations the complainant had while in custody, and property the complainant had in his possession at the time of his arrest.

Court records indicate that the complainant was found guilty. 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.

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**DATE OF COMPLAINT:** 06/01/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he had an altercation with a taxi driver over a traffic incident. The taxi driver accused the complainant of cutting him off while turning from one street to another. The named officer approached the parties as they argued, with their vehicles parked in the middle of the street. The complainant alleged that the officer failed to investigate the incident thoroughly and did nothing despite witnessing the driver's aggressive and threatening behavior.

The complainant's niece recalled a similar account of the incident, stating she heard the taxi driver make a threatening statement to her uncle. She also stated that the police talked to the complainant briefly. She recalled the police asked her uncle several questions, but could only recall hearing the police ask what was going on.

The named officer stated that after his brief conversation with both drivers, he determined there had been no collision, no injury and no criminal behavior – that their dispute had been verbal in nature. He said he advised both drivers to drive carefully and go about their business.

The named officer's partner stated he did not speak to anyone at the scene, but recalled that the complainant did not need any additional police action.

No other witnesses were identified.

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

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**DATE OF COMPLAINT:** 02/03/16      **DATE OF COMPLETION:** 11/17/16      **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 walking when a patrol car pulled up. The complainant stated that the passenger officer made inappropriate comments to him, calling the complainant a “liar and lazy.”

Several officers were questioned by the OCC, including the officers assigned in the sector area where the alleged contact occurred. The officers either denied having any contact with the complainant or did not recall the incident in question.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

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**DATE OF COMPLAINT:** 06/14/16 **DATE OF COMPLETION:** 11/17/16 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and a representative of the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on October 25, 2016.

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**DATE OF COMPLAINT:** 09/11/16 **DATE OF COMPLETION:** 11/17/16 **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 in her complaint that she was on a street corner with other pedestrians waiting patiently for funeral traffic to pass. The complainant stated that an officer regulating the traffic put his hand up to stop the funeral, so the complainant started crossing the street. The complainant stated the officer yelled at her.

Department records indicated that there is not an officer on the SFPD with the star number the complainant reported seeing.

A poll of officers in the district in which the incident occurred failed to identify the officer involved.

The identity of the alleged officer has not been established.

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

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**DATE OF COMPLAINT:** 01/25/16    **DATE OF COMPLETION:** 11/21/16    **PAGE#** 1 of 9

**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 he was at the police station waiting for a release for his recovered vehicle. The complainant stated officers detained him, handcuffed him and took him inside the station holding area.

The named officer stated a query of the complainant was completed, showing that the complainant had an outstanding warrant. The named officer stated he called the warrants bureau and was placed on hold. While on hold, the named officer directed another supervisor to place the complainant in handcuffs and detain him. The named officer stated the basis of the detention was the warrant.

A witness stated she ran the warrants check on the complainant as part of the vehicle release process. The results came back as a full extradition and no bail Homeland Security ICE (Immigration and Customs Enforcement) warrant, prompting her to notify the named officer.

The evidence established that the named officer had sufficient information that the warrant was from ICE when he had the complainant detained. While DGO 5.03, Investigative Detentions, allows a police officer to briefly detain a person for questioning when the officer has a reasonable suspicion that the person's behavior is related to criminal activity, DGO 5.15, Enforcement of Immigration Laws, prohibits officers from cooperating with ICE enforcement. The evidence established that the complainant was detained without justification, in violation of DGO 5.15.

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 # 2:** The complainant was handcuffed without justification.

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

**FINDINGS OF FACT:** As stated above, the complainant's detention violated DGO 5.15. As such, the complainant was placed in handcuffs without justification.

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.

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**SUMMARY OF ALLEGATIONS #3-5:** The officers failed to comply with DGO 5.15, Enforcement of Immigration Laws.

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

**FINDINGS OF FACT:** The complainant stated he was at the police station waiting for a release for his recovered vehicle when he was detained, handcuffed and taken to the station holding area. The complainant stated after a while, an officer released him, escorting him to a back door of the station, where two ICE agents took him into custody.

Named Officer No. 1 stated he spoke with an ICE employee and agreed to have them come to the station to look at the complainant in person and confirm the warrant. After reviewing the Department policy and discussing the complainant's detention with named Officer No. 3, Officer No. 1 decided to release the complainant and not allow the ICE agents to look at the complainant. When the ICE agents showed up in the lobby of the station, Officer No. 1 told named Officer No. 2 to not allow the agents inside the station and to get rid of the ICE agents. Officer No. 1 denied cooperating with the ICE agents and denied planning the timing of the complainant's release with the arrival of the ICE agents.

Named Officer No. 3 stated he told Officer No. 1 that if he could not confirm the warrant that he had to release the complainant. In addition, he told Officer No. 1 that he could not allow the agents inside the station and take custody of the complainant. Officer No. 3 stated the information he had was that the warrant was a federal criminal warrant. He stated had he suspected this had to do with immigration, he would have stopped and reevaluated the incident.

Named Officer No. 2 stated that while discussing the incident with Officer Nos. 1 and 3, Officer No. 3 said that if the ICE agent wanted to come down to the station when they release the complainant that, "what happens on the sidewalk, happens on the sidewalk." Officer No. 2 stated he spoke to the ICE agents and told them they had to leave the building because they were not supposed to cooperate with the agents. He told them that the complainant was going to be released on the side and directed them to the location where the complainant was going to be released.

A witness stated she overheard conversations in the hallway that the complainant was going to be released and that ICE agents were coming to get him. She stated that all of the named officers knew this was an ICE warrant. The witness heard that the Sheriff's Department did not want the complainant and that ICE agents were coming to get the complainant. She stated the ICE agents showed up with restraints and asked where the complainant was located. She told them that from what she heard, the complainant was outside

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the station. She guessed the officers had made an agreement that the complainant would get released and that ICE would be on the other side.

The CLETS results on the warrant established it was an outstanding administrative ICE warrant.

Video evidence from the station shows Officer No. 2 communicating with the two ICE agents standing at an opened door to the interior police station. Officer No. 2 appears to be providing information and directions to the agents by gesturing with his hands. Officer No. 2 is then observed in the interior station leading the complainant to a side door and opens the door to an outside location. The video depicts the same two ICE agents waiting near the exterior door, taking custody of the complainant.

The IAD investigation report documents that a sheriff employee informed Officer No. 1 that the County Jail would not book custodies on an ICE warrant. The evidence established that Officer No. 1 assisted and cooperated with ICE by allowing them to come to the station to visually look at the complainant. There is a preponderance of evidence to establish that the ICE warrant was administrative in nature, which was clear on the CLETS query and Officers No. 1 and 3 should have known the warrant was administrative and not criminal. Once Officer No. 1 became aware of the administrative warrant, he should have ordered the vehicle release be issued to the complainant rather than detain him while waiting for ICE agents to arrive and identify the complainant. Officer No. 2, who was present for the discussion with Officer No. 1 and Officer No. 3, came away with the notion that ICE agents were not allowed in the station and circumvented the policy by instructing the ICE agents they could go around the building to where the complainant was going to be released. There is a preponderance of evidence that the discussion held between the named officers was orchestrated to release the complainant in a public place so that the ICE agents could arrest the complainant, a violation of DGO 5.15.

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 #6-7:** The officers failed to comply with DGO 5.14, Interagency Operations.

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

**FINDINGS OF FACT:** OCC's investigation established that the incident did not fall within DGO 5.14.

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.

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**SUMMARY OF ALLEGATIONS #8-10:** The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) persons.

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

**FINDINGS OF FACT:** The complainant stated that his first language is Spanish. He stated he was not provided language assistance at any time during his detention. He stated that his fiancé, who spoke a little English, spoke for him.

The complainant's fiancé corroborated that she spoke for the complainant because the complainant spoke Spanish.

The named officers stated that they did not have much contact or conversation with the complainant to know he was an LEP individual.

One of the named officers stated that when he asked the complainant if he had a warrant out for his arrest, the complainant scowled and looked away. This officer did not believe that the complainant's non-response was due to him not speaking English. He stated the complainant clammed up when he realized that he might be arrested.

A witness officer stated he conducted the medical screening for the complainant using a certified Spanish-speaking officer. He stated that the complainant understood English but told him he did not speak English.

The evidence established that the named officers should have recognized that the complainant was an LEP individual. While the officers claimed there was no conversation and only asked the complainant for his name, the named officers had a duty to explain the reason for the 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.

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**SUMMARY OF ALLEGATION #11:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant believed that the officers' actions were racially motivated.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation, stating that he had not even seen the complainant when the named officer was trying to verify the arrest warrant. He stated that the complainant's race, appearance, ethnicity had nothing to do with why he was detained, and that the reason for the detention was based on an outstanding warrant.

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

**SUMMARY OF ALLEGATION #12:** The officer prepared an inaccurate report.

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

**FINDINGS OF FACT:** The evidence established that the narrative of the incident report does not indicate the reason for the complainant's presence at the police station and what led to the discovery of the warrant. The report is vague and ambiguous as to how the complainant was taken into custody, processed and released. The narrative of the report also contains spelling errors in the complainant's last name. The report does not identify the complainant as an LEP individual. The narrative lacks clarity and fails to describe the events in a clear, concise and thorough manner.

The named officer could not explain why he failed to include the reason the complainant came into the station and how the warrant was discovered. He stated a portion of the report was written afterwards and admitted that the report was poorly worded. The named officer stated that the complainant was not identified as an LEP person because he did not know his proficiency in English or Spanish. He stated that it did not occur to him that the complainant might need an interpreter.

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.

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**SUMMARY OF ALLEGATION #13:** The officer failed to take required action with regards to the complainant's vehicle.

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

**FINDINGS OF FACT:** The complainant stated that his car was sold at an auction while he was incarcerated. He believes that a hold should have been placed on his vehicle.

Department policy only allows officers to place a hold on a vehicle if there's an active investigation.

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.

**SUMMARY OF ALLEGATION #14:** The officer failed to comply with DGO 1.04, Duties of Sergeants.

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

**FINDINGS OF FACT:** The named officer failed to supervise and review the report for appropriateness and completeness.

The named officer stated he had no reason to think the report was inaccurate when he reviewed and approved it. He stated he did not have much contact with the complainant to know he was an LEP individual and did not recall that issue coming up.

The evidence established that the named officer reviewed and approved a report that was incomplete, in violation of DGO 1.04.

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.

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**SUMMARY OF ALLEGATION #15:** The officer failed to comply with DGO 1.06, Duties of Superior Officers.

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

**FINDINGS OF FACT:** The evidence established that the named officer failed to supervise his subordinates and failed to review the report for accuracy and completeness.

The named officer stated his subordinate told him that the federal agent expressed interest in coming to the station and that he could not confirm the warrant. The named officer stated he told the sergeant that they could not allow the agent to come to the station and that the complainant had to be released. He stated that he made it clear that the complainant could not be handed over to the ICE agents. In regards to the report, the named officer stated he reviewed the report, which was a low-level release report and did not remember having questions. He stated he did not have any contact with the complainant and was not aware that the complainant was an LEP person.

The subordinate stated he advised the named officer of the complainant's detention, that ICE was coming to the station, and about the warrant. He stated the named officer did not give directives. He did not recall the named officer giving any specific directives to him as to what to do other than just keep trying to confirm the warrant. At one point after he was advised that ICE was coming down to the station, the named officer said, "Well, what happens on the sidewalk, happens on the sidewalk." That was the only thing he remembered the named member saying directly to him.

The evidence established that the named officer signed the report, which was incomplete, not thorough and inaccurate. In addition, the named officer failed to recognize that the complainant had been detained on an outstanding administrative ICE warrant and, therefore, was wrongfully detained. He failed to conduct an investigation into the officers' misconduct after learning that the complainant was taken into ICE custody immediately after SFPD had released him. Furthermore, the named officer failed to bring this incident to the attention of his superior.

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.

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**SUMMARY OF ALLEGATION #16:** The officer failed to supervise.

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

**FINDINGS OF FACT:** OCC's investigation established that the named officer was not present during the incident, and that his lieutenant was the acting captain.

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.

**SUMMARY OF ALLEGATION #17:** The officer failed to investigate.

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

**FINDINGS OF FACT:** OCC's investigation established that the named officer was not present during the incident, and that his lieutenant was the acting captain.

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.

**SUMMARY OF ALLEGATION #18:** The officer failed to take required action.

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

**FINDINGS OF FACT:** OCC's investigation established that the named officer was not present during the incident, and that his subordinate was acting in his absence.

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.

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**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to submit his report for review prior to the end of his shift.

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

**FINDINGS OF FACT:** The officer denied the allegation. He stated that his report was reviewed by a supervisor, who asked him to make some changes. The named officer stated that after making the changes, he submitted his report for review/approval.

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

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated he was taken to the station where he was released. The complainant wrote that he had broken no laws.

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

The named officers stated they responded to a call regarding an aggressive homeless male holding a vulgar sign sitting in front of a drug store. The named officers stated the complainant has a history of aggressive panhandling in the area. The named officers stated they admonished the complainant to not cause any more disturbances and to leave the area. The officers stated they observed the complainant continue to loiter, yell obscenities and cause a disturbance.

One of the named officers stated she decided to arrest the complainant for his active traffic warrants. The named officers stated the complainant refused to drop the items in his hands and became aggressive and combative. The named officers stated the complainant yelled and spat at them. The named officers stated the complainant was then taken into custody for resisting arrest.

A witness stated the complainant has a history of complaints for aggressive panhandling. The witness stated the officers admonished the complainant to leave the area, but the complainant continued to loiter. The witness stated the complainant resisted the officers and attempted to flee.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant alleged that the officers threw his cell phone on the ground.

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

The named officers denied the allegation. The officers stated the complainant was arrested for resisting arrest.

A civilian witness and a witness officer stated they did not hear the complainant complaining about his cell phone being thrown to the ground.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #5-6:** The officers failed to provide medical treatment.

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that the named officers refused to provide him medical treatment until he was "at the station and released."

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

The named officers denied the allegation, stating that an ambulance was called to the station after the complainant notified them of his minor injury to his facial area.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATION #7:** The officer failed to provide his name.

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that the named officer refused to provide his name.

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 #8:** The officer issued an invalid order.

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that the named officer told him to leave or go to jail. The complainant wrote that he had not broken any laws.

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

The named officer stated she responded to a call regarding an aggressive homeless male sitting in front of a drug store holding a vulgar sign. The named officer stated the complainant has a history of aggressive panhandling complaints in the area. The named officer admonished the complainant to not cause any more disturbances and to leave the area. The named officer stated the complainant initially cooperated and walked away from the area. The named officer stated she observed the complainant returned to the area and loiter near an ATM machine and refused to leave.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that the named officer “pulled me backwards and slammed me on my face. “

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

The named officer stated the complainant was agitated, aggressive, yelling, not cooperative, and told him he was going to fight. The named officer stated he applied a wrist control hold to the complainant in order to have him drop the items he held in his hand. The named officer stated he used a leg sweep and wrapped his arms around the complainant and both he and the complainant fell to the ground.

Department records show that the named officer reported his use of force to his supervisor, and the supervisor made the appropriate entry into the Use of Force Log.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATION #1:** The officer displayed a rude demeanor.

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

**FINDINGS OF FACT:** The complainant stated she requested police assistance to control her adult son, who suffers from psychological problems. The complainant stated the named officer responded, but refused to discuss his crisis intervention training and experience. The complainant described the named officer's demeanor as indignant, argumentative and confrontational.

The named officer stated that, when questioned about his qualifications, he informed the complainant that another officer present was trained in crisis intervention. The named officer did not recall speaking to the complainant in a rude, argumentative or aggressive manner. The named officer stated he might have raised his voice when speaking with the complainant "due to additional volume at the scene." The named officer stated the complainant was confrontational but also seemed concerned and scared. The named officer stated he worked with another officer to help calm the complainant and explain what was happening.

A witness officer did not recall the named officer's conduct.

The complainant's other son was present during the incident but did not specifically recall interacting with the named officer.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was stopped and cited for having expired registration even though he had a temporary registration.

The named officer stated he stopped and cited the complainant for having expired registration.

DMV records show that the vehicle the complainant was driving had not been registered for over six (6) months at the time of the traffic stop.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the officers behaved in an aggressive manner during their interaction with him and made inappropriate comments.

The named officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated the named officer issued him parking citations on two different occasions for double-parking and having expired registration tags. The complainant admitted double-parking and having expired registration tags on both occasions. The complainant stated the named officer should not have issued parking citations on either occasion because workers were using his truck to unload materials in a business district with limited parking options. The complainant stated that, although the current tabs were not affixed to his license plate, his vehicle registration was current.

California Vehicle Code Section 5204(a) states that license plate tabs shall indicate the year and month that a vehicle's registration expires.

California Vehicle Code Section 22500(h) prohibits leaving a car stopped or parked in a roadway whether attended or unattended.

The named officer stated he observed the complainant's truck double-parked with expired tabs on two occasions. The named officer stated he cited the complainant for violating California Vehicle Code sections 5204(a) and 22500(h).

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

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**SUMMARY OF ALLEGATION #2:** The officer 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 threatened to arrest him and tow his vehicle if he saw the complainant again.

The named officer denied threatening to arrest the complainant or tow his vehicle if he saw him again.

A witness officer denied that the named officer threatened to arrest the complainant or tow his car.

No other witnesses came forward.

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

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**SUMMARY OF ALLEGATION #3:** The officer engaged in selective enforcement.

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

**FINDINGS OF FACT:** The complainant stated he was a victim in a dog bite incident investigated by the named officer. The complainant stated the named officer's attitude toward the complainant changed upon learning that the complainant was a registered sex offender. The complainant stated that, instead of treating him like a battery victim, the named officer singled him out and cited him for double-parking on the incident date and again a few weeks later.

The named officer stated he was unaware of the complainant's status as a registered sex offender. The named officer denied taking any parking enforcement action based on the complainant's status as a registered sex offender. The named officer stated he cited multiple vehicles for various traffic violations in that area at the request of a resident, who complained about blight conditions. The resident told the named officer that people were congregating around abandoned vehicles with expired tabs and leaving metal debris in the street.

The named officer's partner stated that he did not recall the incident.

The complainant's co-worker stated he was outside playing dominoes with the complainant a few weeks after the dog bite incident. He stated that the named officer walked up and informed the complainant that his truck was double-parked. He stated the named officer did not warn the complainant that he was about to issue a parking citation. He stated the named officer walked away from the complainant with a smirk on his face and placed a citation on the complainant's work truck.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated she and six other people were protesting outside a cultural community center, which was under construction. She stated that one of the protesters pulled a fence down, prompting one of the workers to call police. She stated the named officer arrived and “said something and we walked away.” The complainant stated that as she was crossing the street, the named officer said to her, “You know you know me. You know you be talking to me. You know you be meeting with me. You know you be doing something with me behind closed doors.” The complainant stated she began cussing at the officer and called him a liar.

The named officer stated that when he arrived at the scene, the complainant and two men were collecting demonstration/picket signs and packing up to leave. The named officer stated an Asian male contractor said he told the complainant that local people did not get hired because they were lazy and do not work hard. The contractor stated this comment made the complainant very angry and she and the other protesters tried to pull down the cyclone fence. The named officer stated that as the complainant was packing her things, she was vulgar and belligerent toward him. He stated he has had numerous contacts with the complainant and reminded her that they had talked civilly during their last encounter. He stated that comment enraged the complainant and she began cursing at him. The named officer stated he did not advise the complainant to leave.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer yelled at him to get on the sidewalk after the complainant jaywalked. The complainant stated the named officer asked for his identification. When the complainant asked why, the named officer slammed him on a concrete wall and placed him in handcuffs.

The named officer stated he witnessed the complainant jaywalk, and that the complainant appeared intoxicated. The named officer stated that when he exited his vehicle, he repeatedly asked the complainant to come towards him, but the complainant just stared at him. The complainant then asked, "Why?" The named officer responded by saying that the complainant had crossed the street against the red light. The named officer stated the complainant then "squared off," an indication that the complainant was either going to run, take flight or engage in a fight. The named officer stated the complainant was then placed in handcuffs. After the complainant was cited for jaywalking, he was released.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer applied tight handcuffs on the complainant.

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

**FINDINGS OF FACT:** The complainant stated the named officer placed him in tight handcuffs.

The named officer denied the allegation.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATION #3:** The officer used profanity during the incident.

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

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

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 threatening and intimidating behavior and comments.

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

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

The named officer denied the allegation.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he called a local police station to report that someone had broken into his car and stolen his personal property. The complainant stated the person who answered said, "We don't do that. It's not our job." When he inquired further, the complainant stated the person hung up on him.

A poll of officers at the station the complainant stated he phoned failed to identify an involved officer.

No witnesses were identified.

The identity of the alleged officer has not been established.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that the person who answered the phone refused to provide his name and star number.

A poll of officers at the station the complainant stated he phoned failed to identify an involved officer.

No witnesses were identified.

The identity of the alleged officer has not been established.

There was insufficient evidence to prove or disprove the allegation.

## COMPLAINT SUMMARY REPORT

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**SUMMARY OF ALLEGATION #3:** The officer engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated he called a local police station to report that someone had broken into his car and stolen his personal property. The complainant stated the person who answered said, "We don't do that. It's not our job."

A poll of officers at the station the complainant stated he phoned failed to identify an involved officer.

No witnesses were identified.

The identity of the alleged officer has not been established.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/16/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was arrested for shoplifting at a department store. He denied stealing anything. The complainant stated he saw video footage of the theft and denied being the person seen stealing items on video. He stated the named officer should have cited and released him rather than booking him at a district station.

The named officer stated he responded to a department store regarding a request to accept a citizen's arrest. When he arrived, department store security guards had already detained the complainant for shoplifting. The named officer stated that a security guard completed a Citizen's Arrest form and provided him a copy of security footage depicting the theft. The named officer stated he accepted the security guard's citizen arrest. The named officer stated that a records check revealed the complainant also had an outstanding transit warrant. The named officer stated he gave the complainant a warning for the transit warrant, but cited and released the complainant for shoplifting. The named officer denied transporting the complainant to a district station.

Two members of the department store security team stated they detained the complainant in handcuffs for shoplifting and requested a citizen's arrest. One security guard stated the named officer accepted her citizen's arrest and video evidence of the complainant's theft. She stated she saw the named officer issue the complainant a citation and release him outside of the store.

Department records showed that a signed Citizen's Arrest form and a copy of the security footage were booked as evidence.

Department General Order 5.04 requires officers to receive citizen's arrests when probable cause exists to believe a crime was committed. Based on the statements of the security guards and the video, the named officer had probable cause to arrest and cite the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 07/16/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #2:** The officer used a racial slur.

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

**FINDINGS OF FACT:** The complainant stated the named officer called him a “wetback.”

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. He denied calling the complainant a “wetback.” He denied that the complainant’s race played a role in his decision to accept the Citizen’s Arrest or cite the complainant.

Two department store security guards stated the named officer behaved appropriately. They did not hear the named officer use the term “wetback.”

No independent witnesses were identified.

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

**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 made rude comments during a shoplifting investigation.

The named officer denied making any inappropriate comments.

Two department store security guards stated that the named officer behaved in a professional manner.

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:** 07/16/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the named officer used profanity.

The named officer denied the allegation.

Two department store security guards stated that the named officer behaved in a professional manner.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the named officer pushed him during a theft investigation at a department store. The complainant stated the named officer pushed his head against the metal edge of a door, which resulted in the complainant sustaining a blood clot on the right side of his brain. He stated there were no witnesses to the incident.

The named officer denied using any force on the complainant. He stated that, when he arrived to investigate the shoplifting incident, the complainant had already been detained by store security. The named officer stated he cited and released the complainant inside the department store security office. The named officer denied escorting the complainant anywhere or pushing him into a door.

Two department store security guards witnessed the named officer's entire interaction with the complainant. They did not see the named officer push the complainant at any time. The security guards stated they handcuffed the complainant and escorted him to their office before the named officer arrived. The security guards stated the named officer cited and released the complainant in the doorway of the department store security office.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 7

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

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

**FINDINGS OF FACT:** The complainant stated that in 2013, the officer arrested him for driving under the influence (DUI). The complainant denied being under the influence of drugs or alcohol. He stated he went to court and the judge threw out the evidence.

The named officer stated she was on patrol and saw the complainant commit a traffic infraction. The officer stated she stopped the complainant and smelled the odor of alcohol emanating from his car. The officer stated the complainant admitted to having one glass of wine earlier. The officer gave the complainant a series of Field Sobriety Tests (FSTs). The officer stated that based on the complainant's performance of these FSTs, she arrested the complainant for driving under the influence.

The named officer's partner stated that he did not recall the incident.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 2 of 7

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

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

**FINDINGS OF FACT:** The complainant stated the officer arrested him for driving under the influence. The complainant denied being intoxicated or under the influence of drugs. The complainant accused the named officer of failing to properly conduct the DUI investigation.

The named officer denied the allegation and stated she followed the protocols established by the Department for arresting drivers suspected of DUI. The officer stated that after stopping the complainant for a traffic infraction and based on the complainant's performance of Field Sobriety Tests she administered, the officer arrested the complainant for driving under the influence. The officer stated she later administered a breathalyzer to the complainant, but the complainant failed to blow properly into the machine, thereby rendering invalid samples. The officer stated a blood test was also administered to the complainant; however, the toxicology report did not find any ethanol in the complainant's blood. The officer also stated she did not find out results of the toxicology report until months later after the report had been sent to the Traffic Division.

The named officer's partner stated he did not recall the investigation.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 3 of 7

**SUMMARY OF ALLEGATION #3:** The officer prepared an incomplete or inaccurate report.

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

**FINDINGS OF FACT:** The complainant stated the officer arrested him for driving under the influence. The complainant stated he was sober and denied being under the influence of alcohol or drugs. The complainant stated he went to court and the judge threw out the evidence. The complainant stated he was never convicted, but had to spend thousands of dollars in attorney fees. The complainant stated the officer used nonfactual information in the officer's report.

The OCC investigation of this matter determined the officer made statements in the Incident Report and supporting documents that were not accurate. As an example, the officer stated the complainant's arrest was partially based on the results of a Preliminary Alcohol Screening test she admitted she did not administer to the complainant. Additionally, the officer failed to include as an attachment to her report evidence of a test showing that the complainant's breath registered as containing no alcohol twice during the officer's administration of the exam. The officer also failed to include a DMV document, that was required to be attached to the officer's report even though the officer stated in her report the form was attached.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 4 of 7

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

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

**FINDINGS OF FACT:** The complainant stated that when the officer drove him to the police station, the officer drove improperly by running red lights without the emergency equipment on the patrol car activated.

The named officer denied driving improperly.

The complainant also stated the officer told the complainant that he had a choice of taking either a breath test or a blood test to determine whether the complainant had been drinking; the complainant chose the breath test and the officer administered the breath test to him. The complainant stated after he took the breath test, the officer told him the machine was not working properly. The officer then told the complainant he had to take a blood test. The complainant believed he should not have had to take a blood test since he initially consented to and took a breath test. He acknowledged that he eventually consented to a blood test.

The named officer stated the complainant was not cooperating when the officer administered the breathalyzer to the complainant. The officer deemed the complainant's failure to blow properly into the breathalyzer as the complainant's refusal to submit to a breath test. The officer stated that under the circumstances, she and another officer advised the complainant of the need for a blood test and the complainant consented.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 5 of 7

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

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

**FINDINGS OF FACT:** The complainant believed he should not have had to take a blood test since he initially consented to and took a breath test.

The named officer stated the complainant was not cooperating when the officer administered the breathalyzer. The officer deemed the complainant's failure to blow properly into the breathalyzer as the complainant's refusal to submit to a breath test. The officer stated she had another officer, who was also a Drug Recognition Expert (DRE), explain the consequences of failing to submit to a blood test. The DRE explained the consequences to the complainant, and the complainant consented to submit to a blood test.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 6 of 7

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

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

**FINDINGS OF FACT:** The complainant stated he was arrested for driving under the influence. The complainant denied this charge. After administering a series of Field Sobriety Tests of the complainant, the officer told the complainant that he had a choice of taking either a breath test or a blood test to determine whether the complainant had been drinking. The complainant chose the breath test, and the officer administered the breath test to him. The complainant stated after he took the breath test, the officer told him the machine was not working properly. The officer then told the complainant he had to take a blood test. The complainant believed the officer tacitly forced him to submit to a blood test after the complainant had already submitted to and taken a breath test. The complainant stated the results of the breath test and the blood test did not indicate the presence of alcohol; consequently, the case was thrown out of court.

The named officer stated the complainant was not cooperating when the officer administered the breathalyzer. The officer stated the breathalyzer indicated an improper sample each time the complainant blew into the machine. The officer deemed the complainant's failure to blow properly into the breathalyzer as the complainant's refusal to submit to a breath test. The officer stated she then advised the complainant about submitting to a blood test. The officer stated she also had another officer, who was a Drug Recognition Expert (DRE), explain the consequences of failing to submit to a blood test. The DRE explained the consequences to the complainant, and the complainant consented to submit to a blood test.

The DRE officer stated that he examined the complainant, and that he discussed with the complainant the need for a blood test and the complainant agreed to submit to a blood test.

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:** 11/24/15    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 7 of 7

**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 Bulletin 13-091, dated 05/21/13 and titled “Traffic Stop Data Collection Program Information,” states, in part, “Members are reminded that E585 entries shall be made after any vehicle stops related to the following incidents:

- Moving violations, including bicycles and pedestrians
- MPC violations
- Penal Code violations
- Transportation Code violations
- 916 vehicles and high-risk stops
- Mechanical or non-moving violations
- DUI’s”

The named officer acknowledged she made a traffic stop and was responsible for making the E585 entry in this incident. She stated she made an entry into the E585 database relating to this incident on the police station’s computer terminal. She stated sometimes the station’s computer terminal has a problem in accepting the data that is input.

The Legal Division of the SFPD provided the Traffic Stop Data gathered and entered by the named officer and her partner on the date of the traffic stop of the complainant in this case. None of the entries described the driver, the location and time that coincided with the traffic stop in this case.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/12/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that numerous parties used the SFPD to harass, threaten, and assault him. However, the complainant failed to provide specific dates or any additional information.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/01/16    **DATE OF COMPLETION:** 11/17/16    **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 officer is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/01/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

**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:** 10/18/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was being followed by unknown individuals, prompting him to go to a nearby police station. The complainant alleged that the officers at the station refused to help him.

The complainant could not recall the date of the incident.

No witnesses were identified.

The complainant failed to provide enough information to pursue an investigation.

**SUMMARY OF ALLEGATION #2:** The officer behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated he was being followed by unknown individuals, prompting him to go to a nearby police station. The complainant alleged that the officers behaved inappropriately by refusing to help him.

The complainant could not recall the date of the incident.

No witnesses were identified.

The complainant failed to provide enough information to pursue an investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/07/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency  
1 South Van Ness Ave., 7<sup>th</sup> Floor  
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/11/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

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

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

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

Department of Public Works  
Operations Bureau  
2323 Cesar Chavez Street  
San Francisco, CA 94110

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/10/16 **DATE OF COMPLETION:** 11/17/16 **PAGE #1 of 3**

**SUMMARY OF ALLEGATION #1:** The officer wrote an inaccurate incident report.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 4, 2016.

**SUMMARY OF ALLEGATION #2:** 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 November 4, 2016.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/10/16 **DATE OF COMPLETION:** 11/17/16 **PAGE #2 of 3**

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 4, 2016.

**SUMMARY OF ALLEGATION #4:** 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 November 4, 2016.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/10/16 **DATE OF COMPLETION:** 11/17/16 **PAGE #3 of 3**

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

**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 November 4, 2016.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/13/16 **DATE OF COMPLETION:** 11/17/16 **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION #1:** The officer harassed the complainant.

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

**FINDINGS OF FACT:** The complainant stated the named officer harasses and bothers him whenever the complainant is in a certain area. The complainant acknowledged that he is on probation and has an active stay away order for a certain area.

The named officer denied the allegation. He stated that he has been assigned the Mid-Market Tenderloin area and conducts regular foot patrol in the area. He stated he knows the complainant from prior contacts. The named officer stated the complainant frequents the area and gets involved with selling narcotics and violating his active stay away order. The named officer stated he has frequent contacts with the complainant and advises the complainant of his stay away order. The named officer stated he is only doing his job and observes all crimes that occur in his patrol area, which includes the complainant's stay away order area.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer grabbed his hand and shoved him to the ground.

The named officer denied the allegation. He stated he grabbed the complainant's hands to place him in handcuffs.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/13/16 **DATE OF COMPLETION:** 11/17/16 **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the officer handcuffed him. The complainant acknowledged that he is on probation and has an active stay away order for the area where he was arrested.

The named officer stated he arrested the complainant for violation of a stay away order and smoking marijuana.

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

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

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

**FINDINGS OF FACT:** The complainant acknowledged that he is on probation and has an active stay away order for the area where he was arrested.

The named officer stated he arrested the complainant for violation of a stay away order and smoking marijuana.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/13/16 **DATE OF COMPLETION:** 11/17/16 **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #5:** The officer used profanity.

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

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

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 #6:** The officer threatened the complainant.

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

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

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/13/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #7:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the named officer does not treat him well. The complainant stated that in one of the incidents, the named officer threw the complainant's bicycle to the ground.

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:** 02/25/16 **DATE OF COMPLETION:** 11/17/16 **PAGE #1** of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The complainant stated that her son was involved in a traffic collision. The complainant, who was not at the scene, alleged that the named officers failed to interview her son.

The complainant's son refused to be interviewed.

The named officers denied the allegation, stating that all of the parties involved were interviewed and that their statements were included in the traffic collision report.

The other party involved in the traffic collision did not respond to OCC's request for an interview.

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:** 02/25/16 **DATE OF COMPLETION:** 11/17/16 **PAGE #2 of 3**

**SUMMARY OF ALLEGATION #3:** The officer failed to prepare an accurate Traffic Collision Report.

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

**FINDINGS OF FACT:** The complainant stated her son was involved in a traffic collision. The complainant, who was not at the scene, alleged that the named officer failed to prepare an accurate Traffic Collision Report.

While the complainant's son refused to provide an interview, he did provide a written statement denying that he was making a left turn when he was struck.

The complainant's son's passenger told the OCC that they were making a left turn when they were struck.

Another witness interviewed by the OCC confirmed that the complainant's son was making a left turn when he was struck.

The named officer and his partner denied the allegation.

The other party involved in the traffic collision did not respond to OCC's request for an interview.

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:** 02/25/16    **DATE OF COMPLETION:** 11/17/16    **PAGE #3 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated that her son was involved in a traffic collision. The complainant, who was not at the scene, alleged that the named officer improperly cited her son for failing to yield.

While the complainant's son refused to provide an interview, he did provide a written statement denying that he was making a left turn when he was struck.

The complainant's son's passenger told the OCC that they were making a left turn when they were struck.

Another witness interviewed by the OCC confirmed that the complainant's son was making a left turn when he was struck. This witness, however, believed that the vehicle that struck the complainant's son's vehicle traveled through a red light.

The named officer and his partner denied the allegation.

The other party involved in the traffic collision did not respond to OCC's request for an interview.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/26/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that during a traffic stop, the named officer looked into the back seat of the complainant's car where the complainant's 5-year-old daughter, 12-year-old son, and 12-year-old African-American nephew were seated. The officer looked again at the complainant's African-American nephew and then asked if there were any outstanding warrants on anybody in the vehicle. The complainant was shocked and said there were not. The three passengers were obviously children, and the officer's question did not seem right to the complainant.

The named officer stated he did not recall the particulars of this traffic stop or of who was in the car with the complainant. He did state, however, that when he issues a traffic citation, he normally looks to see if there are other passengers in the car. He stated that his communication with drivers is a matter of routine: he greets the motorists, tells them the reason for the traffic stop, and asks if anyone in the vehicle is on probation or parole or under court supervision. The named officer stated that he was trained to ask the question at the SFPD Academy. He stated that such questions are an officer safety measure. The named officer stated that if the vehicle's occupants are on parole for carrying concealed weapons or drugs, the officer's safety may be at risk.

The named officer acknowledged that the question about parole may offend some people, but he tries to ask it in a manner that does not come across as mean.

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:** 03/26/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 2 of 3  
**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 driving through the intersection of Dolores and 19<sup>th</sup> Streets when the named officer drove up behind him and pulled him over. He stated the named officer approached his car and issued him a citation for failing to yield to a pedestrian. The complainant stated he had not seen a pedestrian. After the conclusion of the traffic stop, the complainant observed multiple police units parked and waiting on 19<sup>th</sup> Street, as well as three decoy police officers who acted like pedestrians in the intersection. The complainant stated that these decoy officers would wait for a vehicle to approach, at which time they would jump out into the crosswalk. If the driver failed to yield, one of the marked police cars would pull out, flash its lights, and pull the driver over. The complainant believed that such an operation was tantamount to entrapment.

The named officer acknowledged that he had issued the citation to the complainant, but stated that he did not recall the specific circumstances of the traffic stop.

The named officer stated that on the date he issued the citation to the complainant, he was involved in a Pedestrian Safety Operation. The officer stated that the operation in question was undertaken due to neighborhood complaints to SFPD regarding the repeated failure of drivers to yield to pedestrians at that intersection. The named officer stated that his role in the Pedestrian Safety Operation was to monitor the crosswalk, and to initiate a traffic stop if he viewed any infractions of people failing to stop for pedestrians in the crosswalk. He stated that there were two officers acting as pedestrians who walked into the crosswalk, but there were also civilian pedestrians involved when drivers were cited. The named officer further stated that officers engaged in the Pedestrian Safety Operation were very visible, intentionally.

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:** 03/26/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 3 of 3  
**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that, during a traffic stop, the named officer looked into the back seat of the complainant's car where the complainant's 5-year-old daughter, 12-year-old son, and 12-year-old African American nephew were seated. The officer looked again at the complainant's African American nephew and asked if there were any outstanding warrants on anybody in the vehicle. The complainant stated that there were not, but he was upset by the officer's comment because he believed it was racially motivated.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He stated that he does not remember this particular traffic stop, but for the purpose of officer safety he routinely asks the same question regarding outstanding warrants, parole, and probation status at every traffic stop he conducts. He stated that he did not know the race, ethnicity, or color of the child in the back of the complainant's car prior to the traffic stop, and the child's race was not a factor in the traffic stop or the issuance of the complainant's citation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/02/16    **DATE OF COMPLETION:** 11/17/16    **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/16    **DATE OF COMPLETION:** 11/18/16    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that his car was running out of gas in an area where traffic was very congested. An officer was guiding traffic at the intersection of a street the complainant needed to turn down to get to a gas station. The officer had closed traffic to the street in order to manage the traffic flow. The complainant explained his predicament to the officer, who agreed to let him through. The officer told him to go ahead, but when the complainant inched forward in his car the officer pulled him over and said that he had used his vehicle as a weapon and tried to hit the officer.

The complainant is not from the area and was unable to identify the location of this incident. He believed he was south of Market Street, somewhere near an I-80 on-ramp.

A poll of officers in the Southern District did not yield a positive identification of any officer involved.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/16 **DATE OF COMPLETION:** 11/18/16 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he asked for the officer's name but the officer would not give any kind of identification, saying that the police would contact him later.

A poll of officers in the Southern District did not yield a positive identification of any officer involved.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/22/15    **DATE OF COMPLETION:** 11/04/16    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated she and her three minor children were at her sister's residence in a San Francisco Housing Authority unit visiting her elderly mother, who was a guest. Her brother was also in the residence. The complainant stated her brother assaulted her by pushing her face forcefully to make her fall to the floor, and then placed her in a headlock, all in the presence of her elderly mother and her minor children, one of whom called police and reported that her uncle was "choking" her mother. The complainant stated she told the named officer she wanted her brother arrested for assaulting her. She stated she told the named officer that the brother "should go to jail for putting his hands on a woman." She stated she repeatedly urged the named officer to arrest the brother, but the named officer refused. She stated she requested the named officer interview her children, but he refused. She stated she told the officer her brother was on parole and was violating the terms of his parole by being in the presence of children. She stated she urged the named officer to conduct a criminal background check of her brother, but the named officer refused.

The complainant's sister, who was not present at the residence, stated she called police and reported that the complainant called her and told her that their brother was "choking" the complainant.

The named officer denied the allegations. He stated he interviewed the complainant, her brother and their elderly mother. He stated the complainant did not say she was injured and had no visible injuries. He stated that the elderly mother told him that the complainant and the brother were "grabbing" each other, and "pushing each other." The named officer stated complainant did not ask for any police action and he determined that no crime had been committed despite the information received from the elderly mother. The named officer insisted that it was only a "heated argument." He acknowledged that he did not conduct a criminal background check of the brother. The named officer acknowledged that he did not take statements from anyone and did not interview the complainant's children.

The named officer failed to properly investigate the incident by failing to take statements from the parties, failing to interview the complainant's children and by failing to conduct a criminal background check of the brother. The named officer did not arrest anyone and did not prepare an incident report to document his action. Department records confirmed that the brother was a Penal Code section 290 registrant with a sexual assault history.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/22/15    **DATE OF COMPLETION:** 11/04/16    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated she told the named officer she wanted her brother arrested for assaulting her. The complainant stated she repeatedly urged the named officer to arrest the brother, but the named officer refused. The complainant stated the officer told her if an arrest was made at the residence, the tenant (complainant's sister) could get kicked out of the housing authority unit.

The complainant's sister, who was not present at the residence, stated she called police and reported that the complainant called her and told her that their brother was "choking" the complainant.

The named officer stated that the incident was a "heated argument" and that no crime had been committed despite what the elderly mother told him, directly. Therefore, he did not prepare a report.

SFPD event history detail established the 911 dispatcher described it as a "fight with no weapons," and the 911 caller described it as "uncle and mother hitting each other." The SFPD dispatcher also stated in the CAD that the minor caller reported, "Uncle 650'g (threatening) to kill mother..." The sister, who was not present at her residence, also called 911 and reported that her "little sister (was) calling and saying male is choking her...."

Pursuant to Department General Order 2.01, Rule 25 (Rule 25), the named officer had a duty to make all required written reports of "crimes or incidents requiring police attention." Pursuant to the SFPD Report Writing Manual, the named officer had a duty to prepare incident reports to "document completed, incomplete, or attempted offenses, and suspicious occurrences both of a criminal and non-criminal nature." The Report Writing Manual states, "Preparing factual and thorough incident reports is one of the most important duties of a professional police officer." The named officer was in violation of Rule 25 and the Report Writing Manual when he failed to prepare a report regarding the incident involving the complainant and the brother. A preponderance of evidence established that the incident was, indeed, a physical assault in which the brother assaulted the complainant. Therefore, the named officer had a duty to prepare a 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:** 11/22/15    **DATE OF COMPLETION:** 11/04/16    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that her brother assaulted her in the presence of her elderly mother and her minor children, one of whom called police and reported that her uncle was “choking” her mother. The complainant stated the named officer told her she was not injured; an arrest at her sister’s residence may have an affect of her sister’s tenancy; the complainant and her brother would be arrested if they did not “walk away” from the premises.

The named officer stated that he told the complainant that he worked in the public housing detail for SFPD for almost a year, and if there are numerous police reports or arrests or crimes committed on a property the Housing Authority would get involved and start an eviction process. Therefore, he told the complainant to “walk away” and told her brother to “walk away,” with the named officer taking no further action. The named officer stated that the elderly mother asked him to tell the complainant and her brother to leave. He stated that he “honored” the elderly mother’s request. The officer stated the complainant did not have any visible injuries and she did not complain that she had been injured.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #1** of 17

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

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

**FINDINGS OF FACT:** The complainant stated she and her fiancée, the co-complainant, were asleep in bed in their one-bedroom apartment, located on the ground floor of their two-story, three-unit building. They heard a knock on their door. The complainant stated she heard a knock on their door and went to the door, which opens outward into the hallway. She asked who was at the door two times and both times received a "muffling sound" response that she could not understand. The complainant unlocked the top lock, turn the doorknob and an officer pulled the door open. As the complainant looked up (two steps lead up from her apartment to the door), she saw a police officer pointing a gun at her head. The complainant stated she put her hands up, said, "Don't shoot," and slowly walked backwards to her couch with her hands raised and slowly sat down on the couch. One officer followed her and aimed his gun at her as other officers entered her apartment. The complainant stated one officer pointed a shotgun at the co-complainant, who was in bed. The complainant stated that co-complainant screamed that she was naked and the officer lowered the shotgun and looked around the apartment. The complainant stated a total of seven or eight officers entered the complainants' apartment.

The complainant stated the officers looked inside the bedroom and the bathroom and in the cabinet under the sink. They opened the doors of two armoires with their guns drawn. Two officers pointed guns at the complainant while the other officers were searching. The complainant stated an officer asked, "Where is the white girl?" The complainant replied "What white girl?" and this officer lowered his weapon. The complainant stated another officer asked where the guns were and she replied that she did not have any weapons. She said a different officer asked if they were in apartment B to which the complainant told the officers that apartment B was upstairs and to the left. The complainant stated that the officers left and told the complainant to lock the door behind them. The complainant asked, "Are we in danger?" An officer replied, "We can't tell you anything. Just stay here, close the door and lock it." The officers then left. The complainant stated that officers were inside her apartment for two to five minutes.

The complainant stated that she telephoned her aunt soon after the officers left her apartment and told her what had happened. The following day, the complainant stated she told her father, her mother, her stepfather, and her friend about the incident. The complainant stated that she began seeing a therapist approximately one week after the incident because she was having panic attack as a result of the police entering her home and pointing guns at her.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #2 of 17**

**SUMMARY OF ALLEGATION #1 continued:**

The co-complainant stated that she and the complainant were in bed when there was a knock on their apartment door. The co-complainant stated the complainant asked, "Who is it?" The co-complainant could not hear anything said in response. The co-complainant saw the complainant trying to open the door, which someone pulled open, and she saw the complainant with her hands up, walking backwards. The co-complainant stated their dogs began barking while officers rushed into the apartment with their guns in their hands. The co-complainant, who was half asleep and could not hear what the officers were saying because the dogs were barking. There were at least four officers in the apartment.

The co-complainant stated one officer came into the bedroom and pointed a rifle or a shotgun at the co-complainant, then slowly lowered it when he noticed she was not dressed. She said officers entered the bathroom, where they opened bottom cabinets and opened the doors of two armoires. Both of the complainants stated the officers told the complainants, "Stay here. Lock the door behind you," then left. The complainants stated the officers never explained why they came to the complainants' apartment. The co-complainant stated that the door to their apartment is clearly marked with a "C" that has been there for over one year, the entire time they have lived there.

**SFPD event history details and the SFPD Incident Report** established that a woman called police to report that her 18-year-old daughter was being held against her will in an apartment where there were guns, and was being forced into prostitution. The caller initially told the dispatch operator that her daughter thought she was at an intersection in the Mission District, and two officers assigned to Mission Station responded to that location. The dispatch operator remained on the line with the caller, whose husband was speaking with their daughter on another phone line. Another dispatch operator contacted the daughter's cell phone carrier, and had them "ping" the cell phone that the daughter was calling on for a more accurate location. Dispatch broadcast that the woman was being held at the complainant's address in Unit #B. Numerous officers from that district station responded to that location.

**The SFPD Incident Report** prepared by Officer #1 stated that he and his partner responded to the complainants' apartment building to do a well-being check on a female who was being held against her will. The Incident Report stated that dispatch informed them that this female was inside Unit #B in the complainants' building and that there were guns inside this unit. Officer #1's report listed eleven officers who were outside the complainants' building. The report stated that officers entered the building through an unlocked garage and made their way to the second floor, where they knocked on the door of Unit #B. It stated that Officer #1, three other officers and the named officer, a Sergeant, entered Unit B, where they located the female being held against her will and arrested two individuals. Officer #1's incident report did not identify other officers who entered the building or describe what they did, and it did not document any entry to the complainants' apartment or any contact with the complainants before officers went to Unit #B.

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**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #3 of 17**

**SUMMARY OF ALLEGATION #1 continued:**

The named officer stated that he led a group of officers, including at least two unidentified officers from the Tactical Division, into the complainant's three-unit building through an open garage door. They exited the garage through a door leading to a hallway running the length of the building. The door to the complainants' apartment was located directly next to this door. The named officer stated that he knocked on the door to the complainants' apartment and loudly announced, "San Francisco Police Department." The complainant opened the door, and the named officer saw three or four people inside the small apartment having some sort of gathering. The named officer told the complainant they were investigating a report of a woman being held against her will and asked if she had seen anything. The complainant said she had not. The named officer asked the complainant, "Would you mind if we came inside?" and the complainant replied, "Oh, please come inside."

The named officer and one or two other officers, whose identities he did not recall, briefly entered the complainant's apartment, but the named officer took only one or two steps inside. The named officer quickly concluded that the occupants of the complainants' apartment were not involved in criminal activity, but he wanted to know whether there was a fire escape at the rear of the building that could potentially allow a suspect to enter the complainants' apartment. Officers walked to the rear of the complainants' apartment and determined that there was no rear door. The named officer denied that he or any other officer pointed firearms at the complainants. He stated that he saw officers holding their firearms in the low ready position, but did not see any officer pointing their firearms at any time while inside the complainants' building.

The named officer denied that any officer searched the complainant's apartment or looked inside closets or other areas where a person could be hiding. He stated that as officers entered the complainant's apartment, he assumed they would "look around" for the victim.

The named officer denied that he or any other officer said anything to the effect of "Where's the white girl?" He stated that he probably asked the complainant if there were any armed suspects in the residence, but denied that an officer said anything to the effect of "Where's the guns?" The named officer stated that he had no recollection of the complainant telling officers, "Don't shoot," or walking backwards with her hands raised.

The named officer stated that he never believed that the complainants' apartment was apartment B, and that when he entered the complainants' building, he was not looking for any apartment in particular. He stated that the complainants' apartment was the first one he encountered, and he planned to start there and then move to the apartments on the second floor. The named officer stated that although dispatch had broadcast that the victim claimed she was inside apartment B, there was some confusion regarding the victim's location, because she had earlier claimed to be at a location in the Mission district.

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #4** of 17

**SUMMARY OF ALLEGATION #1 continued:**

The named officer stated that he would not have entered the complainants' apartment if the complainant had not consented to the entry because he did not have probable cause to enter the residence at that time. He stated that when he knocked on the complainants' door, he considered it possible that the victim and someone armed with a firearm might be on the other side of the door. The named officer stated that he and other officers were inside the complainants' apartment for 15 to 20 seconds. The named officer stated he and the other officers went up the interior stairs to Apartment B, entered the apartment, located the victim and arrested two individuals.

The named officer stated he reviewed and approved the Incident Report prepared by Officer #1. He stated that the entry to the complainants' apartment did not need to be documented in the incident report because the complainant consented to the entry and there was "no evidentiary value to it." He stated that if officers had entered the complainants' apartment without consent, then it would have been documented in the report. The named officer also stated the presence of the Tactical Division officers among the officers who entered the complainants' building did not need to be documented in the Incident Report because it had no bearing on the arrest that was made and because he did not use the Tactical Division officers in any specialized capacity.

**Officer #1** stated that he and his partner responded to a broadcast from dispatch about a woman being held against her will in apartment B in the complainants' building. Dispatch reported that the victim feared for her life because there were firearms in the apartment.

Officer #1 stated that he and his partner were among eight to ten officers who entered the complainants' building through a partially open garage door. Officer #1 did not recall who the other officers were. Officer #1 stated that as he exited the garage into a hallway running the length of the building, he saw officers at the door to the complainants' apartment. He also saw officers at the bottom of a staircase leading to the second floor. Officer #1 and several other officers entered and "cleared" the complainants' apartment. Officer #1 looked in the kitchen and bathroom for the victim. Officer #1 saw the complainant and co-complainant sitting on a couch, and thinks officers told them, "Let me see your hands."

Officer # 1 stated that officers were inside the complainants' apartment for approximately sixty to ninety seconds. He stated that officers entered the complainants' apartment "because it was believed that was B."

Officer #1 stated that his gun was drawn when he entered the complainants' apartment, pointed safely and "not in any particular direction," and he did not recall whether he pointed it at anyone inside the complainants' apartment. He did not remember whether any other officer pointed their firearms at anyone inside the complainants' apartment.

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**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #5 of 17**

**SUMMARY OF ALLEGATION #1 continued:**

**Officer #2** stated that he entered the garage of the complainants' building along with the named officer, and several other officers, including two unidentified officers from the Tactical Division. Officer #2 stated that he did not recall an apartment next to the door leading from the garage, did not recall contacting any residents or entering any units on the ground floor, and did not recall an officer knocking on the door of a ground floor apartment. He stated that while officers were searching the building, their firearms were drawn and pointed, then held at their side after they cleared an area. Officer #2 thinks the victim was located in an apartment on the top floor, and stated that he was in the middle of the line of officers and was possibly the sixth or seventh officer to enter this upstairs apartment.

**Officer #3** stated that he and several officers waited while other officers entered the complainants' building through an open garage door. One of the officers who entered the garage then opened the front gate from the inside, and Officer #3 and other officers entered the building through this gate. Officer #3 stated that he was behind at least four or five officers who were on the stairs leading to the second floor, where there were two doors, one on the left and one on the right. Officer #3 had his handgun drawn and pointed at the base of the door on the right, and thinks other officers also had their guns drawn and pointed at this door. Someone knocked on the door on the right, but no one answered. Officers entered the apartment on the left, Apartment #B, and located the victim. Officer #3 then entered Apartment #B. Officer #3 stated that he did not see officers enter any units on the first floor of the building.

**Officer #4** stated that she was carrying a long gun – possibly an extended range impact weapon (ERIW)—when she entered the garage of the complainants' building along with at least five other officers, including two unidentified officers from the Tactical Division. The officers exited the garage through a door leading to a long hallway. There was a door on the left to the complainants' apartment that was not marked with a letter or a number. Officer #4 did not recall how officers gained entry to the complainants' apartment or whether they knocked and announced themselves. Officer # 4 stood at the doorway of the complainants' apartment and saw two people inside seated, possibly on a bed. Officer #4 did not recall whether she entered the complainants' apartment. Officer #4 did not recall an officer asking the complainants which unit the officers were in, or asking them about a white female or about guns.

**Other officers** who were present stated that they entered the complainants' building through the garage but had no contact with the complainants and did not witness any other officers enter the complainants' apartment, or stated that they remained outside the building throughout the incident, or stated that they entered the building through the front gate and went to the second floor. None of the other officers known to have responded to the incident stated that they entered the complainants' apartment, or witnessed other officers enter the complainants' apartment. Several officers who were at the scene stated that two or more unidentified Tactical Division officers entered the complainants' building. These Tactical Division

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #6 of 17**

**SUMMARY OF ALLEGATION #1 continued:**

officers could not be identified and interviewed by the OCC because their presence was not documented in the Incident Report, in CAD records, or on the audio recordings of communications between dispatch and officers.

**The complainant's aunt** stated that the complainant telephoned her on the night when police came to her apartment. The complainant was crying and was very upset. She told her aunt that police officers banged on her door. When she opened the door, five or six officers with the guns drawn entered her apartment without her consent and pointed guns at her and at the co-complainant. The officers realized they were in the wrong apartment and left.

**The complainant's father** stated that the complainant telephoned him two and a half days after police came to her home. The complainant was in a distraught mood and was "not acting like herself." She seemed to be "more depressed" and was anxious and was stuttering. She told her father that she and the co-complainant were in bed when she was awakened by a knock on the door to their apartment. The complainant got up, went to the door and asked, "Who is it?" and heard a muffled sound in response. As the complainant began to open the door, officers opened it. There were five to eight officers in tactical gear with their guns drawn. Officers moved towards the complainant while pointing their guns at her, and the complainant backed up and sat on the couch. Officers entered and searched the apartment, and entered the bedroom and pointed a weapon at the co-complainant. Officers asked, "Where's the white girl? Where's the weapons?" The complainant told the officers, "We have no weapons. There are no white people here." An officer asked, "Is this apartment B?" The complainant told him no, that it was apartment C. Officers then left.

**Another one of the complainant's aunts** stated that the complainant telephoned her within one or two days after police came to her apartment. The complainant told this aunt that she and the co-complainant were in their apartment when they heard some kind of commotion at her front door. The complainant went to inquire about what was going on. She told her aunt that she opened the door, or police officers pushed their way in, and escorted her into the apartment. The aunt thinks the complainant told her that officers had their guns drawn, which shocked the complainant and made her fear for her life. Officers asked where "a white girl was." The complainant told them she knew nothing about this, that there was no white girl in the apartment, but the officers were very insistent that she had information about where this person was.

The complainant told her aunt that she asked the officers who they were looking for and where this person was supposed to be. The officers told her, and she informed them that they were in the wrong apartment, that "the letter you're looking for is not the letter on my apartment."

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/25/15    **DATE OF COMPLETION:** 11/10/16    **PAGE #7** of 17

**SUMMARY OF ALLEGATION #1 continued:**

Since this incident, the complainant has spoken to her aunt about trying to stop repeatedly replaying the incident in her mind and “just trying to get back to normal.” The complainant spoke about the experience of having a weapon pulled on her and having police officers come into her home and accuse her “of something that’s not true.”

**A friend of the complainant** stated that she received a short telephone call from the complainant “shortly after” police came to her home, although she did not recall the day or date. The complainant was sobbing, was short of breath and was unable to speak in complete sentences. The complainant told her officers barged into her apartment with guns pointing at her and at the co-complainant. The officers asked for “the white girl,” and left after they realized they were in the wrong apartment and needed to go upstairs.

**A friend and co-worker of the complainant** stated that the complainant telephoned her after midnight on the night officers came to her home. The complainant was “hysterical,” was talking very fast and hyper-ventilating to the extent that the friend “could not understand anything that she was trying to articulate.” The complainant told her friend, “I almost got killed. I thought they were gonna kill me.” The friend heard the co-complainant crying in the background. The complainant told the friend that she heard knocking on her door but could not hear who was there. When she began to open the door, it was “slammed open” and officers were pointing guns in her face. The complainant had her hands up and the co-complainant, who was in bed, was naked. The officers asked the complainant, “Where the fuck is the white girl?” and “Where are the guns?” The complainant told them there was no white girl or guns there. Officers searched the complainants’ apartment, and looked in her drawers and under the mattress. The officers eventually “decided they were in the wrong unit, it was the unit upstairs that she was telling them about the whole time. She told them they were looking for the upstairs unit, not her unit.”

**The complainant’s stepfather** stated that he recalled the complainant telephoning him about police coming to her apartment, but could not recall the date or the month when he received this call. The complainant was very upset during this call and was “still scared shitless.” Her respiration was “clearly elevated, her voice shook from time to time and she used a lot of words expressing fear and shock.”

The complainant’s stepfather stated “Mainly what I recall was how upset she was that they had had guns drawn.” The complainant told him officers came to her door with their guns drawn. The complainant realized the officers were looking for an apartment on another floor in her building.

The credibility of the complainants’ statements to the OCC was enhanced by the consistent statements the complainant made to family and friends soon after this incident, especially regarding the manner in which officers entered her apartment without consent, the pointing of firearms at her and at the co-complainant, officers questioning her about the presence of a white female in her home, and officers realizing they were

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**SUMMARY OF ALLEGATION #1 continued:**

not in apartment B, where Dispatch had reported the victim was located. Her credibility was also enhanced by the statements of her family and friends about her emotional state when she spoke to them, indicating that she was highly disturbed by what had happened. It is also enhanced by the statements of family members who described the complainant feeling emotionally distraught weeks or months after this incident, having flashbacks, feeling fearful, and seeking therapy to deal with her experience. This information is inconsistent with the named officer's statements that the complainant welcomed officers into her home and that officers did not point firearms at her or the co-complainant.

The credibility of the named officer's statements was diminished by inconsistencies between his statements regarding certain elements of the incident and by the statements of other involved officers. The named officer denied that he or any other officer pointed a firearm at the complainants, or anywhere else inside the complainants' building. This is inconsistent with the statement of Officer #3, who stated that while on the stairs leading to the doors of the two apartments on the second floor, he had his handgun pointed at one of these doors, and thinks other officers also had their guns drawn and pointed at this door. This is also inconsistent with the statement of Officer #2, who stated that as officers were searching the building, their firearms were drawn and pointed, then held at their side after they cleared an area.

The named officer's claim that entry was made to the complainants' apartment with her express verbal consent was not documented in any way. The named officer reviewed and approved the incident report written by Officer #1. This report made no mention of an entry to the complainants' residence. The incident report documented a contact that Officer #1's partner had with the complainant after officers located the victim inside apartment B, stating that the complainant gave this officer information about the male resident of apartment B. However, the incident report made no mention of officers contacting the complainant earlier, before officers went to apartment B. The incident report also did not document the presence of at least two Tactical Division officers who entered the building and likely participated in, or witnessed the entry to the complainants' residence. The statements of these officers would have been relevant to the OCC investigation.

The named officer's statement that he and one or two other officers entered the complainants' apartment for no more than fifteen seconds so officers could check whether there was a door leading to a fire escape is inconsistent with the accounts of other officers who entered the building, none of whom recalled checking for a fire escape or being asked to do so by the named officer. It is also inconsistent with the statement of Officer #1, who stated that he looked in the kitchen and bathroom of the complainants' apartment for the victim and that officers were in the complainants' apartment for sixty to ninety seconds.

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**SUMMARY OF ALLEGATION #1 continued:**

Officer #1 stated that officers entered the complainants' apartment "because it was believed that was B," and that officers might have left the apartment because the complainants may have said there was another apartment upstairs.

The named officer's statement that he saw three or four individuals who appeared to be having some type of gathering inside the complainants' apartment was contradicted by Officer #1 and by Officer #4, the only officers, known to be present, who stated that they either entered or looked inside the complainants' apartment. Both Officer #1 and Officer #4 stated that they saw only two individuals inside the complainants' apartment. The named officer's description of three or four people inside the apartment contradicts the complainants' claims that they were in bed when officers arrived, while the statements of Officer #1 and Officer #2 do not contradict the complainants on this issue.

The enhanced credibility of the complainants and the diminished credibility of the named officer created a preponderance of the evidence to refute the named officer's claim that he entered the complainant's residence with her express verbal consent. The named officer stated that at the time he entered the complainants' residence, he had no probable cause to enter. Therefore, there is a preponderance of the evidence to establish that named officer, a sergeant, and the officers under his direct supervision lacked probable cause to enter and search the complainants' apartment. The evidence established that the named officer, a sergeant, was directing the actions of the subordinate officers with him, and that therefore he was responsible for ensuring that they complied with Department procedures and relevant laws. A preponderance of the evidence proved that the named officer and officers under his direct supervision entered and searched the complainants' apartment without cause.

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.

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**SUMMARY OF ALLEGATION #2:** The officer detained the complainants without justification.

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

**FINDINGS OF FACT:** As stated above, a preponderance of the evidence refuted the named officer's claim that he entered the complainants' residence with the complainant's express verbal consent.

As stated above, there is a preponderance of the evidence to establish that the named officer and the officers under his direct supervision lacked probable cause to enter the complainants' apartment. The Communications audio and the Event History Detail provide a preponderance of the evidence to establish that dispatch informed officers that the victim was inside apartment B. Also as stated above, a preponderance of the evidence established that officers pointed firearms at the complainants, which constituted a detention.

While officers had cause to contact the complainants and engage in a consensual encounter, they lacked reasonable suspicion to detain them at gunpoint. The evidence established that the named officer, a supervisor, was directing the actions of the subordinate officers with him. Therefore, he was responsible for ensuring that they complied with Department procedures and relevant laws. A preponderance of the evidence proved that the named officer and officers under his direct supervision detained the complainants without justification, in violation of Department General Order 5.03.

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.

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**SUMMARY OF ALLEGATION #3:** The officer pointed firearms at the complainant and co-complainant without justification.

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

**FINDINGS OF FACT:** As stated above, a preponderance of the evidence refuted the named officer's claim that he entered the complainants' residence with the complainant's express verbal consent. There is a preponderance of the evidence to establish that the named officer and the officers under his direct supervision lacked probable cause to enter the complainants' apartment. As stated above, a preponderance of the evidence established that officers pointed firearms at the complainants, and that officers lacked reasonable suspicion to detain the complainants. Therefore, pointing firearms at the complainants was unjustified. The evidence established that the named officer, a supervisor, was directing the actions of the subordinate officers with him, and therefore he was responsible for ensuring that they complied with Department procedures and relevant laws.

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.

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**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 officers entered and searched her apartment without consent, and pointed guns at her and the co-complainant, then left without offering an explanation for their actions.

The named officer denied the allegation. He stated that he and other officers entered the complainant's apartment with her express verbal consent. The named officer stated he told the complainant they were investigating a report of a woman being held against her will and asked if she had seen anything. At the conclusion of the investigation, the named officer stated he spoke to the complainant in the hallway, informed her that an arrest had been made and apologized for bothering her.

As stated above, a preponderance of the evidence established that the named officer did not obtain the complainant's verbal consent to enter her apartment, and that the cordial conversation he described having with the complainant at her doorstep did not take place. For this, and the other reasons cited above, the complainants are more credible than the named officer regarding his interaction with the complainant, and her claim that the named officer did not explain the reason for officers entering and searching her apartment is credible.

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.

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**SUMMARY OF ALLEGATION #5:** The officer failed to properly investigate.

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

**FINDINGS OF FACT:** The evidence established that the door to the complainants' apartment was the first door the named officer encountered after exiting the garage of the complainants' building. The named officer stated that he did not see a letter marking this as apartment C. However, the named officer also stated that even if the door to the complainants' apartment had been clearly marked as Apartment C, he still would have knocked on her door because he intended to knock on every door in that building.

As stated above, the named officer had justification to knock on the complainants' door and engage in a consensual conversation, but the evidence established that he and/or officers under his direct supervision entered and searched the complainants' apartment without cause and detained the complainants without justification.

A preponderance of the evidence also established that the named officer and the officers with him had information from Dispatch that the victim was being held in Apartment B, and that they made statements to the complainant indicating that they believed her apartment was Apartment B. A preponderance of the evidence established that the named officer failed to adequately investigate before making an unwarranted entry and search of the complainants' apartment.

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.

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

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

**FINDINGS OF FACT:** As stated above, the evidence established that the named officer was present and was directing the actions of subordinate officers who entered and searched the complainants' apartment, and who pointed firearms at and detained the complainants. The named officer was, therefore, responsible for the actions of the officers who entered and searched the complainants' residence without cause, detained the complainants without justification and pointed firearms at the complainants without justification. By extension, he was guilty of neglect of duty for failure to properly supervise subordinate officers under his immediate control by failing to require them to comply with the policies and procedures of the Department, as required by Department General Order 1.04.

The named officer stated he reviewed and signed the incident report prepared by a subordinate officer in his capacity as Acting Officer in Command. He stated he believed the incident report was accurate, and did not believe there was any discrepancy between the incident report and what occurred. The named officer stated the incident report did not document the entry to the complainants' apartment because the complainant consented to the entry. He stated the entry did not need to be documented in the incident report because it had no evidentiary value and had no bearing on the arrest of the suspect. He stated that if officers had entered the complainants' apartment under exigent circumstances, that would have been documented in the report.

As stated above, the evidence established that two or more officers from the Tactical Division responded to the scene and entered the complainants' building to search for the victim along with the named officer. As stated above, a preponderance of the evidence established that the complainant did not consent to officers entering her apartment. The only other justification for officers entering the complainants' apartment without consent would be an exigency, and the named officer stated that an exigent entry would require documentation in the incident report. The evidence established that the incident report made no mention of the entry to the complainant's apartment.

The entry and search of the complainants' residence, even if conducted with her consent, would be "pertinent information" that the SFPD Report Writing Manual and Department Bulletin 14-205 requires be included in incident reports. The Report Writing Manual also requires officers to outline "the investigative process, including actions by Department members and units." The entry and search of the complainants' apartment was part of the "investigative process" involved in locating the victim, and involved a significant action by Department members. Therefore, it should have been documented in the Incident Report. Additionally, the participation of two officers from the Tactical Division in the entry to the complainants' building should have been documented in the Incident Report.

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**SUMMARY OF OCC-ADDED ALLEGATION #1 continued:**

The named officer failed to ensure that a subordinate officer prepare a complete and accurate incident report, as required by the SFPD Report Writing Manual, Department Bulletin 14-205 and Department Bulletin 14-206.

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.

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

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

**FINDINGS OF FACT:** The evidence established the named officer prepared the incident report documenting officers' entry to the complainants' three-unit building, their entry to apartment B, where they located a female victim being held against her will, and the subsequent investigation of crimes against this victim.

The named officer's incident report failed to document the entry and search of the complainants' apartment and the detention of the complainants. He also failed to document the presence of two or more Tactical Division officers among the officers who entered the complainants' building.

The named officer stated that his report was complete and accurate, and that he did not recall why he did not document the entry to the complainants' apartment. The named officer stated that he documented the facts regarding the female victim who was being held against her will, and the arrest of two individuals in the apartment where she was found. The named officer also stated that he did not document the entry to the complainants' apartment because no crime was committed there, and because officers were inside the complainants' apartment for a short period of time looking for the victim, and the entry was unrelated to the crime committed in another apartment.

The entry and search of the complainants' residence, even if conducted with her consent, would be "pertinent information" that the SFPD Report Writing Manual and Department Bulletin 14-205 requires be included in incident reports. The Report Writing Manual also requires officers to outline "the investigative process, including actions by Department members and units." The entry and search of the complainants' apartment was part of the "investigative process" involved in locating the victim, and involved a significant action by Department members. Therefore, it should have been documented in the Incident Report. Additionally, the participation of two officers from the Tactical Division in the entry to the complainants' residence should have been documented in the Incident Report.

The evidence established that the named officer failed to prepare a thorough, complete and accurate incident report as required by the Department Report Writing Manual and by Department Bulletin 14-205.

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.

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**SUMMARY OF OCC-ADDED ALLEGATION #3:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The evidence established that the officer who wrote the incident report regarding this incident failed to prepare a thorough, complete and accurate incident report because the report did not document an entry to the complainants' apartment. The evidence also established that the report did not document the presence of two or more Tactical Division officers among the officers who entered the complainants' building.

The evidence established that the named officer, a supervisor, was the Reviewing Officer who reviewed and approved the incident report. The named officer stated that he remained outside the complainants' building until officers led by another sergeant located the victim in an apartment on the second floor. He stated that this sergeant was in charge at the scene and supervised the officers who entered the building. The named officer stated that he was unaware of officers entering the complainants' apartment. He stated that he recalled speaking to the officer who prepared the incident report, but did not recall what they said. He also stated that he did not recall asking this officer to make any changes to the incident report.

Officers who were known to have entered the building before the victim was located stated that they did not recall which other officers accompanied them. However, none of these officers stated that the named officer was present when officers cleared the first floor of the building, where the complainants' apartment was located. There is insufficient evidence to establish whether the named officer knew that officers had entered the complainants' apartment, and therefore there is insufficient evidence to establish whether he knew the incident report was thorough and complete. Therefore, there is insufficient evidence to either prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that on Halloween night, he saw multiple officers standing in the street. The complainant stated the officers took no enforcement action against a driver whose car was on the sidewalk and who backed into traffic, almost striking a portable toilet.

One of the sergeants leading a squad of officers who were stationed at this location stated that he did not see a car that was partially or fully on the sidewalk back into the street, almost striking a portable toilet.

Another sergeant leading a squad of officers who were stationed at this location stated that a television news van parked on the sidewalk backed into the street at the direction of an officer. He stated that the driver of this van was not observed to exhibit any signs of intoxication.

The complainant did not provide sufficient specific information to establish the identity of the named officer.

The identity of the alleged officers has not been established.

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

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

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

**FINDINGS OF FACT:** The complainant stated that on Halloween night, he saw a woman who appeared to be intoxicated performing oral sex on a man on the sidewalk. The complainant walked down the street and told two officers standing on the corner, "Look down there," pointing to the man receiving oral sex, "there is something untoward going on down there. You should go down and have a look." The complainant did not tell the officers that someone was having sex on the sidewalk and the officers did nothing in response. The complainant was unable to describe these two officers. The complainant then saw another officer walk past the couple having sex, but took no action.

Department records established that two officers matched the description (gender and ethnicity) provided by the complainant of the officer who walked past the couple having sex. These two officers denied seeing a couple engaging in a sex act in the area described by the complainant, and did not recall anyone informing them that someone was having sex on the sidewalk.

The identity of the alleged officers has not been established.

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

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

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

**FINDINGS OF FACT:** The complainant said the officer threatened to arrest her and take her child away.

The named officer and his partner denied threatening to arrest the complainant or take her child. The named officer stated that he told the complainant that maliciously disconnecting her tenant's utilities could be prosecuted and may result in her going to jail.

A witness who was present during the complainant's contact with the officer stated that the complainant was advised that cutting off power to tenants is a felony.

A third witness stated she did not have a clear recollection of the complainant's interaction with police as there were numerous police responses regarding the matter and she could not differentiate one from another.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer ignored her and believed her tenants.

The named officer and his partner denied the allegation.

A witness present during the complainant's contact with the named officer recalled the named officer telling the complainant that the dispute was a Rent Control matter that officers could not handle.

A third witness stated she did not recall what conversations took place during the contact.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that she called 911 to report a domestic violence incident by her ex-boyfriend and a violation of a restraining order. The complainant stated that when officers arrived, she requested a Spanish-speaking officer, but the officers refused, stating that they could understand her perfectly. The complainant stated that she speaks some English for work, but she was not able to communicate with the officers in detail and believes that is why the officers failed to do anything. The complainant stated had she had a Spanish-speaking officer, she could have expressed herself better.

The named officer stated the complainant spoke perfect English. The officer stated he did not recall the complainant having an accent or mix Spanish and English words. The officer said that he has received DGO 5.20 training and knows the protocol for obtaining language services. He stated that he knows how to determine if a person still needs assistance to communicate and believed the complainant's English was not an issue.

An SFPD sergeant and captain established and documented that the complainant was a LEP Spanish Speaker.

DGO 5.20 requires an officer to provide language assistance under two circumstances: 1) whenever a LEP individual requests an interpreter or 2) whenever an officer encounters a LEP person.

In this case, the evidence established that the complainant requested an interpreter.

A preponderance of the evidence established that during this domestic violence investigation, the named officer failed to use an interpreter, in violation of DGO 5.20.

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.

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

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

**FINDINGS OF FACT:** The complainant stated that she called 911 to report a domestic violence incident by her ex-boyfriend and a violation of a restraining order. The complainant stated the responding officers told her that they could not do anything because the restraining order was expired. The complainant stated she told the officers that she was afraid for her life because the ex-boyfriend was aware that she had called police. She wanted the officers to remove her ex-boyfriend from the apartment because he had been served with the restraining order. The complainant stated the officers told her they could not remove the ex-boyfriend because the restraining order was not in the system.

The named officer stated that since the restraining order was expired, there was no reason to investigate any further. He stated that the complainant said the ex-boyfriend was being verbally abusive. No threats had been made towards the complainant so the named officer and his partner did not investigate any further. The named officer stated he did not believe he had a duty to speak with the ex-boyfriend in the apartment. He stated that the complainant was the reporting party and that there was no evidence of a physical altercation. In addition, no threats were made and the restraining order was expired.

The event history detail established that the call was domestic violence related and the complainant had reported verbal abuse and the existence of a restraining order.

The evidence established that the complainant's ex-boyfriend had been served 3 days prior to this incident. The evidence established the restraining order had been extended to a future court date and was still valid.

The officer had a duty to investigate the report of the domestic violence between the complainant and the ex-boyfriend by contacting all parties and witnesses to determine if a domestic violence crime had occurred. Furthermore, the named officer had a duty to interview the ex-boyfriend to determine if he had knowledge of the restraining order.

A preponderance of the evidence established that the named officer failed to properly investigate a domestic violence incident and the violation of a restraining order.

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.

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**SUMMARY OF ALLEGATION #3:** The officer failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated she wanted the ex-boyfriend arrested for the violation of the restraining order and for intimidating and verbally abusing her.

The named officer stated the complainant said the ex-boyfriend was being verbally abusive only. He stated that the complainant was the reporting party. There was no evidence of a physical altercation, no threats were made, and the restraining order was expired.

No independent witnesses were identified.

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

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**SUMMARY OF ALLEGATION #4 - 5:** The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

**FINDINGS OF FACT:** The complainant stated she went to the police station later in the morning to report that the officers who responded to her initial call of domestic violence and violation of the restraining order had not assisted her. The complainant stated she again requested a Spanish-speaking officer but was refused.

The named officer stated the complainant spoke fluent English, did not have trouble communicating in English and did not request a Spanish-speaking officer. He stated they spoke in detail of the technicalities of serving a restraining order and why they are not allowed to act upon it. The named officer stated the complainant understood their discussion one hundred percent. The officer stated that it never became apparent to him that the complainant was an LEP.

The other named officer stated he was present when his partner spoke to the complainant in English in front of the lobby. He stated the complainant spoke full English the entire time and did not request any language assistance. The officer stated that by listening to the complainant speak with his partner, he was not able to determine that English was not her first language. The officer said she sounded fluent in English.

The named officers' supervisor stated the officers informed him that the complainant asked for a translator and asked if they were required to provide one. He explained the protocol on obtaining language services to the named officers.

DGO 5.20 requires an officer to provide language assistance under two circumstances: 1) whenever a LEP individual requests an interpreter or 2) whenever an officer encounters a LEP person.

In this case, the evidence established that the complainant requested an interpreter.

The evidence established that during this domestic violence investigation, the named officers failed to use an interpreter, in violation of DGO 5.20.

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.

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**SUMMARY OF ALLEGATION #6 - 7:** The officers failed to properly investigate.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to enforce her restraining order against her ex-boyfriend because the restraining order was not in the system. The complainant stated the officers told her to get another restraining order. The complainant stated she asked the officers for a report for the domestic violence she suffered when the ex-boyfriend grabbed her arm, threatened her, and pushed her for calling the police. The complainant stated the officers refused to prepare a report.

Both of the named officers stated the complainant did not report a domestic violence incident and simply came in to request the arrest of the ex-boyfriend for violating a restraining order.

The named officers' supervisor stated the named officers did not mention to him anything about domestic violence.

The CAD audio documents that the dispatcher advised the officers that an earlier domestic violence fight had occurred earlier in the morning.

The officers had a duty to investigate the report of the domestic violence between the complainant and her ex-boyfriend by contacting all parties and witnesses to determine if a domestic violence crime had occurred. Furthermore, the officers had a duty to interview the ex-boyfriend to determine if he had knowledge of the restraining order. The officers had a duty to inquire about the history of the domestic violence incidents and whether the complainant was safe in her residence.

The evidence established that the named officers failed to properly investigate a domestic violence incident and the violation of a restraining order.

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.

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**SUMMARY OF ALLEGATION #8 - 9:** The officers failed to prepare an incident report.

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

**FINDINGS OF FACT:** The complainant stated she wanted a police report to document that her ex-boyfriend had threatened her, grabbed her arm, and pushed her because he was mad she had called police earlier in the morning. The complainant stated the officers refused to prepare a report.

Both of the named officers stated the complainant wanted them to arrest her ex-boyfriend for a violation of a restraining order, not to report a domestic violence incident. The officers stated they did not have a duty to write a report because no crime was committed.

The named officers' supervisor stated that the named officers did not mention anything about a domestic violence incident.

The evidence established that the following day, the complainant returned to the police station and requested a supervisor. The complainant was provided a Spanish-speaking officer, a police report was generated, and the ex-boyfriend was arrested for the violation of the restraining order and for the domestic violence battery.

DGO 6.09 requires that members shall investigate and write an incident report for any crime that involves domestic violence (even if the suspect is not at the scene.). This include threats and/or violations of any court order.

The evidence established that the named officers failed to write a report of a domestic violence incident and the violation of a restraining order.

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.

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**SUMMARY OF ALLEGATION #10 - 11:** The officers failed to make an arrest.

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

**FINDINGS OF FACT:** The complainant stated she wanted her ex-boyfriend arrested for violation of the restraining order. The complainant stated the officers told her they could not do anything because the restraining order was not in system. The complainant stated she also told the officers that her ex-boyfriend had threatened her, grabbed her arm, and pushed her because he was mad she had called police earlier in the morning.

The named officers stated there was no active restraining order on file per the ID Bureau. The officers stated that although the dates on the restraining order was valid, the restraining order copy did not have a court seal with a served proof of service on file with ID Bureau. One of the named offices stated that without the court seal and the proof of service, they could not take action unless he witnessed the commission of some type of crime. The officers stated they spoke to their sergeant who double checked the paperwork and also concluded that the restraining order was invalid without the stamp. Both of the named officers stated the complainant did not report a domestic violence incident.

The sergeant stated that in order to have a valid restraining order, it has to be stamped by the court. If not stamped, then it means it has not been served to both parties and in the court system.

The chronological of investigation documents that the inspector interviewed the suspect a few days later and the suspect acknowledged he had been served 3 days prior to the initial incident.

The evidence established that the officers failed to understand that the copy of the proof of service presented to them was sufficient proof of service of the order as noted in DGO 6.09 (III)(J)(1)(b)(1), even if not stamped by the court. Moreover, even if the officers thought the order was not served yet, they failed to take action to serve and enforce the order by removing the ex-boyfriend from the home without arresting him, as ordered by DGO 6.09(III)(J)(1)(c).

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.

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**SUMMARY OF ALLEGATION #12:** The officer failed to take required action.

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

**FINDINGS OF FACT:** The officer failed to supervise his subordinates.

The responding officers stated they consulted with their supervisor regarding the restraining order and whether or not to write a report. The officers stated they did not believe the complainant was an LEP individual and stated she did not ask for a report.

The named officer stated the officers brought to his attention the restraining order and language services for the complainant and advised the officers of the department policy. The named officer \denied having any knowledge of or information of a domestic violence incident.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #13:** The officer failed to comply with DGO 5.20.

**CATEGORY OF CONDUCT:** ND      **FINDING:** Tolled-Bifurcated      **DEPT. ACTION:**

**FINDINGS OF FACT:** The officer is on disability and has not been interviewed.

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**SUMMARY OF ALLEGATION #14:** The officer failed to properly investigate.

**CATEGORY OF CONDUCT:** ND      **FINDING:** Tolled-Bifurcated      **DEPT. ACTION:**

**FINDINGS OF FACT:** The officer is on disability and has not been interviewed.

**SUMMARY OF ALLEGATION #15:** The officer failed to make an arrest.

**CATEGORY OF CONDUCT:** ND      **FINDING:** Tolled-Bifurcated      **DEPT. ACTION:**

**FINDINGS OF FACT:** The officer is on disability and has not been interviewed.