

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/02/17 **DATE OF COMPLETION:** 01/12/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** This complaint raises matters outside DPA jurisdiction. This complaint has been forwarded to:

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

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**DATE OF COMPLAINT:** 01/06/17 **DATE OF COMPLETION:** 01/27/17 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/11/17 **DATE OF COMPLETION:** 01/20/17 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 01/12/17    **DATE OF COMPLETION:** 01/20/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant purchased a non-working recreational vehicle (RV) and had it towed on November 23, 2016 to a public street, where he was working on the vehicle. The complainant stated on December 5, 2016, a male resident threatened to call the police if he did not move the RV. The complainant has a disabled placard, which he claimed exempted him from having to move the RV, except for street cleaning. The complainant stated he received a 72-hour notice to move his vehicle 1/10<sup>th</sup> of a mile or be found in violation of San Francisco Transportation Code (SFTC) 7.2.29, Parking Prohibited for more than 72 Hours. The complainant did not recall when he received the 72-hour notice. The complainant stated his vehicle was towed on December 30, 2016.

Department records indicated that the named officer towed the complainant's RV on December 31, 2016. Department records further indicated that the complainant received a 72-hour notice on December 24, 2016 from a different police officer.

San Francisco Transportation Code 7.2.29 states:

No person shall park or leave standing any vehicle on any public street or highway for more than 72 consecutive hours.

The complainant admitted that he never moved his vehicle even after receiving a 72-hour notice.

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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**DATE OF COMPLAINT:** 01/22/16    **DATE OF COMPLETION:** 01/05/17    **PAGE #** 1 of 4

**SUMMARY OF ALLEGATION #1:** The officer used excessive force during the arrest.

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

**FINDINGS OF FACT:** The complainant stated he was at a hotel where he was having trouble with his car. Police officers arrived, but because he speaks little English, he could not understand what the named officer was telling him in English. The complainant stated he attempted to escape from the named officer, when several officers used excessive force on him and took him face down to the ground, breaking a tooth and a facial abrasion to his forehead.

The complainant's medical records documented these injuries, but also noted that the complainant had used methamphetamine within the previous 24 hours.

The named officer stated he, another officer, and a hotel employee discovered the complainant had run out of gas at a hotel parking lot, so they provided him gasoline. The complainant then refused the hotel's request that he leave the parking lot and was, therefore, trespassing. The named officer laid a hand on the complainant to lead him out of the parking lot, when the complainant suddenly resisted and tried to grab at the officer's duty belt. The named officer stated he and his partner each failed to take the complainant down with leg sweeps, so he applied a bear hug and took the complainant to the ground where he was taken into custody.

One witness officer corroborated the named officer's account of what happened, stating that the complainant resisted, prompting the named officer to take the complainant to the ground.

Two other witness officers stated they arrived on scene when the complainant was on the ground but not yet in custody. One of the witness officers stated he assisted by bringing the complainant's arm behind his back. Both witness officers stated that the complainant resisted.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he speaks little English and did not understand what he was being told.

The named officers stated there was no language barrier between them and the complainant. One of the named officers acknowledged the complainant spoke to them in fragmented and incomplete sentences, using gestures to point out that his vehicle ran out of gas. The other named officer initially stated the complainant spoke to them exclusively in English, but later stated that the complainant attempted to speak to them in Spanish at some point during their thirty-nine minutes of conversation.

A witness on scene stated that the complainant responded by gesturing and pointing to his vehicle instead of responding verbally. The witness said the complainant later shifted between English and Spanish when speaking to the officers.

A hotel employee stated that his employer called him to translate for the complainant in Spanish in order to inform him that he could not rent him a room due to insufficient funds in his credit card.

Two back up Spanish-speaking officers confirmed that the complainant spoke in broken English and in Spanish, and that one of the named officers requested language assistance from a certified bilingual officer in Spanish after the complainant's arrest.

Paramedic records indicate that paramedics treating the complainant obtained limited information about the complainant on scene from an SFPD Spanish-speaking officer.

DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons, require officers to take every reasonable step to ensure timely language access to all individuals regardless of their national origin or primary language. Members shall provide free language assistance to LEP individuals whom they encounter, preferably through a qualified bilingual member, identify the primary language spoken by the LEP individual in the incident report, and note both the person who provided the interpretation, and the manner in which the interpretation services were provided.

The evidence established that the officers failed to provide the complainant language services and failed to identify the complainant's primary language in the incident report.

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

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

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

**FINDINGS OF FACT:** SFPD General Order 5.01, Use of Force, section I.N.2 requires officers to immediately notify his/her supervisor in all cases in which an officer is required to report the use of force, and to prepare an incident report containing the supervisor's name, rank, star number, and time notified.

The named officer used force on the complainant, causing a visible injury. The named officer wrote an incident report, articulating his reportable use of force. However, the named officer stated he could not recall whether he immediately notified a supervisor, and did not include in the report the time that such notification was made.

The evidence established that the named officer failed to maintain a working knowledge of DGO 5.01, resulting in his failure to comply with the 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.

**SUMMARY OF OCC-ADDED ALLEGATION #4:** The officer failed to maintain required knowledge.

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

**FINDINGS OF FACT:** Department policy requires officers to use field test kits to complete presumptive tests on suspected narcotics in order to identify whether they are, in fact, narcotics. Officers must also memorialize the results on specific forms. Here, the named member and her partner found suspected narcotics on the complainant. The named member conducted presumptive tests correctly, but admits that she failed to properly complete the forms memorializing the results. Because of this failure, the forms incorrectly imply that the suspected narcotics tested negative, when in fact they tested positive for methamphetamine.

The evidence established that the named officer failed to maintain a working knowledge of all information required for the proper performance of her duties, failing to properly complete the required forms memorializing the results of the presumptive tests she conducted.

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 #5:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** Department policy requires supervisors to sign off on completed narcotics presumptive tests conducted in the field. The supervising named member signed a form attesting that he witnessed such a test, but overlooked that those forms were incomplete.

DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons, require officers to take every reasonable step to ensure timely language access to all individuals regardless of their national origin or primary language. Members shall provide free language assistance to LEP individuals whom they encounter, preferably through a qualified bilingual member, identify the primary language spoken by the LEP individual in the incident report, and note both the person who provided the interpretation, and the manner in which the interpretation services were provided. The supervising named officer learned that his subordinate officers spoke to the complainant in English because they thought no language assistance was required. In addition, the named officer learned that other witnesses spoke to the complainant in Spanish. The named officer failed to recognize that the complainant required language services, and failed to instruct his subordinate officers to take corrective action.

DGO 5.01, Use of Force, requires supervisory officers to identify witnesses to reportable use of force incidents, interview them, and ensure that this information is included in the incident report, among other duties. The named member discovered that two subordinate officers had used force on the complainant, causing injury. The named officer assumed supervisory responsibility to investigate the use of force. He spoke with two arresting officers and two witnesses on scene while there were still other units and paramedics on scene. The named officer said that because he was not informed of any other witness or participant to the arrest, he relied exclusively on the report of the arresting officers and two civilian witnesses without interviewing the other witnesses present.

The named officer also approved an incident report that was incomplete.

The evidence established that the named officer failed to properly supervise his subordinates.

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 #1:** The officer engaged in inappropriate behavior

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

**FINDINGS OF FACT:** The complainant stated that, while he has never met or spoke to the named officer, the named officer has conducted illegal investigations on him and has made false accusations.

The named officer denied the allegation, stating that he has never met or spoken to the complainant.

Department records show no record of the named officer investigating the complainant.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing due to sexual orientation.

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

**FINDINGS OF FACT:** The complainant stated that, while he has never met or spoke to the named officer, the named officer has conducted illegal investigations on him and has made false accusations. In addition, the complainant alleged that the named officer has engaged in biased policing due to the complainant's sexual orientation.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied the allegation, stating that he has never met or spoken to the complainant.

Department records show no record of the named officer investigating the complainant.

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

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**SUMMARY OF ALLEGATIONS #1-2:** The officers drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that a patrol car almost struck her as she was crossing the street to go to the bus stop. She stated the patrol car suddenly pulled up to the bus stop and two officers exited the patrol car.

The named officers and other officers, who were responding to a call regarding a person with a knife, denied the allegation. The named officers could not recall who was driving at the time of the incident.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers failed to identify themselves.

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

**FINDINGS OF FACT:** The complainant stated the named officers, who were in uniform and driving a marked police car, failed to identify themselves when they exited their patrol car and detained someone at the bus stop.

Based on the complainant's own statement, the named officers were in uniform and were in a marked police car.

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

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**SUMMARY OF ALLEGATIONS #5-6:** The officers displayed their weapons without cause.

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

**FINDINGS OF FACT:** The complainant stated that when the officers exited their vehicle, one of them brandished a weapon, while the other detained someone who was standing at the bus stop.

The named officers could not recall drawing their firearms.

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

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

Records from the Department of Emergency Management show that the named officers and other officers responded to the complainant's location regarding a person with a knife.

The evidence established that the named officers had reasonable cause to believe that it was necessary for them to draw their weapon(s) for their own safety or for the safety of others.

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 #7 - 8:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated she believed the officers should have explained to those who were standing at the bus stop why the officers were there with a firearm displayed.

The named officers could not specifically recall the incident in question.

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

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**SUMMARY OF DPA-ADDED ALLEGATIONS #1-2:** The officers failed to take the required actions.

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

**FINDINGS OF FACT:** Records from the Department of Emergency Management (DEM) show that the named officers and other officers responded to the complainant's location regarding a man reported to have a knife.

The complainant stated she saw one man in plastic cuffs.

A witness stated that the suspect was placed in handcuffs.

Department General Order 5.03, Investigative Detentions, section II.3. states:

PHYSICAL RESTRAINT. If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.

Department General Order 2.01, General Rules of Conduct, section 25 state:

ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention.

The named officers vaguely remembered the incident and could not remember details. The named officers determined the incident was a non-verbal dispute and did not take any further action.

The preponderance of the evidence established that the suspect was placed in handcuffs, requiring the officers to issue a Certification of Release. In addition, the evidence established that a crime was reported to the named officers, requiring them to prepare an incident report.

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

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**SUMMARY OF DPA ADDED ALLEGATIONS #3-5:** The officers failed to properly supervise.

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

**FINDINGS OF FACT:** The named supervising officers responded to the scene of an attempted stabbing. The named officers stated the incident had concluded by the time they arrived. Subordinate officers who had been first on the scene informed the named officers that the incident was a non-verbal dispute. The named officers did not remember seeing any other officer detaining or talking to any party to the dispute.

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 his weapon without justification.

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

**FINDINGS OF FACT:** The complainant stated an officer pointed a firearm at him.

The named officer stated he pointed his firearm at the complainant because the named officer was responding to a call regarding a person with a gun.

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

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

Records from the Department of Emergency Management (DEM) show that DEM received a 911 call regarding a fight, and that the suspect was reported to have a gun.

Department records show that the named officer's actions were documented in the incident report, reported to his supervisor and documented in the Use of Force log as required.

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

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**SUMMARY OF ALLEGATIONS #2-4:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was detained after he had struck another person in self-defense.

The named officers stated that the complainant was detained after he was identified as the suspect who had punched another person.

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

Records from the Department of Emergency Management (DEM) show that DEM received a 911 call regarding a fight, and that the suspect was reported to have a gun.

Department records show that the named officers' actions were documented in the incident report.

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

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**SUMMARY OF ALLEGATIONS #5-6:** The officers used unnecessary force during a detention.

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

**FINDINGS OF FACT:** The complainant stated that officers used unnecessary force by forcing him onto the ground. In addition, the complainant stated he felt a knee on his back while on the ground. The complainant stated that while he did not complain of pain or injury while at the scene, he later sought medical treatment for pain to his back.

The named officers and another officer stated that the complainant refused their verbal commands to get on the ground, prompting the named officers to take the complainant to the ground, where he was placed in handcuffs.

No independent witnesses came forward.

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

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

**SUMMARY OF ALLEGATIONS #7-10:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that the responding officers behaved inappropriately toward him, including using the profanity.

No independent witnesses came forward.

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

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



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**SUMMARY OF ALLEGATIONS #11-12:** The officers handcuffed the complainant without justification.

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

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

The named officers stated that the complainant was detained and placed in handcuffs after he was identified as the suspect who had punched another person. In addition, it was reported that the complainant had a gun.

The evidence established that the named officers was justified in placing the complainant in handcuffs.

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 #13:** The officer made a sexually derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated that the named officer told him to leave the station and to stop crying and “bitching.”

The named officer denied the allegation.

No independent witnesses came forward.

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

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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:** San Francisco Police Department General Order 5.01, Use of Force, Section I.N.1.a states, in part:

1. TYPES OF INCIDENTS REQUIRING REPORTING. Officers must report the use of the following types of force:
  - a. Physical control, when the person is injured or claims to be injured.

DGO 5.01, section I.N.3.f states:

- f. Record the incident in the Use of Force Log (see below). The supervisor who is notified of the reportable use of force is responsible for recording the incident in the Use of Force Log.

San Francisco Police Department Bulletin #15-051, Use of Force Options: Reporting and Medical Assessment Requirements (Amends portions of DGO 5.01), states, in part:

**EFFECTIVE IMMEDIATELY, DGO 5.01, Section I.N.1 (a) is amended as follows:**

1. TYPES OF INCIDENTS REQUIRING REPORTING. Officers must report the use of the following types of force:
  - a. Physical control, when the person: (1) is injured, (2) while at the scene or in the presence of officers, complains to an officer of being injured; or (3) while at the scene or in the presence of officers, complains to an officer of pain that persists beyond the use of the physical control hold.

The evidence established that the named officer was notified by a subordinate officer, telling the named officer that the complainant was complaining about pain to his back regarding an earlier contact he had with SFPD officers. The named officer admitted that he did not record the complainant's complaint of pain in the Use of Force log. 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 #1:** The officer conducted a traffic stop without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officer wrongfully stopped him for a seat beat violation.

The named officer stated he stopped the complainant after observing him not wearing his seat belt when he saw the shining metal part of the seat belt above his shoulder and not connected. In addition, the named officer stated he had prior knowledge from previous contacts with the complainant that he had a suspended license and had previously been cited.

DMV records corroborated that the complainant's license was suspended.

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

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

**SUMMARY OF ALLEGATION #2:** The officer made inappropriate comments and threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated the named officer intimidated him by placing his hand on his holster, unlocking the holster and threatened to kill the complainant.

The named officer denied the allegation.

The named officer's partner stated that he did not witness or hear any threats.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for not wearing a seat belt, no proof of insurance, and suspended license. The complainant stated he had a temporary license, was wearing his seat belt, and had insurance. The complainant did not provide the OCC with his temporary license or his proof of insurance, as promised.

The named officer denied the allegation, stating that he observed the complainant not wearing his seatbelt. In addition, the named officer stated he had prior knowledge from previous contacts with the complainant that he had a suspended license and had previously been cited. The named officer stated he cited the complainant for the seatbelt violation, driving with a suspended license and no proof of insurance.

DMV records established that the complainant's license was suspended.

The evidence established that the named officer was more credible than the complainant.

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

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the named officer ran toward him as if to strike or hurt him, and that the named officer's partner had to step in between to prevent physical contact.

The named officer and his partner denied the allegation.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

**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:

2.    **MANDATORY CIRCUMSTANCES.** It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver license. The vehicle shall not be released to anyone at the scene; however, a commercial vehicle (e.g., cab, truck, bus) may be released to an agent of the company who is a licensed driver.

The evidence established that the tow was proper.

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:

- Mechanical or non-moving violations,
- MPC violations,
- Penal Code violations, including BOLO/APB/Warrants.

...

The named officer acknowledged that the E585 entry he claimed he made was not on the Department's Traffic Stop Data Collection Program report as required.

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.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/17/16    **DATE OF COMPLETION:** 01/11/17    **PAGE#** 1 of 4

**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 engaged in an argument with his apartment manager regarding a late rent check. When the complainant refused to leave the leasing office, the manager called the police. The complainant stated he was then arrested for no apparent reason.

Department records show that the complainant was arrested pursuant to a private person's arrest. The complainant was escorted out of the leasing office and cited and released. The building manager stated that he signed the private person's arrest form as the complainant refused to leave the building when requested and was trespassing.

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 behaved inappropriately and made inappropriate comments.

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

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

The named officer denied the allegation, stating that he acted in a professional and courteous manner towards the complainant.

All civilian witnesses denied that the named officer behaved inappropriately or made inappropriate comments towards the complainant.

Two witness officers denied the complainant's allegation against the named officer.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/17/16    **DATE OF COMPLETION:** 01/11/17    **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #3:** The officer used excessive force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated the named officer struck him with a closed fist after the complainant was escorted outside.

The named officer denied the allegation, stating that no force was used at the scene.

Three civilian witnesses denied seeing the named officer use any force.

Two witness officers denied the complainant's allegation against the named officer.

No other witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated he was handcuffed and placed in the back of the patrol car.

The named officer stated the complainant was irate, angry and refused to calm down and leave the leasing office. While the named officer could not recall placing the complainant in handcuffs, the named officer stated he placed the complainant in the patrol car while he prepared the citation.

Witnesses stated that the complainant was handcuffed. One witness officer described the complainant's behavior as being upset.

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



**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 02/17/16    **DATE OF COMPLETION:** 01/11/17    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #5:** The officer searched the complainant's cellular phone without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer seized and searched the complainant's cell phone.

The named officer denied the allegation, stating that it is against the law to search someone's cell phone without a search warrant.

There were no witnesses to the alleged search of the cell phone.

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

**SUMMARY OF ALLEGATION #6:** The officer used profanity toward the complainant.

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

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

The named officer denied the allegation, stating that he was professional and courteous towards the complainant.

The complainant stated that the officer called him a "motherfucker" and told him to go back to his "fucking" country during the contact. Witnesses stated the complainant was hostile, agitated, and yelled obscenities at others and the named officer. One witness stated that he was ten feet from the complainant and the officer when he heard the named officer use profanity but it was not directed at the complainant. The witness stated that the profanity was not directed towards the complainant but that the officer was trying to talk over the angry, yelling hostile complainant. Other witnesses were not present during the entire contact and did not hear the officer use profanity towards the complainant or in general.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/17/16    **DATE OF COMPLETION:** 01/11/17    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #7:** The officer engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that the named officer was racist, telling the complainant to go back to his country.

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

There were no witnesses that supported the complainant's allegation against the named officer.

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

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer used profanity during the incident.

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

**FINDINGS OF FACT:** An independent witness stated he heard the officer use profanity during the incident.

During the investigation, a credible and reliable independent witness stated that he heard the named officer use the word "fuck" when he said, "Let's get the fuck out of here," as he left the rental office with the complainant. The witness stated the named officer used profanity, but it was not directed at the complainant who was hostile and screaming at the officer at the time. Other witnesses who were not present during the entire contact, stated they did not hear the officer use profanity.

SFPD General Order 2.01, General Rules of Conduct, section 14 states that members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

The evidence established that the named officer used profanity during his contact with the public.

A preponderance of the evidence proved the conduct 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:** 02/12/16      **DATE OF COMPLETION:** 01/13/17      **PAGE #1 of 3**

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

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

**FINDINGS OF FACT:** The complainant stated an officer used unnecessary force while he was being brought from his apartment to a waiting ambulance. The complainant stated he was thrown down a set of stairs in his apartment building and placed in handcuffs. The complainant stated that when he requested that the handcuffs be loosened, an unknown officer tightened the handcuffs further.

All of the officers who responded to the scene were interviewed by the OCC. The officers denied the complainant's allegations. The officers stated they responded to a call for service regarding a medical call about an attempted suicide or overdose, along with paramedics. The officers stated the complainant was being walked out by the paramedics when the complainant became combative and fell to the ground, as did at least one officer. At least two officers said they physically restrained the complainant. The officers denied that the complainant complained of pain or injury.

Records from the San Francisco Fire Department show that the complainant did not complain of pain or injury when he was being treated by the paramedics.

No other witnesses came forward. 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 properly process property.

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

**FINDINGS OF FACT:** The complainant stated that his watch was broken and his shirt was torn during his medical transport from his apartment to a local hospital, where police officers assisted first responders, including fire and paramedics.

The responding officers denied the allegation.

No other witnesses came forward.

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:** 02/12/16 **DATE OF COMPLETION:** 01/13/17 **PAGE #** 2 of 3

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

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

**FINDINGS OF FACT:** The named officer was the senior sector officer at the scene of a reported overdose, where fire and EMS responded. Medics indicated the patient needed to be transported from his apartment to a local hospital for treatment. Several officers, including the named officer, assisted medics in walking the complainant down the stairs to a waiting ambulance when the complainant became combative, prompting an unidentified police officer to place the complainant in handcuffs prior to the complainant being tied down to a gurney using soft restraints.

The named officer stated the complainant was handcuffed but denied a Certificate of Release was required because the incident was non-criminal and no detention occurred.

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

3. Physical Restraint. If you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.

--

5. Questionable Situations. If there is doubt as to whether you should issue a Certificate of Release, always resolve the doubt by issuing the form.

The evidence established that the complainant was placed in handcuffs by one of the officers on the scene. As the senior officer, the named officer had a duty to ensure that the complainant was issued a Certificate of Release.

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:** 02/12/16    **DATE OF COMPLETION:** 01/13/17    **PAGE #3 of 3**

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

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

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

San Francisco Fire Department  
Department Headquarters  
698 2<sup>nd</sup> Street  
San Francisco, CA 94107

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/24/16    **DATE OF COMPLETION:** 01/23/17    **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated he and four other individuals were sitting on the sidewalk in front of a residence. The complainant stated the named officer and his partner arrived in their patrol car and the named officer told the complainant and his companions that someone had phoned in a complaint about them blocking the sidewalk and referred to the sit-lie ordinance. The complainant stated he asked the named officer “challenging questions” about the sit-lie ordinance and mentioned the constitutional right to assemble. When the complainant said the sit-lie law was unconstitutional, the named officer replied, “I don’t give a shit.” The complainant stated that, during this interaction, the named officer called him a “smart-ass” and “to get the fuck out of here.” The complainant stated that when he asked the named officer for his star number and that he intended on filing a complaint, the complainant stated the named officer subsequently placed him under arrest for a traffic warrant.

The named officer stated he and his partner contacted the complainant and four or five other individuals who were sitting on and blocking the sidewalk. He told them to move along, and everyone except the complainant stood up and walked away. The complainant stood up and yelled about his constitutional right to assemble. The named officer exited his patrol car, approached the complainant and told him he was in violation of the sit-lie law and could not sit on the sidewalk. He asked for, and received the complainant’s identification, ran a check and determined that the complainant had an outstanding warrant for a traffic violation. He returned the complainant’s identification and told him he was free to leave, but if he did not, he would be arrested for the outstanding warrant. The complainant said he would leave and began walking away. The complainant took several steps, turned and again became loud and argumentative. The named officer was concerned that the complainant would continue yelling and causing a disturbance, or that after the officers left, he would sit down on the sidewalk again. The named officer decided to arrest the complainant for the outstanding warrant. The named officer denied calling the complainant a “smartass.” He stated that he did not recall using the word “shit” or telling the complainant to “Grab your shit and go.” He did not recall the complainant saying anything about filing a complaint. The named officer thinks the complainant requested, and was given his star number when he told the complainant to sit on the sidewalk after obtaining his identification.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/24/16    **DATE OF COMPLETION:** 01/23/17    **PAGE#** 2 of 5

**SUMMARY OF ALLEGATION #1 continued:**

A witness stated that he, the complainant and three other individuals were sitting on the sidewalk. A police car with two officers inside pulled up. The witness stated the named officer shone a light at the complainant and his companions and said something to the effect of "Get up and get going." They all stood up and everyone but the complainant and the witness immediately walked away. The witness began walking to the corner but stayed close enough to observe the complainant's interaction with the officers.

The named officer's partner stated he and the named officer were dispatched to a call regarding a complaint of homeless people blocking a doorway. When they arrived, they saw a group of five or six homeless people, including the complainant, sitting on and blocking the sidewalk. The named officer told them to get up and not block the sidewalk. Most of the individuals got up and left, but the complainant became argumentative and remained seated on the sidewalk. The officers exited their car and the named officer approached the complainant, who claimed he was not blocking the sidewalk and had a right to assemble. The named officer told the complainant he had a right to assemble but could not block someone's doorway, and was in violation of the sit-lie law. The complainant continued to argue. The named officer requested and was given the complainant's identification, ran a computer check and determined that the complainant had a warrant for a minor traffic infraction. The named officer told the complainant that he was being disruptive, that he could leave the area, but if he remained and continued being disruptive, he would be arrested for the warrant. The named officer's partner stated that he did not recall hearing the term "smartass." He thinks the named officer might have said something to the effect of, "grab your stuff" or "grab your shit and go."

The named officer's partner's statement that the named officer might have used the word "shit" corroborated the complainant's claim that the named officer used this word. The witness corroborated the complainant's claim that the named officer called the complainant a smartass. The credibility of the witness was enhanced because the quality of his perception and his recollection of the event were good, and because his account of the incident was corroborated by the accounts given by the complainant, and the two officers regarding several significant issues.

The statements of the witness and of the named officer's partner provided a preponderance of the evidence to establish that the named officer made rude and inappropriate comments to the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/24/16    **DATE OF COMPLETION:** 01/23/17    **PAGE#** 3 of 5

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

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

**FINDINGS OF FACT:** The complainant stated he and four other individuals were sitting on the sidewalk in front of a residence when the named officer and his partner arrived and told them to disperse. The complainant stated that as he started to walk away, he turned and asked the named officer for his star number, which the named officer provided. The complainant then told the named officer he intended to file a complaint against him the following day. The named officer placed the complainant under arrest for the outstanding warrant. The complainant stated he believed the named officer arrested him in retaliation for saying he was going to file a complaint.

A witness stated that he, the complainant and three other individuals were sitting on the sidewalk. A police car with two officers inside pulled up. The named officer shone a light at the complainant and his companions and said something to the effect of "Get up and get going." They all stood up and everyone but the complainant and the witness immediately walked away. The witness began walking to the corner but stayed close enough to observe the complainant's interaction with the officers.

The witness stated that the named officer ran a check on the complainant's name, and told the complainant he had an outstanding citation. He said the complainant began walking away and the officers were returning to their car when the complainant stopped and asked the named officer for his star number. The witness stated the named officer told the complainant he would learn his star number because it would be on his citation, and that he was under arrest. The named officer approached and handcuffed the complainant with assistance from his partner, and placed the complainant in their patrol car. The witness stated that he did not hear the complainant say he was going to file a complaint, and stated that he would have heard this because he was standing in close proximity to the complainant. The OCC was unable to contact the complainant's companion to conduct a follow-up interview.

The named officer's partner stated the named officer told the complainant he had a right to assemble but could not block someone's doorway, and was in violation of the sit-lie law. The complainant continued to argue. The named officer requested and was given the complainant's identification, ran a computer check and determined that the complainant had a warrant for a minor traffic infraction. The named officer told the complainant that he was being disruptive, that he could leave the area, but if he remained and continued being disruptive, he would be arrested for the warrant. The complainant began gathering his belongings.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/24/16    **DATE OF COMPLETION:** 01/23/17    **PAGE#** 4 of 5

**SUMMARY OF ALLEGATION #2 continued:**

He asked for and was given the named officer's star number. The complainant continued being loud, argumentative and disruptive, so the named officer placed him under arrest approximately five to ten seconds after the complainant asked for his star number.

The named officer stated he asked for, and received the complainant's identification, ran a check and determined that the complainant had an outstanding warrant for a traffic violation. He returned the complainant's identification and told him he was free to leave, but if he did not, he would be arrested for the outstanding warrant. The complainant said he would leave and began walking away. The complainant took several steps, turned and again became loud and argumentative. The named officer was concerned that the complainant would continue yelling and causing a disturbance, or that after the officers left, he would sit down on the sidewalk again. The named officer decided to arrest the complainant for the outstanding warrant, and placed him under arrest.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #3:** The officer intentionally damaged property.

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

**FINDINGS OF FACT:** The complainant stated that when the named officer placed him under arrest for the outstanding warrant, he searched the complainant and seized his personal property, including his iPhone, which could be accessed without entering a pass code. The complainant stated that when he was released from the county jail the following morning, he discovered that someone had set a pass code on his phone, which prevented the complainant from accessing the phone. The complainant believed that the named officer entered a pass code on his phone in order to prevent him from filing a complaint. The complainant went to the Apple store to have his phone reset so he could access it. An employee at the Apple store confirmed that the complainant's phone had to be reset because of a pass code.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/24/16    **DATE OF COMPLETION:** 01/23/17    **PAGE#** 5 of 5

**SUMMARY OF ALLEGATION #3 continued:**

The named officer stated he removed the complainant's personal property and placed it on the booking counter at the station, but did not recall the complainant having a cell phone and did not recall turning on a cell phone.

The named officer's partner stated he and the named officer searched the complainant at the booking counter in the station, but he did not recall whether the complainant had a phone. The station keeper, who was responsible for handling prisoner property, stated that he placed the complainant's property, which was atop the booking counter, into a property envelope, which he sealed. He stated that he did not turn on or make any attempts to access the complainant's phone, and did not see any other officer handle the complainant's phone.

Department records established that the complainant's property, including his phone, were transported to the county jail and were in the custody of the Sheriff's Department personnel until the complainant was released the following morning.

There was insufficient evidence to establish that the named officer damaged the complainant's phone by placing a pass code on it.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #4:** The officer engaged in invasion of privacy.

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

**FINDINGS OF FACT:** The complainant stated that the officer invaded his privacy by turning on and accessing his cell phone after he arrested the complainant.

As stated above, there was insufficient evidence to establish that the named officer turned on and accessed the complainant's phone.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/01/16 **DATE OF COMPLETION:** 01/05/17 **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 stated he was washing his clothes at a public laundromat when he was detained for no apparent reason.

The property manager told the OCC that the laundry room is for tenants only and that he had called police to have the complainant removed from the property.

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

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

**SUMMARY OF ALLEGATION #2:** The officer seized the complainant's property.

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

**FINDINGS OF FACT:** The named officer stated that when he attempted to return the complainant's driver's license, the complainant refused, prompting the named officer to book it.

The complainant stated his hands were full of dirty laundry when the named officer attempted to return his driver's license. In addition, the complainant stated he was afraid to approach the officer.

Department records show that the named officer properly booked the complainant's driver's license and prepared an incident report, describing what had occurred.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/01/16    **DATE OF COMPLETION:** 01/05/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3-4:** The officers engaged in inappropriate behavior and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers forced him to apologize to the tenants who called 911.

The named officers denied the allegation. One of the named officers stated he never spoke to the complainant. The other named officer denied making any inappropriate comments.

The majority of the incident was captured on in-house security video. The video reflects that both officers had contact with the complainant. However, the video did not capture sound, so it was unclear from the video what verbal exchange took place.

A witness stated the laundry is the private laundry facility of an apartment building. The witness stated the complainant frightened a tenant in the laundry facility. The building manager called 911 and police responded. The witness stated the named officers did their jobs and acted “very cool” with the complainant. However, the witness did not see the entire incident.

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

**SUMMARY OF ALLEGATION #5:** The officer displayed a weapon without justification.

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

**FINDINGS OF FACT:** The complainant stated an officer drew his service weapon.

All of the responding officers denied drawing their weapons.

The video footage did not capture any officer drawing his weapon.

A witness, who did not observe the entire incident, denied that officers drew their weapons.

The identity of the alleged officer could not be established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/17/16    **DATE OF COMPLETION:** 01/13/17    **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 he wanted to wish his girlfriend's 9 year-old son, who was in foster care, a happy birthday. He stated that when he went to the boy's residence, the boy's foster father pushed him and spat on him and refused to allow him to have contact with the boy. The complainant stated he left the residence when the foster father said he was going to call police. He stated he returned to the residence to provide the officers with his version of events. The complainant stated the named officer threatened to arrest him and made inappropriate comments to him.

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

Dispatch records established that an unknown person called 911 to report a fight/no weapon saying one man was yelling at another man, saying he was trespassing and needed to leave. Ten minutes later, the foster father called 911 reporting that the "sometimes-boyfriend" of his foster son's biological mother was high on drugs and being abusive towards the child. A few seconds later, the foster father called 911 a second time saying the complainant had assaulted him.

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

The named officer stated the complainant displayed objective signs of intoxication and was vulgar, erratic, belligerent, aggressive and verbally abusive. The officer stated he did not recall making inappropriate comments and denied threatening to arrest the complainant. He stated he advised the complainant that he could be placed under arrest if the foster father signed a citizen's arrest.

The named officer's partner stated that the named officer did not threaten to arrest the complainant. Rather, the named officer told the complainant he had the right to make a citizen's arrest. This officer denied hearing the named officer make any inappropriate comments.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/17/16    **DATE OF COMPLETION:** 01/13/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated the named officers did not take his statement at the scene and did not interview any witnesses. He stated the officers did not notice his visible injuries. He further stated that the police report incorrectly stated that he told police that the foster father spat on his jacket. Two weeks after the incident, the complainant went to Central Station and provided a written statement that was attached as a supplemental incident report.

The incident report showed that when the named officers responded to the scene, the complainant had fled. The foster father told the officers that the complainant wanted to see the nine year-old foster child and the foster father refused to allow the contact. The complainant refused to leave, and the foster father grabbed the complainant by the shirt and pushed him backwards. The complainant then struck the foster father's chin twice with a closed fist. The foster father had an abrasion on his chin. The complainant then returned to the scene. The complainant acknowledged that he refused the foster father's requests to leave the property. He stated the foster father pushed him and spat on his jacket. The complainant had no visible injuries. Both parties refused offers to sign a citizen's arrest. The child was inside the residence during the altercation. There were no witnesses and no cameras in the area, according to the report.

In a Supplemental Report, the complainant provided a written statement, a photo and a doctor's report, which states the complainant complained that someone spat in his eye, resulting in redness and itching.

One of the named officers stated he took the following actions in response to this call: he interviewed all parties; advised both parties of their ability to make a citizen's arrest; asked them if they wanted medical attention; and prepared a report. He stated the complainant's speech was slurred and had glazed eyes and his face was flushed.

The second named officer stated he did not recall any objective signs of intoxication on the complainant. He stated the complainant did not have any visible injuries. He stated the complainant said that the foster father spat on his jacket – but did not hit him. This officer stated both parties were advised of their right to complete a Citizen's Arrest and both declined.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/18/16    **DATE OF COMPLETION:** 01/19/17    **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that he was cited without cause for failing to yield to a pedestrian in a crosswalk. The complainant stated that he did not see a pedestrian in the crosswalk.

The named officer and his partner stated that they observed two vehicles fail to yield to a pedestrian in a crosswalk. They stated that another officer stopped the first vehicle that failed to yield, and that they stopped the second vehicle, driven by the complainant. The named officer stated that he cited the complainant for failing to yield to a pedestrian in a crosswalk.

The complainant's corroborated the named officer's account of what happened. However, the complainant denied seeing the pedestrian.

The evidence established that the named officer and his partner were more credible than the complainant.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/18/16    **DATE OF COMPLETION:** 01/19/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #2 - 3:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers stopped and cited him for failing to yield to a pedestrian in a crosswalk. When the complainant did not sign the citation, the officers told him his car, which was double-parked, was blocking traffic, and exhorted him to sign the citation. The complainant stated the officers told him he would be arrested if he did not sign the citation. He felt he was justified in taking his time to sign the citation and told the officers that he expected them to wait until he calmed down and was ready to sign the citation. The complainant acknowledged he sent a text to a friend, while the officers were waiting for him to sign the citation. The complainant thought the officers acted inappropriately when they repeatedly told him to sign the citation. The complainant stated that he was annoyed and angry because he thought he was being cited without cause.

The officer who initiated the traffic stop and contacted the complainant stated the complainant said he would sign the citation, and then began texting on his phone. The officer asked the complainant to put his phone away and sign the citation. The complainant replied that he would sign the citation, but continued to text on his phone. This officer and his partner both told the complainant he was delaying the situation by not signing the citation. The complainant asked the officers why they were rushing him, and asked what would happen if he did not sign the citation. This officer told the complainant he would be arrested if he did not sign the citation. This officer told the complainant he was summoning a sergeant to the scene. A sergeant responded and spoke to the complainant, who eventually signed the citation.

The partner of the officer who contacted the complainant stated she gave the complainant his options regarding signing the citation. She stated she did not recall her or her partner making the specific statements described by the complainant.

Dispatch records established that twelve minutes after the officers obtained the complainant's driver's license, they reported that he was refusing to sign the citation. These records established that the named officers were on the scene with the complainant for thirty minutes before a sergeant arrived on scene and the complainant signed the citation. The records showed that the officers were on the scene with the complainant for over forty minutes before the complainant signed the citation.

The evidence established that the complainant failed to sign a traffic citation for an extended period while stopped in a traffic lane. Under the circumstances, the officers were justified in telling the complainant to sign the citation. The evidence established that the officers actions were justified, lawful and proper.



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**DATE OF COMPLAINT:** 03/18/16    **DATE OF COMPLETION:** 01/19/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #4-5:** The officers failed to initiate a traffic stop in a timely manner.

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

**FINDINGS OF FACT:** The complainant stated that officers initiated a traffic stop on his car two blocks from where they claimed he failed to yield to a pedestrian. The complainant felt the officers failed to initiate the traffic stop in a timely manner.

The named officers stated that to avoid a traffic obstruction, they waited until the traffic light the complainant was stopped at turned green to initiate the traffic stop.

The evidence established that the named officers initiated the traffic stop in a timely manner.

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 by the complainant.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/25/16    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated security officers assaulted him at a local hotel. A Good Samaritan called 911 and police responded to the scene. Officers found the complainant in the middle of a crosswalk outside the hotel, handcuffed, bleeding and complaining of pain. The officers called for an ambulance, interviewed a witness, generated an incident report, reviewed available video and referred the case to the Station Investigation officers for further investigation. The District Attorney determined not to charge anyone in this matter.

The complainant stated that when he sought to follow up at the district police station with the named officer, the named officer was a “no show” at their appointment.

The named officer denied the allegation. She stated the complainant did not show for their appointment that they had scheduled for one day earlier than when the complainant came to the station.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated a “male Latino officer” was rude to him at a local police station on a specific date.

The complainant is deceased and cannot provide additional descriptive information required to investigate his allegation.

**OFFICE OF CITIZEN COMPLAINTS  
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**DATE OF COMPLAINT:** 03/25/16    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 2 of 2

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

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

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

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

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

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

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

SFPD Headquarters  
Internal Affairs Division  
1245 Third Street  
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/08/16 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/08/16 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officers used unnecessary force during an arrest.

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

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

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

**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:** 04/18/16    **DATE OF COMPLETION:** 01/20/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated in his written complaint that two officers detained him and accused him of having an open alcohol container. The complainant denied the accusation and stated that the detention was unlawful because he did not do anything wrong.

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

The named officers stated they detained the complainant after they saw him drinking a can of beer. The officers stated that when the complainant realized their presence, the complainant slipped the beer can inside his jacket's left pocket and started walking away, prompting the complainant's initial detention.

No witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #3-4:** The officers arrested the complainant without cause.

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

**FINDINGS OF FACT:** The complainant stated in his written complaint that two officers arrested him for assault on a police officer and resisting arrest when he had done nothing wrong.

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

The named officers stated they detained the complainant after they saw him drinking a can of beer. The officers stated that when the complainant realized their presence, the complainant slipped the beer can inside his jacket's left pocket and started walking away, prompting the complainant's initial detention. The named officers stated the complainant resisted, refusing to cooperate and kicking one of the named officers. The complainant was then taken into custody.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/18/16    **DATE OF COMPLETION:** 01/20/17    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #5-6:** The officers used unnecessary force during an arrest.

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

**FINDINGS OF FACT:** The complainant stated in his written complaint that two officers pulled him to the ground by his arms.

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

One of the named officers stated that during the initial contact, the complainant's left hand was inside his left jacket pocket and he refused numerous orders to remove it. The officer stated he thought the complainant had a weapon, so he grabbed the complainant's left arm and attempted to pull it out from his pocket. The officer stated the complainant turned his body to break free and became combative, forcing the officer to grab the back collar area of the complainant's jacket and pull him down to the ground.

The other named officer stated that he saw his partner and the complainant struggling on the ground. The officer stated he exited his vehicle and assisted his partner in arresting the complainant who was resisting arrest.

No witnesses were identified.

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

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

**SUMMARY OF ALLEGATIONS #7-8:** The officers made a racially derogatory comment.

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

**FINDINGS OF FACT:** The complainant stated in his written complaint that officers who arrested him used racial slurs and made inappropriate comments.

The named officers denied the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/05/16 **DATE OF COMPLETION:** 01/19/17 **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that he was pushing his bicycle when the named officers detained him for no apparent reason, pointing out that he did not have lights on his bicycle. The complainant denied riding his bicycle when he was detained.

The named officers stated they observed the complainant riding his bicycle at night without a front light. The named officers detained the complainant to cite him for violating California Vehicle Code Section 21201(d)(1), which states:

(d) A bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined in Section 890.4 of the Streets and Highways Code, shall be equipped with all of the following:

(1) A lamp emitting a white light that, while the bicycle is in motion, illuminates the highway, sidewalk, or bikeway in front of the bicyclist and is visible from a distance of 300 feet in front and from the sides of the bicycle.

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

The named officers stated they detained the complainant for riding his bicycle without a front light, which the complainant denied.

No 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 handcuffed the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was placed in handcuffs without justification.

The named officers stated they initially detained the complainant for riding his bicycle without a front light, which the complainant denied. The named officers stated that the complainant was then arrested and placed in handcuffs due to an outstanding warrant.

The complainant denied that the officers had any reason to initially detaining him, claiming that he was not riding his bicycle when he was detained.

No witnesses were identified.

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

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

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

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

The named officers stated they initially detained the complainant for riding his bicycle without a front light, which the complainant denied. The named officers stated that the complainant was then arrested and placed in handcuffs due to an outstanding warrant.

The complainant denied that the officers had any reason to initially detain him, claiming that he was not riding his bicycle when he was detained.

No witnesses were identified.

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

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**SUMMARY OF ALLEGATIONS #7-8:** The officers pat searched the complainant without justification.

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

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

The named officers stated they initially detained the complainant for riding his bicycle without a front light, which the complainant denied. The named officers stated that the complainant was then arrested and placed in handcuffs due to an outstanding warrant. The officers stated that the complainant was searched for weapons prior to transporting him to the station following his arrest.

The complainant denied that the officers had any reason to initially detain him, claiming that he was not riding his bicycle when he was detained.

No witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #9-10:** The officers searched the complainant's personal property without cause.

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

**FINDINGS OF FACT:** The complainant stated the officers searched his backpack without cause.

The named officers stated they initially detained the complainant for riding his bicycle without a front light, which the complainant denied. The named officers stated that the complainant was then arrested and placed in handcuffs due to an outstanding warrant. The named officers stated that the complainant's backpack was searched at the station prior to booking him.

The complainant denied that the officers had any reason to initially detain him, claiming that he was not riding his bicycle when he was detained.

No witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/05/16 **DATE OF COMPLETION:** 01/19/17 **PAGE#** 4 of 5

**SUMMARY OF ALLEGATIONS #11-12:** The officers seized the complainant's property.

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

**FINDINGS OF FACT:** The complainant stated the officers seized his bag that contained his wife's debit card, marijuana and medication. He said the items belonged to his wife and he is her "provider".

Department records established that the items seized when the complainant was booked were booked into evidence and documented in the incident report.

The complainant denied that the officers had any reason to initially detain him, claiming that he was not riding his bicycle when he was detained.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #13:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officer got really mad because the complainant told him he was violating his rights.

The named officer, his partner, and the officers' supervisor denied the allegation.

No independent witnesses were identified.

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

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**DATE OF COMPLAINT:** 05/05/16 **DATE OF COMPLETION:** 01/19/17 **PAGE#** 5 of 5

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

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

**FINDINGS OF FACT:** 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, 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
- Traffic collisions
- Assistance to motorists
- BOLO/APB/Warrants.

SFPD General Order 2.01 states, in part:

Unless otherwise ordered, when two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.

The Department found no records showing the named officer entered the required information. At the time of the incident, the named officer was a Field Training Officer (FTO) responsible for supervising a recruit. The named officer stated he did not think he did the E585 entry because it was the recruit's responsibility to complete the E585. However, the named officer acknowledged that as the senior officer, he would be responsible for completing the assignment. The named officer was unaware if his recruit completed the E585 entry and he did not recall giving the recruit any instructions on completing the E585.

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  
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**DATE OF COMPLAINT:** 05/27/16    **DATE OF COMPLETION:** 01/20/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer exhibited threatening and intimidating behavior.

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

**FINDINGS OF FACT:** The complainant stated she was in front of her house when she saw a black and white police vehicle with three officers in it drive slowly by in the street. The complainant alleged that the officer seated in the back seat exhibited threatening and intimidating behavior by aiming a shotgun at a woman standing on the sidewalk close to the complainant.

Department records show that only one unit on the roster from the involved district had three officers assigned to it. The officers in that unit denied the allegation, adding that none of them was equipped with a shotgun that day.

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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COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/17/16    **DATE OF COMPLETION:** 01/05/17    **PAGE #** 1 of 6

**SUMMARY OF ALLEGATION #1:** The officer harassed persons.

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

**FINDINGS OF FACT:** The complainant stated the named officer harassed her and other persons at San Francisco Superior Court during a bail hearing for her son and on other specific dates.

The named officer stated he attended an arraignment and a bail hearing for the complainant's son. He denied harassing the complainant or anyone else. Following a discussion with the deputy district attorney, the named officer stated he stopped attending court hearings.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officer behaved inappropriately and made inappropriate comments. The complainant made reference to the named officer's audio-recorded statements in a meeting with junior officers following the detention of several African American men in an unrelated incident that was separately video-recorded. A local newspaper published the recordings. The audio recording reflects the named officer prefacing his questions to other officers with "Who the hell is," describes potential suspects in a video recording as "ugly," "fat," and that a certain individual is about to "piss him off." The named officer can be heard laughing at one video subject and his susceptibility as a target of law enforcement because of his daily presence at a specific location. The named officer had long-time SFPD tenure, served as an example to the officers at the meeting, and is a Subject Matter Expert at the SFPD Academy in gang related matters.

The named officer authenticated his voice on the audio recording referenced by the complainant and admitted he behaved badly in the presence of junior officers and made numerous inappropriate statements. The named officer admitted his comments were inappropriate, had no law enforcement purpose and that he was a poor example to officers.

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 sexually derogatory comments.

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

**FINDINGS OF FACT:** The complainant made reference to the named officer's audio-recorded statements in a conference with junior officers following the arrest and detention of several African American men in an unrelated incident that was separately video-recorded. Both recordings were published online by a local newspaper. The complainant stated the named officer used sexually derogatory terms when speaking of an individual in custody as well as a member of the defense bar. The audio recording also reflects the named officer calling a subject in the video a sexually derogatory term.

The named officer authenticated his voice on the audio recording referenced by the complainant and admitted he made the sexually derogatory statements. The named officer admitted his actions reflected discredit upon himself and the SFPD, set a poor example and violated applicable SFPD policy. With regard to the member of the defense Bar, the officer showed no remorse, stating that he had not apologized to her, stating that he preferred to keep a professional distance, when he knew or had reason to know that he will continue to have contact with her in court.

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 ALLEGATIONS #1-3:** The officers used profanity.

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

**FINDINGS OF FACT:** The complainant made reference to the named officer's audio-recorded statements in a meeting between a superior officer and junior officers following the arrest and detention of several African American men in an unrelated incident that was separately video-recorded. Both recordings were published online by a local newspaper. During the OCC's investigation, additional misconduct came to light and the OCC discovered the superior officer, along with two additional junior officers, made use of profanity when referring to persons in the video.

The named officers authenticated their voices on the audio recording referenced by the complainant and admitted they made use of profanity. The named officers admitted their actions were a violation of the DGOs. The officers all stated they were in a meeting behind closed doors and their comments were not meant for the public.

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

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

**FINDINGS OF FACT:** In her complaint, the complainant referred to an audio recording of a meeting between a superior officer and junior officers following the arrest and detention of numerous African American men shooting a dance video at a playground. Both recordings were published online by a local newspaper. The audio recording reflects the named officer behaving inappropriately and making inappropriate comments regarding individual subjects depicted in the video as if they were having a private, off duty conversation. The named officer described a subject as a “retard.”

The named officer admitted he used the term “retard” in describing the subject. The named officer explained he made a poor word choice, stating he did so as the product of his exasperation with the subject. Although the named officer admitted in his interview that his conduct was in violation of DGO 2.01, he stated it did not occur to him the use of such words was inappropriate. The named officer stated at the time, he was in a private conversation with other officers behind closed doors.

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 #5:** The officer engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant referenced the named officer’s audio-recorded statements in his conference with junior officers following the arrest and detention of several African American men dancing in a Hip Hop video in an unrelated incident. Both recordings were published online by a local newspaper. The audio recording reflects the named officer saying, “(e)specially...on a Sunday (,) they should all be in church (laughs). Or home getting ready for their job interviews or go to work on Monday.”

The named officer denied the allegation. He admitted he was one of the most senior officers in the meeting and that he made the comments. He denied engaging in biased policing based on race. The named officer stated he responded to a local station as the on-call gang inspector, performed interviews of four suspects, and met with several officers he did not supervise. He stated he was tired at the time, and that he had a previous intimate relationship with an African American person and had personally experienced racial bias.

The named officer was an on-call gang specialist who responded to a police station regarding four suspected gang members taken into custody. Street officers had seized a firearm and narcotics and looked to the named officer as an example. Prior to the meeting, the named officer interviewed four suspects. During two of the suspect interviews, the named officer learned that two suspects with whom he was well acquainted were employed and supporting families. The named officer documented this information in his Chronological of Investigation.

Following his suspect interviews, the named officer made a racially biased statement that included the words, “**They**” in general reference to the African-American males in the video regarding their employment status and they should be in church instead of making a video. The named officer made this statement in a managerial, closed-door setting in the presence of junior officers who sought him out for guidance in report writing and authoring charges. The named officer’s comments were audio-recorded and made public through his negligent failure to check his recordings when forwarding a rebooking packet of suspect interviews to the District Attorney.

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**SUMMARY OF OCC-ADDED ALLEGATION #5 continued:**

Department General Order 5.17 in relevant part states:

One of the Department’s guiding principles is our commitment to treat all people with dignity, fairness, and respect. This order outlines the policy for policing without racial bias. The members of the San Francisco Police Department have always striven to gain the trust of the community. To maintain that trust, it is crucial for members of our Department to carry out their duties in a manner free from bias and to eliminate any perception of policing that appears racially biased.”

The named officer’s comments throughout the video set himself apart from the African-American individuals in the video and would be reasonably perceived by the public as racially biased as everyone he is speaking about as “they” are African American males. The named officer’s comments would be perceived that he is not practicing bias free policing as is the policy of the San Francisco Police Department.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/24/16    **DATE OF COMPLETION:** 01/26/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that someone had broken into his vehicle. He stated the named officer did not conduct a fingerprint check on his vehicle. The complainant further stated the reviewing officer failed to check the accuracy of the report.

The officer who wrote the report stated he offered to fingerprint the complainant's car, but the complainant refused. The officer who reviewed the report stated the report was complete and accurate, covering the elements of the crime reported.

A witness officer and a civilian witness stated they did not hear what was said between the complainant and the named officer. Another witness stated the complainant refused to allow the named officer to lift fingerprints from the complainant's vehicle.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

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

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

**FINDINGS OF FACT:** The complainant stated that the incident report was inaccurate. He stated the officer did not make contact with him, and that the complainant made contact with the officer. In addition, the complainant denied telling the named officer about his stolen drones as indicated in the report.

The named officer denied the allegation, stating that the complainant told him that there were two specific drones that were taken from the complainant's vehicle.

A witness stated he did not hear the conversation between the named officer and the complainant.

No other witnesses came forward.

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

**SUMMARY OF ALLEGATIONS #4-5:** The officers engaged in biased policing, due to race.

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

**FINDINGS OF FACT:** The complainant stated the officers discriminated against him because of his race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied that the complainant's race was a factor in how they conducted their investigation.

Witnesses stated the officers were helpful. One of the witnesses stated the officers were not confrontational and that all the victims were African American.

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:** 07/01/16      **DATE OF COMPLETION:** 01/12/17      **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he was stopped and cited for failing to yield to a pedestrian. The complainant stated the named officer was argumentative, antagonistic, and combative during the traffic stop.

The named officer denied the allegation, stating that he conducted himself in a professional manner during his contact with the complainant.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that he was driving and looking for a parking space when the named officer detained and cited him for failing to yield to a pedestrian. The complainant stated he did not see any pedestrians in the crosswalk area.

The named officer stated he observed the complainant fail to yield to a pedestrian walking in the crosswalk, prompting the named officer to issue the complainant a citation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/01/16      **DATE OF COMPLETION:** 01/12/17      **PAGE#** 2 of 3

**SUMMARY OF ALLEGATION #3:** The officer engaged in biased policing based on race.

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

**FINDINGS OF FACT:** The complainant alleged he was racially profiled.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied the allegation, stating that race was not a factor. The named officer stated the complainant failed to yield to a crossing pedestrian, prompting him to conduct a traffic stop and cite the complainant for the violation.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** The officer failed to provide his commander's name and phone number upon request.

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

**FINDINGS OF FACT:** The complainant stated he repeatedly asked for the named officer's commander's contact information, but the named officer refused.

The named officer denied the allegation. The named officer stated he provided his lieutenant's name and phone number to the complainant during the traffic stop.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/01/16      **DATE OF COMPLETION:** 01/12/17      **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officer appeared disheveled.

The named officer denied the allegation.

No witnesses were identified.

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

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer failed to 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, states, in part, "Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

- Moving violations, including bicycles and pedestrians

To the officer's credit, he acknowledged that he failed to enter the required traffic stop data for this traffic stop.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/16      **DATE OF COMPLETION:** 01/20/17      **PAGE#** 1 of 3

**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 that an officer at Tenderloin Station, whose name he provided, had refused to write an incident report.

Department records showed that there was not an officer with the name provided by the complainant on duty in the Tenderloin District. Further, a poll of officers at the Tenderloin District station failed to identify any officer who had contact with the complainant as described by the complainant.

No witnesses were identified.

The identity of the officer has not been established.

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 he got into an argument with the manager of his residential building. The complainant stated he had posted a sign outside the building protesting what he felt were poor conditions. The complainant stated that when the building manager went outside to get the poster, the complainant and the building manager struggled briefly over the sign. The complainant stated that in the course of the struggle, the metal tip of the “mop stick” that the poster was mounted on struck the complainant just below his neckline. The complainant stated that both he and the building manager called 911. When police arrived, the complainant gave the named officer his side of the story, stating that he believed the building manager intentionally “assaulted” him. The complainant stated the named officer then went inside the building and spoke to the building manager for 15-20 minutes, came out and handed the complainant a citation for battery without explanation. The complainant felt the officer just took the building manager’s word as truth.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/16      **DATE OF COMPLETION:** 01/20/17      **PAGE#** 2 of 3

The named officer stated that when he responded to the call, he observed the complainant standing outside the building with cardboard signs. The complainant told the officer the signs had been affixed to the building before the property manager came outside, removed one of them from the building, and struck the complainant with a stick on the sign. The named officer said that the complainant wanted the building manager arrested. The officer stated he entered the building to locate the building manager, who at that point was the suspect. When he found the manager, the manager stated that the complainant had struck him in the back after he removed the complainant's signs from the building.

The named officer stated he advised the building manager of the allegation against him and asked to view video footage to determine what crimes, if any, had been committed. The named officer stated that, upon viewing the footage, he did not observe the building manager strike the complainant. To the contrary, the footage depicted the complainant following the building manager in close proximity, swinging his arms. The named officer said that, based on the video evidence and the allegation of the manager, he issued the complainant a citation for battery.

The police report detailing the incident indicates that the named officer spoke to the complainant and the building manager, viewed the video footage that captured the alleged batteries, and determined the complainant should be cited.

The building manager stated the complainant had posted signs outside on the window and walls, contrary to the building rules. He asked the complainant to remove the signs, but he refused. The building manager started removing the signs. He stated that while he was doing so, the complainant was swinging his arms and reaching for the sign, and the complainant struck him in the back. The building manager then called the police. The building manager stated the named officer spoke with the building manager, his supervisor, and another tenant, and then made a report. The building manager stated he brought the named officer to his office and showed him the building's surveillance video to disprove the complainant's account of events.

A witness who was seated in the building lobby at the time of the incident stated that the complainant had posted signs, calling the building manager a "cockroach." The witness stated that when the building manager came to remove the signs, the complainant chased him into the building and appeared to hit him. The witness stated that he did not speak with police.

Another witness stated that, after the building manager went outside to remove the complainant's signs, the complainant was reaching for and grabbing at the signs, trying to "tussle" with the building manager. The witness could not determine whether the complainant struck the manager. The witness stated the named officer looked at CCTV footage and got statements from witnesses to determine what happened.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/16      **DATE OF COMPLETION:** 01/20/17      **PAGE#** 3 of 3

On-site video footage of the building's exterior showed the complainant at the opposite end of the block from the camera. The complainant could be seen putting signs on the building's windows. The building manager is seen struggling with the complainant. There is no pole or stick visible on the video, nor is there evidence that the complainant was struck. As the building manager took the signs and walked into the building, the complainant could be seen close behind him, with his arm outstretched toward the building manager as they walked into the building and out of camera range.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #3:** The officer wrote an inaccurate and incomplete police report.

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

**FINDINGS OF FACT:** The complainant stated that when the named officer arrived at the scene, he gave his account of the event to the officer, and then the officer kept the complainant outside the building while he went inside to speak only to the building manager and other representatives of the management company. The complainant stated the named officer accepted the building manager's false account of events as truth and represented that in his report. The complainant stated the named officer never even tried to get his account of the incident.

The named officer stated that, upon arrival, he spoke first with the complainant, who stated that the property manager had assaulted him and requested the building manager's arrest. The named officer stated he then entered the building to further investigate and to seek out the building manager as a potential suspect. The building manager related his side of the story, which contradicted that of the complainant. The named officer then requested to view surveillance video footage, which supported the plausibility of the building manager's account of events and disproved the complainant's account. Based on this evidence, the named officer gave the complainant a citation. The named officer stated that he included the complainant's account in the incident report, and that the incident report was a complete and factually accurate account of what he observed.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/16    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he attempted to make contact with the named officer during a two-month period in 2016, but she ignored him. The complainant provided copies of his emails and letters to the named officer, as well as the named officers' replies to the complainant. He acknowledged that he met with the named officer during this time period at the Hall of Justice building and the named officer provided him with a training module and a supplemental form.

The named officer stated that between a five-month period in 2016, she telephoned the complainant and "emailed him repeatedly." The named officer provided the complainant with a completed Property Release Form so he could pick up his property. The officer also met with the complainant in the conference room at the Special Victims Unit.

An analysis of the documented contact between the complainant and the named officer showed that the named officer consistently responded to the complainant in a reasonable and timely manner and also met his demand that his property be returned. Correspondence written by the complainant and the named officer confirmed that the two met on a day in late August 2016.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/01/16 **DATE OF COMPLETION:** 01/26/17 **PAGE #** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer behaved rudely and made a rude comment.

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

**FINDINGS OF FACT:** The complainant stated the officer was rude when he greeted him. The complainant stated that the named officer grunted and told him to get out of his face.

The officer denied the allegation. He stated the complainant interrupted his conversation with his partner officer in order to tell the named officer a joke.

The officer's partner stated he did not recall what the named officer said to the complainant and said he did not pay attention to the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/31/16    **DATE OF COMPLETION:** 01/13/17    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer drove a Department vehicle in an unsafe manner.

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

**FINDINGS OF FACT:** The complainant submitted an online complaint form and alleged that he was driving northbound on US 101 near the Candlestick exit when he observed an SFPD van driving in a reckless and unsafe manner. The complainant did not respond to the OCC's request for an interview; however, he sent an email reply providing the vehicle number, and indicated he did not get a license plate number. He believed there were at least two (2) passengers and is certain the driver was male, but could not provide a description or any further information regarding the van and its occupants.

Department Records show that the vehicle number identified by the complainant was assigned to the Tactical Unit.

One officer questioned by the OCC denied he was driving the vehicle at the time in question.

An Officer Identification Poll was sent to the Captain of the Tactical Unit, but no officers were identified by the Captain as being involved in this incident.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/02/16 **DATE OF COMPLETION:** 01/31/17 **PAGE#** 1 of 1

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/09/16    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that officers failed to investigate crimes against him. The complainant did not provide any names or further information and did not respond to requests for additional information.

The complainant failed to provide additional requested evidence.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/16    **DATE OF COMPLETION:** 01/31/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was legally crossing the street in a crosswalk, when he was nearly hit by the named officer. The complainant stated that the named officer was driving at a high rate of speed without emergency lights or a turn signal activated, and came within two feet of hitting him.

The named officer did not recall the incident. The named officer did not recall using his lights or even whether he was at the intersection at the time of the incident. He denied speeding.

The complainant provided a photograph of the police vehicle. Records from the San Francisco Department of Emergency Management and the San Francisco Department of Technology indicated that the named officer used the vehicle during his shift.

No witnesses were identified.

The evidence showed that the named officer was driving the vehicle photographed by the complainant at the date and time the complainant stated he was nearly hit. However, there was no independent evidence to indicate that the named officer was driving improperly or recklessly.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/16    **DATE OF COMPLETION:** 01/31/17    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer entered the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officer, assisting her property manager with a mold inspection, demanded entry to her home. The complainant stated that the named officer put his foot in her doorway, preventing her from closing it. The complainant stated that the named officer eventually removed his foot and told her that he hoped she died from mold.

The named officer denied entering complainant's home or stopping her from closing her door. The named officer stated that he had been called by the property manager to assist with the mold inspection because complainant had made complaints about the property manager in the past. The named officer stated that the complainant opened her door when the property manager knocked, but refused entry.

The property manager stated that the City contract for subsidized housing required an annual mold inspection, and he had made several attempts to inspect complainant's unit. He could not remember the specific incident, but he stated that the named officer was one of the most professional officers he deals with on Treasure Island. The property manager also stated that there was a restraining order against complainant for creating a hostile work environment at the property.

No other witnesses came forward.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/16/16    **DATE OF COMPLETION:** 01/31/17    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer told her that he hoped she died from mold when she refused to allow the named officer inside her apartment without a warrant.

The named officer denied making the alleged statement. He stated that he had been called by the property manager to assist with the mold inspection because complainant had made complaints about the property manager in the past. The named officer stated the complainant opened her door when the property manager knocked, but refused entry, so they left.

The property manager stated that the City contract for subsidized housing required an annual mold inspection, and he had made several attempts to inspect complainant's unit. He could not remember the specific incident, but he stated that the named officer was one of the most professional officers he deals with on Treasure Island.

According to the property manager, the complainant has filed complaints against him for trespassing and for sexual harassment when his only interest is to conduct the required annual mold inspection. The property manager also stated that there was a restraining order against complainant for creating a hostile work environment at the property.

Based on the evidence gathered, the named officer and the property manager were more credible than the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/24/15    **DATE OF COMPLETION:** 01/25/17    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant is a Spanish speaker who stated that a woman falsely accused her of battery outside a SFMTA coach before both entered the coach, where the accuser eventually battered the complainant. The complainant stated the named officer issued her a citation for battery without cause.

The bilingual named officer said the complainant flagged him down from a sidewalk with no SFMTA coach or witness in sight. The named officer also stated that since the misdemeanor did not occur in his presence, he cited both parties based on mutual accusations and the lack of an independent witness or immediate access to SFMTA video footage to establish the primary aggressor. The named officer prepared an incident report as required.

Two back up officers said they remained at a distance from the named officer and the parties to the dispute and could not hear the interviews by the named officer.

The bus driver said she did not witness the altercation, could not recall her conversation with an officer, and that SFMTA dispatch instructed her to drive on.

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:** 08/24/15    **DATE OF COMPLETION:** 01/25/17    **PAGE#** 2 of 2

**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 failed to interview two witnesses standing outside the SFMTA coach, would not consider the SFMTA footage, tried to discourage her from pressing charges, and then refused to photograph her injuries.

The named officer stated there was no witness with the complainant, had no immediate access to SFMTA video footage, denied he tried to discourage the complainant from pressing charges, and stated that both parties refused to be photographed.

Two back-up officers on scene said they did not understand Spanish and could not hear the conversations between the named officer and the parties involved in the altercation.

The bus driver said she did not witness the altercation, could not recall her conversation with an officer, and that SFMTA dispatch instructed her to drive on.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/16    **DATE OF COMPLETION:** 01/13/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 11, 2017.

**SUMMARY OF ALLEGATIONS #3-4:** The officers engaged in inappropriate conduct.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on January 11, 2017.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/17/16    **DATE OF COMPLETION:** 01/10/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant provided a license plate for a patrol car. She stated she observed the patrol vehicle being driven in a negligent manner in the Tenderloin Police district at 7:50 a.m. The complainant stated she could not provide any further information regarding the patrol car or its occupants.

Department Records show that the vehicle identified by the complainant was assigned to Richmond Station.

Several officers were questioned and denied that they were driving the vehicle or working at the time the complainant stated she observed the vehicle.

An Officer Identification Poll was sent to the station Captain but no officers were identified by the Captain as being involved in this incident.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/16    **DATE OF COMPLETION:** 01/20/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that she called the police regarding loud music in her apartment building. She was told that officers would respond, but they never did.

Records from the Department of Emergency Management (DEM) indicated that the named officers' unit notified dispatch that they were at the scene regarding the call-for-service, and then 23 minutes later were preempted to another call.

The named officers stated they had no recollection of responding to the call or arriving at the complainant's address, and could not account for the 23-minute period before they were preempted. They stated that they would not have intentionally indicated "ONSCN" if they were not actually there. They further stated that, had they been at the scene, they would have dealt with the call and spoken to the complainant. They noted that the CAD has them as "on scene" only six seconds after they acknowledged the call. Given the short amount of time elapsed, they suggested that dispatch might have marked them as being present at the scene when they were not.

DEM staff reviewed the CAD transcript and confirmed that the "ONSCN" signal originated from the computer terminal in the officers' patrol car. She also stated that, given that there was a 6-second gap between the officers' acknowledgement of the call and their alleged arrival at the scene, it is possible the officers accidentally hit the button on the terminal that placed them "On-scene."

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/04/16    **DATE OF COMPLETION:** 01/31/17    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that she called the police when she discovered her car had been broken into. The complainant stated the named officers arrived, investigated, and processed her vehicle for fingerprints. The complainant stated that, while the officers seemed helpful, she believed that they were influenced by others to conceal the identity of the potential suspect and otherwise prevent a thorough and transparent investigation of the incident.

The named officers denied the complainant's allegations, stating that they were not concealing the identity of any potential suspects and not preventing a thorough investigation into the crime.

An incident report documented that the named officers investigated the auto boost, but were unable to find any usable fingerprints. The incident report documented that complainant was provided with a case number and a Marsy's card. A photograph of the vehicle's broken window was booked as evidence.

San Francisco Police Department Bulletin 16-069 requires officers to process burglarized vehicles for fingerprints.

The named officers, from two different units, investigated the auto break in and followed procedure.

The complainant agreed that the officers were helpful and the experience was good.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/16/16 **DATE OF COMPLETION:** 01/25/17 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant, who wished to remain anonymous, stated she saw numerous officers standing around doing nothing. The complainant stated that when she asked for their names and star numbers, they refused. The complainant was unable to identify any of the officers.

The identity of the alleged officers could not be established from the Officer Polls that were sent to two district stations.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant, who wished to remain anonymous, stated she saw numerous officers standing around doing nothing. The complainant stated that when she asked for their names and star numbers, they refused. The complainant was unable to identify any of the officers.

The identity of the alleged officers could not be established from the Officer Polls that were sent to two district stations.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/05/16    **DATE OF COMPLETION:** 01/13/17    **PAGE #** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer seized property without cause.

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

**FINDINGS OF FACT:** The complainant stated that an unknown police officer searched his property, including a tent. The complainant further stated that the officer confiscated and destroyed his property in his presence.

The complainant is anonymous and did not provide any contact information to conduct a follow up interview.

No witnesses were identified.

The complainant provided insufficient information for the OCC to conduct its investigation.

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

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

**FINDINGS OF FACT:** The complainant stated an unknown officer arrested him without cause.

The complainant is anonymous and did not provide any contact information to conduct a follow up interview.

No witnesses were identified.

The complainant provided insufficient information for the OCC to conduct its investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/05/16 **DATE OF COMPLETION:** 01/13/17 **PAGE #** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the unknown officer battered him and sexually assaulted him while in custody.

The complainant is anonymous and did not provide any contact information to conduct a follow up interview.

No witnesses were identified.

The complainant provided insufficient information for the OCC to conduct its investigation.

**SUMMARY OF ALLEGATION #4:** The officer failed to provide Miranda warning.

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

**FINDINGS OF FACT:** The complainant stated that the officer failed to read him his Miranda rights.

The complainant is anonymous and did not provide any contact information to conduct a follow up interview.

No witnesses were identified.

The complainant provided insufficient information for the OCC to conduct its investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/05/16 **DATE OF COMPLETION:** 01/13/17 **PAGE #** 3 of 3

**SUMMARY OF ALLEGATION #5:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officer destroyed his property.

The complainant is anonymous and did not provide any contact information to conduct a follow up interview.

No witnesses were identified.

The complainant provided insufficient information for the OCC to conduct its investigation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/27/15    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1 - 4:** The officers used force during a detention.

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

**FINDINGS OF FACT:** The complainant stated that he was being followed, prompting him to drive to a nearby police station. He stated that prior to being followed, he had found a backpack that contained a Salvadorian passport and construction tools – items he wanted to turn over to the police. The complainant stated he could not find parking, so he illegally parked in front of the police station with the permission of an officer. After exiting the station to go to his vehicle to get the backpack he had placed on top of his car, an officer lunged at him without saying anything. The complainant stated he reacted by pushing the officer and running back into the station, where numerous officers began to use force, hitting him in the face and kicking him in the neck and back while he was on the ground.

Two of the named officers stated they saw the complainant outside the station waving a knife. By the time these two officers approached the complainant, the complainant no longer had the knife in his hand. When asked where the knife was, the complainant ran past the officers into the station, where the officers saw the complainant on the ground with numerous officers attempting to place the complainant in handcuffs. After a brief struggle, the complainant was placed in handcuffs.

The other two named officers stated that they assisted placing the complainant in handcuffs by grabbing the complainant's arms. All four named officers denied hitting the complainant and denied using unnecessary force.

One witness officer stated he was standing near the location when he observed a patrol car pull up, observed an officer have a conversation with the complainant and then saw the complainant run away. Another witness officer stated he was on his police motorcycle near the location and noticed a commotion with the complainant who fled and officers went after him. He stated he ran as well to assist; however, the officers had already handcuffed the complainant in the lobby of the police station. This witness officer stated he had no physical contact with the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/27/15    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant believed that the officers placed him on a mental health detention to cover up their use of force. The complainant stated he was returning to his car when an officer suddenly lunged at him, prompting the complainant to push the officer and run into the station.

The named officers denied the allegation, stating that the complainant appeared to be in an altered mental state, displayed erratic behavior, was nonsensical, sweating, a danger to himself and others, waving a knife in the air. The named officers stated the complainant was then detained and taken to a psychiatric emergency services for a mental health evaluation.

One witness officer stated he was standing near the location when he observed a patrol car pull up, observed an officer have a conversation with the complainant and then saw the complainant run away. Another witness officer stated he was on his police motorcycle near the location and noticed a commotion with the complainant who fled and officers went after him. He stated he ran as well to assist, however, the officers had already handcuffed the complainant in the lobby of the police station. This witness officer stated he had no physical contact with the complainant.

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

**SUMMARY OF ALLEGATIONS #7 - 8:** The officer failed to properly process property.

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

**FINDINGS OF FACT:** The complainant stated that he was missing his keys, license and sunglasses.

The named officers denied the allegation, stating that all of the complainant's personal property was placed in an envelope and taken with him to PES.

The PES patient receipt list one brown bag and does not itemize what was in the bag.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/27/15    **DATE OF COMPLETION:** 01/12/17    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #9 - 10:** The officers towed the complainant's vehicle without justification.

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

**FINDINGS OF FACT:** The complainant stated he parked in a red zone in front of the station. The complainant stated an officer told him it was okay to park in the red zone.

The named officers stated the complainant's car was towed after he was taken to PES because his vehicle was parked illegally in a red zone.

No independent witnesses were identified.

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



**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/07/16 **DATE OF COMPLETION:** 01/31/17 **PAGE#** 1 of 1

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

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

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

United States Park Police  
1217 Ralston Ave.  
San Francisco, CA 94129

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/18/16 **DATE OF COMPLETION:** 01/12/17 **PAGE#** 1 of 1

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

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

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

Office of the Chief Medical Examiner  
General Services Agency  
City and County of San Francisco  
Hall of Justice  
850 Bryant Street - North Terrace  
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/22/16 **DATE OF COMPLETION:** 01/12/17 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department  
Investigative Services Unit  
25 Van Ness Ave. Suite #350  
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/16    **DATE OF COMPLETION:** 01/12/17    **PAGE #** 1 of 1

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

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

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

San Francisco Department of Building Inspection  
1660 Mission Street  
San Francisco, CA 94103  
(415) 558-6088

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/27/16    **DATE OF COMPLETION:** 01/12/17    **PAGE #** 1 of 1

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

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

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

San Francisco Police Department  
Mission Station  
630 Valencia Street  
San Francisco, CA 94110

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/29/16 **DATE OF COMPLETION:** 01/12/17 **PAGE#** 1 of 1

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

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

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

Internal Affairs Division  
SFPD Headquarters  
1245 Third Street  
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/29/16 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department  
Park Station  
1899 Waller Street  
San Francisco, CA 94117

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/30/16 **DATE OF COMPLETION:** 01/30/17 **PAGE#** 1 of 1

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

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

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

Social Security Administration  
560 Kearny Street  
San Francisco, CA 94108



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/15 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 1 of 5

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

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

**FINDINGS OF FACT:** The complainant stated in his written complaint that the officers, who were dressed in hoodies and backward ballcaps, detained him for no reason while the complainant and a friend were attempting to cross the street at a busy intersection. The complainant stated one officer told him they were “cops” and ordered the complainant to give the officers his skateboard. The complainant stated he refused because he did not believe the officers were real police officers, and he had done nothing wrong.

The complainant declined to be interviewed regarding this complaint.

The named officers stated they were attempting to locate a man who had an outstanding, no-bail arrest warrant. The male suspect was believed to be a witness to a homicide. The officers had a photo of the homicide witness in a Crime Alert Notification, which showed him carrying a skateboard. Shortly before stopping the complainant, the officers saw the complainant riding a skateboard on the sidewalk in the area the homicide witness was known to frequent. The officers stated the complainant matched the description of the homicide witness; therefore, they believed the complainant was the homicide witness. The officers stated that they detained the complainant for violating the city’s ordinance prohibiting skateboarding.

The officers stated they approached the complainant, identified themselves as police officers (by producing their stars prominently displayed on their clothing), explained the purpose of the encounter, and requested identification in an effort to dispel the possibility the complainant was the homicide witness they were looking for. The officers stated the complainant was non-compliant from the onset. The encounter escalated to the officers grabbing the complainant, taking the complainant to the ground, requesting backup from other uniformed officers and detaining the complainant.

The complainant’s friend did not respond to OCC’s request for an interview. No other witnesses were identified.

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

The evidence established the officers had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/15 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated the officer, who was dressed in civilian attire, arrested him for no reason while the complainant and a friend were attempting to cross the street at a busy intersection. The complainant stated the officers told him they were “cops” and ordered the complainant to give the officers the complainant’s skateboard. The complainant stated he refused because he did not believe the officers were real police officers, and because he had done nothing wrong. The complainant declined to be interviewed regarding this complaint.

The named officer stated she was working a plainclothes with another officer. She and her partner were attempting to locate a man who had an outstanding, no-bail arrest warrant, and was believed to be a witness to a homicide. She stated she was carrying a photo of the homicide witness in a Crime Alert Notification, which showed the subject carrying a skateboard. Shortly before stopping the complainant, she saw the complainant riding a skateboard on the sidewalk in an area the homicide witness was known to frequent. The officer stated the complainant matched the description of the homicide witness.

The named officer stated she and her partner approached the complainant, identified themselves as police officers by displaying their stars, explained the purpose of the encounter, and requested identification to determine if the complainant was the wanted man. She stated the complainant became non-compliant and combative from the outset. The named officer stated the complainant refused to relinquish the skateboard, which the officer believed could be used as a weapon. The officers grabbed the complainant, taking him to the ground. The named officer stated that in a search of the complainant, officers found marijuana.

The named officer’s partner stated they approached the complainant because they believed he was named as wanted in a Crime Alert Notification, and saw him skateboarding on the sidewalk. He stated that when the named officer attempted to detain the complainant, the complainant became resistant and the named officer and the partner arrested him for skateboarding, resisting arrest and battery on a police officer.

A witness to the encounter, a friend of the complainant, wrote in a statement attached to the incident report regarding the complainant’s arrest that the complainant did not follow orders of the officers when they approached him, because he did not believe they were police officers. The witness did not respond to request for an interview. No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/15 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 3 of 5

**SUMMARY OF ALLEGATIONS #4-5:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the following in a written complaint narrative: He and his friend were vacationing in the city. While the two were standing at a crosswalk, two plainclothes officers came from behind and tried to snatch the skateboard the complainant was holding. One of the officers said they were cops. The complainant told the officers he had not done anything wrong. He told the officers that he did not believe they were cops and demanded the officers' badge numbers and names. The officers grabbed the complainant's arms. The complainant handed his skateboard to his friend and one of the officers put an arm around the complainant's neck and choked him into unconsciousness. The complainant was lying with his back on the ground and the other officer straddled his waist. Other uniformed officers arrived and the complainant stated he allowed himself to be handcuffed. The complainant stated he was scratched and bruised. He declined to be interviewed by the OCC.

The named officers stated they were walking in the area where they encountered the complainant. The officers were looking for a felony suspect with a no-bail warrant. The officers possessed a Crime Alert Notification, which showed a picture of the suspect. The Crime Alert Notification also showed the suspect carrying a skateboard. The officers stated they identified themselves to the complainant by showing their stars, but the complainant did not believe they were police officers. The complainant was non-compliant with all of the officers' demands. The officers believed the complainant could use the skateboard as a weapon by the manner the complainant was holding it. One of the officers attempted to remove the skateboard from the complainant's hands. The complainant refused and the officers grabbed the complainant by the arms. The complainant continued to resist the officers' efforts to control him, and the officers escalated their efforts to control the complainant. One of the officers stated he attempted a wristlock and hair pull techniques that failed. The officer then attempted to use a carotid restraint technique, which the officer stated did not work. The officers stated the complainant never became unconscious. Other officers arrived and helped to subdue the complainant.

In a statement attached to the incident report on the complainant's arrest, the complainant's friend wrote that the officers told the complainant to give them his skateboard and he asked why and refused, telling them he did not believe they were police officers. The witness wrote that the officers then "choked out" the complainant before detaining him.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/15    **DATE OF COMPLETION:** 01/10/17    **PAGE#** 4 of 5

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

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

**FINDINGS OF FACT:** The complainant stated in his written complaint narrative that the named officers, who were in hoodies and backward ball caps, failed to provide him with their names and badge numbers. Consequently, the complainant said, he did not believe they were police officers.

The officers stated they showed the complainant their badges and provided their names to the complainant when they approached him. An altercation ensued and uniformed officers also responded to the scene of this incident in marked patrol cars. One of the named officers stated the complainant refused to believe the uniformed officers were real police officers and demanded to see their identification.

In a handwritten statement attached to the incident report, the complainant's friend stated the officers showed their badges to the complainant, but did not address whether the officers provided the complainant their names. The witness did not respond to requests for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/20/15 **DATE OF COMPLETION:** 01/10/17 **PAGE#** 5 of 5

**SUMMARY OF ALLEGATIONS #8-9:** The officers failed to take required action.

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

**FINDINGS OF FACT:** In his handwritten complaint narrative, the complainant stated, “I was never told why I was being stopped until I was handcuffed in the back of a patrol car. I apparently looked like a wanted murderer. I was never told by any of the over ten cops there that I was being arrested, my rights were never read to me ....” The complainant declined to be interviewed by the OCC.

The officers stated the following: They informed the complainant why they wanted to talk to him at the time of their initial encounter. The complainant did not believe they were police officers, despite the officers showing their badges to the complainant. The complainant became non-compliant and combative from the outset. The named officers stated they did not advise the complainant of his Miranda Rights because they did not interrogate him.

In a handwritten statement provided to police at the time of this incident, the complainant’s friend stated the officers asked the complainant for his skateboard and when he refused to give it to them and asked why, they “slammed him on the ground and choked him out ....” He stated that the officers showed badges to the complainant, but the complainant did not believe they were police officers.

The witness did not respond to requests from the OCC for an interview.

No other witnesses were identified.

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/15 **DATE OF COMPLETION:** 01/27/17 **PAGE#** 1 of 3

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

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

**FINDINGS OF FACT:** In his written complaint, the complainant wrote that he and his girlfriend were arguing and walking toward their car when the named officers approached and asked him for identification. The complainant stated there was no reason to detain him.

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

The named officers stated that they were informed by other officers at the scene that the fight between the complainant and his girlfriend was verbal only, and that the parties did not want any police action taken. As the named officers were leaving, they saw the complainant yelling and cursing at his girlfriend just inches from her face. When the officers made contact with the complainant, he began cursing at the officers. The named officers asked the complainant for identification several times and he refused to provide it. One of the officers stated the complainant's eyes were red and he smelled of alcohol. The complainant refused orders to sit down and, instead, he tensed up and squatted. One officer stated the complainant was detained for exhibiting threatening behavior towards his girlfriend.

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

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

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/15    **DATE OF COMPLETION:** 01/27/17    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3-6:** The officers used unnecessary force during the complainant's arrest.

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that during his detention, officers kicked his legs out and told him to sit down, which he refused to do. He stated officers used their knees to strike him on his head and back.

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

The first named officer stated that multiple officers took the complainant to the ground. The officer stated he attempted to grab the complainant's hand, but the complainant continually moved his head chest towards officers.

The second named officer stated he held onto the complainant's legs to prevent him from fleeing, and other officers took hold of the complainant's upper body. He stated he did not see any officer strike the complainant with a knee. The officer stated the complainant complained of pain to his head but declined medical assistance.

The third named officer stated he helped another officer hold the complainant's arms. He stated he employed a bent wrist or a twist grip control hold to handcuff him. The officer stated the complainant was "almost like a bucking bronco" aggressively moving back and forth and side to side while on his stomach. The officer stated that he acted like "a human helmet" to protect the complainant's head.

The fourth named officer stated the complainant complained of pain to his head at the station, prompting him to take photos of the complainant. One of the photos shows a small red mark above the complainant's right eyebrow. The complainant refused medical treatment.

Department records show that the officers' use of force was documented in the Use of Force Log and in the incident report.

No independent witnesses came forward. There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to take the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

**DEPARTMENT OF POLICE ACCOUNTABILITY  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/28/15    **DATE OF COMPLETION:** 01/27/17    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** Department records show that the complainant was arrested for resisting arrest.

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

The named officer stated that the complainant resisted, prompting the complainant's arrest.

No independent witnesses came forward.

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

**SUMMARY OF ALLEGATION #8:** The officer used profanity.

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

**FINDINGS OF FACT:** In his written complaint, the complainant stated that the named officer used profane language.

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

The named officer and other officers denied the allegation.

No independent witnesses came forward.

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