

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/14 **DATE OF COMPLETION:** 02/23/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code Section 21955, Crossing between controlled intersections, which states:

Between adjacent intersection controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk.

The complainant denied this violation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she was saying goodbye to some friends outside of a nightclub. They were playfully pushing each other and at one point her friend accidentally stepped off the sidewalk onto the street. Suddenly, the named officer showed up and started harassing the complainant. The officer accused her of pushing her friend into the busy street. The officer told her, "You know I can arrest you? I can arrest you." She asked the officer what she did wrong and he immediately, without warning, grabbed her right wrist and pulled her arm behind her. The officer then threatened to arrest her.

The officer stated he witnessed the complainant pushing people into the street and she herself was in the street in a high-traffic area. When he approached to get them out of the street, the complainant yelled at him and acted like she was extremely intoxicated. She refused his orders to provide identification and then started to walk away. The officer stated that he grabbed her right wrist and was about to handcuff her, but he did not. The officer did advise the complainant that he could arrest her for public intoxication but her friends got her to calm down.

An employee at the nightclub stated the complainant was ejected from the premises for being too drunk. She was yelling and being insulting outside the nightclub. The witness stated he did not see any physical contact between the complainant and officer and that the officer acted professionally.

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SUMMARY OF ALLEGATION #2 continued:

The complainant's friend stated that nobody was in the street and that the officer came out of nowhere and berated the complainant for no reason. The friend did not see any physical contact between the officer and complainant.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer refused to provide his badge number.

The named officer stated the complainant was highly inebriated, was yelling and not listening to him. The named officer stated he attempted to provide his name and star number, but the complainant kept yelling at him.

A security guard at the nightclub stated that the complainant was ejected from the premises for being too drunk. She was yelling and being insulting both inside the club and outside. She was asking for everyone's name including security personnel and threatening to get them fired. The security guard heard the complainant do this to the officer but was unable to hear his response because she was so loud.

A friend of the complainant stated that he did not see whether or not the officer provided his badge number.

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 made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that his street was under long-term construction. He stated that as he drove toward his home, the named officer refused to allow him to go past a traffic barrier. The complainant said that when he tried to get the officer to let him pass to drive into his nearby garage, the officer refused, becoming argumentative and rude, finally threatening him with a citation if he did not remove his car from the street. The complainant stated he located the foreman of the project, who instructed the officer to allow him to pass. He said the officer was rude when she gave him her name.

The named officer, who was on an overtime assignment monitoring traffic on the construction site, denied that she spoke inappropriately to the complainant. The officer stated the complainant was agitated, loud and yelling when he parked his car in the middle of the street in a construction zone. The officer stated that she explained to the complainant that she could not let him through the barrier, but he could park his car and she would go with him to ask the foreman in charge of the project to allow him to pass. She said the complainant then drove off. She said that when the complainant returned with the project foreman, she allowed him to drive past the barrier. She stated that she politely provided her name to the complainant.

The foreman of the construction project confirmed that the officer had complied with his instructions to stop non-emergency traffic from passing the barrier. The foreman stated he was not present for the initial contact between the named officer and the complainant. The foreman said that when the complainant approached him, he and the complainant walked to the barrier and he instructed the officer to allow the complainant to drive to his home. The foreman stated that he neither saw nor heard anything inappropriate in the manner the officer dealt with the complainant, saying that the officer repeated her name as separate syllables, which seemed to anger the complainant.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer coerced him into accepting ambulance services against his will that left him with an ambulance bill. The complainant stated the officer reassured him that he would not have to pay for the ambulance service. The complainant further stated the officer acted in concert with the ambulance company to coerce and extort from his parents the payment of the ambulance bill. The complainant did not complete a HIPPA medical release form needed to request medical records in determining the level of medical attention needed by the complainant.

The named officer denied the allegation. The officer stated an ambulance was summoned to the scene to transport the complainant to SFGH for medical services due to visible injuries the complainant sustained. Department photographs document an injury to the complainant's face. The named officer stated that it was the protocol for an officer to call for an ambulance when injuries exist on subjects. The officer further stated it was not his duty to force the complainant to ride in an ambulance. The officer stated he did not make any promises to the complainant that the complainant would not be liable for medical expenses.

Witnesses stated they observed individuals beat, kick, and pummel the complainant. One of the witnesses stated the complainant sustained visible injuries. The witness stated the complainant did not want to go to the hospital, but the officer advised the complainant that he needed to get examined. The witness stated the officers had a duty to make sure the complainant was medically cleared from any life threatening injuries.

Another witness did not hear the comments alleged by the complainant.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #1: The officer detained the complainant for a psychiatric evaluation without justification.

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

FINDINGS OF FACT: The complainant said the officer had him removed under false pretenses from his residence after he had been released from a psychiatric evaluation at SFGH-PES. The complainant refused to provide a medical release that would have allowed the OCC to obtain his medical records and interview PES personnel.

The named officer stated the complainant's detention had occurred in her absence, but she provided by phone historical and relevant firearms information to a nurse, which she was advised would be included as part of the complainant's record for his evaluation. The named officer said she merely corrected the inappropriate release of the complainant by a PES physician who released the complainant without reading the information the officer had added to the hold the previous evening.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said the officer caused his right to possess a firearm to be restricted for five years. The complainant refused to provide a medical release form.

The named officer said that the actions of the complainant provided the justification for his detention and examination. The firearms restriction is a pro forma procedure by DHHS pursuant to section 8102 of the California Welfare & Institutions Code, which mandates police officers seize firearms possessed by a person detained for examination of his or her mental condition.

There was insufficient evidence to either prove or disprove that the complainant's detention was proper. Therefore, there was insufficient evidence to either prove or disprove that the seizure of the complainant's property was proper.

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

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

FINDINGS OF FACT: The complainant stated he encountered the officer as he rode his motorcycle alongside him at a traffic light and while stopped at two intersections. They exchanged words and the complainant requested the officer's name and star number. He stated the officer did not provide him with the requested information.

The officer denied the allegation. He stated he encountered the complainant at two intersections. He stated the complainant asked for his name and star number and he turned his body toward the complainant so he could see his identifying information. The officer stated the complainant repeated his last name and star number aloud, confirming that he had obtained his identifying information.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant encountered an officer as he rode his motorcycle alongside him and while stopped at a traffic light. The complainant sought a dialogue concerning the officer's alleged failure to wear his seatbelt. The complainant stated he went into his own lane of traffic to speak to the officer. The complainant stated the officer made an inappropriate remark regarding the complainant's failure to signal a lane change.

The officer denied the allegation. He stated he observed the complainant in violation of a traffic law and admonished him.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer was inattentive to his duties.

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

FINDINGS OF FACT: The complainant wrote a short letter to the Chief of Police complaining of an officer who sits in a deli all day and does nothing. The complainant's letter did not provide any identifying information or dates. The complainant failed to respond to an OCC letter requesting contact. When a man with the complainant's name and address was reached by telephone and asked about having filed a complaint, the man denied sending a letter to the Department.

The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #1: The officer operated his motorcycle improperly.

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

FINDINGS OF FACT: The complainant stated that she attended a large public event where a crowd on the sidewalk spilled into the street. Officers were asking members of the crowd, who were in the street, including the complainant, to move back onto the sidewalk. The complainant and others in close proximity to her were complying with the officers' instructions but were moving slowly because of the crowd in front of them. A motorcycle officer rode his motorcycle into the crowd and screamed at the complainant to get on the sidewalk. The complainant told the officer that she was trying to move onto the sidewalk but could not do so because of the people standing between her and the sidewalk. The officer moved towards the complainant on his motorcycle and deliberately ran over her foot with the front tire of his motorcycle. When the complainant told him that he ran over her foot, he replied, "I know. I told you to move."

Department records established that numerous motorcycle officers were in the area where this incident occurred to escort a motorcade to various locations around the city.

The complainant immediately reported this incident to police and the SFPD's Internal Affairs Division initiated an investigation. The Internal Affairs investigators documented what appeared to be tire track marks on the top of the complainant's shoe. During an interview with an investigator from the Internal Affairs Division, the complainant provided a description of the officer who ran over her foot, including the fact that he had a gray-colored mustache. The Internal Affairs investigator relayed this description to the Lieutenant who supervised the motorcycle detail on the day of the incident. The Lieutenant told the Internal Affairs investigator that only one officer who was present that day matched the complainant's description. The Internal Affairs investigator showed the complainant a photo lineup that included a photograph of this officer, who had a graying mustache. The complainant did not identify an officer from this photo lineup.

A civilian witness stated that he saw a motorcycle officer using his motorcycle to move the crowd onto the sidewalk and heard this officer yelling at a woman two to three feet from the officer in an aggressive manner. This witness did not see the motorcycle make contact with the woman. This witness provided a description of the motorcycle officer that was similar to that provided by the complainant, including the fact that he had a graying mustache. The Internal Affairs investigator showed this witness the same photo lineup shown to the complainant, but he did not identify the motorcycle officer who was working on the day of this incident.

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The Internal Affairs investigators interviewed two patrol officers whose presence in the area was established by photographs taken by the complainant. Both officers stated that they did not see an altercation between a motorcycle officer and a woman in the crowd and did not see a motorcycle officer ride into the crowd.

The Internal Affairs investigators interviewed the motorcycle officer who was identified by the Lieutenant as being the only officer who matched the description provided by the complainant. This officer denied being at the specific location where the contact with the complainant took place and denied having any contact with the complainant. He stated he was at a location one-half block away waiting to continue escorting the motorcade.

The Internal Affairs investigators obtained video footage from a CCTV camera located inside a store that faced the street. The incident took place out of the camera's range.

The OCC reviewed Department photographs of all motorcycle officers working at this event and discovered that a second officer who has since retired also matched the description provided by the complainant, including having a gray mustache. This officer's photograph was not included in the photo lineup shown to the complainant or the civilian witness. The OCC showed photographs of all motorcycle officers who were working at this event to the civilian witness with negative results. The complainant lives out of state and was unavailable to view a photo spread prepared by the OCC.

A sergeant, who was traveling with the motorcycle officers escorting the motorcade, stated that he did not see any officer ride their motorcycle toward or into the crowd or use their motorcycle to move the crowd back, and did not observe any sort of argument or verbal confrontation between a motorcycle officer and a pedestrian in the street.

The Lieutenant who was the Officer-in-Command of the motorcycle officers escorting the motorcade stated that he did not recall any of his officers using their motorcycles to move the crowd onto the sidewalk and didn't recall any specific interactions between members of the crowd and motorcycle officers. The Lieutenant stated that two officers in the motorcycle detail matched the description provided by the complainant: the officer whose photograph was included in the photo spread shown to the complainant and the officer who had recently retired. The Lieutenant didn't recall whether he provided both officers' names to the Internal Affairs investigator or whether he asked either of these officers if they had any contact with the complainant.

None of the motorcycle officers assigned to the motorcade escort reported a collision with a pedestrian.

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

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SUMMARY OF ALLEGATION #2: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that a motorcycle officer deliberately ran over her foot with his motorcycle, causing an injury, but failed to offer the complainant medical attention.

The identity of the alleged officer has not been established.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that a motorcycle officer deliberately ran over her foot with his motorcycle while she was attending a public event involving a motorcade.

The identity of the alleged officer has not been established.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officers drove improperly.

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

FINDINGS OF FACT: The complainant stated that he was walking home when he saw two officers on Honda motorcycles turn onto O'Farrell Street, drive with the flow of traffic, and then turn and ride their motorcycles on the sidewalk. The complainant stated that people on the sidewalk were stepping aside to avoid getting hit by the officers.

Department records indicated that two officers assigned to the unit that uses Honda motorcycles were in the area together around the time the complainant mentioned, and were engaged in contact with civilians. One of the officers reported to be in the area was not on duty that day, according to the Tactical Division. An officer who was on duty and reported being in the area did not recall who he was patrolling with, and did not recall being in the area reported. He said he could not recall riding his motorcycle on the sidewalk.

No witnesses were identified.

The identity of the alleged officers has not been established.

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

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DATE OF COMPLAINT: 12/03/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer used profanity.

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

FINDINGS OF FACT: The complainants said that they were approached by an officer after stepping off a bus. The officer, who told them they had jaywalked in crossing the street to catch the bus, demanded their Identification. The complainants stated the officer used profanity when they refused to provide him with their ID. The complainants stated they recorded a portion of the contact with a video camera but failed to provide the OCC with a copy of the video after several requests.

The named officer stated he recalled dealing with a male and female who crossed a street on a red light while he was standing next to them. The officer stated he had advised the couple to wait for the light to turn but the couple ignored him and the female became angry and verbally attacked him when he detained them for jaywalking. The officer stated he could not recall using inappropriate language or profanity and that he maintained his professionalism during the contact. He did not issue a citation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainants stated the officer behaved inappropriately and made inappropriate comments. The complainants stated the officer was verbally abusive and at one point, told one of the complainants to get her arm away from him before he broke it and to get off “his street.”

The named officer denied behaving inappropriately or making inappropriate comments. He denied being abusive and making threatening statements. He stated he maintained his professionalism during the contact.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #3: The officer failed to promptly provide star number.

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

FINDINGS OF FACT: The complainants alleged that the officer ignored their request that he provide his star number.

The named officer stated he provided the complainants with his name and star number.

No independent witnesses were identified.

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

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

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

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

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

A Woman's Place
1049 Howard Street
San Francisco, CA 94103

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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.

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

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

FINDINGS OF FACT: The OCC received an email from the complainant stating that they had received their requested items and considered “this closed.”

The OCC investigator contacted the complainant and recorded a withdrawal statement pursuant to OCC withdrawal protocol. The complainant stated she was withdrawing the complaint and was not coerced or asked to withdraw the complaint.

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SUMMARY OF ALLEGATIONS #1 - 3: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: The complainant stated she was arrested in her home after an officer planted drugs that were not hers. The complainant and the co-complainant said the co-complainant was arrested on a bus when he had done nothing wrong.

The arresting officer of the primary complainant said he conducted a probation search and found narcotics in her possession that were not prescribed to her. Six other officers, who were present when the primary complainant was arrested, denied planting drugs in her residence. The co-complainant said he was not at the scene of the arrest.

The officer who ordered the arrest of the co-complainant said two witnesses identified the co-complainant as having fired a gun at the victim of an attempted homicide. The officer who conducted the arrest of the co-complainant and six other officers who were present at the arrest denied the co-complainant was arrested without cause, stating that they had seen a crime alert stating there was probable cause for the co-complainant's arrest for attempted homicide.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4 - 10: The officers searched the complainant's sons' rooms without cause.

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

FINDINGS OF FACT: The complainants said that officers searched the rooms of the complainant's uninvolved son and that of the co-complainant.

The named officers acknowledged their presence during a probation search of the complainant's home but denied or did not recall searching the rooms of the complainant's sons.

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

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SUMMARY OF ALLEGATIONS #11 - 17: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainants said that the officers who conducted a probation search of the complainant's home improperly seized an expensive purse. The complainants, however, gave differing descriptions of the purse and its whereabouts in the home. The co-complainant was not present during the search.

The named officers, who acknowledged being present during the search, denied taking the purse, or seeing another officer take the purse.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #18 - 19: The officers failed to properly process property.

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

FINDINGS OF FACT: The co-complainant said that officers who arrested him improperly seized his girlfriend's phone and she could not get it back, despite calls to the inspector on the case, who did not return her calls.

The named officer who seized the phone stated that he booked the phone held by the co-complainant at the time of his arrest as evidence. Department documents indicated that officers seized a Samsung cell phone from the co-complainant at the time of his arrest but that he refused to sign the receipt.

The inspector assigned to the investigation stated that he did not receive or hear about any phone calls from the co-complainant's girlfriend.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #20 - 21: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainants said an officer answered the complainant's phone and tricked the co-complainant into leaving his job to come to his mother's home by telling him his dog would be impounded because his mother was being arrested.

The named officer denied answering the complainant's phone.

Six other officers present at the home of the complainant stated they did not know which officer spoke to the co-complainant on the phone or engaged in an effort to trick the co-complainant into coming home.

The co-complainant also said that one of the officers called his boss at a construction firm and "got him fired."

The named officer acknowledged talking to the co-complainant's work supervisor during his investigation into charges of attempted homicide, but denied that he told or asked the supervisor to fire the complainant. The named officer stated he called the co-complainant's supervisor to locate the co-complainant, and told the supervisor that the co-complainant was a suspect in a crime.

The construction supervisor did not respond to requests for an interview.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #22 - 25: The officers failed to provide their names and star numbers.

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

FINDINGS OF FACT: The named officers did not recall the complainant asking for their or any officers' names or star numbers. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegations.

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

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

FINDINGS OF FACT: The complainant stated he and the co-complainant were talking in the complainant's car, which was parked in the parking lot of his apartment building. Three plainclothes officers drove into the parking lot and the complainant and co-complainant exited the parked car and began walking towards the apartment building. The named officer told the two men to stop. The complainant stopped and the named officer grabbed his arm. When the complainant protested, the named officer released him and the complainant went inside his residence.

The co-complainant stated that as he and the co-complainant walked away from the parked car, an officer asked them where they were going and said they looked suspicious. Two officers then grabbed the complainant but when the complainant protested, they released him and he walked to his residence.

The named officer stated that when he and his two partners drove into the parking lot, he saw the complainant and co-complainant exit a parked car, look at the officers and walk away. The officers walked towards the complainant and the co-complainant and the named officer told the two men to "hold up" so he could initiate a consensual contact with them. The named officer denied telling the two men that they were being detained. The complainant and co-complainant continued walking, but at a slower pace. As the officers walked past the parked car, one of the named officer's partners smelled marijuana coming from the car and informed the named officer of this. The named officer and his partners then detained the complainant and co-complainant. The named officer grabbed the complainant's arm to prevent him from leaving and one of his partners pat-searched the complainant.

The named officer's partners confirmed the named officer's account, but the officer who smelled marijuana stated that he did not immediately inform the named officer of this.

A preponderance of evidence established that the named officer's initial statement to the complainant and co-complainant did not constitute a detention. The complainant and co-complainant continued walking away after the named officer made this statement, and the named officer did not attempt to stop them with a more stern command or action. The evidence established that the complainant and co-complainant were not detained until after an officer smelled marijuana coming from their car, which gave the officers reasonable suspicion to detain both men.

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

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SUMMARY OF ALLEGATION #2: The officer searched the complainant's car without cause.

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

FINDINGS OF FACT: The complainant stated the officer searched his parked car without cause. He stated that he and the co-complainant had been sitting inside the car when officers arrived but denied that they had been smoking marijuana, although there was marijuana inside the car. The co-complainant confirmed the complainant's account and denied that they had been smoking marijuana inside the car.

The named officer stated that when he and his two partners drove into the parking lot, he saw the complainant and co-complainant seated inside a parked car. The complainant and co-complainant exited the car and began walking away. The named officer saw smoke coming from the interior of the car and, as he walked past the car, he smelled marijuana coming from it. The named officer and his partners detained the complainant and co-complainant. The named officer saw what appeared to be marijuana inside the car and then searched the car, which was unlocked, for more marijuana. The named officer and his partners admonished the complainant and co-complainant and released them. The named officer's partners confirmed his account.

A preponderance of the evidence established that the search of the complainant's car was conducted after the named officer looked through the car window and saw marijuana inside the car. This gave the named officer probable cause to search the car, which was unlocked.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The co-complainant stated that as he and the complainant were being detained, his aunt was filming the encounter with her cell phone. An officer grabbed her arm and told her, “You can record if you want to but you better get that light out of my face.” Multiple attempts to conduct a follow-up interview with the co-complainant to show him a photo lineup were unsuccessful.

During an initial interview with the OCC, the complainant’s aunt did not mention attempting to film with a cell phone. During a follow-up interview, the complainant’s aunt stated that the complainant was filming with a cell phone. An officer told him to put the phone down, and she took the phone from the complainant and attempted to film. The same officer shone a flashlight in her face, told her to put the phone down and threatened to arrest her if she did not. This officer attempted to grab her arm but she moved back and away from him and put the phone away. The co-complainant’s aunt stated that a friend was with her, but she declined to provide the OCC with this individual’s contact information. She was unable to provide the OCC with an audio or video recording taken with the phone.

The complainant did not mention his mother filming during his initial OCC interview, During a follow-up interview, he stated that an officer threatened to arrest his mother if she did not stop filming. The complainant declined to view a photo lineup to identify the involved officer.

One of the three plainclothes officers who detained the complainant and co-complainant stated that a woman claiming to be the mother of the complainant or co-complainant screamed at the officers and walked up to within three or four feet of them. He didn’t recall whether she was attempting to film the incident and didn’t recall an officer telling her to stop filming.

Another of the plainclothes officers stated that the complainant’s mother filmed the officers from a close distance. At one point, she held the camera approximately two feet from his face and he and other officers repeatedly advised her that she could film but could not stand so close to them. He stated that he did not recall an officer grabbing her arm.

The third plainclothes officer stated that the complainant’s mother was at the scene yelling at the officers, but he didn’t recall whether she was filming.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #4 - 6: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The co-complainant stated that he believes the officers engaged in biased policing due to race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigations Protocol. They all denied that the race of the complainant or co-complainant played any role in the officers' decision to make contact with them.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS # 7 - 9: The officers harassed the complainant and co-complainant.

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

FINDINGS OF FACT: The co-complainant stated the officers' actions in detaining him and the complainant were connected with an earlier contact, which makes him believe the officers, who were in plainclothes, were targeting and harassing him and the co-complainant. The co-complainant stated he and the complainant were stopped while driving by uniformed officers for a mechanical violation several days before this incident. The named officers, who were in plainclothes, came to the scene of the traffic stop and questioned him and the complainant as though they were suspected of a crime.

The named officers stated they did not recall going to the scene of a traffic stop of the complainant and co-complainant. The named officers denied targeting or harassing the complainant or co-complainant.

Department records could not confirm the presence of the named officers at the traffic stop. The two uniformed officers who conducted the traffic stop stated that they did not recall plainclothes officers being present.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was at an outdoor plaza when the officer stared at him in an intimidating manner. The complainant further stated that the officer used his hand as an imaginary gun, pointed it at the complainant and pulled the trigger. The complainant stated he and the officer have had numerous prior contacts. The complainant stated that the incident occurred on a specific date between the hours of 5:00 p.m. – 6:00 p.m.

The officer denied the allegation. The officer stated that on the date of the alleged incident, his work shift began at 6:00 p.m. The officer stated that at 6:30 p.m., he was located within a short distance of the alleged incident but inside a nearby auditorium. The officer denied having any contact with the complainant. The officer stated that he had no knowledge of the complainant prior to this alleged incident.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/15 **DATE OF COMPLETION:** 02/02/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #: This complaint raises matters not rationally within OCC 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 Police Department
Internal Affairs
850 Bryant Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #1 of 7**

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him without justification.

The named officer stated that he detained the complainant after he observed him flick a cigarette into another officer's face.

A witness officer stated that the complainant flicked a cigarette into his face from a distance of less than ten feet.

One of the complainant's companions stated that the complainant flicked a cigarette into the street, but it did not hit or land near an officer.

Other witnesses stated that they were not at that location when the complainant allegedly flicked the cigarette and, therefore, did not see whether this occurred.

The complainant stated that he did not recall smoking a cigarette at the time.

No other witnesses to this action were identified.

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

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

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

FINDINGS OF FACT: The complainant told the OCC that he and several companions were in a crowd leaving a festival at a city plaza. Someone pushed the complainant in the back and the complainant turned around with his hands raised in preparation to defend himself and saw the named officer standing behind him. The complainant raised his hands to indicate that he was not a threat and told the officer, in an agitated tone of voice, that he need not push him. The named officer subsequently grabbed the complainant's wrist and knocked him to the ground. The complainant was facedown on the ground with his hands behind his back. While on the ground, the complainant was struck in the legs multiple times.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #2 of 7**

CONTINUED:

The complainant recalled officers telling him to stop resisting but denied that he was resisting. The complainant stated that at one point, he saw an officer running towards him and drawing a baton but never saw an officer strike him or swing a baton at him. Regarding consumption of alcohol, the complainant stated that he consumed four to five beers but stopped drinking three and one-half to four hours before this incident. The complainant also stated he took one-half of a dose of a prescribed pain medication seven hours before the incident.

On the day of the complainant's arrest, the Department conducted an audio-recorded interview. During the interview, the complainant told police that an individual who he may not have recognized as a police officer directed him to move, and the next thing he saw was a baton being swung at him. The complainant stated he was on the ground, that he did not realize he was being struck by police officers and thought gang members were possibly attacking him. The complainant stated he did not know how he got on the ground and admitted that he was probably resisting because he did not know what was happening.

The named officer stated he saw the complainant flick a lit cigarette that struck another officer in the face. The named officer attempted to grab the complainant, who struggled and attempted to break free. The named officer was unable to maintain his hold on the complainant. The officer who had been struck by the cigarette attempted to grab the complainant, who grabbed the front of this officer's uniform and began to pull him to the ground. The named officer then struck the complainant two to three times in the legs with his baton, but denied striking the complainant after he was on the ground. The complainant continued to resist, and the named officer and at least one other officer finally handcuffed the complainant. The named officer stated he used his baton because the pain-compliance hold he used when he first grabbed the complainant had been ineffective. He was unable to use a bar-arm takedown and use of chemical spray was not practical under the circumstances.

A witness officer stated the complainant was screaming obscenities and threatening officers who were attempting to clear the sidewalk. The complainant then flicked a cigarette from a distance of less than ten feet that struck this officer in the face. This officer and the named officer then moved towards the complainant. The witness officer tried to grab the complainant, who pulled back. The named officer attempted to grab the complainant, who jerked his shoulders back and used his hands to deflect anyone from grabbing him. The complainant grabbed the front of the witness officer's uniform and yanked it down, causing the witness officer and the complainant to fall to the ground. The witness officer pulled the complainant's arm behind his back and he and another officer handcuffed the complainant. This officer stated that he did not see any other officer use any force on the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #3 of 7**

CONTINUED:

Another witness officer stated he was in a skirmish line with his squad when he saw the named officer and the first witness officer attempting to grab the complainant's wrists. The complainant was spinning and flailing about and attempting to push both officers away. As this witness officer went to assist, he saw the named officer strike the complainant, who was standing, once in the leg with his baton. The complainant, the named officer and the first witness officer then went to the ground. The named officer and the first witness officer attempted to handcuff the complainant, who resisted by pushing forward with his legs. This witness officer lifted the complainant's pants from behind to prevent him from using his feet and assisted in handcuffing the complainant. This witness officer stated that he didn't see any officer strike the complainant after he was on the ground.

Other officers who were identified as being present at the location where the complainant was arrested stated that they did not see any officer use force on the complainant.

One of the complainant's companions stated that officers were telling members of the crowd to move out of the area. An officer pushed her and the complainant from behind. The complainant turned around with his hands up and asked this officer what was going on. The officer grabbed the complainant by the arm and pulled him back onto the sidewalk. The complainant flicked a cigarette he was holding into the street, but it did not strike or land near any officers. The witness saw this officer standing behind the complainant, who was leaning over with hands behind his back, and heard this officer yell for the complainant to stop resisting. A second officer approached with his baton drawn and struck the complainant in the shins with his baton. The complainant dropped to his knees and the second officer struck him with his baton in the area of his right hip and ribcage. The first officer also struck the complainant with his baton on the right side. This witness saw the complainant struck by batons fifteen to twenty times. This witness stated that the complainant was not resisting when the officers struck him.

Another of the complainant's companions stated that an officer grabbed the complainant's arm and pulled him onto the sidewalk. When she ran over, she saw the complainant being pushed onto the ground and handcuffed but did not observe any force used on the complainant.

A third companion of the complainant stated that he saw the complainant and an officer yelling at one another and saw this officer shove and then grab the complainant, throwing him to the ground. The witness saw this officer and another officer strike the complainant in the shins with their batons several times.

The complainant's paramedic treatment report documents two lacerations approximately 3 cm in length with active bleeding to the complainant's lower right leg and a laceration approximately 1 cm in length with active bleeding to the complainant's lower left leg. The paramedics noted in their report that the complainant smelled of alcohol and that the complainant told them he consumed eight alcoholic beverages throughout the day.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #4** of 7

CONTINUED:

The complainant's hospital records document lacerations to both shins and a complaint of pain to the left shoulder and right elbow. Examination revealed no breaks or fractures to bones. The records state that the complainant told medical personnel that he was thrown to the ground by police and, while face down on the ground, he was kicked, stomped and hit with batons. The complainant stated that he drank five beers during the day and the examiner noted an odor resembling alcohol on the complainant's breath.

Photographs of the complainant's injuries taken by SFPD and the complainant's medical records document three lacerations to the front of his lower legs that appear to be consistent with being struck with a baton.

The accounts of the named officer and the first witness officer differ significantly from those of the complainant's companions concerning the complainant's behavior prior to his arrest and some of his behavior after officers initiated physical contact with him. The complainant's companions describe interactions in which an officer initiated physical contact with the complainant before he flicked a cigarette away, the act that formed the basis for the complainant's arrest.

Some of the complainant's statements to OCC contradict statements he made to SFPD during an audio-recorded interview at the hospital. Those contradictions, coupled with evidence that the complainant may have been under the influence of alcohol and a prescribed pain medication at the time of the incident, raise concerns about the reliability of his statements to OCC. The complainant's companions and the involved officers all state that officers repeatedly told the complainant to stop resisting.

Due to the conflicts between various accounts of the incident, there was insufficient evidence to prove or disprove whether the named officer struck the complainant after the complainant was on the ground. The named officer stated that he struck the complainant with his baton when the complainant was standing because the complainant was resisting and was grabbing another officer. He stated that force options lower on the scale described in Department General Order 5.01, such as physical control, liquid chemical agent or pain compliance, were either not practical under the circumstances or had already been used without success.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish the complainant's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #**5 of 7

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

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

FINDINGS OF FACT: The complainant stated that he was facedown on the ground with his hands behind his back. While on the ground, the complainant was struck in the legs multiple times. Two of the complainant's companions stated that they saw the named officer strike the complainant with a baton.

The named officer denied striking the complainant. The named officer stated the complainant was screaming obscenities and threatening officers who were attempting to clear the sidewalk. The complainant then flicked a cigarette from a distance of less than ten feet that struck this officer in the face. The named officer and a witness officer then moved towards the complainant. The named officer tried to grab the complainant, who pulled back. The complainant grabbed the front of the named officer's uniform and yanked it down, causing him and the complainant to fall to the ground. The named officer pulled the complainant's arm behind his back and he and another officer handcuffed the complainant.

Two officers who participated in the complainant's arrest stated that they did not see the named officer strike the complainant.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him without cause.

The named officer stated he arrested the complainant for assaulting an officer after seeing the complainant flick a cigarette at an officer, striking that officer in the face.

A witness officer stated that the complainant flicked a cigarette from a distance of less than ten feet into his face.

The complainant stated he did not recall smoking a cigarette at the time.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #**6 of 7

CONTINUED:

One of the complainant's companions stated that the complainant flicked a cigarette into the street but it did not hit or land near an officer.

Other witnesses stated that they were not at that location when the complainant allegedly flicked the cigarette and, therefore, did not see whether this occurred.

No other witnesses to this action were identified.

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

SUMMARY OF ALLEGATION #5: The officer failed to state the reason for the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that he asked the officer who accompanied him in the ambulance to the hospital what he had been arrested for but was not provided this information.

Department records did not document who accompanied the complainant to the hospital.

The two officers who interviewed the complainant at the hospital stated that they did not recall the complainant asking what he had been arrested for.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/14 **DATE OF COMPLETION:** 02/17/15 **PAGE #7** of 7

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/15 **DATE OF COMPLETION:** 02/02/15 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/15 **DATE OF COMPLETION:** 02/02/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/15 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 1 of 1

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

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: 02/02/15 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/15 **DATE OF COMPLETION:** 02/27/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: In her recorded interview, the complainant stated that the officer arrested her without cause.

Department records indicate that the complainant was arrested on a warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/15 **DATE OF COMPLETION:** 02/23/15 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/04/15 **DATE OF COMPLETION:** 02/23/15 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Department of Internal Affairs
850 Bryant Street, Room 558
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/15 **DATE OF COMPLETION:** 02/11/15 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/15 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue – 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/15 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/06/15 **DATE OF COMPLETION:** 02/24/15 **PAGE #** 1 of 1

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

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

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

San Francisco Police Department
Tenderloin Station
301 Eddy Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 02/24/15 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 02/25/15 **PAGE #1 of 1**

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

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

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

San Francisco Police Department
Tenderloin Station
301 Eddy Street
San Francisco, CA 94102

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

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

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

Glide Memorial Church
330 Ellis Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/15 **DATE OF COMPLETION:** 02/24/15 **PAGE #1** of 1

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/14 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 1 of 9

SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant stated he was entering his car when he noticed an unmarked police vehicle stopped about two cars lengths ahead of his parked car. He stated that he drove away in his car and the unmarked unit pulled in behind him. The complainant stated he turned left on a green light and made a second turn when the unmarked unit turned on its lights and the complainant stopped his vehicle.

The named officer stated the complainant approached an intersection at a high rate of speed and almost hit a pedestrian who was walking in the crosswalk. The complainant then ran a red light and they pulled him over for immediate safety concerns due to the complainant's actions while driving.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer conducted a traffic stop without justification.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/14 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 2 of 9

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

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

FINDINGS OF FACT: The complainant stated that the officers searched his vehicle during a traffic stop. The complainant stated that he gave the officers permission to search his car. At the time of the traffic stop, the complainant was also on parole with a warrantless search condition.

The named officer stated that after he pulled over the complainant's vehicle, the complainant told him he was on parole. The officer then searched the complainant's vehicle.

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

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

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATION #5: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that after he was pulled over, he was searched after he told the officers he was on parole. The officers found the complainant's phone and looked through the pictures on the phone.

The officer stated that after he pulled over the complainant's vehicle, the officers learned that the complainant was on parole with a warrantless search condition. The officer then conducted a search of the complainant's person and phone as the complainant's rights had been waived as a condition of his parole.

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

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

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

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DATE OF COMPLAINT: 03/03/14 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 4 of 9

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #8: The officer used force during the contact.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

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SUMMARY OF ALLEGATION #9 - 10: The officers seized property without justification.

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

FINDINGS OF FACT: The complainant stated that officers conducted a traffic stop and searched his vehicle, person and phone due to the fact that he was on parole. The officers found a mug shot picture of the complainant in the photos in the phone and confiscated the phone. The complainant stated that a friend sent him the picture and he did not know where it was taken. The complainant stated the same officers and another officer arrested him the next day and confiscated a second phone during that arrest.

One of the named officers stated that he found a picture of a mug shot of the complainant taken within a police station on the complainant's phone. The officer believed that this was evidence that someone had infiltrated a secure police building and was sending sensitive material to a parolee. Since the phone was evidence of a crime, he confiscated the phone. The other officer stated that they confiscated the second phone as evidence of more potential criminal pictures taken within a police station.

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 #11: The officer seized property without justification.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

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SUMMARY OF ALLEGATION #12: The officer gave the complainant a referral to the DMV without justification.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATIONS #13 - 14: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was recently pulled over and had his phone confiscated by police. He went to the Hall of Justice the next day to get the phone back and get a police report. At the records room, the officers who pulled him over showed up with a third officer. The officers performed a search of the complainant, who admitted that he was on parole. After the search, the complainant got within a foot of an officer's face and complained that it was unfair that they took his phone, searched him and harassed him. That officer then handcuffed the complainant and all three booked him in jail.

The named officers stated that they coincidentally were in the same room with the complainant and he walked up to them in a threatening manner while also making verbal threats to cause harm to an officer. The complainant looked like he was about to attack the officer, prompting the other officers to restrain him, handcuffed him and booked him for threatening an officer. The complainant was also on parole at the time.

No witnesses were identified.

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

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DATE OF COMPLAINT: 03/03/14 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 7 of 9

SUMMARY OF ALLEGATION #15: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #16: The officer made threatening and inappropriate comments.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to Department discipline.

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DATE OF COMPLAINT: 03/03/14 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 8 of 9

SUMMARY OF ALLEGATION #17: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer at the Hall of Justice searched him. The complainant admitted that he had a search condition as a condition of his parole.

The named officer stated that he knew the complainant was on parole and that he could search the complainant because of the conditions of his parole.

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: 03/03/14 **DATE OF COMPLETION:** 02/19/15 **PAGE#** 9 of 9

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.08.

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

FINDINGS OF FACT: Department General Order 5.08, NON-UNIFORMED OFFICERS, instructs non-uniformed officers to not initiate traffic stops, issue traffic citations or make minor traffic arrests except, in part, “When witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.” When making a traffic stop, non-uniformed officers shall immediately request a marked backup unit.

The named officer stated that he initiated a traffic stop because people’s lives were in danger. He stated he and another officer observed the complainant drive at a high rate of speed on a busy street, almost hit a pedestrian in the crosswalk and then ran a red light. The named officer stated that his observations led him to conclude that safety of citizens was at risk and that the complainant could seriously injure someone in the high-traffic area. The named officer stated he did not know if the complainant was drunk, high or fleeing from a crime, but the complainant’s actions were very dangerous and suspicious, prompting him to conduct a traffic stop.

The complainant stated that he did not come close to hitting a pedestrian and he denied running a red light.

Records from the Department of Emergency Management show that a marked unit was at the scene.

No witnesses were identified.

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

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to comply with DGO 5.08.

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

FINDINGS OF FACT: The officer has resigned from the Department and is no longer available and subject to department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/14 **DATE OF COMPLETION:** 02/10/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The San Francisco Police Department (SFPD) failed to take required actions.

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

FINDINGS OF FACT: The complainant stated he called 9-1-1 to report his vehicle stolen and to report a hit-and-run collision. The complainant stated he was dissatisfied with the length of time he had to wait for officers to respond to his call. In addition, the complainant stated that the SFPD failed to investigate the two crimes he had reported, and that SFPD has an inadequate system to track and recover stolen vehicles.

Records from the Department of Emergency Management show that the complainant's 9-1-1 was initially placed on "HOLD." When the call was finally dispatched, the responding officers arrived on the scene in about 10 minutes. The complainant's complaint about the response time has been referred to the Department of Emergency Management for investigation.

Department records indicate that the responding officers properly prepared a stolen vehicle report and a traffic collision report. The traffic collision report shows that the complainant told the officers that his vehicle, which was parked, appeared to have been sideswiped by another vehicle. Both vehicles were not present at the time the report was taken. The traffic collision report also shows that one of the responding officers contacted a witness who had left a note on the complainant's windshield with negative results. Physical evidence that was left on the scene was booked into evidence.

The OCC's investigation established that the complainant's stolen vehicle was cited by the Department of Parking and Traffic (DPT) numerous times while the vehicle was reported stolen. However, because of a software glitch at the San Francisco Municipal Transportation Association (SFMTA), DPT officers were never notified that the vehicle being cited had been reported stolen. When the complainant received parking violation notices from DPT, the complainant located his vehicle. At which time, SFPD took a recovered vehicle report.

There was insufficient evidence to either prove or disprove that any member of the SFPD violated any department policy.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/14 **DATE OF COMPLETION:** 02/10/15 **PAGE#** 2 of 2

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/01/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, he was yanked out of his car and pushed to the ground. The complainant stated that he did not initially complain of pain but later learned that his wrist was fractured after seeing his doctor.

The named officer stated that he asked the complainant to get out of his vehicle so that the officer could conduct a field sobriety test. The named officer stated the complainant got out of the vehicle and the officer guided him to the side. The officer stated he then placed the complainant in handcuffs for officer safety because the complainant was arguing about the traffic stop. The named officer stated there was never a struggle and denied using any force.

The named officer's partner also denied the alleged use of force.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that after being pulled over, the named officer asked him if he knew why he was being pulled over and the complainant said, "No." The named officer then said, "You say, yes sir." The officer then asked if the complainant had been drinking and the complainant responded that he never drinks. The named officer then laughed. After searching the complainant's vehicle, the named officer told the complainant he should clean his car.

The named officer and his partner denied the alleged remarks.

No other witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/01/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the named officer searched the complainant's vehicle, including the trunk.

The named officer stated that when he asked for the complainant's license, the complainant showed him a credit card. The officer told him again to give him his license and registration. The complainant gave him the license but not the registration. The officer suspected that the complainant was under the influence, so he got him out of the vehicle and handcuffed him. Because the complainant refused to provide the officer his registration, the officer went to search the areas of the car where drivers usually put their paperwork, such as the glove compartment, sun visor and under the front seat. The named officer found the paperwork and stopped searching the car. He determined the complainant was not under the influence and wrote him a citation. The named officer denied searching the complainant's trunk.

The named officer's partner stated he did not see any of the search.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he believes that he was targeted and treated the way he was treated because he is a black man.

The named officer was interviewed pursuant to OCC's Biased Policing Investigations Protocol. He denied the allegation, denying that race played any factor in the detention, search of the vehicle or citing the complainant.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 04/01/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was driving on a dark, rainy night on a four-lane road. He said that because of oncoming traffic, he switched lanes to the right lane and then switched back to the left lane after oncoming traffic stopped. He stated that he used his blinker both times. The complainant stated he was then pulled over and cited for straddling lanes.

The named officer stated that the complainant was driving back and forth between two lanes without using his blinker. The complainant could not stay in one lane and was about to drift into oncoming traffic.

The named officer's partner corroborated the named officer's account of what happened.

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: 04/04/14 **DATE OF COMPLETION:** 02/02/15 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that her employee called police regarding a man who had forced his way into the building and threatened to sexually assault her. The complainant stated the officers told the employee that there was nothing they could do. The complainant felt an arrest should have been made.

The co-complainant stated that while she was working, a man continually knocked on and licked the window at her place of employment. She initially ignored him, but he became more aggressive. The co-complainant went to the window to tell him to leave and that she intended to call police. She said he somehow got the door opened and then approached her and threatened to sexually assault her. She grabbed the phone and called police, at which time the man left. The co-complainant said two officers arrived and located the man down the street. She said the officers ran him in their system before letting him go. She said she told officers she wanted the man arrested, but they said there was nothing they could do and to call them if the man returned.

The named officers denied that the co-complainant told them that the man entered the building or made threats toward her. Both officers said she only told them that the man was bothering her by knocking on the window and trying to come inside. They stated that they located the man, identified him, and ran him for warrants and stay away orders, with negative results. They stated that they warned the man to leave the complainant alone. They told the complainant he could be arrested for trespassing if he returned, after he had been warned. They denied that the complainant reported a crime and, therefore, they did not arrest the man.

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: 04/04/14 **DATE OF COMPLETION:** 02/02/15 **PAGE #2 of 3**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the co-complainant requested a man to be arrested. No arrest was made and no incident report was prepared.

The named officer said he discussed the situation with the co-complainant, telling her that the subject needed to be given a verbal admonishment before she could sign a Citizen's Arrest for trespassing. The officer said the co-complainant wanted the subject to go to jail immediately, but the officer explained that it did not work that way. He said that the co-complainant did not report a crime and did not request a report to be written. He denied that probable cause existed to make a private person's arrest and stated that because the co-complainant did not go through with making one, no report was required.

A witness officer said that the complainant told him she wanted the man to go to jail, but no crime had been committed so there was no reason to take the man to jail. He said they explained the citizen's arrest process and the co-complainant didn't want to go that route; she just wanted the man to go to jail. The witness officer stated that before someone can be arrested for trespassing, the party has to be given a warning. He also stated that if the person does not want to do a citizen's arrest, then no report is required.

Department General Order 5.04 section II, Arrests by Private Persons, states in part:

II. PROCEDURES.

Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall:

...

8. In all instances involving requests for a private person's arrest, an incident report shall be prepared.

As a senior officer, the named officer was in charge and is responsible for the proper completion of their assignment. The evidence established that the named officer violated DGO 5.04 when he failed 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/14 **DATE OF COMPLETION:** 02/02/15 **PAGE #3 of 3**

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to comply with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: As previously stated, an incident report should have been prepared.

San Francisco Police Department General Order 2.01 section 19 states:

19. **EQUAL RANK RESPONSIBILITY.** 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 evidence established that the named officer's partner was the senior officer at the scene, responsible for the proper completion of their assignment.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 02/19/15 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she and her goddaughter were crossing an intersection when their vehicle was struck by another vehicle on the passenger side door, where the complainant was seated. The complainant stated that because the other driver refused to exchange information, she called the police. The complainant stated that the named officer repeatedly yelled, threatened to arrest her and threatened to tow the vehicle she was in. In addition, the complainant alleged that the named officer told both drivers that they were responsible for handling the damages on their cars.

The named officer denied the allegation, stating that by the time he arrived on the scene, the parties had already exchanged information. The officer stated the involved parties told him that they were not injured.

Both drivers did not respond to OCC's request for an interview.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer did not facilitate the exchange of information and did not cite the other driver for not having a driver's license.

The named officer denied the allegation, stating that the parties had already exchanged information by the time he arrived on the scene.

Both drivers did not respond to OCC's request for an interview. 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: 05/03/13 **DATE OF COMPLETION:** 02/19/15 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The named officer did not provide language assistance, in violation of DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

The named officer denied the allegation, stating that the drivers had already exchanged information by the time he arrived on the scene. The named officer stated he asked both drivers basic questions, and both were able to answer his questions. The officer stated both drivers said they were not injured and that they had already exchanged information.

Neither driver responded to OCC's request for an interview.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: About a week after being involved in a traffic collision, the complainant and her goddaughter went to a station and filed a police report. The complainant stated that the day after the accident, she woke up with pain, prompting her to file a police report.

A review of the incident report showed that the named officer failed to identify the complainant's goddaughter as a limited English proficient (LEP) person.

The named officer denied the allegation, stating that she was able to communicate with the driver.

Neither driver responded to OCC's request for an interview.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/12/14 **DATE OF COMPLETION:** 02/03/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer arrested a man without cause.

The officer denied arresting the man without cause. The officer stated he observed the arrestee passed out in front of a retail establishment. The officer stated the arrestee was on active court probation for public drunkenness and that he has had numerous contacts with the arrestee that have not resulted in an arrest. Upon making contact with the arrestee on the date of this incident, the named officer determined the arrestee was unable to care for himself and feared for his safety.

A witness officer described the arrestee as having drooping eyelids, a flushed face and a strong smell of alcohol coming from his breath and clothing. Upon waking the arrestee, she asked him a series of questions and determined he was unable to care for himself. She also stated that he fell over when standing and that she and the named officer caught him and assisted him to the ground.

Two other witness officers had no recollection of this incident.

No other witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/14 **DATE OF COMPLETION:** 02/03/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate incident report, attributing statements to a witness that the witness later denied making. The complainant also alleged other inaccuracies in the report that he claimed were contradicted in a video taken by the officer and submitted as evidence.

The named officer denied writing an inaccurate report. He stated that he did speak to the witness, who made statements to him at the time about the person he intended to arrest. The officer stated that whatever the witness told him, he put into his report. The officer also stated that a video he shot did not capture the entirety of his contact with the arrestee and that the arrestee made numerous comments that were not captured on the video.

A witness officer stated that, upon exiting the store from interviewing the witness, the named officer immediately recounted his conversation with the witness. The witness officer contended that the information contained in the incident report was similar to what the named officer told her at the time.

No other witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/14 **DATE OF COMPLETION:** 02/03/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the named officer attributed false statements to a witness in an incident report.

The named officer stated that whatever the witness told him, he put into his report.

A witness officer stated that upon exiting the store from interviewing the witness, the named officer immediately recounted his conversation with the witness. The witness officer stated that the information contained in the incident report was similar to what the named officer told her at the time.

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: 05/05/14 **DATE OF COMPLETION:** 02/25/15 **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 stated he is constantly being followed and kept under surveillance by unknown San Francisco Police Department officers.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/25/15 **PAGE #1** of 4

SUMMARY OF ALLEGATION #1: The officer failed to provide Miranda rights to the complainant.

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

FINDINGS OF FACT: The complainant is a limousine driver. He stated that after picking up a passenger he assumed to be his passenger, he was approached by numerous officers and subsequently detained. The complainant was then placed under arrest on an outstanding warrant. The complainant alleged that his Miranda rights were not read to him.

The named officer stated that the complainant was not interrogated or questioned and, therefore, there was no need to provide the complainant with his Miranda Rights.

The evidence shows that the named officer acted properly.

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 made inappropriate comments regarding the severity of the incident. The complainant stated the officer intentionally issued him a citation and refused to release his car. The complainant stated the officer ignored his requests for his asthma inhaler, a phone call to his attorney, and failed to answer questions regarding his arrest.

The named officer denied the allegation. He stated the complainant was cited for operating without a permit, unlawful solicitation, and no way bill.

Witness officers and SFMTA Investigators denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/25/15 **PAGE #2** of 4

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

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

FINDINGS OF FACT: The complainant is a limousine driver. He stated that after picking up a passenger he assumed to be his passenger, he was approached by numerous officers and subsequently detained. The complainant was then placed under arrest on an outstanding warrant. His vehicle was then towed.

The evidence shows that the named officer acted properly.

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 engaged in biased policing due to ethnicity.

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

FINDINGS OF FACT: The complainant is a limousine driver. He stated that after picking up a passenger he assumed to be his passenger, he was approached by numerous officers and subsequently detained. The complainant was then placed under arrest on an outstanding warrant. The complainant alleged that the officer discriminated against him because of his ethnicity.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation. He stated SFPD officers and SFMTA Investigators were working together as part of an assigned taxi/limousine enforcement operation when the complainant solicited decoy officers for an illegal ride, in violation of state and local laws. Prior to their contact with the complainant, the officers had already completed one enforcement action as part of the operation.

The complainant admitted he picked up a passenger from the street but did not provide evidence to either the SFPD or OCC that the ride was prearranged. The complainant's contractor said that there was no prearranged ride through their company as the complainant alleged.

A preponderance of 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: 05/08/14 **DATE OF COMPLETION:** 02/25/15 **PAGE #3** of 4

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

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

FINDINGS OF FACT: The complainant is a limousine driver. He stated that after picking up a passenger he assumed to be his passenger, he was approached by numerous officers and subsequently detained. The complainant was then placed under arrest on an outstanding warrant.

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

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

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

FINDINGS OF FACT: The complainant stated he was driving a limousine when SFPD officers and SFMTA investigators wrongfully cited him. The complainant stated he was not engaged in soliciting illegal fares or operating without permits as he was picking up a pre-arranged passenger.

The named officer, witness officers and SFMTA investigators denied the allegation. The named officer stated he issued the citation in accordance with MTA laws pertaining to soliciting illegal fares and operating without permits. The named officer stated he was the supervising officer for a taxi/limo enforcement operation when the complainant violated the law when he unlawfully picked up passengers who were actually SFPD decoy officers.

The complainant did not provide the information requested by the SFPD to determine that his actions were lawful. The complainant also refused to provide any documentation to the OCC. The OCC contacted the complainant's contractor who stated that the complainant did not have any pre-arranged rides as alleged by 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: 05/08/14 **DATE OF COMPLETION:** 02/25/15 **PAGE #4** of 4

SUMMARY OF ALLEGATION #8: The officer seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated an officer seized his cellular phones during the incident. The complainant stated he wanted to use his phones to record the incident.

The officer denied the allegation. The officer stated the complainant refused his verbal commands to provide his identification and to stop using the complainant's cellular phone during the incident. The officer stated there was no property seized from the complainant.

Witness officers and SFMTA Investigators denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/19/15 **PAGE #1** of 5

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

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

FINDINGS OF FACT: The complainant stated he and his fiancée had relocated from another state and were staying in a hotel room. The hotel manager told them to vacate their room, due to complaints of arguing, yelling and smoking in their room. The complainant stated that before he and his fiancée could pack all of their belongings, police officers arrived. During the police contact, the complainant stated the officer grabbed his right wrist and twisted it behind his back, while pushing him down onto the floor.

The named officer stated he did not touch the complainant's right arm or right wrist. He denied using any control holds or that he used any force on the complainant. During the incident, the complainant reached back to his back pocket with his left hand and pulled something silver out of his pocket. The officer stated he grabbed the complainant's left elbow with his left hand and placed his right hand on the complainant's left wrist, then turned him towards the wall. The officer denied using any type of wrist manipulation or physical control on the complainant. The named officer stated he did not do anything, which would have resulted in an injury to the complainant. The officer stated the complainant never complained of pain or that he was injured. The officer stated the complainant made delusional statements, was extremely agitated, sweating profusely, twitching, fidgeting and clearly under the influence of a stimulant.

The witness officer stated that he did not remember the named officer using reportable use of force. The witness officer stated that this was a routine call, where they escorted trespassers out of a hotel. The witness officer stated the complainant and his fiancée appeared to be under the influence of drugs at the time of the contact.

The complainant's fiancée stated the named officer injured the complainant's left arm/wrist. The fiancée added she was certain that it was the complainant's left wrist/arm that was injured because the complainant is left-handed, which impeded his ability to function normally.

The two employees from the hotel stated they had experienced problems with the complainant and his fiancée during their stay at the hotel and that other guests had complained about the complainant and his fiancée. Both employees also stated that the complainant and his fiancée appeared to be under the influence during their time at the hotel.

On the date of incident, the complainant contacted a district police station and filed an OCC complaint with a supervisor. When the complainant filed his complaint with the supervisor, he stated that the named officer injured the complainant's left arm/wrist.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/19/15 **PAGE #2** of 5

SUMMARY OF ALLEGATION #1 continued:

During the complainant's OCC interview five days after the incident, he presented an injured right arm/wrist. There was visible swelling to the complainant's right wrist and the area was red and pink.

The OCC photographed the complainant's right arm/wrist. There was no visible injury to the complainant's left wrist.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity when addressing him.

The named officer stated that he did not remember using profanity when addressing the complainant.

The witness officer stated that he did not remember the named officer using profanity when addressing the complainant.

The complainant's fiancée stated that the officer used profanity when addressing the complainant.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/19/15 **PAGE #3** of 5

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

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

FINDINGS OF FACT: The complainant stated when he told the officer to look at what he had done to his wrist, the named officer replied, "Welcome to the Tenderloin."

The named officer denied making the statement or making a similar statement to the complainant.

The witness officer stated that the named officer did not make the alleged statement.

The complainant's fiancée stated that the named officer told the complainant, "Welcome to the Tenderloin."

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated he pointed out his injury to the named officer, yet the officer responded with an inappropriate response towards the complainant.

The named officer stated the complainant never made a complaint of pain and that the complainant was not injured. The officer added that because the complainant never made a complaint of pain and he was certain he did not hurt the complainant, he did not have any duty to offer or provide medical treatment.

The witness officer denied hearing a complaint of pain from the complainant.

The named officer's supervisor stated that he offered the complainant medical treatment the same day of the incident, but the complainant refused medical treatment. The supervisor documented his offer of medical treatment and the complainant's refusal of medical treatment on the OCC complaint form.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/19/15 **PAGE #4** of 5

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to report his use of force.

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

FINDINGS OF FACT: The complainant stated the named officer injured the complainant's right arm and wrist.

The named officer stated that he never touched the complainant's right wrist or right arm. The named officer denied utilizing reportable use of force on the complainant during their contact. In addition, the named officer stated that he did not use any control holds on the complainant. The named officer reasoned that since he did not use force, he did not have a duty to report and document his actions in the use of force log since there was no force to document.

The witness officer did not remember the named officer using any physical force.

The named officer's supervisor, who took the complainant's OCC complaint, wrote that the complainant stated the named officer had injured his left wrist/arm and that he told the named officer of the injury. The supervisor stated the named officer denied using reportable force on the complainant.

The complainant's fiancée stated she witnessed the named officer use force on the complainant's left wrist.

The OCC photographed evidence of the complainant's right arm/wrist 5 days after the incident. The OCC photograph revealed the right arm/wrist to appear pink and swollen.

The complainant did not submit any evidence of medical reports regarding an injury to his right arm/wrist.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/14 **DATE OF COMPLETION:** 02/19/15 **PAGE #5** of 5

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

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

FINDINGS OF FACT: The named officer did not write an incident report. The named officer stated that nothing occurred that would trigger his duty to write a report. He stated there was no use of force or control holds used on the complainant. The officer stated that no queries were run on the complainant or his fiancée. The complainant and his fiancée were never handcuffed and the hotel did not press any charges.

The witness officer stated that he does not remember the named officer using force. He also stated that this was a routine call and that nothing transpired that would have required an incident report to be written.

The named officer's supervisor stated he spoke to the named officer regarding the incident. The supervisor stated the named officer informed him that he did not use any reportable force and an incident report was not required.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/14 **DATE OF COMPLETION:** 02/20/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he is a limousine driver who was pulled over in an undercover sting. The complainant admitted he had picked up two plainclothes police officers without a waybill. The complainant stated the officer who approached him was rude and threatening. The officer held his hand on his firearm and told the complainant to, "Shut up." The officer also told the complainant that he was a liar.

The named officer denied threatening the complainant or making the comments alleged by the complainant. He stated he did not specifically recall touching his firearm during this contact but said that while conducting a traffic stop, he usually keeps his hand on his firearm until he can determine the scene is safe.

Witness officers stated they did not hear the named officer make the alleged comments or observe the officer with his hand on his firearm.

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

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

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

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

The named officer stated he is required and always gives his name and star when asked; however, he did not recall his contact with the complainant.

Witness officers did not hear the complainant request the named officer's identifying information.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/14 **DATE OF COMPLETION:** 02/20/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he is a limousine driver who was pulled over in an undercover sting. The complainant admitted he had picked up two plainclothes police officers without a waybill. He stopped his vehicle far from the curb and got out to talk to the officers. The complainant stated that one officer got into his vehicle and moved it closer to the curb and multiple officers then searched the complainant's limousine without his consent.

All officers denied searching the vehicle or being inside the vehicle.

A sergeant supervising the detention stated that he remembered an officer getting in the vehicle to move the vehicle closer to the curb. He also recalled an officer going into the vehicle to get the complainant's registration and insurance. He stated he could not identify either officer. He stated the reason the officers entered the vehicle was to move it out of the way and get the complainant's information. Once the complainant was detained, he would not allow the complainant to enter the vehicle again for officer safety reasons.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/14 **DATE OF COMPLETION:** 02/11/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant, who was operating a vehicle for an Internet “ride-sharing” service, stated that he was issued a citation for not turning at an intersection requiring all private vehicles, except taxis and bicycles, to turn. He acknowledged driving straight in a taxi-only lane, instead of turning where the posted restriction indicated. The complainant said he was improperly given a second citation for resisting and delaying his arrest after refusing to sign the first citation, and then beginning to close his driver’s side window with an officer’s hands in the vehicle.

The named officer and the supervisor who responded to the scene said the complainant violated a posted traffic restriction, refused to sign a citation, demanded a supervisor, and then began raising his car window with the citing officer’s hands in the vehicle.

The OCC’s investigation showed that the intersection is clearly marked with the requirement for all non-taxi and private vehicles to turn. The complainant’s own statements established that the officer had probable cause to issue the second citation for delaying or resisting arrest.

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

SUMMARY OF ALLEGATION #2: The officer used excessive force during the citation.

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

FINDINGS OF FACT: The complainant said the named officer opened the complainant’s vehicle door and punched him after the complainant began raising his window. The complainant acknowledged that the officer’s hands were in the vehicle when he raised his window.

The officer said that as the complainant began raising his window, he pulled his hands out of the way and opened the car door to prevent the complainant from driving away. He said the complainant’s hand made contact with the officer’s left hip and the officer knocked the complainant’s arm down with his hand for his safety.

The complainant failed to provide photos or medical evidence of an injury. There was no video evidence or witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/14 **DATE OF COMPLETION:** 02/11/15 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant said that when he began closing the driver's side window of his vehicle with the named officer's hands in the car, the officer threatened to shoot him. The complainant stated that when he asked the officer for clarification of his statement, the officer removed his gun security clip and repeated his threat with his hand on his holstered weapon.

The named officer stated he did not recall what precise words he used, but said he yelled to the complainant to stop raising the window, and explained that if he continued compromising the officer's safety, the officer may be forced to shoot to defend his own safety. The officer denied removing his weapon's security clip or having his hand on his holstered weapon.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant said the named officer referred to him using a sexual slur, while minimizing the complainant's complaint that he was injured when an officer struck his arm.

The named officer denied using the alleged slur.

Another officer on the scene stated he could not hear the conversation between the complainant and the named officer as he was standing a significant distance from the complainant and 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: 06/02/14 **DATE OF COMPLETION:** 02/11/15 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #5: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer, who was summoned to the scene of a traffic stop, attempted to minimize the complainant's injury, acted sarcastically, and insisted the complainant sign a citation or he would be subject to arrest.

The named officer denied taking the alleged actions or making the alleged statements, and said he did tell the complainant he would face possible arrest if he continued to refuse to sign a citation.

One witness officer on the scene said he did not hear the conversation between the named officer and 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: 06/03/14 **DATE OF COMPLETION:** 02/18/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while stopped at an intersection to allow a group of bicyclists on a charity ride to pass, he observed a nude male bicyclist and alerted a nearby officer. The complainant stated the nude bicyclist reached the bottom of a street, dismounted, put on clothing and cycled away. The complainant stated the officer failed to take required action. The complainant stated the officer was an African American male, 40-50 years old, wearing a helmet and sunglasses.

Department records established that no bike officers were scheduled to work at the event. Additionally, no African American “bike trained” officers were assigned to the district station. Furthermore, identification polls were sent to the affected stations and units with negative results.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited without cause. The complainant denied assaulting his neighbors.

Department records showed that the complainant was cited pursuant to a private person's arrest. The evidence showed that the named officer's action was in compliance with DGO 5.04, Arrests by Private Persons.

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

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

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

FINDINGS OF FACT: The complainant stated that when he refused to sign the citation, the named officer threatened to arrest him.

Department General Order 5.06, Citation Release, states that a person who continues to refuse to sign a citation after giving him/her another opportunity to sign the citation shall be booked with an approval of a lieutenant.

The evidence showed that the officer's statement to the complainant was within Department Guidelines.

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: 06/06/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated the officer did not provide an interpreter for him. The complainant stated he told the officer that his English was not proficient. He requested an interpreter from the officer but was not sure if the officer understood his request. The complainant stated the other party received a Chinese interpreter. The complainant stated he understands simple English.

The named officer denied the complainant requested a Chinese interpreter and said the complainant spoke to him proficiently in English. The officer stated there were no indicators that the complainant was not able to speak and understand English. The officer stated if the complainant needed an interpreter, the officer would have called Language Line Services.

Witnesses stated they did not hear the conversation between the police and complainant. One of the witnesses stated the complainant speaks and understands English.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officer did not investigate the complainant's side of the story to the incident.

The officer denied the allegation. The officer stated he was the investigative officer that interviewed the complainant on scene. The officer stated he obtained the complainant's side of the incident.

The witnesses stated they did not hear the conversation between the police and the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/14 **DATE OF COMPLETION:** 02/20/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: During his OCC interview, the complainant stated he had been hired by the City and County of San Francisco, the Deputy Chief of Police and MTA to help with striking employees and to direct traffic. Concerning the subject incident, the complainant stated that he was working for the SFPD and went to a store to pick up some photographs but was harassed by the store employees who called the police. The complainant stated the store employees wanted him to wait for the police, but he walked out of the store. The complainant stated the officer contacted him and wrongfully detained him for a mental health evaluation. The complainant has made statements previously indicating he was the Chief of Police, worked for the FBI and the President of the United States. The complainant has previously been detained several times for mental health evaluations by the SFPD, including the SFPD Psychiatric Liaison Unit.

OCC's investigation concluded that the complainant is not employed by the City and County of San Francisco.

Department records indicate that the named officer was dispatched to a drug store concerning a fight or dispute (no weapons). The store manager told the officer the complainant was attempting to steal a shopping cart, was cursing at store employees, and had refused to leave the store. The named officer located the complainant and as part of his investigation asked the complainant basic questions to determine the complainant's mental status. The officer reported the complainant smelled as though he had urinated on himself. The named officer stated in his incident report that based on his observations of the complainant's behavior, the complainant's inability to answer questions posed by the officer and the complainant's delusions of grandeur, the officer determined the complainant was a danger to himself and others. The officer also reported that earlier that same day, a supervisory officer had dispatched the officer to the complainant's resident because of calls the complainant had been making to the police station. The complainant had also made various false reports of gas leaks, fires and other incidents over the past several days before the subject incident. Consequently, the officer detained the complainant for a mental health evaluation.

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: 06/12/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited her for failure to yield to a pedestrian in the crosswalk of an intersection. The complainant stated she did not see anyone in the crosswalk as she passed the intersection.

The named officer stated he was operating a Department-owned motorcycle behind the complainant when he witnessed the violation, prompting him to cite the complainant.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer did not walk over to the passenger side of her vehicle after the officer stopped her for a traffic violation. The complainant stated she exited her vehicle and walked towards the officer in an attempt to learn why the officer stopped her. The complainant stated the officer yelled at her to get back in her vehicle, and the complainant complied.

The named officer stated he stopped the complainant for failure to yield the right-of-way to a pedestrian who was crossing the street. He acknowledged yelling at the complainant after the complainant got out of her vehicle and approached him. The officer stated he raised the volume of his voice because the area of the traffic stop was noisy due to heavy vehicular traffic. In addition, the officer stated he wanted to ensure the complainant clearly understood him. He stated the complainant's action of getting out of her vehicle posed a safety risk to both the complainant and the officer. The officer explained that it was safer for the complainant to remain inside her vehicle.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer cited her for failure to yield the right-of-way to a pedestrian who was crossing the street. The complainant stated she is Asian and she saw the officer stop another Asian driver at about the same time the officer was citing the complainant. The complainant stated she did not see the other driver violate any traffic laws. The complainant indicated the fact that the officer pulled over two Asian drivers might have been coincidental, but she believed the officer had a possible racial bias due to the fact both drivers were Asian.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He stated he could not identify the complainant's gender, race, age or physical features at the time he saw the complainant commit the violation. He denied stopping the complainant on the basis of her race. The officer recalled a different police unit stopped another motorist near the location where the officer had stopped the complainant. The officer stated he was not a party to the traffic stop by the other unit, and did not know the outcome of that traffic stop.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the officer cited her for a violation that occurred at a specific intersection of the city that was different from the actual intersection where the alleged violation took place.

The named officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/14 **DATE OF COMPLETION:** 02/03/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/14 **DATE OF COMPLETION:** 02/20/15 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the named officer helped him get transportation to SFGH for emergency medical treatment after he was injured in a stabbing. The named officer told the complainant that he seized all of his property for safekeeping, and issued him a handwritten SFPD property receipt. The complainant said a comparison of the named officer's handwritten amount on the property receipt and the property release form indicated the officer misappropriated four dollars from the money taken from his person and in his belongings.

The named officer said the amounts listed in both documents are the same and the complainant misread his handwriting. The named officer acknowledged that his handwritten number five resembles a nine. Neither the named officer nor his partner could recall how the named officer accounted for the currency at the hospital, at the station or the identity of a sergeant who was allegedly present when the currency was counted at the police station.

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

SUMMARY OF ALLEGATION # 2: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant said that because he filed a complaint against the named officer an officer called his former employer, inquired about him and suggested he was wanted by the SFPD. The former employer verified such a contact but could not recall the identity of the officer who called. The former employer said the man who called him would not elaborate why officers from Mission Station were looking for the complainant.

The named officer and his partner denied they called the complainant's former employer and said they did not know any SFPD member who did. Department records indicated the criminal investigation in which the complainant was the victim had been discharged by the District Attorney's Office before the alleged call. The inspector assigned to investigate the case was female. Department records of the investigation indicated no call to an employer was documented.

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: 07/11/14 **DATE OF COMPLETION:** 02/27/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was driving a vehicle and had stopped for a stop sign when he encountered the officer who was driving an unmarked police vehicle. The complainant, who had a prior encounter with the officer years earlier, stated the officer stared at him in an intimidating and threatening manner and followed the complainant for approximately seven city blocks. The complainant stated that ultimately the officer drove away, and the officer never made any contact with him.

The named officer stated he was familiar with the complainant from prior law enforcement contacts but had not had any contact with him for several years. The officer stated he did not remember anything about the alleged incident. He denied attempting to intimidate, threaten or harass the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/14 **DATE OF COMPLETION:** 02/17/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

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

The named officer denied using profanity.

Three other officers present at the scene stated that they did not hear the named officer use profanity. Two of those officers stated they did not hear any conversation between the complainant and the named officer.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer pushed his girlfriend's niece on the chest. The complainant stated further that the named officer made comments to his girlfriend's niece that due to her ethnicity, she belongs in the North Beach area and not in a Bayview housing project.

The named officer, who acknowledged speaking with a female at the scene, denied making inappropriate comments or making any physical contact with any female.

Three other officers at the scene stated that they did not witness the named officer come into physical contact with a female.

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: 07/16/14 **DATE OF COMPLETION:** 02/17/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant alleged that the named officer entered the complainant's girlfriend's apartment without cause.

The named officer stated that in an effort to contact the complainant's girlfriend for information about the complainant, he repeatedly knocked on the door of her apartment and when no one answered, he walked away.

Three other officers present at the scene stated that they did not see or could not recall the named officer enter any apartment.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer exhibited racial bias, by telling the complainant he would never get out of the community he lived in, and that he was there for a reason.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied making any such comment to the complainant.

Three other officers present at the scene denied hearing the named officer make the alleged statements, or display any racial bias.

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: 07/16/14 **DATE OF COMPLETION:** 02/17/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant alleged the named officer searched his vehicle without cause, but acknowledged that he was driving an unregistered car, which was thus subject to being towed.

The named officer stated that the vehicle was subjected to an inventory search prior to being towed, and for officer safety reasons, he searched the vehicle for weapons before allowing the complainant to retrieve his personal belongings.

Three other officers present at the scene said the vehicle was subjected to a tow inventory search.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/14 **DATE OF COMPLETION:** 02/26/15 **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: The complainant stated she was driving through a specific intersection when she was stopped by the named officers for failing to stop at a stop sign. The complainant denied that there was a stop sign.

OCC's investigation established that there was a stop sign.

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

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

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

FINDINGS OF FACT: The complainant stated officers removed her from her car during a traffic stop, slammed her painfully against her car and took her to the ground. She stated she told the officers they were hurting her.

The named officers denied the allegation. The officers stated that the complainant was not taken to the ground and did not complain of pain or injury.

A witness overheard a portion of the incident during a phone conversation with the complainant but was not present at the scene.

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: 07/18/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that during the course of a traffic stop investigation, one officer told her he was an officer and he could “do what he wanted.” She stated the other officer told her at the conclusion of the contact that “Next time, you’ll yield to an officer.”

The officers denied making those statements or any inappropriate comments.

A witness overheard a portion of the incident during a phone conversation with the complainant but was not present at the scene.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer issued a citation for a stop sign violation without justification.

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

FINDINGS OF FACT: The complainant stated she was driving through a specific intersection when she was stopped and cited by the named officer for failing to stop at a stop sign. The complainant denied that there was a stop sign.

OCC’s investigation established that there was a stop sign.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 3 of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The officer's citation contained an inaccurate date of issuance by one day.

The officer admitted the clerical error.

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

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/14 **DATE OF COMPLETION:** 02/23/15 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated the officers refused to prepare an incident report. The complainant did not respond to OCC's request for an interview.

The officers denied the allegation, stating that the complainant did not request a report. The officers stated there was no crime committed. The officers further stated the complainant was not injured and refused medical aid on scene.

Witnesses interviewed by the OCC stated they did not hear the conversation between the complainant and the officers.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: In his written complaint, the complainant stated the officers harassed him. The complainant did not respond to OCC's request for an interview.

The named officers denied the allegation. They stated they were professional, helpful, and courteous toward the complainant. The officers stated the complainant was argumentative, rude, disrespectful, incoherent and frantic.

Witnesses interviewed by the OCC stated they did not hear the conversation between the complainant and the officers.

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: 07/31/14 **DATE OF COMPLETION:** 02/23/15 **PAGE #** 2 of 2

SUMMARY OF OCC ADDED ALLEGATIONS #5 - 6: The officers failed to take required action.

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

FINDINGS OF FACT: Department General Order 5.20 requires members to provide language assistance to a limited English proficient (LEP) person.

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

There was insufficient evidence to either prove or disprove that the complainant required language assistance services.

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: 08/08/14 **DATE OF COMPLETION:** 02/27/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that after he “was attacked by a Mexican from behind,” the complainant went to a nearby station to file a police report. The complainant stated that the named officer made inappropriate comments to him.

The named officer and another officer denied the allegation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that after he “was attacked by a Mexican from behind,” the complainant went to a nearby station to file a police report. The complainant stated that the named officer failed to properly investigate the crime he had reported to the named officer.

The named officer denied the allegation, stating that the complainant was “completely uncooperative with the investigation.”

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/14 **DATE OF COMPLETION:** 02/27/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant stated that after he "was attacked by a Mexican from behind," the complainant went to a nearby station to file a police report. The complainant stated that the named officer failed to properly investigate the crime he had reported and refused to accept his request for a citizen's arrest.

The named officer denied refusing to accept the complainant's request for a private person's arrest, stating that the complainant was "completely uncooperative with the investigation."

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the named officer refused to investigate his complaint.

The officer denied the allegation. He stated he listened to the complainant's request for assistance and a citizen's arrest regarding someone assaulting him at a homeless center. He stated he attempted to view a video recording on the complainant's mobile phone, but the complainant would not allow him to view it in its entirety. The officer stated that from what he was able to see, no crime occurred.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/14 **DATE OF COMPLETION:** 02/26/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that officers arrived on scene to investigate a 9-1-1 call made by another person that the complainant was aggressively panhandling and grabbing at passing individuals. The complainant admitted that when the officers arrived, she had to think fast and began to “act crazy” so that the officers would not take her to jail. She was then transported to a medical facility on a 5150 mental health detention.

California Welfare Institutions Code section 5150

When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services.

Records from the Department of Emergency Management showed that officers were dispatched to a 9-1-1 call to investigate an aggressive panhandler, who was grabbing people’s purses.

The named officer documented in his incident report that when he and his partner arrived on the scene, the complainant began running around the area and grabbing people, crying and calling out to persons who were not present. The named officer determined that the complainant was a danger to herself or others.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/14 **DATE OF COMPLETION:** 02/23/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violating California Vehicle Code sections 21750, Overtake and Pass to the Left, 21806(a), Authorized Emergency Vehicles, and 21200(a), Rights and Duties of Riders or Operators of Pedicab; Peace Officers on bicycles.

The complainant denied these violations, stating that he followed all traffic laws.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer selectively enforced the law.

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

FINDINGS OF FACT: The complainant stated the officer singled him out from a group of cyclists when enforcing traffic laws.

The named officer denied the allegation. The officer stated that the complainant was the only cyclist in the group who continued to intentionally violate the law.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/12/14 **DATE OF COMPLETION:** 02/23/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant is a cyclist. He stated the officer used an inappropriate tone to issue advisements through his patrol car's public address system to cyclists riding on a busy street controlled by traffic signals. The complainant further stated the officer yelled at him to stop when he had done nothing wrong and used aggressive means to stop him.

The named officer denied being inappropriate in any way. He stated he used the public address system to advise all cyclists and denied focusing on the complainant. He stated that when the complainant ignored his red lights and siren, he drove alongside the complainant and verbally ordered the complainant to stop. When the complainant ignored his verbal commands, he exited his vehicle and blocked his path to force him to stop.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 02/20/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers behaved in a threatening and intimidating manner.

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

FINDINGS OF FACT: The complainant stated that while preparing to board a MUNI train, a patrol vehicle sped towards the intersection, in what appeared to be an effort to “beat the train.” The complainant put her hand out in a stop-like fashion to warn the driver that passengers were going to board the train. The complainant stated the vehicle stopped and two officers exited the car. The complainant said they scolded her and threatened to cite her for interfering with traffic. The complainant felt that the officers bullied her and were mean to her.

Both named officers denied threatening or intimidating the complainant. They said the complainant was standing in the middle of a traffic lane, while the train was still 2 blocks away. Both officers said that they told the complainant she could be cited, but they did not cite her or threaten to cite her, as alleged.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/14 **DATE OF COMPLETION:** 02/03/15 **PAGE#** 1 of 1

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

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: 08/22/14 **DATE OF COMPLETION:** 02/09/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was pulled over because the officer said he was driving his car with one hand and assumed the complainant was using his cell phone. The complainant admitted a cell phone call had concluded on his cell phone approximately 5 minutes prior to the traffic stop.

The named officer denied the allegation. The officer stated he was stopped for a red light at the limit line of an intersection facing westbound in the #2 lane, in full uniform and riding a marked motorcycle. He was 20-25 feet away from the complainant when he observed the violation. The named officer stated he observed the complainant holding what looked like a cell phone in his right hand as he drove northbound across the intersection. The named officer stated he pulled to the right of the complainant's vehicle, looked through the passenger window, and confirmed that the complainant was actively using his cell phone. The officer noted that the complainant was distracted and never realized his presence as the named officer witnessed the complainant with a wireless device in his hand.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for using his cell phone, which he denied.

The named officer denied the allegation. The officer stated he witnessed the complainant holding and manipulating his cell phone with his right hand. The officer stated he pulled to the right of the complainant's vehicle, looked through the passenger window, and confirmed that the complainant was actively using his cell phone. The officer stated he would never pull someone over for assuming that a violation was made. The officer stated he cited the complainant because he violated CVC 23123(a).

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/14 **DATE OF COMPLETION:** 02/09/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to properly investigate

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

FINDINGS OF FACT: The complainant stated he offered to show the officer his cell phone to prove his innocence, but the officer refused to examine his cell phone.

The named officer acknowledged that the complainant offered to show his cell phone to him. The officer informed the complainant it was not necessary for him to see his cell phone because he had seen and confirmed that the complainant was using his cell phone. The officer stated he did not know how to use the complainant's cell phone and it is not common practice to search through someone's cell phone on a traffic stop. The officer stated that most cell phones have the capability to erase text, voice, and internet history.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/14 **DATE OF COMPLETION:** 02/26/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers failed to enforce a temporary restraining order (TRO) he had against his neighbor. The complainant admitted that he did not show the TRO to the officers. The complainant stated that the officers went to the neighbor's door and knocked, but the neighbor did not respond or open the door.

The officers denied the allegation. They denied knowing there was a valid TRO in place between the complainant and his neighbor, prompting them to treat the incident as a civil dispute between two neighbors. The officers stated that they knocked on the complainant's neighbor's door, but the neighbor did not respond. They also listened for noise inside from the complainant's residence as well as the outside doors and walls and heard nothing. They stated they could take no further action as there was no person to contact.

The evidence proved that the officers' actions were proper and lawful.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/14 **DATE OF COMPLETION:** 02/20/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was at the Hall of Justice for jury duty and saw a man outside loitering and sleeping with a blue parrot. The man and parrot clearly had been defecating on themselves. The complainant asked an officer inside the building to do something about it and the officer did nothing.

The named officer stated he was the station keeper at the time the complainant came up to the window. He told the complainant he could not immediately leave the station because there were several other people to assist. The officer later checked on the man with the parrot and determined that the man was not breaking any laws.

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 engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he complained to an officer about a man loitering outside the building, but the officer was dismissive, rolled his eyes and bobbed his head back and forth. The complainant further stated the officer told him that the loitering man was the complainant's problem and the man sleeps there every day.

The named officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/14 **DATE OF COMPLETION:** 02/20/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to the complainant's race and sexual orientation.

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

FINDINGS OF FACT: The complainant stated that although the officer did not say anything specific, the complainant felt the officer was acting rude because the complainant is a gay, Asian, transgender individual.

The named officer was interviewed pursuant to the OCC protocol for biased policing. The officer stated that the complainant's race and sexual orientation played absolutely no role in the way he treated the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer failed to take a required action.

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

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

SFPD Internal Affairs
850 Bryant Street, Room 545
San Francisco, CA 94103