

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/16 **DATE OF COMPLETION:** 02/22/16 **PAGE#**1 of 1

SUMMARY OF ALLEGATION #1: The officers misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated he was protesting in front of a church when he was approached by two officers, who told him that he could not protest in front of the church and that there was a “10 block restraining order” against him.

The complainant could not provide the exact date of the incident and could not describe the officers.

A poll of the district station where the incident occurred yielded negative results.

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: 01/18/16 **DATE OF COMPLETION:** 02/01/16 **PAGE** #1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/28/16 **DATE OF COMPLETION:** 02/23/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that in 2011, the named officer and his partner detained the complainant under California Welfare Institution Code section 5150, which states:

“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.”

The named officer could not recall the incident in question.

Department records showed that the complainant was not detained but rather arrested for elder abuse. Records indicated that the named officer and his partner had probable cause for the arrest.

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

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DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she went to a police station to report a restraining order violation against her ex-boyfriend. The complainant stated the officer she spoke with refused to take her report. The complainant stated the officer told her to call dispatch if her situation was an emergency.

The SFPD has no record of the contact.

An Officer Identification Poll sent to the station yielded 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.

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

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

FINDINGS OF FACT: The complainant stated she was outside a police station a year before she filed her OCC complaint, and stated the named officer contacted her. The complainant stated the named officer behaved and spoke inappropriately.

The named officer stated he did not recall having contact with the complainant.

No witnesses were identified.

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

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DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The officers responded to a call made by the complainant for a restraining order violation. The complainant stated the suspect threatened her in the presence of the officers, but the officers did not record the threats. The complainant stated that because of the officers' failure to record the threats, the suspect was released from jail two days later.

One of the named officers stated that the complainant made no mention of any threats. The other named officer stated that he has no recollection of the contact.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officers responded to her call reporting a violation of a restraining order by her ex-boyfriend. The complainant stated the named officers refused to arrest the suspect and allowed him to walk away from the scene. The complainant stated the officers told her that the restraining order was either expired or not in the system.

SFPD records showed that the complainant's ex-boyfriend was arrested for violation of the restraining order.

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

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SUMMARY OF ALLEGATIONS #7-8: The officers behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officers yelled at her and behaved unprofessionally.

Both officers stated they were calm and professional during the incident.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #9: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant was in a single room occupancy house meeting when she and another person in the meeting engaged in a dispute. After the meeting, the complainant stated she went to a police station to report the incident and spoke with the named officer. The complainant stated the named officer was rude and denigrated her request to file a report. The complainant stated the named officer told her nothing would happen and that her report would only be thrown away.

The named officer denied being rude or denigrating the complainant's request to file a report. The named officer stated she took a report, and was professional while doing so.

Department records showed that the named officer took the complainant's information and wrote a report.

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

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DATE OF COMPLAINT: 01/28/16 **DATE OF COMPLETION:** 02/01/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded 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: 01/29/16 **DATE OF COMPLETION:** 02/01/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/29/16 **DATE OF COMPLETION:** 02/17/16 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1 **DEPT. ACTION:**

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

Federal Protective Service
450 Golden Gate Avenue, 5th Floor, Room 5474
San Francisco, CA 94102

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DATE OF COMPLAINT: 02/02/16 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he left his unregistered boat by a jetty on Treasure Island. He returned several hours later to find it gone. He stated that a witness told him SFPD had towed the boat. The complainant did not know the identity of the witness, and has not responded to numerous requests for additional information.

Department records for the relevant date and location indicated no police action regarding boats.

The Department of Public Works, the city's towing agency, and the district with jurisdiction over Treasure Island all reported no action.

The identity of the alleged officer has not been established.

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

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was illegally towed. The complainant initially stated that it was towed from his driveway, which was private property. The complainant later stated that it was towed from the street, where it had been parked but not moved for two months. The complainant stated that he went to the police station to file a stolen vehicle report and spoke to a Police Service Aide. The named officer told the Police Service Aide who was taking the report to write it as a suspicious occurrence report rather than a stolen vehicle report, despite the complainant's objections. The named officer told the complainant that he did not want the report categorized as a stolen vehicle report because he didn't want to arrest the tow truck driver. The named officer told the complainant police were investigating the matter and that he would contact the complainant. When the complainant subsequently spoke by telephone with the named officer, the named officer told him that the towing company claimed they towed the complainant's vehicle by mistake. The named officer said he would talk to the towing company and attempt to have the complainant's vehicle released. The complainant told the named officer that he wanted him to make an arrest for vehicle theft rather than resolve the matter, but the named officer refused to act on his request. The complainant stated that the named officer failed to investigate the illegal towing of the complainant's vehicle.

Department records established that the named officer was not working on the date the complainant came to the police station and filed his initial incident report concerning the towing of his vehicle. Department established that the named officer was working on the date the complainant came to the police station and filed a supplemental report on the towing of his vehicle.

The Police Service Aide who took the initial report from the complainant stated that the incident report she prepared did not document the towing of the complainant's vehicle because it was a private tow.

The supplemental report prepared by the Police Service Aide (PSA) stated that the complainant told her that his vehicle, which was legally parked in front of his residence, had been illegally towed by a towing company and that he wanted to report the vehicle stolen. The complainant refused to provide his identification and told the PSA to obtain his information from the original report he filed. The PSA contacted and spoke to the manager of the towing company, who told her that the complainant's vehicle was parked on private property and that the towing company was authorized to tow it by a security service that patrols the surrounding area. The manager said he waived all fees for the complainant and had been attempting to contact the complainant for three weeks to arrange for the complainant to pick up his vehicle, or for the vehicle to be towed to a location of the complainant's choice. The PSA wrote that the named officer advised her to write the report as an "unfounded vehicle report." The PSA wrote that when

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SUMMARY OF ALLEGATION #1 continued:

she told the complainant the report she was preparing was not a stolen vehicle report, the complainant became visibly agitated and threatening, used profanity and called her a “dumb bitch.”

The Police Service Aide who prepared the supplemental report stated that the named officer instructed her to categorize the supplemental report as an “unfounded vehicle report” rather than as a stolen vehicle report.

The named officer stated that he had no role in the preparation of the initial incident report, which documented the towing of the complainant’s vehicle as a “Suspicious Occurrence.” Regarding the supplemental report, he stated that all the information gathered indicated the complainant’s vehicle was towed for a perceived violation and that there was no evidence of theft.

The named officer stated that he conducted an extensive investigation into the towing of the complainant’s vehicle. This investigation included: three contacts with sworn and civilian personnel at the SFPD Permits Detail; five contacts with the manager of the towing company that had towed the complainant’s vehicle; a contact with the manager of Treasure Island, where the complainant resided and where his vehicle was towed; multiple contacts with supervisors and security officers at the security firm at Treasure Island; contact with the Property Manager of the address where the complainant’s vehicle was towed; contact with an attorney at the San Francisco Police Department Legal Division regarding whether the towing of complainant’s vehicle was a criminal or a civil matter.

The named officer stated the property manager told him that he had instructed the security company to tow vehicles if they are abandoned. The property manager believed the complainant’s vehicle may have been towed by mistake due to a miscommunication between him and the security company. The named officer stated that a supervisor at the security company told him that the property manager had requested that abandoned vehicles be towed, and that a security officer initiated the call for the towing of the complainant’s vehicle based on the property manager’s request. The security officer who initiated the tow told the named officer that the property manager instructed him to place a 72-hour notice on the complainant’s vehicle, which had expired registration tabs and had not been moved in some time, and to tow the vehicle if it was not moved. The security officer’s partner told the named officer that the complainant’s vehicle had a flat tire and was towed four days after a 72-hour notice was placed on it. The security officer’s partner told the named officer that her supervisor approved the tow.

The named officer stated that he discussed the towing of the complainant’s vehicle with an attorney in the SFPD Legal Affairs unit, who told him that there were no grounds to make an arrest and that this was a civil matter.

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SUMMARY OF ALLEGATION #1 continued:

The named officer stated that he spoke on multiple occasions with the manager of the company that towed the complainant's vehicle, who denied any illegal activity by his company and said he believed the complainant's vehicle may have been towed by mistake. The manager said he had told the complainant of their possible error and was willing to waive all fees and have the vehicle towed to a location of the complainant's choice at no charge. The manager said he had called the complainant at least eight times to work out the details of the release of the complainant's vehicle.

The named officer stated he told the complainant that after gathering the information on his case, he did not find sufficient probable cause to arrest the tow truck driver, and that he believed the tow truck driver was intending to tow the complainant's vehicle on a perceived violation, and not to steal his vehicle. The named officer stated that he was unable to determine whether the complainant's vehicle was parked legally when it was towed. The named officer stated that he told the complainant that the manager of the towing company had investigated this tow and was unsure whether they may have towed the complainant's vehicle in error, and that the manager was willing to waive the towing and storage fees and tow the vehicle to a location the complainant chose.

The evidence established that the named officer investigated the towing of the complainant's vehicle and determined that the tow did not constitute a crime.

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 profanity.

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

FINDINGS OF FACT: The complainant stated that during his conversation with the named officer, the named officer used profanity.

The named officer stated that he did not recall using profanity when speaking to the complainant.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 4 of 9

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was illegally towed. The complainant initially stated that it was towed from his driveway, which was private property. The complainant later stated that it was towed from the street, where it had been parked but not moved for two months. The complainant went to the police station to file a stolen vehicle report and spoke to a Police Service Aide (PSA), who wrote the report as a suspicious occurrence report rather than a stolen vehicle report, despite the complainant's objections. The complainant stated that the named officer reviewed and approved the report. The complainant stated that the named officer did not ascertain all the facts, did not prepare a stolen vehicle report and instructed the Police Service Aide not to do what the complainant wanted done.

The report prepared by the PSA indicated that the complainant came to the station and reported that his vehicle had been illegally towed by a towing company two months earlier. The report stated that the complainant claimed that he legally parked his vehicle in front of a private property and subsequently received a Notice of Stored Vehicle/Amnesty offer from the towing company. The complainant went to the SFPD Tow Permit Department to file a complaint against the towing company and was told to go to the police station to have his complaint documented.

The named officer stated that he instructed the Police Service Aide to prepare the report on the towing of the complainant's vehicle as a suspicious occurrence report because the vehicle had not been stolen but was towed from private property and its current location – the towing company's facility – was known. The named officer stated that before taking a stolen vehicle report, officers check to see if the vehicle has been towed, since private and city-contracted tow companies must report the vehicles they tow to the SFPD Tow Desk. If a vehicle had been towed, officers generally would not take a stolen vehicle report. The named officer stated that he spoke briefly with the complainant, who was hostile and argumentative and would not accept his explanation.

The evidence established that the named officer gave appropriate instructions to the PSA concerning the preparation of the report on the towing of 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.

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DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 5 of 9

SUMMARY OF ALLEGATION #4: The officer exhibited a rude attitude.

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

FINDINGS OF FACT: The complainant went to the police station to file a stolen vehicle after his vehicle was illegally towed, and spoke to a Police Service Aide (PSA), who wrote the report as a suspicious occurrence report, rather than a stolen vehicle report, despite the complainant's objections. The complainant stated that the named officer, who reviewed and approved the report, was disrespectful and rude by hanging up the phone on the complainant.

The named officer stated that he spoke briefly with the complainant on the phone at the counter of the police station. He stated that the complainant was hostile and argumentative and would not accept his explanation, so he excused himself and returned to other supervisory duties. He stated that he did not recall whether he passed the phone to the PSA who had taken the complainant's report, whether he placed it on the counter or whether he hung up.

The PSA who took the complainant's report stated that she did not recall any interaction between the complainant and any officers.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was illegally towed. The complainant initially stated that it was towed from his driveway, which was private property. The complainant later stated that it was towed from the street, where it had been parked but not moved for two months. The complainant went to the police station to file a stolen vehicle report and spoke to a Police Service Aide (PSA), who wrote the report as a suspicious occurrence report rather than a stolen vehicle report, despite the complainant's objections. The named officer reviewed and approved the report. The complainant stated the named officer did not ascertain all the facts, did not prepare a stolen vehicle report and instructed the Police Service Aide not to do what the complainant wanted done.

The named officer stated that he did not start work until over four hours after the complainant came to the police station, and that he had no contact with the complainant. He stated that he was not present when the report was generated, and that the extent of his involvement with the report was reviewing and signing it for the Officer-in-Command. He stated that from reviewing the report, it appeared the complainant's vehicle was towed and not stolen.

Department records established that the named officer did not start work until eight hours after the complainant was at the police station, and over five hours after the PSA prepared the report.

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

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SUMMARY OF ALLEGATION #6: The officer exhibited a rude attitude.

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

FINDINGS OF FACT: The complainant stated that he went to the police station to file a stolen vehicle report after his vehicle was illegally towed, and spoke to a Police Service Aide, who wrote the report as a suspicious occurrence report rather than a stolen vehicle report, despite the complainant's objections. The officer who reviewed and approved the report was disrespectful and rude by hanging up the phone on the complainant.

The named officer stated that he did not start work until over four hours after the complainant came to the police station, and that he had no contact with the complainant.

Department records established that the named officer did not start work until eight hours after the complainant was at the police station.

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

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that his vehicle was illegally towed. The complainant went to the police station to file a stolen vehicle report and spoke to a Police Service Aide. The Police Service Aide prepared an inaccurate incident report that did not describe the incident as a vehicle theft and did not list the tow company as a suspect, as the complainant requested. The named officer reviewed and approved the inaccurate report prepared by the Police Service Aide.

The named officer stated that he reviewed the supplemental report but had no contact with the complainant and was not involved in the decision-making regarding how the report would be classified. He stated that he did not give the Police Service Aide any instructions concerning the report.

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

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DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 8 of 9

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that his vehicle was illegally towed. The complainant initially stated that it was towed from his driveway, which was private property. The complainant later stated that it was towed from the street, where it had been parked but not moved for two months. The complainant went to the police station to file a stolen vehicle report and spoke to a Police Service Aide. The Police Service Aide prepared an inaccurate incident report that did not describe the incident as a vehicle theft and did not list the tow company as a suspect, as the complainant requested. The complainant stated the officer reviewed and approved the inaccurate report prepared by the Police Service Aide.

The named officer stated that he reviewed the supplemental report prepared by the Police Service Aide. He did not recall whether he gave any instructions to the Police Service Aide regarding the report.

The named officer stated that at the start of his shift, another lieutenant gave him a brief synopsis of this incident, telling him that the complainant's vehicle was towed and that the complainant insisted he was the victim of a theft. This lieutenant told him the towing was a civil issue and not a criminal offense. Based on the information provided by the lieutenant and the information in the supplemental report, the named officer concluded that the elements of a vehicle theft were not present in this incident.

The named officer stated that he had no contact with the complainant at the station. However, later that day, the complainant flagged the named officer down as he was leaving the scene of a fire call and asked for his opinion regarding his towed vehicle. The named officer told the complainant that in his opinion, the towing of the complainant's vehicle was not a crime because there was no intent to steal his vehicle, and that this was a civil matter.

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

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

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

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

San Francisco Police Department
Internal Affairs
1245 Third Street-4 West
San Francisco, CA 94158

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

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

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

San Francisco Police Department
Internal Affairs
1245 Third Street-4 West
San Francisco, CA 94158

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

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street, Room 4 West
San Francisco, CA 94158

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DATE OF COMPLAINT: 02/08/16 **DATE OF COMPLETION:** 02/17/16 **PAGE #1** of 1

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

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

FINDINGS: This complaint raises matters outside OCC jurisdiction. This complaint has been forwarded to:

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

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DATE OF COMPLAINT: 02/10/16 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 1 of 1

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

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

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

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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. The complaint has been referred to:

San Francisco Police Department
Taraval Station
2345 24th Avenue
San Francisco, CA 94116

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DATE OF COMPLAINT: 02/16/16 **DATE OF COMPLETION:** 02/23/16 **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. The complaint has been referred to:

San Francisco Superior Court
Administrative Offices
Civic Center Courthouse
400 McAllister St. Room 205
San Francisco, CA 94102
(415) 551-5737

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/15/16 **DATE OF COMPLETION:** 02/29/16 **PAGE #1 of 1**

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

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

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

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DATE OF COMPLAINT: 02/16/16 **DATE OF COMPLETION:** 02/25/16 **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. The complaint has been referred to:

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

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

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

FINDINGS OF FACT: The complainant stated the named officer prepared an incident report containing multiple factual inaccuracies. The complainant stated the named officer's mischaracterizations led to a false citation for resisting arrest and disobeying orders during a traffic stop. The complainant stated the named officer inaccurately wrote that he rolled up his car window instead of complying with an order to surrender his car keys. The complainant state that, contrary to what the named officer wrote in the report, he did not get out of his car and tell the named officer that he was leaving.

The named officer stated she prepared an accurate incident report describing how the complainant disobeyed her order to surrender his keys and tried to leave during the middle of a traffic stop. The named officer stated she ordered the complainant to surrender his keys because he turned on his car engine and started driving forward during a traffic stop. The named officer stated that, instead of passing his keys through his open window, the complainant rolled up his window and tried to get out of his car. The named officer stated she slammed the car door shut and ordered the complainant to stay in his car. The named officer stated the complainant then got out of his car and told her he was leaving.

The named officer prepared an incident report describing how the complainant disobeyed orders and resisted arrest during the traffic stop. The named officer cited the complainant for resisting arrest and disobeying orders.

One witness interviewed by the OCC stated she did not see the initial interaction between the named officer and the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/15 **DATE OF COMPLETION:** 02/12/16 **PAGE #2 of 5**

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

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

FINDINGS OF FACT: The complainant stated the named officer sprayed him in the face with pepper spray when he tried to open his car door and talk to her during a traffic stop. The complainant stated he was being cooperative and should not have been sprayed with pepper spray.

The named officer stated she used pepper spray on the complainant because he got out of his car during a traffic stop and announced he was leaving. The named officer stated she feared the complainant would leave or overpower her with physical violence due to his large size. The named officer stated she had already tried to control the complainant with lower levels of force. The named officer stated she started with verbal control by yelling at the complainant to stay in his car. The named officer stated she also shoved the complainant's car door shut the first time he tried to get out. The named officer stated the complainant got out of his car a few moments later, stood within close proximity to her, and announced he was going home. The named officer stated she believed the complainant could use his key as a weapon against her and she did not know if he had additional weapons.

In the incident report, the named officer wrote that she used pepper spray against the complainant because she believed he was trying to overpower her or escape.

Department General Order 5.01 authorizes officers to use force to make an arrest and to protect themselves. Verbal persuasion, physical control, and liquid chemical agents such as pepper spray are permitted if necessary and appropriate. The named officer stated the complainant ignored repeated orders to stay in his car and tried to leave. The complainant denied trying to leave and stated he complied with the named officers orders.

One witness interviewed by the OCC stated she did not see the initial interaction between the named officer and the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/15 **DATE OF COMPLETION:** 02/12/16 **PAGE #3 of 5**

SUMMARY OF ALLEGATION #3-4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated an officer blinded him with pepper spray during a traffic stop. The complainant stated that, while he was suffering the painful effects of the pepper spray, the named officer roughly pulled him out of his car. The complainant stated the named officers Yanked on his arms, forced him onto the ground and pushed and prodded all over his body. The complainant stated the named officers put pressure on his neck. The complainant stated the named officers handcuffed him then pulled his legs backward as if attempting to tie his arms to his feet. The complainant stated pulling him out of his car and handcuffing him was unnecessary because the pepper spray already incapacitated him.

The named officers stated the complainant did not cooperate with several orders to get out of his car and onto the ground. The named officers stated they pulled on the complainant's arms to remove him from his car and to apply handcuffs to his wrists. One named officer stated he pulled on the complainant's arm and guided him to the ground using a bar-arm control hold. Both named officers stated they only pulled on the complainant's arms until they were able to apply handcuffs to his wrists. The named officers stated they used only a necessary amount of pressure on the complainant's legs and arms and denied putting pressure on the complainant's neck.

Witness officers saw the named officers pull on the complainant's arms while attempting to apply handcuffs to his wrists. The witness officers did not see the named officers push on the complainant's neck or pull his legs backward.

No other witnesses came forward.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/15 **DATE OF COMPLETION:** 02/12/16 **PAGE #4 of 5**

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer yelled at him to “Stay in the fucking car” during a traffic stop.

The named officer denied using any profanity.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the named officer treated him like a criminal during a traffic stop for double-parking. The complainant stated the named officer was rude and would not listen when he tried to explain that he was not a criminal and was only looking for parking near his home.

The named officer denied treating the complainant like a criminal. The named officer stated she believed the complainant when he said he was looking for parking in his own neighborhood. The named officer stated she yelled at the complainant and hit his car window with her hand because he started driving forward during the middle of a traffic stop. The named officer stated that, when she realized he was trying to pull into a parking spot that just opened up, she gave the complainant permission to finish parking. The named officer stated she slammed the complainant’s car door shut because she wanted him to stay in the car after he finished parking.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/15 **DATE OF COMPLETION:** 02/12/16 **PAGE #5 of 5**

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

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

FINDINGS OF FACT: The complainant stated the named officer cited him for disobeying a lawful order, resisting arrest, having expired registration, and double-parking. The complainant stated he was double-parked and had expired registration, but did not resist arrest or disobey orders. The complainant stated he obeyed the named officers orders and did not resist arrest.

The named officers stated the complainant disobeyed her order to surrender his keys and stay in his car.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 02/16/16 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officers stopped him while he was talking to a friend and one of the named officers asked the complainant if the laptop belonged to him. The complainant told the officer he owned the laptop, but the officer demanded to see it anyway. The complainant stated the officer checked the laptop serial number before giving it back. The complainant stated the named officers racially profiled him when they assumed he could not afford an expensive laptop. The complainant stated the encounter led to a search and citation for possessing marijuana. The complainant stated the named officers had no right to stop him in the first place and their discovery of his marijuana was therefore based on an “inadmissible” search.

The named officers stated they stopped the complainant because they suspected he was selling a stolen laptop. The named officers stated they observed the complainant showing the laptop to another man in an area particularly known for stolen-goods sales. The named officers stated they smelled a strong odor of marijuana coming from the complainant during the stolen goods investigation. The named officers stated they continued detaining the complainant in order to conduct a marijuana investigation.

The complainant’s friend stated he was talking with the complainant just prior to his detention. The friend stated the complainant was not trying to sell him stolen property.

Another witness stated he arrived at the end of the incident and did not see the events leading up to the detention.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 02/16/16 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #3: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officer accused him of having a stolen laptop and searched him. The complainant stated the named officer searched him “without consent or probable cause.” The complainant stated the named officer found a small amount of marijuana in a plastic container in his pocket. The complainant stated he did not have a medical marijuana card.

The named officer stated he detained the complainant during a stolen goods investigation and noticed a strong odor of marijuana coming from the complainant. The named officer stated he pat-searched the complainant during the investigation and found a container of marijuana in his pocket. The named officer stated the complainant did not provide a medical marijuana card.

A witness officer stated the complainant appeared to be selling a laptop and smelled strongly of marijuana.

A friend of the complainant stated he and the complainant were smoking tobacco cigarettes as the officers arrived and that the complainant was not trying to sell him stolen goods. The friend was not present when the named officer searched the complainant.

Another witness stated he arrived at the end of the incident and did not see the named officer search 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: 02/13/15 **DATE OF COMPLETION:** 02/16/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #4: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the named officer cited him for possession of marijuana. The complainant stated that, even though he was carrying marijuana without a prescription, he should not have been cited. The complainant stated the named officer only found the marijuana after conducting an impermissible search.

The named officer stated he cited the complainant because he found marijuana in the complainant's pocket during a pat-search. The named officer stated he pat-searched the complainant because he had reason to believe the complainant was selling stolen goods and using marijuana.

A witness officer stated he suspected the complainant was selling stolen goods because he was showing a laptop to another man in an area known for stolen goods sales. The witness officer stated he also smelled a strong odor of marijuana coming from the complainant.

The complainant's friend stated he and the complainant were smoking tobacco cigarettes when the officers approached and asked for the complainant's medical marijuana card.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 02/16/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #5: 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 searched him in a rough manner. The complainant stated the named officer unnecessarily grabbed his private parts to goad him into reacting or resisting. The complainant stated the named officer also snatched his laptop from his hands when the complainant refused to hand it over for inspection.

The named officer denied touching the complainant in a rough manner or grabbing his private parts. The named officer did not recall forcefully taking the laptop from the complainant and stated he believed the complainant handed over his laptop upon request.

A witness officer did not see the named officer treat the complainant in a rough manner or grab his private parts.

A friend of the complainant was present when the named officer first arrived. The friend stated the named officer harassed the complainant. The friend stated the named officer and his partner had recently harassed him in a similar manner.

Another witness, who was only present at the end of the incident, stated the officers acted professionally.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 02/16/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #6 - 7: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the named officers racially profiled him by assuming he was a criminal based on his race and investigating him on suspicion of possessing stolen goods. The complainant stated the named officers harassed him and violated his constitutional rights by questioning him about his laptop and looking up the serial number, even after the complainant said he owned the laptop.

The named officers were interviewed pursuant to OCC's Biased Policing Protocol. They denied that the complainant's race played a role in their decision to stop the complainant. They stated they stopped the complainant because he appeared to be showing a laptop to another man in an area known for sales of stolen electronic goods. The named officers stated they did not assume the complainant was a criminal based on his race.

A witness stated the complainant was not engaged in criminal activity and the officers were harassing 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: 02/26/16 **DATE OF COMPLETION:** 02/29/16 **PAGE#** 1 of 1

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 the officer cited him without cause. The complainant admitted that he failed to come to a complete stop at a stop sign, in violation of CVC 22450(a). The complainant wrote, "Sorry, I didn't make a full stop at the stop sign. There was nobody on the street."

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: 03/03/15 **DATE OF COMPLETION:** 02/04/16 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The failed to accept the complainant's private person's arrest.

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

FINDINGS OF FACT: The complainant stated that unprovoked, his tenant threw a bucket of fecal matter on him, punched him in the face and dislocated his nose. He stated he told the named officer that he wanted to press charges against the tenant. The complainant stated that the named officer informed him that the tenant alleged that the complainant had pushed him, which the complainant denied. The complainant stated he declined to press charges after the named officer informed him that if he pressed charges against the tenant, the tenant could also press charges against him, and both of them would go to jail.

The named officer stated the complainant initially wanted to press charges against the tenant, but changed his mind after the tenant claimed that the complainant had pushed him.

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 threatening comments.

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to take the complainant to jail if he pressed charges. He stated that the named officer intimidated him.

The named officer denied threatening to take the complainant to jail or behaving inappropriately.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/15 **DATE OF COMPLETION:** 02/04/16 **PAGE #2 of 2**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that he initially told the named officer that he wanted to press charges against his tenant, but later declined to press charges after the named officer threatened to take him to jail.

The named officer stated the complainant initially wanted to press charges against the tenant, but changed his mind after the tenant claimed that the complainant had pushed him. The named officer stated that he did not write an incident report, but documented the incident in the event history detail.

DGO 5.04 states in part, that 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 in all instances involving requests for a private person's arrest 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: 03/04/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she called the police when she and a neighbor were involved in a verbal dispute in there building's hallway. The complainant stated the named officer placed his right arm around her neck in a chokehold and pulled her several feet away as she and her neighbor tried to hit each other. The complainant stated she could hardly breathe and repeatedly told the officer to let her go and that she was pregnant.

The named officer denied the allegation. He stated he momentarily grabbed the complainant around the upper chest and moved her away from her neighbor to prevent her from striking her neighbor. He denied placing the complainant in a chokehold. The named officer denied that the complainant told him that she was pregnant.

A witness officer stated the named officer placed his hand and arm around the complainant's upper chest area and pulled her away. The witness officer denied that the complainant was placed in a chokehold.

The complainant's neighbor corroborated the complainant's account of what happened between the complainant and the named officer.

Another witness interviewed by the OCC did not see the entire incident.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated she and a neighbor were involved in a verbal dispute in the hallway of her building, prompting her to call the police. The complainant stated that the named officer held onto her as she and her neighbor tried to hit each other. The complainant stated she told the named officer to let her go, but he did not immediately release her.

The named officer stated he held the complainant to prevent the commission of a criminal offense. The named officer and a witness officer stated that the named officer momentarily restrained the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated she and her neighbor were in an argument. The complainant stated she told the named officer that her neighbor had assaulted her and the complainant wanted the neighbor arrested for assault, but the named officer failed to arrest her neighbor.

The named officer stated that the complainant wanted to press charges against her neighbor for battery and asked him to write a report. The named officer stated that his investigation showed that no crime had been committed as the complainant was uninjured and did not complain of pain.

SFPD Department General Order (DGO) 5.04, Arrests by Private Persons, requires officers to prepare an incident report in all instances in which a citizen requests a private person's arrest.

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

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

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

FINDINGS OF FACT: The complainant stated she was not provided a copy of her complaint form when she filed an OCC complaint with the named officer.

The named officer denied the allegation, stating that he provided the complainant a copy of her complaint pursuant to DGO 2.04.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The named officer was the senior officer of a two-person unit, backing up another unit who was responding to a fight between two neighbors.

Records from the Department of Emergency Management (DEM) failed to show that the named officer and his partner responded to the incident as a back up unit.

San Francisco Department General Order 1.03, Duties of Patrol Officers, requires officers to remain in constant radio contact with DEM. DGO 1.03 section I.A.d, states:

- d. Immediately notify the Communications Division when:
 - (1) Arriving at the scene of an assignment (10-97).
 - (2) Proceeding to another location during an assignment (10-98).
 - (3) Completing an assignment (10-8).

The named officer denied the allegation. He stated it is always his practice to inform DEM of his location. In this case, the named officer stated the dispatcher may have placed another unit on the call in error.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/15 **DATE OF COMPLETION:** 02/10/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while experiencing a manic episode, she was arrested for instigating a fight outside a liquor store. The complainant stated that the named officer failed to evaluate her mental health status and failed to place her on a psychiatric hold. The complainant stated that she had previously been placed on psychiatric holds in counties outside San Francisco, and that the officer indicated that he knew she had previously been held for psychiatric evaluations. She stated that she did not say much while at the police station, but that she was never asked questions to gauge whether she should have been detained for a psychiatric evaluation.

Department records established that the named officer who arrested the complainant ran a criminal history check on her that did not contain a record of detentions for psychiatric evaluations. The named officer stated that he knew from past dealings with the complainant that she had previously been detained for a psychiatric evaluation, but he did not provide any specific information about this. The named officer stated that he asked the complainant questions to determine whether she met the criteria for a psychiatric evaluation and determined she did not meet the criteria.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while at the police station, an officer made an inappropriate comment about the complainant having previously been detained for a psychiatric evaluation.

The identity of the alleged officer has not been established.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/15 **DATE OF COMPLETION:** 02/16/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant is deaf and communicates in American Sign Language (ASL). He stated he does not read lips. He stated he was involved in an injury accident and the named officer failed to call a qualified ASL interpreter to the scene.

A witness stated that she was a beginning student of ASL and did a “minimal” amount of interpretation between the complainant and the named officer. She stated the complainant did not read lips. The witness stated the officer waved his hand impatiently saying, “Let’s do this another way”, meaning he wanted the complainant to write down his account of the accident. She stated she believed the complainant should have had a qualified interpreter at the scene.

The named officer stated he did not call for a qualified interpreter because this was basically a field contact with the complainant, the complainant was not being interrogated, he found a witness interpreter at the scene to be sufficient and reasonable, and the complainant proved himself capable of reading lips.

Under the Americans with Disabilities Act, State and local law enforcement agencies are required to provide accommodations such as qualified interpreters to ensure effective communication with deaf and hard of hearing individuals.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on June 8, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/23/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that several officers saw him riding as a passenger in an acquaintance's car while sharing a marijuana joint around the block from his parked car. The complainant stated he was then dropped off to his car. He stated that while seated inside his vehicle, the named officer approached him and asked what was inside his ashtray. The complainant said, "Nothing." The complainant stated he was then ordered out of his vehicle and placed in handcuffs. The complainant told the OCC that there was a half joint inside the ashtray.

The named officer stated that the complainant was a known drug dealer, who did not reside in the area. The named officer stated that when he approached the complainant's vehicle, he saw in plain view numerous burnt marijuana blunts in the complainant's ashtray, prompting the complainant's detention.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/23/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant's friend without justification.

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

FINDINGS OF FACT: The complainant stated that several officers saw him riding as a passenger in an acquaintance's car while sharing a marijuana joint around the block from his parked car. The complainant stated he was then dropped off to his car. The complainant stated he then saw his acquaintance being detained by numerous officers.

The named officers stated they initially made contact with the complainant's acquaintance because the acquaintance's vehicle was parked at an angle and it was impeding the flow of traffic. In addition, the named officers stated they believed that the complainant and his acquaintance were engaged in illegal narcotics sales.

The complainant's acquaintance stated he was visiting the neighborhood when he saw the complainant, who was an acquaintance. The complainant's acquaintance stated he and the complainant drove around the block and then the complainant exited the vehicle. He stated he was parked on the street when he was detained.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/23/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #4-7: The officers searched two vehicles without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle and his acquaintance's vehicle were searched.

The named officers stated that the vehicles were searched after smelling marijuana coming from the vehicles. In addition, the named officers stated that one of the subjects had an outstanding warrant.

The evidence established that the named officers had probable cause to search both vehicles.

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: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #1** of 10

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

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

FINDINGS OF FACT: The complainant stated he was standing on a street corner waiting for a friend when the named officers stopped their marked police car in front of him. The complainant stated he heard one of the officers yell, "Get out of here!" The complainant stated he first thought he was the target of the officer's order, but realized she was yelling at another Hispanic male behind him. The complainant stated he stepped aside, and filmed the officers with the video camera on his cell phone. As he was doing so, one of the officers stepped out of the vehicle and demanded his identification. The complainant stated he complied and gave the officer his identification. The complainant stated the officers then started asking him questions and ran his information.

The named officers denied detaining the complainant. The passenger officer stated that she and her partner saw a man pointing to the complainant and saying something she could not understand in Spanish. The officer stated that when her partner, who speaks Spanish, pointed to the complainant, the other man nodded his head in approval. The passenger officer stated she and her partner approached the complainant, but that he was free to leave. She stated that he chose to remain at the scene.

The officer who was driving the patrol car stated that the man pointing at the complainant appeared to be "freaked out," as if he had been robbed. The officer stated the man said something in Spanish, telling them that the complainant was "the guy or point man." The officer stated she was familiar with the complainant but could not recall if she had seen him earlier that day. She stated she "might have seen" the complainant buying and selling stolen property but had not arrested him because she did not see him possessing stolen property. The officer stated that because the area is known for stolen property being traded, she and her partner approached the complainant to investigate. The officer stated the complainant could have walked away.

Both officers stated that they were unable to talk to the man who had drawn their attention to the complainant because the man disappeared from the scene.

The complainant provided OCC with two video recordings he said he made of the contact. One recording shows a female officer in the driver's seat of a patrol car, holding something in her hand aimed toward the complainant. When the complainant asked the officer why she was recording him, the other officer approached the complainant and told him it was illegal for him to stand on the corner. The complainant told the approaching officer that he was waiting for his girlfriend. That officer asked him questions and demanded his identification.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #2** of 10

SUMMARY OF ALLEGATIONS #1-2 continued:

The video further shows the driver officer exiting the vehicle and approaching the complainant. The officer told the complainant that they had been watching him for hours buying and selling stolen property.

SFPD General Order 5.03, Investigative Detentions, states in part:

I. POLICY

A. DETENTIONS. It is the policy of the San Francisco Police Department that every person has the right to use the public streets and public places so long as he/she does not engage in criminal activity. Factors such as the person's race, sex, sexual orientation, gender, gender identity, gender presentation, age, dress, unusual or disheveled or impoverished appearance do not alone justify even a brief detention, a request for identification, or an order to move on, nor do general complaints from residents, merchants or others.

B. REASONABLE SUSPICION. A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or to request identification.

The evidence shows that the complainant was not free to leave or end the contact. The officers demanded and took the complainant's identification and ran his name, and they repeatedly questioned the complainant. No reasonable person would have felt he was free to leave in those circumstances.

Neither officer articulated reasonable suspicion that the complainant was acting in a manner to suggest he was engaged in criminal behavior. Indeed, both officers said during their interviews that they found no evidence of a crime. While both officers spoke of suspicion based on a man who appeared worried and who pointed the complainant out to them, both officers allowed that man to leave without attempting to gather or clarify whatever evidence he may have been able to supply.

The evidence proved that the named officers detained the complainant without justification.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #3 of 10**

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

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

FINDINGS OF FACT: The complainant stated that when the named officer approached him, she immediately asked him if he were a “boss.” The complainant responded by asking the same question of the named officer. He stated that the officer then pointed to her left shoulder, indicating her sergeant’s stripes. The complainant stated the named officer also spoke to him in Spanish, calling him, “*puta* (whore),” and “*pequeno hombre* (small man).”

During her OCC interview, the named officer initially stated she did not recall asking the complainant if he were the boss, or whether she pointed to her rank insignia. The officer initially denied using inappropriate or derogatory language.

A video recording made at the scene by the complainant shows the named officer approaching the complainant, asking, “Are you our boss?” When the complainant responded, asking the officer, “Are you a boss?” The officer said, “yes.” The complainant said, “No. You’re not.” The named officer then said, “See this sleeve? That’s what it is, puta.”

The complainant asked the named officer why she called him, “puta.” The officer responded, “Because that’s what you do all day; selling yourself on the corner.” The named officer continued: “Any man that stands on the corner all day is probably selling his body.” The video also shows the named officer called the complainant “pequeno hombre” three times, and at one point, she told him, “Shut the fuck up.”

After viewing the video recording made by the complainant, the named officer acknowledged the recording captured her and her partner’s contact with the complainant. The OCC asked for her reaction to the video. The named officer said, “I don’t know what else I could say. I mean, it was a, it was a, ... we had just been subjected to you know, a lot of vulgarities. And I think that we were pretty controlled considering what we had just been dealing with, with him.”

Later in the OCC interview, the named officer’s representative asked why she had earlier denied using profanity or verbal abuse in speaking to the complainant. The named officer stated that she had answered the question based on her best recollection at the time. “That’s what I thought,” she said. “I guess, I was, I was a little heated.”

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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #4** of 10

SUMMARY OF ALLEGATION #3 continued:

Two officers who were at the scene stated they could not recall any specific statements made during the incident.

SFPD Department General Order 2.01, General Rules of Conduct, states in part:

9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

...

14. PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.

The language the named officer used in her conversation with the complainant was uncivil, harsh and profane, violating DGO 2.01 section 9 and 14.

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

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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #**5 of 10

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

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

FINDINGS OF FACT: The complainant stated the named officer was present when he was asked by another officer if he were a “boss.” He stated the named officer then pointed to her sergeant’s stripes and indicated she was in charge. He complained further that when an officer spoke to him in Spanish, calling him a “Puta (whore),” the named officer said she did not speak Spanish, but agreed with the other officer’s contention.

The named officer denied the allegation that she agreed with her partner’s slur. The officer stated that at one point, she heard the other officer say “*punta*” (point), not “puta.” The officer said she understood punta to be a reference to an unidentified reportee who had caught the attention of the officers, pointed to the complainant, and said in Spanish something about the complainant being “the point man.” Two officers who were at the scene stated that they could not recall any specific statements made during the incident.

SFPD Department General Order 2.01, General Rules of Conduct, states in part:

9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

...

14. PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual’s gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.

Video and audio recordings the complainant made of the incident captured the named officer in conversation with the complainant, discussing if she were a “boss,” and referring to her sergeant’s stripes as an indication that she was a “boss.” The recordings showed that when the complainant disagreed, an officer called the complainant, “Puta,” and defined the term, saying the complainant was, “selling himself on the street all day.” The recording then captured the named officer saying, “I agree with her. I just don’t know how to speak Spanish.”

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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #**6 of 10

SUMMARY OF ALLEGATION #4 continued:

The speech the named officer engaged in was uncivil, at best. While she apparently did not use the actual term, “puta,” to refer to the complainant, the evidence showed that she indicated her support of the officer who did. Engaging in such inappropriate conversation with a member of the public, especially as a sergeant, reflects discredit upon the Department, in violation of DGO 2.01.

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

SUMMARY OF ALLEGATION #5: The officer made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant stated the named officer spoke to him in Spanish, calling him, “*puta* (whore),” and “*pequeno hombre* (small man).”

During her OCC interview, the named officer acknowledged that she speaks Spanish, but initially denied using inappropriate or derogatory language.

Video and audio recordings the complainant made at the scene captured the named officer asking the complainant, “Are you our boss?” When the complainant responded, asking the officer, “Are you a boss?” the officer said, “yes.” The complainant said, “No. You’re not.” The named officer then said, “See this sleeve? That’s what it means, puta.”

The complainant asked the named officer why she called him, “puta.” The officer responded, “Because that’s what you do all day; selling yourself on the corner.” The named officer continued: “Any man that stands on the corner all day is probably selling that body.” The video also shows the named officer called the complainant “pequeno hombre” three times, and at one point, she demanded that he, “Shut the fuck up.”

After reviewing the recording made by the complainant, the named officer acknowledged the recording captured her and her partner’s contact with the complainant. The OCC asked for her reaction to the video. The named officer said, “I don’t know what else I could say. I mean, it was a, it was a, ... we had just been subjected to you know, a lot of vulgarities. And I think that we were pretty controlled, considering what we had just been dealing with, with him.”

Later in the OCC interview, the named officer’s representative asked why she had earlier denied using derogatory or inappropriate language in speaking to the complainant. The named officer stated that she had initially answered the question based on her best recollection at the time. “That’s what I thought,” she said. “I guess, I was, I was a little heated.”

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SUMMARY OF ALLEGATION #5 continued:

Two other officers who were at the scene stated they could not recall any specific statements made during the incident.

No other witnesses were identified.

SFPD Department General Order 2.01, General Rules of Conduct, states in part:

9. MISCONDUCT. Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

...

14. PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language. Members shall also address the public using pronouns and titles of respect appropriate to the individual's gender identity as expressed by the individual. When requested, members shall promptly and politely provide their name, star number and assignment.

The language the named officer used in her conversation with the complainant was uncivil, harsh and profane, reflecting discredit upon the Department. The officer initially denied using the language and then could only defend it as, "pretty controlled," given the verbal abuse she claimed she had been subject to by the complainant. There was no verbal abuse by the complainant captured on the recordings the complainant supplied to the OCC.

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

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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #8 of 10**

SUMMARY OF ALLEGATIONS #6-7: The officers interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated the officers contacted him because he was filming them with his cellular phone.

The officers denied the allegation. One named officer stated she was aware that the complainant was filming her but did not stop the complainant. The other named officer stated she was not aware that the complainant was filming.

The recordings supplied by the complainant to the OCC indicated that the complainant was able to record a short video that allowed identification of the involved officers. A second video captured audio of the complainant's conversation with the officers, but only a very brief piece of video. It is not clear why the complainant's video camera was obscured during the bulk of his contact with the officers.

Two other officers that arrived on scene stated that they did not know if the complainant was filming during the incident.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 03/26/15 **DATE OF COMPLETION:** 02/16/16 **PAGE #9** of 10

SUMMARY OF ALLEGATIONS #8-9: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that, during a second contact several days after the first contact, the named officers detained him for riding his bicycle on a sidewalk. The complainant stated the detention was unjustified because he was not pedaling his bicycle but walking it on the sidewalk while seated on it.

The named officers stated that they detained the complainant because they saw him riding his bicycle on the sidewalk.

Article 5 of the San Francisco Traffic Code states:

SECTION 96. BICYCLE RIDING RESTRICTED. It shall be unlawful to ride a bicycle upon any sidewalk area, except at a permanent or temporary driveway or on bikeways heretofore or hereafter established by resolution of the Board of Supervisors; provided, however, that juveniles under the age of 13 and riding a sidewalk bicycle, exercising due care and giving the pedestrian the right-of-way, may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores, or buildings used for business purposes.

The evidence shows that, although the complainant was not pedaling his bicycle, he was propelling it on the sidewalk. The law requires bicycles to be walked on sidewalks, especially where there are pedestrians.

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

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SUMMARY OF ALLEGATION #10: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The evidence shows that the named officer issued the complainant a citation for riding his bicycle on the sidewalk.

The evidence shows the complainant was riding his bicycle on the sidewalk.

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

SUMMARY OF ALLEGATION #11: The officer engaged in biased policing, based on race.

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

FINDINGS OF FACT: The complainant stated the officer detained him because of his race. The complainant believed the officer's detention was based on his race due to comments the officer had made to the complainant in a previous incident.

The named officer and her partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied the allegation, stating that they detained the complainant because they saw him riding his bicycle on the sidewalk. The officers stated the complainant's race was never a factor and had nothing to do with the incident.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/03/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was assaulted and that the named officer refused to arrest the suspect and failed to write an incident report. In addition, the complainant alleged that the responding officers failed to properly investigate the assault.

The named officer stated he and his partner were dispatched to an “A” priority call regarding a fight or a dispute. The named officer stated the complainant told him that he had been struck, choked and thrown to the ground. The named officer stated that the complainant was adamant that the suspect be arrested and taken to jail. However, the named officer stated that based on his investigation, there was not enough evidence to arrest the suspect. The named officer stated the complainant had no visible injuries and that the involved parties only admitted to a verbal argument, denying any physical contact between the complainant and the suspect.

San Francisco Police Department General Order 1.03 section I.A.5.d, states:

- d. Make written reports on crimes observed or brought to their attention that have not been previously reported. Book all property and evidence in their custody prior to reporting off-duty.

San Francisco Police Department General Order 2.01 sections 19 and 25, 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.
- 25. ON-DUTY WRITTEN REPORTS. While on duty, members shall make all required written reports of crimes or incidents requiring police attention.

San Francisco Police Department General Order 5.04 section II.8, states:

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/03/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #1 continued:

Records from the Department of Emergency Management (DEM) showed that the complainant called 911 and reported an assault/battery, prompting the named officer and his partner to be dispatched to the scene.

The named officer stated that because he determined that a physical assault did not occur, he could not take the suspect to jail. In addition, the named officer stated that the complainant did not ask for an incident report. The named officer stated that the following day, the complainant went to the station and requested that an incident report be prepared. The named officer stated that due to a miscommunication with his partner, the named officer did not prepare the report until approximately three months after the incident.

The evidence shows that a crime was reported to the named officer. In addition, the evidence shows that the complainant requested that the suspect be arrested. While probable cause to arrest the suspect might not have existed, the named officer was required to generate an incident report pursuant to DGO 5.04 section II.8. In addition, when the complainant went to the station and specifically asked the named officer to prepare an incident report, the named officer did not prepare the report until 3 ½ months after the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/03/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was assaulted and that the responding officers refused to arrest the suspect and failed to write an incident report. In addition, the complainant alleged that the responding officers failed to properly investigate the assault.

The evidence shows that an incident report should have been prepared. However, the evidence shows that the named officer's partner, who was the senior officer, was responsible for preparing the incident report.

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

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 stated the named officer repeatedly called him a liar.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 04/03/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer prepared an inaccurate report that lacked many details the complainant felt should have been included in the police report.

The named officer stated his incident report was accurate based on the investigation he conducted.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 02/24/15 **DATE OF COMPLETION:** 02/01/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers used unnecessary force.

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

FINDINGS OF FACT: On behalf of his client, the complainant stated that officers struck a 13-year-old child with a baton while executing the service of a body attachment. The complainant's client did not come forward.

The named officers denied the allegation. The named officers stated they observed a person they knew had an outstanding felony warrant. When that person saw the named officers, he ran into his house. The named officers followed this person into the house in hot pursuit. The named officers stated that when they entered the house, family members were present inside the home but denied that the 13-year-old daughter was in the home. The named officers arrested the son and left the premises. The officers denied the alleged use of force.

No witnesses came forward.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: On behalf of his client, the complainant stated that the police would not be mistreating his client and his client's family if the family were Caucasian and lived in an affluent neighborhood.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied the allegation, stating that the son had an outstanding felony warrant. The named officers stated that race played no factor in how they handled the incident.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/15 **DATE OF COMPLETION:** 02/03/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that, as a retired peace officer, his address is confidential pursuant to California Vehicle Code section 1808.4. He stated that when he received his vehicle registration renewal form, he noticed that he was being charged for parking violation from a nearby city. He stated he did not receive a notice of that citation on his vehicle or by mail. The complainant stated due to his confidentiality protection, the citation notice should have been sent to the SFPD, and, in turn, the SFPD should have forwarded the citation to him.

A member assigned to SFPD's Legal Division stated he is not aware of the Department ever receiving any parking tickets for current or retired members with blocked addresses.

California Vehicle Code section 1808.4 states that the confidential home address of an active or retired peace officer may be disclosed to a law enforcement agency or a governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department. It also states that, "With respect to a retired peace officer, his or her home address shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened."

The customer care manager for the parking citation processing company stated the complainant's citation was not sent to his [blocked] home address, nor was it forwarded to the SFPD. The manager provided a copy of the citation, which did not list the complainant's address. The customer care manager stated that the notice of citation was returned to the citation processing company by the post office. She further stated that the citation processing company does not forward notices of citations to police departments for officers with blocked addresses.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/15 **DATE OF COMPLETION:** 02/05/16 **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 stated that he and his girlfriend were having lunch behind AT&T Park when they were approached by three officers and asked what was in his paper bag. The complainant showed the officers an unopened can of beer in the bag. The complainant stated that one of the officers then asked for his information to complete an “information card,” documenting the contact. When the officer left, the complainant walked to Terry Francois Street and waited for the game to start. The complainant stated he was then approached by a homeless man, who asked for money and food. The complainant gave the homeless man his beer. At that point, the same three officers approached him and cited him for having an open container.

The named officer denied the allegation. The named officer stated that he cited the complainant because he observed him in possession and control of the open alcoholic beverage. The officer stated he had previously warned the complainant for the same offense.

Witness officers corroborated that the complainant was in possession of an opened container of alcohol.

The complainant did not provide the OCC with his girlfriend’s contact information.

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 the named officer used profanity during the incident.

The named officer and two witness officers denied the allegation.

The complainant did not provide the OCC with his girlfriend’s contact 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: 05/22/15 **DATE OF COMPLETION:** 02/05/16 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officers disrespected him, made inappropriate comments, and raised their voices towards him.

The named officers denied the allegations. One of the named officers described his demeanor as calm, professional and polite.

The complainant did not provide the OCC with his girlfriend's contact 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: 06/09/15 **DATE OF COMPLETION:** 02/25/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was cited for violating California Vehicle Code section 22400(a), which states:

No person shall drive upon a highway at such a slow speed as to impede or block the normal and reasonable movement of traffic unless the reduced speed is necessary for safe operation, because of a grade, or in compliance with law.

No person shall bring a vehicle to a complete stop upon a highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation or in compliance with law.

The complainant stated he briefly stopped his vehicle to let his girlfriend out of the car.

The video evidence provided by the complainant shows that the vehicle behind the complainant honked at him.

Based on the video evidence, the named officer had cause to issue the complainant a citation.

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: 06/09/15 **DATE OF COMPLETION:** 02/25/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was stopped and cited for impeding traffic. During the traffic stop, the complainant stated that the named officer said, “Next time a police officer tells you something, you say you’re sorry.”

The video evidence shows that during the traffic stop, the named officer made the following statement: “So, next time, if a police officer asks you why are you doing something, you should say I’m sorry.”

San Francisco Police Department General Order 2.01 section 9, states:

Any breach of peace, neglect of duty, misconduct or any conduct by an officer either within or without the State that tends to subvert the order, efficiency or discipline of the Department, or reflects discredit upon the Department or any member, or is prejudicial to the efficiency and discipline of the Department, although not specifically defined or set forth in Department policies and procedures, shall be considered unofficer-like conduct subject to disciplinary action.

San Francisco Police Department General Order 9.01 section I.A.3 states:

3. DISCRETION. Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action.

The evidence shows that the named officer made an inappropriate comment to the complainant when the named officer told him, “So, next time, if a police officer asks you why are you doing something, you should say I’m sorry.” While the complainant was clearly impeding traffic, deserving the citation, he had no obligation to apologize to the named officer. In addition, the named officer’s comment served no law enforcement purpose, especially when the named officer had already told the complainant that he was citing him for impeding traffic, and that the complainant just can’t stop in the middle of the road when driving. The named officer’s comment reflected discredit upon the Department, in violation of DGO 2.01.

Additionally, the named officer stated that he used his discretion to issue a citation based on the complainant’s comments, which the officer interpreted as proving the complainant did not understand the law. The named officer had discretion to write the citation – and was justified by facts in issuing it. But when the named officer verbally tied the issuance of the citation to an unnecessary apology, his comment suggested that the citation was issued based on the complainant’s attitude, not his knowledge of the law.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/09/15 **DATE OF COMPLETION:** 02/25/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #2 continued:

The evidence established that the named officer allowed the attitude of the complainant to influence his enforcement action, in violation of DGO 9.01.

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: 06/25/15 **DATE OF COMPLETION:** 02/22/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated he was standing on a sidewalk away from a legally parked van when the named officer and his partner pulled up and detained two individuals who were inside the van. The complainant denied owning the van but admitted using the van to pick up the two individuals who were inside the van and parking it prior to the officers pulling up. The complainant stated the named officer went out of his way and arrested him. The complainant stated the named officer knew him and did not like him.

The named officer stated that another officer told him that there was drug activity going on around the complainant's van. The named officer stated that as he approached the van, the complainant, who was standing by the passenger door, spun around and quickly walked away from the van, prompting the named officer to detain the complainant. The named officer stated he walked behind the van and noticed the scent of burnt marijuana coming from the van. The named officer stated he looked through the van's right front passenger door window and saw in plain view a glass pipe with water in it. The named officer stated that the bowl of the pipe was charred black and that the tube had brown residue, which was indicative of the pipe being used to smoke marijuana. During the search of the van, illegal narcotics were found, including a digital scale. The named officer stated that the complainant admitted ownership of the van. The named officer stated that he and other officers had arrested the complainant numerous times for drug sales/possession. The named officer stated that the complainant was a known drug dealer.

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

No independent witnesses came forward.

There were no independent witnesses to support the named officer account of what happened.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 02/22/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was arrested and placed in handcuffs.

The named officer stated that the complainant was arrested for possession and sales of narcotics.

No independent witnesses came forward.

There were no independent witnesses to support the named officer account of what happened.

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

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

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

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

The named officer stated that the complainant was searched incident to arrest.

No independent witnesses came forward.

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

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DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 02/22/16 **PAGE#** 3 of 3

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 he was standing on a sidewalk away from a legally parked van when the named officer and his partner pulled up and detained two individuals who were inside the van. The complainant denied owning the van but admitted using the van to pick up the two individuals who were inside the van and parking it prior to the officers pulling up. The complainant stated the named officer went out of his way and arrested him. The complainant stated the named officer knew him and did not like him.

The named officer stated that another officer told him that there was drug activity going on around the complainant's van. The named officer stated that as he approached the van, the complainant, who was standing by the passenger door, spun around and quickly walked away from the van, prompting the named officer to detain the complainant. The named officer stated he walked behind the van and noticed the scent of burnt marijuana coming from the van. The named officer stated he looked through the van's right front passenger door window and saw in plain view a glass pipe with water in it. The named officer stated that the bowl of the pipe was charred black and that the tube had brown residue, which was indicative of the pipe being used to smoke marijuana. During the search of the van, illegal narcotics were found, including a digital scale. The named officer stated that the complainant admitted ownership of the van. The named officer stated that he and other officers had arrested the complainant numerous times for drug sales/possession. The named officer stated that the complainant was a known drug dealer.

No independent witnesses came forward.

There were no independent witnesses to support the named officer account of what happened.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 02/01/16 **PAGE#** 1 of 1

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 that the named officer pulled him over for a traffic stop. The complainant stated he was traveling at 25 mph and not speeding. The complainant stated he was following his daughter in a car, which had a mechanical defect. The complainant stated there were numerous cars in front of him including a car next to his vehicle, which sped off when the lane merged to one lane. The complainant stated he believed the officer was lying so he refused to sign the citation. The complainant stated the officer handcuffed him and he requested that a supervisor respond to the scene.

The named officer denied the allegation. He stated he observed the complainant's vehicle at a speed above the posted speed limit and clocked him using his Lidar, a speed-measuring device. The named officer stated that the Lidar unit is extremely accurate whereby the laser points at a vehicle and clocks the speed. The named officer stated he made a traffic stop on the complainant, requested his identification and advised the complainant of the reason for the stop. The officer stated the complainant was handcuffed when he refused to sign the citation, which prompted the officer to request a supervisor to the scene. When the complainant signed the citation, he was released from the scene.

No witnesses came forward.

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

SUMMARY OF ALLEGATION # 2: The officer engaged in biased policing, due to race.

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

FINDINGS OF FACT: The complainant stated he was racially profiled.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation, stating that he did not notice the complainant's race until he made contact with the complainant. The named officer denied that the complainant's race was a factor in the traffic stop.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/15 **DATE OF COMPLETION:** 02/03/16 **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 at the San Francisco General Hospital when she was detained and subsequently arrested after being questioned by the SFPD.

The named officers stated they had the complainant detained after they received a report from a government agency that the complainant was suspected of abusing her child.

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

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

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

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

FINDINGS OF FACT: The complainant stated that she was falsely arrested for child abuse.

The named officers stated they arrested the complainant after they received a report from a government agency that the complainant was suspected of abusing her 4-year-old child. The named officers stated the complainant's child/victim disclosed that the complainant had hit him with a cord for misbehaving. The officers stated medical personnel examined the child and found visible injuries consistent with being hit with a cord.

Department records established that the officers had probable cause to arrest the complainant.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/15 **DATE OF COMPLETION:** 02/03/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that she was not read her *Miranda* rights before being questioned by the police.

The named officer stated he read the complainant her rights verbatim from his Department-issued Miranda card.

A witness officer corroborated that the named officer read the complainant her Miranda Rights.

Department records established that the complainant's interview was recorded. Before the complainant was questioned, the named officer can be heard advising the complainant of her rights and the complainant can be heard acknowledging that she understood her rights.

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

SUMMARY OF ALLEGATIONS #6-7: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers entered and searched her residence without cause.

The named officers stated that in the course of their child abuse investigation, they obtained a search warrant to search the complainant's home for the cord used to inflict injury on her child.

Department records established that the officers obtained a search warrant to search the complainant's residence.

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

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SUMMARY OF ALLEGATIONS #8-9: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the named officers seized her cell phone without cause.

The named officers stated that in the course of their child abuse investigation, they seized the complainant's cell phone to determine if there was any evidence related to the incident. They stated they obtained a search warrant before they searched the phone.

Department records established that the officers obtained a search warrant to search the complainant's cell phone.

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 #10: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that police busted her front door when they searched her home. She stated there was no need to bust down her door because the officer had her keys.

Two witness officers stated that they asked the named officer to use a Department issued ram to open the complainant's front door when no one answered the door. One officer stated the complainant's keys were unavailable at the time of the service of the search warrant. Another officer stated the complainant was uncooperative and refused to provide her keys to the police.

The named officer stated he assisted the two witness officers with the service of the search warrant. The named officer stated he used a Department ram to gain entry.

Department records established that the damaged door was photographed and documented. The damage to the complainant's door was documented in the incident report and the inspector's chronological report, which described the circumstances of the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that pursuant to his search condition, the named officers searched his vehicle. The complainant stated that when his vehicle was released to him, the vehicle's interior had sustained extensive damage that did not exist prior to the date of its seizure. The complainant further stated his passport was missing and was not returned to him by the investigating officer, who failed to issue the complainant a property receipt.

The named officers denied damaging the complainant's vehicle and did not see anyone else damage it. They denied receiving any reports of damage. The named officers stated they did not find a passport during their search of the complainant's vehicle, nor did the complainant mention he had one at the scene.

Department records showed that the complainant's vehicle was towed because the complainant was driving on a suspended driver's license.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that following his release from custody at a district station, he was walking home when an officer he had seen while he was in custody called him a sexually derogatory term.

The named officer admitted seeing the complainant while he was in custody at the police station. The named officer denied the allegation.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that following his release from custody at a district station, he was walking home when an officer he had seen at a police station wrongfully accused him of being involved in a criminal incident.

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

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

The named officer denied using profanity.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/15 **DATE OF COMPLETION:** 02/18/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #6-7: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officers detained him without justification as he walked home following his release from a local police station.

The named officers denied detaining the complainant without justification. They stated they saw an unidentified male standing in the roadway, with his back to them, appearing to rummage through a bag, handling unknown objects in an area known for auto burglaries when they briefly contacted him.

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: 07/27/15 **DATE OF COMPLETION:** 02/01/16 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1: The officer issued an invalid order.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on January 27, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 02/02/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he parked his car in the passenger unloading zone of the San Francisco International Airport to drop off his elder relative who was leaving on an outbound flight. The complainant explained that the complainant's elder relative had to use the restroom. The complainant admitted leaving his car to go inside the airport to look for his elder relative, while a friend stood near the complainant's vehicle. The complainant stated upon his return to his car, he began to assist his friend in moving his friend's luggage inside the terminal. While in the process of assisting his friend, the complainant stated the named officer issued him a citation.

The named officer stated he saw the complainant's vehicle parked in the passenger unloading zone in front of the airport terminal. The officer stated the vehicle had been parked at the location unattended for approximately ten minutes, and there was no indication of anyone inside the vehicle or anyone unloading luggage or passengers from the vehicle.

Based on the complainant's own admission that he left his vehicle unattended, the named officer's action was proper.

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

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to the complainant's race.

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

FINDINGS OF FACT: The complainant stated that the named officer was rude and discourteous towards the complainant. The complainant believed that the named officer's behavior was racially motivated.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied the allegation, stating that he issued the citation on the basis of the violation, not the complainant's race. The named officer denied that the complainant's race was a factor in his enforcement action.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/15 **DATE OF COMPLETION:** 02/01/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant, an employee of the San Francisco Fire Department, stated that the named member contacted him at his second employment and threatened to arrest him as a form of harassment and retaliation due to civil actions he had filed against the City and County of San Francisco.

The named member denied she harassed the complainant, although she acknowledged that she had met with him twice for different reasons. The named member denied threatening to arrest the complainant when she accompanied an investigator assigned to a threat case, who requested her psychiatric expertise to ascertain whether the complainant represented a danger to the reporting City and County employees.

Department records, specifically an audio recording of the encounter, show that the named member told the complainant that she did not want to see him become a suspect, and that if he made further contacts with members of the Fire Department, those contacts might be misinterpreted and could result in his becoming a suspect.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 02/03/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she observed a physical altercation between two of her employees and a customer. The complainant stated the named officer arrived after the incident occurred and allowed all parties to leave the area without taking any action against the customer.

The named officer denied the allegation. He stated that he responded to a dispatch call of an argument. When he arrived on scene, the named officer stated that he observed a verbal argument between the parties about a non-criminal matter. The named officer stated that he asked both parties if there was anything else that could be done and when they replied no, the parties left the scene. The named officer stated that no one told him that any crime had occurred.

One witness stated the complainant responded to an argument he and his wife had with the complainant's subordinates. The witness stated when the complainant arrived, a discussion continued in the presence of the complainant and the named officer. The witness stated the named officer asked him what he wanted done. The witness stated he wanted to go home, and he then left the area.

The second witness, the complainant's co-worker, stated he called the police when he learned two subordinates were involved in a physical altercation with two customers. The witness saw the customers, the complainant and the named officer outside the area where the altercation took place. The witness stated the customer said she was assaulted but did not provide specifics and then left the area. Neither of the two witnesses who came forward witnessed the entire incident.

There was no video or audio recording of the 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: 08/19/15 **DATE OF COMPLETION:** 02/03/16 **PAGE#** 2 of 2

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 failed to write a report.

The named officer denied the allegation, stating that he was never asked to write a report. In addition, the named officer denied being told that a crime had occurred.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that when she asked for the named officer's name, he walked away.

The named officer did not recall the complainant ever asking him for his name.

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: 08/21/15 **DATE OF COMPLETION:** 02/03/16 **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 he was at a farmer's market buying grapes when the vendor accused him of trying to cheat her. He stated that when he tossed the bag of grapes back on the scale, the bag landed on the vendor's chest. He stated a man yelled at him for throwing grapes at the vendor. The complainant stated that he wanted the officers to tell the man that he could not shout at the complainant and to tell the man to keep his distance from the complainant in the future.

One of the named officers stated a security guard yelled at the complainant for throwing grapes at a female vendor. The second named officer stated a shopper yelled at the complainant. Both officers stated that no police action was requested by the involved parties.

The complainant wanted the officers to order a man not to yell at him and to keep his distance from the complainant in the future. The named officers did not have the lawful authority to issue these orders, making their actions proper.

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: 08/25/15 **DATE OF COMPLETION:** 02/26/16 **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 that he and his friend were in Golden Gate Park when they were detained by an officer on a bicycle. The complainant did not provide the OCC with his friend's name or contact information.

Polls of officers at three stations bordering the park failed to establish the identity of the alleged officer.

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.

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

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

FINDINGS OF FACT: The complainant stated that his belongings were searched.

Polls of officers at three stations bordering the park failed to establish the identity of the alleged officer.

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: 08/25/15 **DATE OF COMPLETION:** 02/26/16 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that, he was threatened by the officer.

Polls of officers at three stations bordering the park failed to establish the identity of the alleged officer.

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.

SUMMARY OF ALLEGATION #4: The officer failed to promptly provide his name and star number.

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

FINDINGS OF FACT: The complainant stated that the officer refused to provide his name and star number when asked.

Polls of officers at three stations bordering the park failed to establish the identity of the alleged officer.

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: 08/25/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that he and his wife argued at their home after the complainant had been drinking alcohol for approximately five hours. The complainant's wife threw his phone outside the house, and the complainant exited the house and called the police. When officers arrived, they arrested the complainant for domestic violence.

The named officers stated that they responded to the complainant's home because his wife called police and reported that the complainant had assaulted her. When they arrived, they detained the complainant. They arrested the complainant for battery on his wife because his wife told them he twisted her arm.

Records from the Department of Emergency Management (DEM) showed that the complainant's wife called 911 and reported that the complainant, who was intoxicated, twisted her arm. Department records showed that the complainant's wife told the responding officers that the complainant twisted her arm and prevented her from exiting their home. The complainant's wife confirmed telling the officers that he twisted her arm.

Department General Order 6.09, Domestic Violence, requires officers to treat all acts of domestic violence as criminal conduct and to make an arrest when the elements of a crime exist.

A preponderance of the evidence established the complainant's wife told the named officers the complainant had committed a battery on her, which constituted an act of domestic violence as defined by DGO 6.09, requiring the officers to arrest the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated that the taller of the two responding officers approached him and punched him at least twice in the face, knocking him to the ground. The officer then placed his knee on the complainant's back and handcuffed him. The complainant stated the same officer punched him again while the complainant was in handcuffs seated on the curb outside his home.

Department records established that two officers responded to the complainant's home. One was 5'10" tall and the other was 5'5" tall. Both officers stated that they approached the complainant, who was standing in the street with his hands in his sweatshirt pockets, removed his hands from his pockets and handcuffed him. Both officers denied striking the complainant.

The complainant's wife stated that she was looking out her window and saw the two responding officers grab and handcuff the complainant. She did not mention an officer striking the complainant in the face.

The complainant's hospital medical records documented an abrasion and swelling on his right cheek. The complainant told medical personnel that during an altercation with his wife (involving alcohol), his wife punched him in the face and that police officers punched him twice in the face when he was sitting on a curb. A CT scan revealed no acute facial fractures.

The complainant's mug shot photograph, taken approximately two and one-half hours after his arrest, shows bruising below his right eye and on his upper right cheek. The complainant refused to provide other photographs of his injuries to the OCC.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #4: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant alleged that one of the responding officers slammed the complainant's head into the pavement and punched him in the face.

The named officer stated that the complainant was seated on the curb in handcuffs, yelling insults and threats at him. The complainant quickly turned his head towards the named officer, who believed the complainant was going to spit on him, so he moved directly behind the complainant. The complainant attempted to stand. The named officer believed the complainant was attempting to flee or to attack him, so he grabbed the complainant's collar and pulled it towards the ground, and attempted to place the complainant's stomach/chest to the ground to gain a position of advantage. As the named officer did this, the complainant pulled away and slipped from his grasp, and the complainant's face hit the ground. The named officer did not recall exactly how the complainant fell and did not see the complainant's head or face strike the ground. The named officer stated that his partner rushed from the front door of the complainant's home, where he was interviewing the complainant's wife, and assisted him in placing the complainant in their patrol car. The named officer observed that the complainant had a one-inch bruise/contusion and a small amount of blood running from his right cheek area. The named officer denied punching or striking the complainant or intentionally pushing him into the ground.

The complainant's wife stated that from her home, she saw the complainant and the named officer standing outside. The named officer was holding the complainant by the arm. She heard "words being exchanged" between the complainant and the named officer. The named officer told the complainant to "be quiet, shut up" and the complainant repeatedly asked what he was being arrested for. The named officer grabbed the complainant by the shoulders and pulled him down in order to make him sit. The complainant's wife did not see the complainant's head or face strike the ground because a gate blocked her view. The named officer's partner was on the steps outside her front door speaking to her. She asked him why the named officer forced the complainant to the ground. The named officer's partner told her, "Never mind." The named officer's partner did not go outside to assist the named officer. A third officer, who was standing approximately two feet from the named officer, assisted the named officer in raising the complainant to his feet and escorting him to the patrol car.

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: 08/25/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 4 of 5

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

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

FINDINGS OF FACT: The complainant stated that he requested that the ambulance transport him to a specific hospital, but that he was taken to San Francisco General Hospital instead.

The named officers stated that they have no role in determining which hospital paramedics transport a patient to.

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

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that one of the officers made inappropriate comments, but the complainant could not specify which officer did this.

Both of the responding officers denied making or hearing the inappropriate comments.

The complainant's wife, who was watching the complainant from her house, stated that she did not hear an officer make the inappropriate comments.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/25/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #8: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant stated that one of the officers used a sexual slur towards him, but the complainant could not specify which officer did this.

Both of the responding officers denied making or hearing the sexual slur.

The complainant's wife, who was watching the complainant from her home, stated that she did not hear an officer use the sexual slur.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 02/02/16 **PAGE #1 of 6**

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

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

FINDINGS OF FACT: The complainant stated that she and her roommate had an argument that resulted in her roommate throwing hot coffee in the complainant's face. She stated her roommate was kicked out of the Center. The complainant stated a staff member subsequently tried to force her to leave. She stated that she and the staff member wrestled for about three minutes before another staff member intervened and separated them. She stated she did not do anything to provoke the attack by her roommate, and she refused to leave the premises until the police arrived. She stated the named officer responded and ordered her to leave without hearing her side of the story. She denied hitting the named officer or spitting on the backup officers. She stated that she was arrested without cause.

The named officer denied the allegation. He stated that he responded to the Center regarding a fight. He stated that when he arrived, he observed a staff member breathing heavily and in distress. He stated another staff member screamed at him to remove the complainant from the premises for violating the Center's rules. He stated that he approached the complainant and asked her to leave the premises because she was trespassing. The complainant refused. He stated he attempted to grab the complainant's arm to escort her outside, but she pulled away and took a swing at his head. He stated the complainant was handcuffed and arrested for attacking a staff member, trespassing and resisting arrest.

Witness officers stated that the complainant fought, kicked and spit at them.

A witness stated that SFPD was called to the Center because the complainant was fighting and refused to leave the premises. The witness stated that the complainant attacked and wrestled a staff member, hit the named officer in the head and spit on another officer. The witness stated that the complainant acted like she wanted to hurt someone.

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: 09/15/14 **DATE OF COMPLETION:** 02/02/16 **PAGE #2 of 6**

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

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

FINDINGS OF FACT: The complainant stated that she was in a fight with a staff member at the Center where she resided. She stated the named officer arrived and refused to listen to her explanation. She stated the named officer grabbed her right arm, placed her in a “chicken wing” restraining hold and escorted her to the front desk to place her in handcuffs. She stated she had difficulty breathing due to the altercation with the staff member, so she attempted to move. She stated the named officer yelled, “Don’t resist!” and abruptly pushed her against the desk, knocking both she and the desk over. She stated that she was also hit with a collapsible baton.

The named officer stated that he asked the complainant to leave the premises, but she refused. He stated that when he grabbed the complainant’s arm, she pulled away and took a swing at the back of his head. He stated that he and the complainant knocked over the front desk in his attempt to handcuff the complainant. He stated he called for backup because the complainant was resisting arrest, was taller and significantly outweighed him. He stated that he struck the complainant twice in the back of the thigh with his baton so he could gain compliance.

A witness stated that SFPD was called to the Center because the complainant was fighting and refused to leave. The witness stated that the complainant attacked a staff member. The witness stated the complainant also hit the named officer in the head and spit on another officer.

Several witness officers stated that the complainant resisted.

No independent 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 take the complainant into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 02/02/16 **PAGE #3 of 6**

SUMMARY OF ALLEGATION #3: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer handcuffed her and did not check the degree of tightness. She stated that she did not tell the named officer that her handcuffs were too tight. She stated that she sustained bruising and nerve damage to her wrist from the tight handcuffs. The complainant refused to sign a medical release form.

The named officer denied placing the complainant in tight handcuffs. He stated that the complainant never told him the handcuffs were tight.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS # 4-8: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated that five officers arrived at the Center and escorted her outside. She stated that while she was handcuffed, the officers had her on the ground, applied a control hold, twisted her ankles and kned her in the back.

The named officers denied using unnecessary force. The named officers stated that the complainant resisted, prompting them to use force to restrain the complainant.

No independent 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 take the complainant into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 02/02/16 **PAGE #**4 of 6

SUMMARY OF ALLEGATION #9: The officer behaved inappropriately and made an inappropriate comment.

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

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

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #10: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to allow her to use her inhaler.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 02/02/16 **PAGE #5 of 6**

SUMMARY OF ALLEGATION #11: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that when she asked to see the medics, the named officer told her, “Don’t worry, we will take care of you,” and it never happened. She stated the named officer had a private conversation with a deputy at County Jail 1 about not allowing the complainant to be seen by medical staff. The complainant refused to sign a medical release form.

The named officer stated that an officer requested an ambulance for the complainant at the scene of her arrest. He stated the complainant received a medical screening at the County Jail.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 02/02/16 **PAGE #**6 of 6

SUMMARY OF ALLEGATION #12: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated the SFPD only secured two of her three bags. She stated that her third bag had her inhaler and other hygienic items. She also stated that the named officer did not document what items were in her bags. She stated the named officer only indicated that she had two bags on the property receipt. She stated that she refused to sign the property receipt because it did not document what was in her bags and they didn't have her third bag. She stated that she signed the property receipt to retrieve her property and discovered some items were missing. She stated that she was missing a Bluetooth speaker, a cell phone and a 32 MB picture card.

The named officer denied the allegation. He stated the staff at the Center told him that none of the complainant's property was left behind. He stated that he did not book the complainant's property because he did not transport the complainant to County Jail.

The transporting officers denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #: Part of this complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: Part of this complaint raises matters outside OCC's jurisdiction. This complaint has been partially referred to the San Francisco Sheriff's Department Investigative Services Unit.

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: 09/25/15 **DATE OF COMPLETION:** 02/26/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on February 24, 2016.

SUMMARY OF ALLEGATIONS #2: The officer engaged in biased policing due to race and age.

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 February 24, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/21/15 **DATE OF COMPLETION:** 02/22/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated she called Mission Station and asked to speak with an officer by name, whom she knew from a previous incident. The complainant stated a male officer who answered the phone asked her for a case number. The complainant gave him the number on her restraining order. The officer stated, "That's not the case number" and refused to take a message for the officer to whom the complainant wished to speak.

One officer, who was on station keeper duty on the day in question, said he recalled no phone call from the complainant, did not think he would have received such a call due to his assignment, and did not know of an officer by the name given by the complainant.

A poll of officers at Mission Station did not establish the identity of the alleged officer.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/14 **DATE OF COMPLETION:** 02/01/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer took a stolen vehicle report from him. The complainant stated he provided his name, address and phone number to the named officer. The complainant stated he later discovered that the phone number he provided to the officer was not listed in the stolen vehicle report and that another unfamiliar phone number was listed instead. The complainant stated that when his car was recovered, he did not receive a courtesy call and did not learn it had been recovered until he received a notification in the mail.

The named officer denied the allegation. He stated that when he takes a stolen vehicle report, he asks the reportee of the best contact phone number and includes the phone number that he is provided in the incident report. The named officer stated his index cards with notes of his contact with the complainant had been disposed of at the station. The officer could not recall the phone number that the complainant provided him.

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: 10/10/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 1 of 3

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 was stopped at the curb on the lower level of a terminal at San Francisco International Airport with his car engine off, waiting to pick up keys from his girlfriend, who worked for the airline. A traffic officer told the complainant to move his car. The complainant told her he was waiting for his girlfriend to come out of the terminal and give him some keys, and the traffic officer said he could remain there, then walked away.

The complainant stated the named officer arrived in a patrol car and repeatedly shouted at the complainant to “move the fucking car.” The named officer exited his patrol car, and the complainant told him he was picking up keys from his girlfriend, who was now standing at the curb. The complainant told the officer to calm down. The officer threatened to “yank” the complainant “out of the fucking car” if the complainant again told him to calm down. When the complainant asked the named officer for his name, the officer said, “I’m not a fucking businessman.” After the officer issued the complainant a citation, he told the complainant, “Have fun paying for it.”

The complainant’s girlfriend stated that as she exited the terminal, she saw the named officer arrive in a patrol car and tell the complainant to move his car. The complainant told the officer that his girlfriend, who was now 20 to 30 feet from his car, was dropping something off for him. The officer told the complainant, “You need to move your fucking car.” When the complainant told the officer to calm down, the officer threatened to pull him out of his car. When the complainant asked the officer for his name, the officer said, “Okay, you want to ask for my name? That means you’re going to make a report.” The officer then wrote the complainant a citation.

The named officer stated that a Police Service Aide flagged him down and told him the complainant had refused her repeated requests for him to move his car. The complainant said he was waiting for his girlfriend, who worked at the airport, to drop something off for him. The complainant was hostile, argumentative and non-compliant. The named officer denied making inappropriate comments. He stated that he issued the complainant a citation because the complainant refused four lawful orders to move his car, and before the complainant asked for his name or star number. The named officer stated that two Police Service Aides witnessed his interaction with the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #1 continued:

The OCC investigation established that the traffic officer the complainant described was a Police Service Aide (PSA). This PSA stated that the complainant was parked at the curb with several vehicles backed up behind him, and refused to move when she asked him to, stating that he was waiting for his girlfriend. A patrol officer who was driving by stopped and asked the complainant to move in a normal tone of voice. The PSA then walked away from the immediate vicinity to deal with other drivers stopped outside the terminal. The PSA stated that she did not recall telling the complainant that he could remain stopped at the curb and that she did not hear the conversation between the officer and complainant.

No independent witnesses were identified.

There was insufficient evidence to 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 he was stopped at the curb on the lower level of a terminal at San Francisco International Airport with his car engine off, waiting to pick up keys from his girlfriend, who worked for the airline. The named officer arrived in a patrol car and repeatedly used profanity to the complainant.

The complainant's girlfriend, who works at the airport, stated that she was approaching the complainant's car to give him something when the named officer arrived. She stated that the named officer used profanity.

The named officer stated that he did not recall using profanity.

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: 10/10/14 **DATE OF COMPLETION:** 02/12/16 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was stopped at the curb outside an airline terminal waiting for his girlfriend, who works at the airport, to bring him something. The complainant stated that the officer cited him without cause.

The named officer stated he cited the complainant after the complainant refused multiple requests to move his car.

A Police Service Aide stated that she told the complainant to move his car but he refused, and that she then flagged down the named officer.

The evidence established that the complainant was cited for a violation of Section 4.6 (C), White Zone, of the San Francisco International Airport Rules and Regulations, which states:

No vehicle shall stop, wait or park in any area adjacent to a curb which is painted white, except that a vehicle may be stopped at a white zone while actively engaged in loading or unloading of passengers and/or baggage.... Stopping of a vehicle in a white zone for the purpose of waiting for passengers and/or baggage is prohibited.

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

SUMMARY OF ALLEGATION #4: The officer failed to provide name or star number.

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

FINDINGS OF FACT: The complainant stated that when he asked the officer for his name, the officer said it would be on the complainant's citation. The complainant's girlfriend stated that when the complainant asked the officer for his name, the officer decided to issue the complainant a citation, and did not provide his name until he saw the complainant writing it down.

The named officer stated that he gave the complainant his name and star number the first time the complainant requested it. 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: 11/18/15 **DATE OF COMPLETION:** 02/29/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she accompanied a minor family member to a police station to report a robbery. The complainant asked the officer if they could use the community room for privacy, but the officer ignored the complainant and instead told her family member to speak up. The complainant stated that a second officer eventually took her family member behind a closed door, took some information and then did not take any further action.

Two witnesses, both family members of the complainant, stated that they heard the named officer refuse the request to conduct an interview in private and heard the officer tell the family member to speak up.

The named officer has resigned from the Department and is no longer subject to the jurisdiction of the OCC.

A poll of officers at the station failed to identify the second officer.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to write a report.

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

FINDINGS OF FACT: The named officer failed to write a report.

The named officer has resigned from the Department and is no longer subject to the jurisdiction of the OCC.

A poll of officers at the station failed to identify the second 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: 11/18/15 **DATE OF COMPLETION:** 02/29/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that when she brought a minor family member to a station to file a robbery report, a white male officer brought the reporting party into the back of the station to speak in private, took down some information, but took no further action.

A witness stated that an officer took some notes and told the minor that he would look into the matter, but never contacted the minor again and no action was taken

Department records indicated that no officers were on station duty at the time the complainant came to the station. The station keeper on duty at the time was female.

Two polls of officers at the station failed to yield the identity of the alleged officer.

A second officer present during the incident has resigned from the Department.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/15 **DATE OF COMPLETION:** 02/01/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that on one occasion an unidentified officer or officers stole \$10,000 in cash and a \$37,000 check from her. She stated that on another occasion, unidentified officers stole items she had just purchased from a store from her, and that on a third occasion, unidentified officers took her mattress from a homeless encampment. The complainant could not provide dates or other details about these incidents.

Department records do not document contacts with the complainant, other than one occasion when officers came to her home at the request of her social worker to assist in placing her on a psychiatric evaluation hold.

The complainant's social worker stated the complainant is schizophrenic and suffers from delusions and paranoia when she is not taking her medication. The social worker stated that her agency controls the complainant's finances and that the complainant has never had the money she described being taken from her. The social worker stated that the complainant never reported police stealing other property from her.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/15 **DATE OF COMPLETION:** 02/01/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that officers came to her home, detained and handcuffed her. The complainant stated that an unidentified officer punched her in the face and pepper-sprayed her. The complainant stated she was then taken to a hospital.

The complainant's social worker stated that the complainant is schizophrenic and suffers from delusions and paranoia when she is not taking her medication. The social worker stated that she went to the complainant's home to place her on a psychiatric hold because the complainant was agitated and destructive, was threatening her landlord and appeared unable to care for herself. The police were summoned because the complainant claimed to be armed and would not exit her home. After several hours, officers convinced the complainant to exit her home, and she was transported to a hospital, where she was held for over ten days for psychiatric evaluation and treatment. The social worker stated that no force was used on the complainant and that the complainant was never punched or pepper-sprayed.

Department records document the complainant's detention and confirm the account provided by the complainant's social worker.

The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/15 **DATE OF COMPLETION:** 02/25/16 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was the victim of a battery near a Fisherman's Wharf business, provided the named officer with suspect leads, and the officer did not follow up on these leads.

The named officer stated that the complainant could not identify a suspect when he reported the incident to Milpitas PD three days after the incident. The officer stated that the complainant could not identify a suspect when the named officer began his investigation. The officer stated that based on that information, he placed the case on an open but inactive status.

An officer who was called to the original scene, and who initially had contact with the complainant stated that he responded to a call of a fight, that he was told the complainant had been accused by two employees of the business of assault and that another employee detained the complainant until police arrived. The officer stated that the employees of the business told him they just wanted the complainant to leave the business. The officer stated the complainant did not report a battery, and that neither the complainant nor the employees reported any injuries or asked for an arrest.

A spokesperson for the Fisherman's Wharf business stated that one of its employees physically detained the complainant after two of the business' employees reported an assault by the complainant. The spokesperson stated the employees refused to press charges against the complainant. The spokesperson refused to allow the OCC to interview the employees involved in the incident.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/15 **DATE OF COMPLETION:** 02/25/16 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #2: The officer displayed a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated that, while on the telephone with the named officer, the officer stated, “Don’t talk over me,” and “Don’t talk to me like that,” and denied the complainant the chance to provide his statements about the circumstances surrounding the incident.

The named officer could not recall making those comments to the complainant and stated it would not make sense for him not to let the complainant give his side of the story.

No 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 he was near a Fisherman’s Wharf business when he was tackled by a man. The complainant stated that the named officer told him that if he wished to press charges against the man, he would be arrested as well.

The named officer stated he responded to a report of a fight, and that based on victim and witness statements, he considered the complainant to be a suspect in an assault, battery, or both, and possibly trespassing. The named officer denied telling the complainant that he would have to arrest him if the complainant wanted to press charges. The named officer denied the complainant ever mentioned that he wanted to place anyone under citizen’s arrest. The officer stated the employees asked only for the complainant to be removed from the property.

A spokesperson for the Fisherman’s Wharf business stated that one of its employees physically detained the complainant after two of the business’ employees reported an assault by the complainant. The spokesperson stated the employees refused to press charges against the complainant. The spokesperson refused to allow the OCC to interview the employees involved in the incident.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/15 **DATE OF COMPLETION:** 02/12/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that two San Francisco Police Department motorcycle officers unlawfully ran a red light. She stated the officers did not have their lights and sirens activated when they ran the red light. The complainant stated she saw the San Francisco Police Department insignia and stars on the uniforms, but could provide no other identifying information.

A poll of officers conducted by the commanding officer of the Traffic Enforcement Detail failed to identify the involved officers.

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/02/15 **DATE OF COMPLETION:** 02/22/16 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in his initial written complaint that he called police and reported a robbery. The complainant stated that the responding officers failed to get his credit card and cash back from the suspect he named. In an OCC interview, the complainant stated, however, that the suspect did not take his credit card, and that while the suspect may have taken some cash out of his wallet, he was not sure.

The named officers stated that they responded to the report of a fight, and when they spoke to the complainant and the suspect, they learned that the complainant knew the suspect and had allowed her to stay with him. The officers said they found no evidence that there had been a robbery, and said the complainant had his wallet and could not demonstrate that anyone had taken money or a card from him. The suspect denied taking anything from the complainant. The officers stated that from the information they gathered at the scene, they determined there was no evidence of a crime. The officers stated that when they completed their investigation, the complainant told them not to do anything and walked away.

A witness, who was at the scene, did not respond to a request for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/10/15 **DATE OF COMPLETION:** 02/01/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded 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: 12/16/15 **DATE OF COMPLETION:** 02/22/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take enforcement action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a member of the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on February 17, 2016.

SUMMARY OF ALLEGATION #2: The San Francisco Police Department selectively enforced the law based on race.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a member of the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on February 17, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/15 **DATE OF COMPLETION:** 02/01/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated he picked up his mother from SFO. The complainant stated that while programming his GPS and preparing to depart from outside a terminal, he heard a loud noise on the driver's side window. The complainant stated an officer in uniform immediately began yelling at the complainant. The complainant was not positive that this person was an SFPD officer. The complainant stated the officer was red in the face, made inappropriate comments and engaged in inappropriate behavior. The complainant stated he was still actively loading his passenger and did not stall or delay his departure from the curb. The complainant stated the officer was "out of control" and his emotional reaction was disproportionate to the situation at hand.

The complainant's mother said she was in the car at the time and also observed someone in uniform smack the window and yell at the complainant to move his car.

A witness officer who was the acting patrol lieutenant stated that the complainant called him and informed him of the complaint, but he could not match the description with any SFPD officer on duty.

No other witnesses were identified. The identity of the alleged officer has not been established. There was insufficient evidence to either identify the officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take an OCC complaint from a citizen.

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

FINDINGS OF FACT: The complainant stated that he called the airport bureau and spoke to a supervisor to complain about an officer's behavior outside a terminal. The complainant said the officer told him to call the OCC.

The named officer stated that when the complainant called him, he encouraged the complainant to make a complaint, but the complainant declined to do so while on the phone with the officer. The named officer then advised the complainant that if he changed his mind, he already had the number to SFPD airport bureau dispatch. The officer also provided him with the OCC phone number.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/15 **DATE OF COMPLETION:** 02/26/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION: #1 Members of the San Francisco Police Department entered a residence without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on February 18, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/15 **DATE OF COMPLETION:** 02/24/16 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that he saw officers in the street, engaged with a man who he could not see. The complainant heard an officer tell someone to put down a stick, and then he heard what he thought was an officer banging an object against the sidewalk. While the complainant thought it was an officer banging a stick against the sidewalk, he acknowledged that he could not see the object being struck, or who was doing it.

The named officer denied banging a stick on the ground, but acknowledged that he deployed a retractable baton and after its use, he struck the baton on the ground to break its seal and retract it.

One other officer present at the scene stated that he heard a noise consistent with an officer slamming his collapsible baton against the sidewalk to retract it. Another officer did not see any other officer pound a stick on the ground, and he did not recall hearing an officer striking a baton on the ground. One other officer said he did not remember any other officer striking an object on the ground.

The named officer's partner stated he and the named officer responded to a call regarding a man swinging a baton. The named officer stated that when he and his partner arrived on the scene, the named officer gave the man verbal commands to "stop."

The named officer stated that the man was evaluated for mental health but did not meet 5150 WI criteria, prompting the officers to take no further action.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a male threatening passersby and swinging a baton.

One witness who saw part of the incident stated she was not present at the conclusion of the incident.

No other witnesses were identified.

The act complained of occurred but a preponderance of the evidence proved that the officer's conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/15 **DATE OF COMPLETION:** 02/24/16 **PAGE #2** of 2

SUMMARY OF ALLEGATION #2: The officer made a threat.

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

FINDINGS OF FACT: The complainant stated that he heard an officer tell someone, “Put down the stick or I’ll shoot.”

The named officer stated he and his partner responded to a call regarding a man swinging a baton. The named officer stated that when he and his partner arrived on the scene, the named officer gave the man verbal commands to “stop.” The named officer stated:

“After deploying the ERIW (Extended Range Impact Weapon) I gave the verbal command of “Red Light, Less Lethal, Less Lethal, Drop the stick or I’ll shoot.” The man dropped the “stick” after my verbal commands. I did not fire any ERIW rounds. Due to the fact the man dropped the item and the situation was under control, I later secured the ERIW back inside the Patrol vehicle. I followed ERIW procedures consistent with Department Bulletin 09-266.”

The named officer stated that the man was evaluated for mental health but did not meet 5150 WI criteria, prompting the officers to take no further action.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a male threatening passersby and swinging a baton.

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