

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 03/07/16 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: 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 walking in the early morning towards his work site. The complainant stated another colleague was walking ahead of him. When the complainant approached the intersection, he noticed an officer standing outside his burgundy unmarked patrol car speaking to another colleague. When the complainant crossed the street, the officer said, “Hey, hey, what are you doing? Hey!” The complainant stated that when he turned around, the officer asked twice, “Do you work here?” The complainant kept walking but responded, “Yes Man!” The complainant stated the officer did not ask his other co-workers if they worked there and felt he was racially profiled because he is African American.

The identity of the alleged officer could not be established.

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

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was walking past the scene of a fatal traffic collision when she decided to start taking photos. The complainant stated that the named officer began “cursing and screaming” at her. The complainant did not respond to OCC’s request for an interview.

The named officer stated he was working at the scene of a fatal collision (suicide) involving a juvenile pedestrian who was struck by a taxicab. The named officer stated that crime scene tape was put up around the area of the scene of the accident for the purpose of keeping onlookers away. The named officer stated he saw the complainant had entered the area of the scene and was taking photographs of the deceased juvenile, who was underneath a tarpaulin covering the body. The named officer stated he told the complainant to leave the area but the complainant refused. The officer stated the complainant told the officer it was her right to be there. The named officer stated he grabbed the complainant by the arm and escorted the complainant out of the area.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer walked away when she asked for his name and star number.

The named officer stated he did not recall the complainant asking him for his name and star number. The named officer stated he would have provided the complainant with this information had she asked for it.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

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

The named officer stated he did not recall what he said to the complainant but did not believe he used profanity.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: 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 grabbed her and pushed her into a building and then walked away.

The named officer stated he was working at the scene of a fatal collision (suicide) involving a juvenile pedestrian who was struck by a taxicab. The named officer stated that crime scene tape was put up around the area of the scene of the accident for the purpose of keeping onlookers away. The named officer stated he saw the complainant had entered the area of the scene and was taking photographs of the deceased juvenile, who was underneath a tarpaulin covering the body. The named officer stated he told the complainant to leave the area but the complainant refused. The officer stated the complainant told him it was her right to be there. The named officer stated he grabbed the complainant by the arm and escorted the complainant out of the area.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer grabbed her and pushed her into a building and then walked away.

The named officer stated he was working at the scene of a fatal collision (suicide) involving a juvenile pedestrian who was struck by a taxicab. The named officer stated that crime scene tape was put up around the area of the scene of the accident for the purpose of keeping onlookers away. The named officer stated he saw the complainant had entered the area of the scene and was taking photographs of the deceased juvenile, who was underneath a tarpaulin covering the body. The named officer stated he told the complainant to leave the area but the complainant refused. The officer stated the complainant told him it was her right to be there. The named officer stated he grabbed the complainant by the arm and escorted the complainant out of the area.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainants stated the officers detained them for no apparent reason while the complainants were legally parked against the curb waiting for someone.

The named officers stated the complainant's vehicle had a shattered rear window and DMV records showed a hold for expired vehicle registration due to a dishonored check, in violation of California Vehicle Code sections 4000(A)(1).

DMV records established the vehicle registration had expired, in violation of California Vehicle Code section 4000(A)(1).

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 engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainants alleged they were racially profiled.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both denied that the complainants' race was a factor in their enforcement action.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he is a disabled elderly man with multiple medical problems and stated that the named officer was overaggressive in his approach and insensitive in his conversation with him and his caregiver. The co-complainant stated that the named officer was rude in that he failed to answer her questions, and told her to shut up three times during this incident. The complainant did not know what the officers told the co-complainant.

The named officer denied he was overaggressive or insensitive during his quick conversation with the complainant, noting that the complainant could not produce identification and was allowed to identify himself verbally. The named officer also stated that he accommodated the complainant in light of his medical problems, assisting him out of and away from his vehicle when the situation required a search and towing of the unregistered vehicle.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer used excessive force during a detention.

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

FINDINGS OF FACT: The complainant stated the named officer hit him in the chest while pulling him out of his vehicle. The co-complainant stated she was placed in tight handcuffs.

The named officer and his partner denied using any excessive force while helping the complainant exit his vehicle or handcuffing the co-complainant.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #7: The officer failed to provide arrest charges.

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

FINDINGS OF FACT: The co-complainant stated that the named officer failed to provide her arrest charges upon request.

The named officer could not recall the co-complainant asking him about arrest charges, but heard the arresting officer explain the two arrest charges written on her citation.

The arresting officer could not recall the co-complainant asking the named officer for her arrest charges, but said he provided the co-complainant her arrest charges verbally and in writing.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainants stated the officer searched the complainant's vehicle without cause. The complainant stated he was not on parole or probation.

The named officer and his partner stated the vehicle was searched pursuant to the complainant's search condition. In addition, the vehicle was towed for expired registration.

Alameda County Adult Probation Department verified the complainant was on unsupervised probation with a search condition at the time of the incident in question. In addition, tow records showed that the complainant's vehicle registration had been revoked.

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 #9-10: The officers towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officers did not have the right to tow his vehicle.

The named officers stated a license plate DMV database query showed a “VLT hold” for expired vehicle registration due to a dishonored check, in violation of California Vehicle Code section 4000(A)(1).

DMV and tow records showed that the complainant’s vehicle registration had expired, and that the registration had been revoked for a dishonored check.

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

SUMMARY OF OCC-ADDED ALLEGATIONS #1: The officer failed to make required traffic stop data entry.

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, states, in part, “Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

-
- 916 vehicle and high-risk stops
- Mechanical or non-moving violations
-

Records from the Department of Emergency Management showed that the named officer reported this incident as a “916,” or “suspicious person in a vehicle.” Department records established that the named officer neglected his duty when he failed to enter the required E585 traffic stop data for this “916” incident.

The named officer could not recall whether he or his trainee entered the required traffic stop data for this “916” suspicious vehicle traffic stop.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers made an invalid order.

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

FINDINGS OF FACT: The complainant stated that two police officers arrived at her apartment in response to a 911 call she had placed regarding someone moving things in her apartment. She stated that the officers told her not to call 911 so often.

The named officers acknowledged responding to the apartment on a burglary call and acknowledged that they spoke to the complainant, but denied that they discouraged the complainant from calling 911 or said anything similar to that.

A witness, the manager of the building in which the complainant lives, said that he spoke to the officers about the incident but was not present in the complainant's apartment when officers were speaking to the complainant.

Department records indicate that the complainant called 911 multiple times on the date of the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that she reported someone entering her apartment and moving things, but the officers who responded did not properly investigate or give her a report number documenting the crime.

One of the named officers stated that the manager of the complainant's apartment building informed him that the complainant suffers from dementia or early onset Alzheimer's. The officer also stated that the manager told him the building is city-owned and has an assigned social worker who is aware of the complainant's issues. The officer said he has had multiple contacts with the complainant indicating she is suffering from a decline in mental ability.

The named officers stated that they found no evidence of a crime, concluded no crime had occurred, and therefore did not write a report. They stated the incident required no further investigation after their conclusion that no crime had occurred.

The building manager stated that he did not recall telling the officers that the complainant suffered from dementia or early onset Alzheimer's, but he did say that the Department of Public Health is aware of the complainant's issues and is working with her. He stated that an ongoing issue exists with the complainant reporting such break-ins when surveillance footage reveals no one entering her apartment. Although he stated that the surveillance camera facing the complainant's apartment was out of service on the day of the incident, he also said that the complainant has made baseless reports of such incidents "more than a few times."

Department records indicated that the complainant called 911 thirteen times on the day in question.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 08/21/15 **DATE OF COMPLETION:** 03/09/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was wrongfully cited for driving with a suspended driver's license and expired registration. The complainant stated that his driver's license was suspended years ago, but he was driving with a valid temporary driver's license. He stated he did not have his temporary license with him when he was stopped. The complainant stated his vehicle registration was not expired.

The complainant provided the OCC with a temporary driver license that was issued by the Department of Motor Vehicles one day after the complainant was cited.

The named officer stated the complainant's driver's license had expired in 2011 and his registration was suspended the month prior. He stated the complainant was also cited for a non-functioning third brake light and making an unsafe lane change.

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

DMV records established that the complainant's driver's license expired approximately five years ago and the DMV registration was suspended.

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

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SUMMARY OF ALLEGATION #2: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated he was cited for driving with a suspended driver's license and an expired registration. The complainant stated the officer towed his vehicle without cause. The complainant stated he had a temporary driver's license but did not have it with him at the time of the stop. The complainant produced a temporary driver's license during his OCC interview. It was dated one day after the traffic stop.

The named officer stated he towed the complainant's vehicle because the complainant was driving without a valid driver's license, his car was not legally parked and the complainant was unable to locate a licensed driver to take possession of his car within the allotted twenty minutes.

The incident report indicated the vehicle was towed pursuant to California Vehicle Code Section 22651(p), allowing peace officers to tow vehicles of drivers who do not have a valid driver's license.

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

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

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

FINDINGS OF FACT: The complainant stated he was not provided twenty minutes to find a licensed driver to take possession of his car, prior to his vehicle being towed.

The named officer and his partner both stated the complainant was unable to locate a licensed driver within twenty minutes. They stated the complainant told them his sister lived nearby and they allowed him to leave the scene. The complainant returned with his sister but she did not have a driver's license. The officers stated they gave the complainant approximately fifty minutes to locate a licensed driver, to no avail.

Records from the Department of Emergency Management and the named officer's incident report documented the officer's effort to get a licensed driver to the scene.

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: 08/08/15 **DATE OF COMPLETION:** 03/09/16 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1-2: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that he had purchased a ticket for a bus ride to a casino. The complainant stated that the business that sold him the ticket told him he could not get on the bus, prompting an argument and prompting the police to be called to the scene. The complainant stated the named officers told him that he must leave the premises.

One named officer stated that he arrived at the business and mediated an agreement between the complainant and the business. The named officer stated that he never ordered the complainant to leave the business and actually brought him inside to resolve the dispute.

The second named officer stated that although he may have been present, he did not remember anything about the incident.

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 and ethnicity.

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

FINDINGS OF FACT: The complainant stated the officers sided with the business manager in the dispute because the complainant is Chinese and is a Mandarin speaker. The complainant stated that the business manager is also Chinese but spoke Cantonese.

Both named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. One of the named officers denied that the complainant's race or ethnicity played any role in how he handled the incident. The second named officer stated that although he may have been present, he did not remember anything about the incident.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that while he had no proof, he believed that the officers were taking money under the table from the business to provide protection.

One of the named officers denied the complainant's allegation. The other named officer could not recall the incident in question.

No witnesses came forward.

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

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DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 03/09/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate citation.

The named officer has retired from the Department and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated the named officer behaved inappropriately.

The named officer has retired from the Department and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated the named officer discriminated against her because she is an Asian woman who barely understood English.

The named officer has retired from the Department and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated she spoke a little English, but was more comfortable speaking Chinese.

The named officer has retired from the Department and is no longer subject to Department discipline.

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SUMMARY OF ALLEGATION #1: The officer had the complainant's mother arrested without cause.

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

FINDINGS OF FACT: The complainant, who was not present at the time of his mother's arrest, stated that his mother was arrested for assaulting her upstairs neighbor even though his mother was actually the victim.

The complainant's mother stated that she told her upstairs neighbor to quiet down, prompting her neighbor to knock on her door. The complainant's mother stated that when she opened the door, the neighbor came in and attacked her. She denied striking her neighbor and was unable to explain how her neighbor received her injuries.

The neighbor told the OCC that the mother was hitting the ceiling and slamming a patio door to deliberately make noise. When the neighbor went downstairs to ask the mother to be quiet, the door suddenly opened and the mother threw water from a pot on the neighbor. The mother then struck the neighbor in the head multiple times before she was able to get away. The injury led to the neighbor to receive two staples in her head.

The named officer stated that she was advised that the mother threw a pot of water on her neighbor and then hit the neighbor in the head with the pot causing injury. The named officer made contact with the neighbor, listened to what had occurred, and observed a serious injury to the neighbor's head that would later require two staples to close. Another officer interviewed the mother and relayed the mother's story to the named officer. The named officer heard the mother's side of the story and did not notice any sign of injury. The named officer determined that the mother assaulted the neighbor and told officers that the mother should be booked for assault.

Photographs of the neighbor's injuries were included in the investigation. They showed a bloody gash on the top of the neighbor's head.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant, who was not present at the time of his mother's arrest, stated that his mother was never offered medical attention after injuring her wrist.

The complainant's mother stated that she was in shock from the incident and was not sure when she first told officers she needed medical care. She stated she eventually went to the hospital and received treatment.

The named officer stated that she was never informed that the complainant's mother was in pain or that she required medical attention. The named officer noted that an ambulance was called to the apartment building to care for the neighbor, who was seriously injured.

All witness officers stated that the complainant's mother never asked for medical attention. One witness officer stated that the mother told him she had a bruise on her hand, but that she did not require medical treatment.

The neighbor stated that she did not witness any interaction between the mother and police.

No other witnesses were identified.

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

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

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

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said she saw the named officer from across the street gesturing and pointing to his private area.

The named officer denied the allegation and said he was in uniform, walking alone to his unmarked vehicle from a burglary investigation, carrying a case file in one hand and a computer in the other, when the complainant approached him and asked for his name, which he provided.

No witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated he became involved in a physical altercation with an employee of a hotel. The complainant stated the named officers arrived and broke up the fight. The complainant stated he told the officers he wanted to press charges, but the officers told him if he were to press charges that he would have to go to jail.

The officers denied the allegation. The officers stated that no one had visible injuries and that no one asked to press charges. In addition, the officers stated no one asked for a police report.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take a report.

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

FINDINGS OF FACT: The complainant stated that he asked for a police report, but the officers refused.

The officers denied the allegation, stating that no one asked for a police report. In addition, the officers stated that no one asked to press charges.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to offer medical assistance.

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

FINDINGS OF FACT: The complainant stated that as a result of the physical altercation, he sustained a laceration to his lip. The complainant stated that the officers did not offer him medical assistance. The complainant stated that he went to a medical facility the following day and learned that he had a broken thumb.

The officers stated that the involved parties had no visible injuries and no one complained of pain.

The complainant would not provide the requested document to corroborate his injuries.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was assaulted and that the named officers failed to properly investigate his case.

Department records showed that one of the named officers was assigned to investigate the complainant's case. This officer traced the suspect's vehicle and identified the driver. The officer conducted a follow up interview with the complainant and interviewed the suspect. The officer then asked the other named officer to conduct a photo line-up with the complainant, who positively identified the suspect. The investigating named officer then prepared an arrest warrant and presented the case to the District Attorney's Office, who declined to prosecute the case.

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 failed to take the required action.

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

FINDINGS OF FACT: The complainant stated that he believed the suspect was not arrested because he was either a police officer, friend or relative of one of the named officers.

The named officers denied the complainant's allegation, stating that they did not know the suspect.

Department records showed that one of the named officers was assigned to investigate the complainant's case. The named officers conducted a follow up investigation, traced the suspect's vehicle and identified the driver. An arrest warrant was then prepared and the case presented to the District Attorney's Office, who declined to prosecute the case.

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: 02/25/15 **DATE OF COMPLETION:** 03/01/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer was rude and disrespectful when the officer failed to introduce himself to the complainant when the complainant went to the station to view a photo lineup. The complainant stated the named officer never explained the identification process to him and failed to return the phone calls and email messages that the complainant made/sent to the officer for an update on the investigation.

The named officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/15 **DATE OF COMPLETION:** 03/07/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was the victim of an attempted robbery and during the scuffle he punched the assailant. The complainant stated that officers arrived and witnessed the assailant kick him, causing a cut to his lip. The complainant stated the officers failed to arrest the suspect and failed to provide him with any documents related to the incident. The complainant said the responding officers made no attempt to identify him. The complainant stated he wears prescription glasses but did not have them on at the time of the incident. The complainant stated he had consumed no more than 4 glasses of alcohol that evening and was not intoxicated.

The named officer stated all of the involved parties refused to press charges. The officer stated he did not see the assailant kick the complainant, as the parties were detained and separated when he arrived. He did not specifically recall a laceration on the complainant's lip. All of the parties involved were issued a Certificate of Release. The named officer stated that after interviewing all of the involved parties, he determined that a fight occurred, and that the complainant was the aggressor. However, no one wanted to press charges. The named officer prepared an incident report documenting his investigation.

All of the witness officers at the scene denied seeing any one kick the complainant. Some of the responding officers observed a cut to the complainant's lip and said the complainant refused medical attention.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/15 **DATE OF COMPLETION:** 03/03/16 **PAGE#** 1 of 4

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 he was visiting a friend when he observed police and a tow truck near his vehicle, prompting him to approach the officers. The complainant stated that the named officers then detained him for no apparent reason.

The named officers stated that a vehicle wanted in a criminal investigation was being towed when the complainant told them that the vehicle belonged to his father. The named officers stated they detained the complainant because he was a person of interest in a Department Crime Alert.

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

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

SUMMARY OF ALLEGATION #3: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that his father's vehicle was towed without justification.

The named officer stated that she ordered that the vehicle be towed because the vehicle was used in the commission of a robbery and that a crime alert had been issued.

San Francisco Police Department General Order 9.06 section II.A.1.a. allows officers to tow a vehicle when it is needed for evidence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/15 **DATE OF COMPLETION:** 03/03/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the named officers refused to allow him to retrieve any of his possessions from the vehicle that was being towed. The complainant stated the officers failed to inventory the contents of the vehicle, failed to issue him a property receipt, and failed to give him a copy of the tow slip. The towed vehicle was registered to the complainant's father.

The named officers stated a sergeant instructed them not to remove any items from the vehicle, based on the vehicle's potential use as an instrument in a crime. Department General Order 9.06, Vehicle Tows, does not require the officers to provide the complainant a copy of the SFPD Inventory of Towed Vehicles form. The named officers stated that the complainant was not issued a property receipt because there was no way to determine what property rightfully belonged to the complainant and what might be evidence of the crime where the vehicle was used.

Department records showed that the Inventory of Towed Vehicles form was completed by another officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/15 **DATE OF COMPLETION:** 03/03/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that officers failed to inventory the contents of the vehicle that was towed.

The Inventory of Towed Vehicles form shows that the form was partially completed by the named officer, leaving the section marked, "Vehicle Property Inventory Including Contents of Containers" blank.

The named officer, who was the senior officer at the scene and who partially completed the Inventory of Towed Vehicles form, stated he did not wish to disturb any evidence inside the vehicle because the crime alert indicated that the vehicle may have been used in a crime. When asked why he did not completely fill out the Inventory of Towed Vehicles Form, the named officer stated he had already given the form to the tow truck driver when the named officer performed an inventory search of the vehicle at the CSI lot.

San Francisco Police Department General Order 9.06, Vehicle Tows, section III.B. states, in part:

B. INVENTORY OF TOWED VEHICLES. When towing a vehicle, officers shall inventory the contents of the vehicle. The purpose of the inventory is to locate and secure any valuable property, to guard against false claims, and to protect officers and others from dangerous objects. When conducting an inventory, officers may search anywhere inside the vehicle including consoles, glove boxes, under the seats, inside the trunk and inside any container of the vehicle.

1. FORM PREPARATION. When towing a vehicle, always complete an "Inventory of Towed Vehicle" form. This form must be used to document tows ordered by the Department, with the exception of tows of Department vehicles or tows requested by an owner or operator. List inventoried items on the Inventory of Towed Vehicle form. If more space is needed, use an additional form and list it as page 2. Print legibly and apply enough pressure so that all the copies are readable. All applicable boxes must be completed, including the odometer reading and VIN number. When towing a vehicle for a driveway violation, always include the complainant's name and address in the appropriate boxes.
 - a. DAMAGE/MISSING PARTS. List any part of the vehicle that is missing or damaged. Carefully indicate any body damage (e.g., dents, scrapes, cracked glass) using the illustration and the instructions on the back of the inventory form.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/15 **DATE OF COMPLETION:** 03/03/16 **PAGE#** 4 of 4

DGO 9.06 requires officers to inventory property contained inside all towed vehicles and to complete an "Inventory of Towed Vehicles" form.

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: 09/18/15 **DATE OF COMPLETION:** 03/02/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he and several other individuals were crossing the street when they all stepped into the crosswalk as the pedestrian countdown signal was at 4. The complainant stated that the officer put himself face to face with the complainant, used both hands to push the complainant “pretty hard” in the chest and then ordered the complainant back to the sidewalk. The complainant stated that the officer made an inappropriate comment regarding making sure that the complainant spell the officer’s name right.

The named officer denied the allegation. The named officer stated that he was working traffic and pedestrian control when an unknown man entered the crosswalk as the traffic light was counting down and showing a hand in violation of 21456 CVC – “Wait do not walk.”

The named officer stated that he blew his whistle several times and motioned for the man not to cross. The man continued walking so the named officer stepped into the man’s path with his arms out and hands open. The officer stated that the man walked into his open hands as the man continued crossing the street. The named officer stated that the man then complied with his order to return to the sidewalk. The named officer stated that he provided his name and star number when requested. The named officer stated that because there was loud noise in the area, he also opened his vest to show his nameplate and star number to the man.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/11/16 **DATE OF COMPLETION:** 03/09/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/15 **DATE OF COMPLETION:** 03/10/16 **PAGE#** 1 of 1

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

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 March 4, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/16 **DATE OF COMPLETION:** 03/10/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/15 **DATE OF COMPLETION:** 03/11/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, who was 80 years old at the time of the incident, stated he called 911 to report a robbery. The complainant stated the named officer came to his residence to view surveillance video and take a report. The complainant stated the named officer left without giving the complainant a copy of the incident report.

The named officer stated he went to the complainant's residence to investigate a theft and intended to prepare an incident report. The named officer stated the complainant became uncooperative and combative after learning that the surveillance video was unavailable. The named officer stated the complainant refused to answer any questions about his identify or provide information about the theft, such as a description of the thief and the property stolen. The named officer stated he could not prepare an accurate incident report without a description of the theft incident or confirmation of the complainant's identity. The named officer stated he could not rely on the information provided by Dispatch in the CAD.

A hotel employee stated the complainant was uncooperative and accused her of conspiring with the named officer. The hotel employee did not recall the complainant refusing to answer any questions, but was not present for the entire incident.

The CAD contained the complainant's name, address, telephone number, and a short description of the theft and suspect.

SFPD Department Bulletin 14-181, Reporting and Investigating Suspected Elder and Dependent Adult Abuse, requires officers to report crimes committed against elders. The bulletin states, in part:

...crimes against elders and dependent adults are deserving of special consideration and protection, not unlike the special protections provided for minor children, because elders and dependent adults may be confused, on various medications, mentally or physically impaired, or incompetent, and therefore less able to protect themselves, to understand or report criminal conduct, or to testify in court proceedings on their own behalf.

SFPD Department General Order 1.03 section I.A.5.d. states, "Patrol officers shall:"

- 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/15 **DATE OF COMPLETION:** 03/11/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1 continued:

SFPD Department General Order 2.01 section 25 states:

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

There is no dispute that a crime was reported to the named officer, requiring the officer to prepare an incident report. Records from the Department of Emergency Management (DEM) contained the complainant's name, address, telephone number, the reported crime and a description of the suspect, providing the named officer enough information to prepare an incident report. Had the named officer prepared an incident report, the crime reported to him would have been documented and the investigative steps the named officer took would have also been documented. The named officer's failure to prepare an incident report not only failed to document the crime reported to him, but it also prevented any follow up investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/15 **DATE OF COMPLETION:** 03/09/16 **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 said he lit a cigarette in front of the establishment next to where he had just purchased cigarettes. Photographs of the address where the complainant was detained indicate that he would have been smoking less than 15 feet from the entrance of the store.

The named officer said he saw the complainant from about twenty feet away holding a lit cigarette less than two feet from the doorway of a business in violation of Section 1009.22(e) of the San Francisco Health Code.

Section 1009.22(e) of the San Francisco Health Code prohibits smoking within fifteen feet of entrances, exits, operable windows, and vents of any building.

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 based on race.

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

FINDINGS OF FACT: The complainant said he felt the named officer focused on him for being the only person around, the fact that he was black, and because he was in street clothing, wearing a hood. The complainant also said the named officer responded to his indirect accusation that the detention was racially motivated with inappropriate comments that suggested that race was in fact a factor in his detention.

The named officer and his partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied knowing the complainant's race before the detention and denied it was a factor in his decision to issue a citation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated officers failed to arrest her juvenile son after he had assaulted a staff counselor at a juvenile facility. The complainant was not present during the incident and learned of it through emails with staff at the juvenile facility.

The named officers stated that they did not arrest the complainant's son because the victim did not wish to press charges and would not sign a citizen's arrest form. The officers stated they conducted an investigation and determined that a misdemeanor battery crime had occurred. The officers stated that in order to make an arrest for a misdemeanor crime not committed in their presence, a signed citizen's arrest form is required and because the victim declined to press charges, no arrest was made.

The victim/witness initially stated that he was adamant about pressing charges against the juvenile. The victim/witness also stated that two unknown male officers spoke with him and that one of the officers who did most of the talking tried to talk him out of pressing charges. The victim/witness stated that he did decline to press charges at the time because he knew he was going to press charges the next day. He stated he did not want to argue with police in front of the juvenile client and other clients that were unsupervised at the time.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that her 15-year old son, who resided at a juvenile facility, got into an altercation with another client. Staff moved in to restrain her son and her son assaulted one of the staff members. The police were called and when police officers arrived, the officers “strongly discouraged” the staff from pressing charges. The complainant was not present during the incident. The complainant did not identify the officers.

The six officers who responded to the scene were interviewed. All of the officers denied the allegation. Four of the officers are males and two are females. The primary unit responsible for handling the call and the investigation consisted of one male officer and one female officer.

The victim/witness stated that two male officers spoke with him and that one of the officers who did most of the talking tried to talk him out of pressing charges. The victim/witness was unable to identify the officers he spoke with. He also stated he could not remember the exact details. The victim/witness stated that five or six officers responded to the scene and that they were mostly male, if not all male. He could not remember if there was a female officer.

No other witnesses came forward.

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: 03/24/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 3 of 3

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 named officer and his partner responded to an “A” priority call regarding a “240” (assault/battery) to a staff member by a juvenile at a juvenile facility. The officers conducted an investigation and met with the victim and the juvenile suspect. The officers stated they determined that a misdemeanor crime of battery had occurred. The victim refused medical treatment and declined to press charges at that time. The juvenile agreed to go to his room and the officers escorted him to his room without further incident. The officers did not complete an incident report.

Department General Order DGO 1.03 requires members to “make written reports on crimes observed or brought to their attention that have not been previously reported.” DGO 2.01 section 25 states, “While on duty, members shall make all required written reports of crimes or incidents requiring police attention.”

The SFPD Report Writing Manual requires that officers “prepare incident reports to document completed, incompletd, or attempted offenses, and suspicious occurrences both of a criminal and non-criminal nature.”

The named officer and his partner stated they did not complete an incident report because the victim did not want any further police action and declined to press charges. OCC’s investigation established that an incident report should have been prepared pursuant to Department policy as a crime had been committed. The OCC determined that the named officer was the senior officer at the scene, and as such, he was responsible for ensuring that an incident report was prepared.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated he was cited for smoking while on a MUNI platform. While being cited, the complainant stated that the named officers made inappropriate and sarcastic comments toward him.

The officers denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3-5: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that he felt singled out by the officers because he is black.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers stated they observed the complainant smoking on the platform and was cited for the infraction violation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/16 **DATE OF COMPLETION:** 03/15/16 **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. This complaint has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/15 **DATE OF COMPLETION:** 03/08/16 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 3: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that a motorcycle officer pulled him over and was subsequently cited for running a stop sign and for covering his license plates. The complainant stated he had no idea his license plates were covered.

Two of the three named officers were in plainclothes when they observed the complainant run a stop sign and noticed that his license plates were covered with paper. The named officers asked a motorcycle officer to stop the complainant's vehicle.

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: 06/26/15 **DATE OF COMPLETION:** 03/08/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #4 - 6: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated that he was ordered out of his vehicle at gunpoint. The complainant stated he had no idea his license plates were covered.

One of the named officers, who was in uniform, stated that when he activated his lights and siren, the vehicle failed to yield and actually accelerated and made an abrupt turn in a one-way alley into a garage of a hotel. The other two named officers, who were in plainclothes and who had asked the uniformed officer to stop the complainant's vehicle, corroborated that the complainant failed to yield and continued to drive after the lights and siren were activated.

All three named officers stated they drew their weapons for their safety because; they could not identify the vehicle due to covered license plates; the complainant's suspicious behavior of failing to yield; they did not know whether or not the complainant had committed a crime, and the complainant pulled his vehicle into a parking garage of a building. The named officers stated that once they were able to see the complainant's hands, they holstered their weapons.

SFPD General Order 5.02, Use of Firearms, allows an officer to draw or exhibit his/her firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her safety or for the safety of others.

The evidence established that the officers had reasonable cause to believe it was necessary for them to draw or exhibit their firearms for their safety or for the safety of others.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/15 **DATE OF COMPLETION:** 03/08/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #7 - 8: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was searched once he exited the vehicle even though he had done nothing wrong.

The officers stated they conducted a pat search for weapons during the traffic stop for their safety and due to the complainant's behavior and covered plates.

The officers have the authority to conduct pat searches for weapons for high-risk stops.

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 #9 - 10: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers opened the complainant's car doors and visually looked in his truck to see if he was concealing someone.

The named officers stated that the complainant agreed to the search, giving them consent. The officers stated that the complainant was evasive with questions regarding the bags covering his plates and gave no explanation for why the plates were covered. The officers stated that a visual search was done of the trunk to see if there was any evidence of any crime.

Given the totality of the circumstances, the visual search of the trunk was 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: 06/26/15 **DATE OF COMPLETION:** 03/08/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #11 - 13: The officers engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers joked and laughed at him and used a condescending tone while speaking to him.

The officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was issued a citation for running a stop sign and for having covered license plates. The complainant denied that he failed to stop at a stop sign and did not know why his license plates were covered.

The named officer stated he was asked by plainclothes officers to stop the complainant for running a stop sign and for having his license plates covered. The complainant was subsequently cited for these violations.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/15 **DATE OF COMPLETION:** 03/15/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to drive safely.

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

FINDINGS OF FACT: The complainant stated that he was driving down Market Street and was cut off several times by a male officer driving a marked patrol car. The complainant stated that in a four to six block area, the officer failed to signal and made unsafe lane changes. The complainant stated he had to honk his horn and slam on his brakes at least twice to avoid getting hit by the patrol car.

Two officers were assigned to the patrol car in question. One officer recalled being in the area described by the complainant, but stated he did not recall driving the patrol car. The other named officer neither acknowledged nor denied driving the patrol car. Both officers denied driving in an unsafe manner.

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: 04/17/15 **DATE OF COMPLETION:** 03/16/16 **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 the named officer stopped and detained him, while the complainant was walking in an area near where he worked. In his written complaint and during his OCC interview, the complainant gave two accounts of his location when he was detained, but the locations provided were both in an area from which he was ordered to stay away.

The named officer stated that he observed the complainant loitering in an area in violation of an active court order. He stated that he had knowledge of a court order naming the complainant, barring the complainant from the area where he was detained for three years. He stated that he confirmed the court order and placed the complainant under arrest for violating the court order.

Another officer stated the complainant was detained and arrested because he violated a stay away order.

San Francisco Superior Court records showed that the complainant was named in a stay-away order for a narcotics offense.

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: 04/17/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer asked him if he had any knives and searched him. He stated that he opened his shirt to show the named officer that he did not have a knife.

The complainant also stated that during the search, the named officer repeatedly said, "I'm tired of you people." The complainant stated that he believed that the named officer would continue to harass him and that his life was under constant threat.

The named officer stated that per SFPD policy, the complainant was searched after he was placed under arrest. He also stated that he was familiar with the complainant's criminal history and arrests related to firearms and knives. The named officer stated that he believed it was reasonable to search the complainant based on his knowledge of the complainant's violent criminal behavior.

The named officer denied telling the complainant, "I'm tired of you people." The named officer denied harassing, threatening or intimidating the complainant. He stated he was professional throughout the incident.

Two witness officers denied that the named officer behaved or spoke 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: 04/17/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer harassed and intimidated the complainant.

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

FINDINGS OF FACT: The complainant stated that a few months after his stay away order violation, the named officer called an agency that employed him, which in turn called the complainant's home-care client to inform him that the complainant was restricted from working at the client's building. The complainant stated that he had to explain to the employment agency and his client that he was authorized to work at his client's building. He stated that the officer's harassment and intimidation was unprofessional and could have cost the complainant his job.

The complainant declined to provide contact information for his client, stating that the client did not want to be involved in the investigation.

The named officer denied calling the complainant's employment agency. He denied harassing, or intimidating the complainant.

The employment agency denied that they received a call from SFPD; however, they did acknowledge receiving a call from the District Attorney's Office regarding 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: 03/15/16 **DATE OF COMPLETION:** 03/16/16 **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 jurisdiction. The complaint has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/16 **DATE OF COMPLETION:** 03/16/16 **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 jurisdiction. The complaint has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/16 **DATE OF COMPLETION:** 03/18/16 **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 the OCC's jurisdiction. This complaint has been forwarded to:

Human Services Administration
170 Otis Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/14/15 **DATE OF COMPLETION:** 03/18/16 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/16 **DATE OF COMPLETION:** 03/18/16 **PAGE#** 1 of 1

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

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 March 17, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was trying to check in to a hotel when he was told to leave for being disruptive and belligerent to a staff member. The complainant left the hotel but returned to look for his car in the hotel's garage. The complainant stated that in the garage, the named officer and a security guard approached and told him to leave. The complainant stated that the named officer arrested him for trespassing, slammed him to the ground and placed him in handcuffs. The complainant stated the officer also hit his head against a lamppost. The complainant stated he suffered wrist injuries when he was forcefully handcuffed.

The named officer stated that he and the security guard tried to help the complainant find his car but it was not in the hotel garage. The named officer stated that after failing to find the car, he advised the complainant to leave the premises, as the hotel staff had requested. The named officer stated the complainant refused and walked away, and when he grabbed his arm to escort him out, the complainant pulled away. The named officer stated he told the complainant that he was under arrest for trespassing, which the complainant resisted, refusing to be handcuffed. The named officer pushed the complainant against a fence and took him to the ground. The officer stated the complainant continuously resisted, forcing him to put his knee on the complainant's shoulder blades and his other knee on the complainant's arm to lock the arm while he grabbed the other arm. The officer stated he also struck the complainant three times in his torso to distract the complainant, allowing the officer to place him in handcuffs.

A hotel security guard who said she was with the named officer at the time of the contact stated that the complainant clenched his hands close to his chest when the officer tried to put him in handcuffs. The security guard stated the complainant struggled with the officer while being handcuffed. The security guard stated she did not see the named officer use force other than placing the complainant in handcuffs.

Department records indicated that the named officer reported his use of force and that the appropriate entry was made into the Use of Force log as required.

Two officers, who transported the complainant to a police station, stated that they were not present at the time of the detention and arrest, and did not see any use of force by the named officer.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish his task of taking 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: 04/27/15 **DATE OF COMPLETION:** 03/16/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer negligently operated a vehicle.

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

FINDINGS OF FACT: The complainant alleged that the named officer negligently operated a vehicle by hitting a pedestrian walking in a crosswalk when the officer was transporting him to a police station.

The named officer and his partner confirmed transporting the complainant, but denied hitting a pedestrian.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officers who transported him told him he was a disgrace to the country and threw his wallet to the ground.

The named officers denied that they made the alleged comments or threw the complainant's wallet.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/15 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers entered his home without his permission.

The named officers stated that they were justified in entering the complainant's apartment without a warrant due to the exigent nature of the domestic violence call for service and the necessity of entering the complainant's apartment to search for any victims.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/15 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was at home alone when two SFPD officers pounded on his apartment door and demanded entry due to a call they had received regarding a possible domestic violence incident inside. The complainant stated the named officer pushed him aside and told him to “shut up.” The complainant captured part of his interaction with the police with his cell phone video.

The video evidence captured the named officer telling the complainant, “Shut up and let me explain,” and “Shut up, I’m done with you.”

Department General Order (DGO) 2.01 General Rules of Conduct, Rule 9, states, in part: “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.” Additionally, DGO 2.01 Rule 14 provides that, “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.”

The named officer admitted that he told the complainant to “shut up.” He stated that he did not know what this intent was when he said that, except that the named officer had tried to explain to the complainant multiple times why they were there.

The evidence shows that the named officer violated Department regulations when he repeatedly told the complainant to “shut up.” The named officer’s dismissive attitude toward the complainant served no law enforcement purpose and reflected discredit upon the Department.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/15 **DATE OF COMPLETION:** 03/18/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION 1: The officer used profanity.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/15 **DATE OF COMPLETION:** 03/18/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION 3: The officer abused his power.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION 5: The officer wrote an inaccurate citation.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 03/24/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer's threatening behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated an officer in uniform walking near a police station held a banana in front of his sidearm holster, and then feigned a "quick draw," and pointed the banana at the complainant. The complainant felt the action, coupled with a smirk by the officer, was threatening. The complainant reported the incident to the OCC six days after it occurred.

While the complainant could not positively identify the officer, the complainant identified the photographs of three officers who were assigned at the identified station as similar in appearance to the officer about whom he was complaining.

The three officers named by the complainant from their photographs denied knowing the complainant, or pointing a banana toward him in a threatening manner.

A sergeant to whom the complainant spoke immediately after the incident stated that he did not know which officer the complainant had seen.

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: 03/10/16 **DATE OF COMPLETION:** 03/24/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was in a lobby of an apartment building when the named officer ordered her to leave the premises. The complainant stated that prior to the police being called to the scene, she was in one of the apartments in the building when the real estate agents and the security guard kicked her out of the unit.

Records from the Department of Emergency Management (DEM) show that DEM received a call from the front desk of the building stating that a trespasser had snuck into the apartment building and entered a vacant unit that was up for sale. Records indicate that the complainant was escorted out pursuant to the requests made by the front desk clerk, the owner of the unit and the real estate agents.

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: 08/17/15 **DATE OF COMPLETION:** 03/24/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was walking in his neighborhood when officers approached him and asked for his identification. The complainant stated the officers detained him briefly and released him at the scene. The complainant stated he continued his walk when a female officer in her police car shined her car's spotlight at him. The complainant stated the female officer told him never mind and left without further action.

The Officer Poll sent to the district station came back negative results.

Officers questioned by the OCC denied having any contact with the complainant.

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.

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 the officers engaged in biased policing.

The Officer Poll sent to the district station came back with negative results.

Officers questioned by the OCC denied having any contact with the complainant.

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: 10/16/15 **DATE OF COMPLETION:** 03/24/16 **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 the officer issued him a citation for riding his bicycle on the sidewalk without cause.

The complainant stated he was leaving work. He went downstairs, opened the door and rolled his bike out of the door. He got on the bike to ride into the street approximately five feet away. He stated that immediately when he got on his bike, the named officer stopped and gave him a ticket for riding on the sidewalk. The complainant acknowledged that he was in violation of the law stating, "Technically, yes, I was breaking the law, maybe, but it's all about the spirit of the law versus the letter of the law."

The named officer stated he had probable cause to issue a citation to the complainant because the complainant was riding a bicycle on the sidewalk. The officer stated he saw the complainant riding his bicycle on the sidewalk amidst pedestrian foot traffic from a distance of approximately 10 feet away.

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

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

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

FINDINGS OF FACT: The complainant described the officer as, "like this rude...kind of like bully type". The complainant further stated the officer told him to get off his bike. The complainant thought the officer's behavior was inappropriate.

The named officer stated that he did not recall the exact words he used but he does remember telling the complainant to stop and get off the bicycle. The officer denied that he was rude to the complainant during the contact.

The named officer's partner stated it was busy and noisy and he did not see or hear the named officer engage in any inappropriate behavior or make any inappropriate comments to the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/15/16 **DATE OF COMPLETION:** 03/16/16 **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 jurisdiction. The complaint has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/15 **DATE OF COMPLETION:** 03/28/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 23, 2016.

SUMMARY OF ALLEGATION #2: The officer issued an incorrect citation.

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 March 23, 2016

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/15 **DATE OF COMPLETION:** 03/28/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he suspected that SFPD did not investigate his complaint that newspaper photographers violated Penal Code Section 647(J)(1) by photographing people inside a public restroom and that the police failed to arrest the photographers.

The named officer stated that he conducted an investigation and found no victims. In addition, the named officer stated he reviewed the complaint with two assistant district attorneys who determined that no crime occurred because there was no expectation of privacy in the sink area of a public bathroom.

Department records indicated that the named officer conducted an investigation into the matter raised by the complainant, including contacting numerous witnesses who told him the subjects in the photo had given their permission to be photographed. The records showed the named officer also made significant additional efforts to contact and identify any possible victims of the alleged crime, and determined that there were no victims and thus no crime had been committed.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/15 **DATE OF COMPLETION:** 03/28/16 **PAGE #** 1 of 3

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/15 **DATE OF COMPLETION:** 03/28/16 **PAGE #** 2 of 3

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

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

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

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate incident report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/15 **DATE OF COMPLETION:** 03/28/16 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-3: The officers behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated she called 911 to have her wife, who was on medication, mentally evaluated. The complainant stated that one of the responding officers threatened to arrest her if she did not give back her wife's property (medication and diamond bracelet). The complainant stated she initially refused, but she eventually complied with the officer's order.

The complainant's wife did not come forward.

The named officers denied the allegation. The first named officer stated that when he arrived on the scene, the bracelet had already been returned to the complainant's wife. The officer stated the complainant told the officers at the scene that the pill bottle belonged to her wife, prompting him to return the bottle to the wife.

The second named officer stated that the first named officer facilitated the return of the complainant's wife's bracelet and medication. The officer stated none of the officers seized anything from the complainant, and that both the complainant and her wife agreed to transfer the bracelet from the complainant to her wife.

The third named officer stated that both the complainant and her wife verbally agreed that the complainant would return the medication and the bracelet to the complainant's wife.

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: 05/07/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-6: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated the officers sided with her wife, failing to adequately establish the rightful owner of the bracelet.

The complainant's wife did not come forward.

The named officers denied the allegation. The first named officer stated that when he arrived on the scene, the bracelet had already been returned to the complainant's wife.

The second named officer stated that the first named officer facilitated the return of the complainant's wife's bracelet and medication. The officer stated none of the officers seized anything from the complainant, and that both the complainant and her wife agreed to transfer the bracelet from the complainant to her wife.

The third named officer stated that both the complainant and her wife verbally agreed that the complainant would return the medication and the bracelet to the complainant's wife.

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: 05/07/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #7-9: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that race was a factor in this incident, stating that she's African American and that her wife is Caucasian, and so were the officers.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied that race played a role in how the incident was handled.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated the named officer interfered with his right to observe and record the arrest of two juveniles. The complainant stated he was trying to diffuse a physical fight between the juveniles before officers arrived. The complainant stated he was standing at least 10 feet from where the arrests were taking place and that he was not interfering in any way.

The named officer stated she encountered the complainant while trying to control a hostile crowd of approximately 50-60 people. The named officer stated the complainant was standing within a group of people actively encouraging a group of juveniles to fight. The named officer stated she ordered the complainant to move back. The named officer stated it was necessary for the complainant to move because the hostile crowd was creating an unsafe environment for other officers who were making arrests.

Four witness officers stated they needed the named officer's assistance in controlling a large and hostile crowd. The witness officers stated they were trying to break up a fight, while multiple people in the crowd were encouraging the fight to continue.

SFPD Department General Order 5.07, Rights of Onlookers, allows onlookers to remain in the immediate vicinity of arrests occurring in public areas so long as the onlooker does not jeopardize officer safety or attempt to incite others to violence.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the complainant posed a safety threat towards the officers making the arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer used pepper spray.

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

FINDINGS OF FACT: The complainant stated the named officer sprayed him with pepper spray after he refused an order to move. The complainant stated he was exercising his right as an onlooker by observing the arrest of two juveniles in a public place. The complainant stated the named officer ordered him to move, even though he was already standing a safe distance from where the arrests were occurring. The complainant stated the named officer ordered him to move several times, pushed him once, and then warned that she would use pepper spray. The complainant stated he took one small step backward. The complainant stated the named officer then sprayed him in the face with pepper spray. The complainant stated the named officer's use of pepper spray was unnecessary.

The named officer stated she used pepper spray on the complainant only after her attempts at verbal persuasion and physical force were unsuccessful. The named officer stated she ordered the complainant to move, while working with other officers to control a hostile crowd of approximately 50-60 people. The named officer stated the complainant was standing in a group of people who were encouraging others to fight. The named officer stated everyone in the group complied with her order to move, except the complainant. The named officer stated the complainant yanked away from her when she tried to grab onto his arm and guide him to a safe distance. The named officer stated she ordered the complainant to move multiple times and warned him that she would use pepper spray if he did not comply. The named officer stated she could not ask for help from other officers because they were busy trying to control the crowd. The named officer stated using pepper spray was necessary to control the complainant. The named officer notified her supervisor of her use of pepper spray, and a use of force entry was made in the Use of Force Log.

Four witness officers stated the named officer was helping to control a large and hostile crowd so that other officers could break up a physical fight and make arrests. The officers stated they were trying to control different parts of the crowd, which was dispersed over a large intersection and blocking traffic.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish her task.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated he was arrested while trying to voice record the arrest of two teenage girls. The complainant stated the named officer pepper sprayed him in the face, causing him to drop his voice recorder onto the ground. The complainant stated the named officer brought him to a police station where he was cited and released. The complainant stated the named officer did not return his voice recorder when she released him from police custody. The complainant stated that, since he was incapacitated by pepper spray during his arrest, the named officer should have taken care of his property and returned it to him upon his release.

The named officer denied ever seeing a voice recorder and denied that the complainant mentioned anything about a voice recorder during his arrest. Two witness officers denied seeing a voice recorder.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4-5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officers offered to cite and release him if he agreed to sign a hospital waiver. The officers told the complainant that, if he refused to sign the hospital waiver, he would be taken to the hospital and then to jail. The complainant stated he needed further medical treatment, but signed the waiver because he did not want to go to jail.

The named officers denied the complainant's allegations.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/06/16 **DATE OF COMPLETION:** 03/31/16 **PAGE #1 of 1**

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

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 March 25, 2016.

SUMMARY OF ALLEGATION #2: The officer used profanity.

CATEGORY OF CONDUCT: D **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 March 25, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/15 **DATE OF COMPLETION:** 03/24/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated she had an argument with another tenant, which later escalated to her pushing the tenant and the tenant punching her in the nose/mouth. The complainant stated she pushed the tenant again in self-defense.

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

The named officer stated that the complainant told him that she was "assaulted" by another tenant in the community room. The named officer stated he spoke to both parties involved and explained to them that they could each sign a citizen's arrest against one another for the battery not committed in the officer's presence. Both parties agreed to go their separate ways and did not want to sign a citizen's arrest against one another. The named officer stated the security guard who was on duty did not witness the incident. The named officer stated no other witnesses were identified.

Records from the Department of Emergency Management (DEM) show that the complainant called 911 and reported that one of the tenants struck her in the head and face.

Witnesses interviewed by the OCC stated they did not witness the incident in question.

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: 01/04/16 **DATE OF COMPLETION:** 03/03/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/15 **DATE OF COMPLETION:** 03/22/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was parked in front of a hotel when a woman attempted to enter his vehicle, thinking that he was an Uber driver. The complainant stated that the woman refused to get out of his vehicle, prompting a verbal altercation between him, the woman and her male companion. The complainant stated he was subsequently attacked and beaten by the woman's companion, prompting him to call 911.

The complainant stated that when the named officer and his partner arrived on the scene, the complainant pointed his injuries and told the officers that he wanted the suspect, who fled to a nearby comedy club, prosecuted. The complainant stated the officers told him that that he would have to go with them to the comedy club to arrest the suspect, which the complainant refused to do. Nonetheless, the complainant stated that the named officer assured him that an incident report would be prepared and that the security video evidence from the hotel would be collected. When he later attempted to obtain a copy of the report, the complainant learned that no report was generated, prompting him to file a counter report.

The named officer stated he and his partner responded to a call regarding an assault and battery. The officers stated they learned that the complainant had pushed the man, prompting the man to strike the complainant in the face. Both officers acknowledged that the complainant wanted the suspect prosecuted, but the complainant refused to accompany them to the comedy club to identify the suspect. The named officer stated the complainant's refusal implied that the complainant had withdrawn his request for prosecution of the suspect.

San Francisco Police Department General Order 1.03 (DGO) section I.A.5 states, in part, "Make written reports on crimes observed or brought to their attention that have not been previously reported." DGO 2.01 section 25 states, "While on duty, members shall make all required written reports of crimes or incident requiring police attention." Section 19 states, "Unless otherwise ordered, when two or more officers are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment." Additionally, DGO 5.04 section II.8 states, "In all instances involving requests for a private person's arrest, an incident report shall be prepared."

As the senior officer, the named officer had a duty to prepare an incident report regarding the crime brought to his attention. In addition, because the incident involved a request for a private person's arrest, the named officer was required to prepare an incident report, pursuant to DGO 5.04. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/15 **DATE OF COMPLETION:** 03/22/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: OCC's investigation established that the named officer and his partner had a duty to prepare an incident report to document a crime brought to their attention and to document the complainant's request for a private person's arrest, pursuant to DGO 5.04. However, the evidence showed that the named officer's partner, the senior officer on scene, was in charge and was responsible for the proper completion of their assignment.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officers not only failed to prepare an incident report, but they also failed to collect the video evidence from the hotel.

The named officers stated that the complainant refused to cooperate, refusing to accompany them to a comedy club to identify the suspect. The named officers stated that because the complainant refused to cooperate, no further police action was taken.

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: 04/15/15 **DATE OF COMPLETION:** 03/22/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers misrepresented the truth.

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

FINDINGS OF FACT: The named officers stated that the complainant withdrew his request to prosecute the suspect, which the complainant denied.

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: 09/20/15 **DATE OF COMPLETION:** 03/31/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that her husband discovered that a marked patrol car was blocking their driveway when he wanted to drive his children to ice skating practice early one morning. Her husband called the police and was told by the operator that they would have someone move the car. The complainant's husband called again fifteen to twenty minutes later. An officer exited a house several houses up the street and moved the car but did not appear to be in a hurry to move his car.

The complainant's husband stated that he was taking their children to ice skating practice but could not move his car from his garage because a police car was blocking the driveway. There were several parking spaces on the street nearby. He called police and gave them the number of the patrol car. The operator told him they would contact the officer. He called police again fifteen to twenty minutes later, and the operator told him they were still attempting to track down the officer. He stated that the complainant made a third call to the police. Forty to fifty minutes after the first call, the named officer returned to his patrol car and moved it. The officer said something to the effect of, "Oh, sorry, is this blocking you?" but did not seem troubled by the fact that he had blocked the complainant's driveway.

Department records established that the named officer responded to a residence two houses away from the complainant's home to take a report regarding a burglar who entered the home through a window while the resident was asleep.

The named officer stated that he parked in the driveway of the complainant's home because there were no other parking spaces. He could not see the house numbers and thought he was parking in the driveway for the address he was responding to. He stated that this block is on an uphill grade, and thought double-parking there would create a traffic hazard

The named officer stated that he moved his car immediately after he was notified by dispatch that it was blocking the complainant's driveway. He stated that his notification by dispatch was delayed because of heavy radio traffic concerning a shooting in another district. The named officer stated that he waved hello to the complainant's husband, who was standing inside his garage, and apologized to him in a very general manner for blocking his driveway.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/15 **DATE OF COMPLETION:** 03/31/16 **PAGE#** 2 of 2

The Department of Emergency Management audio recordings documented two calls to police by the complainant's husband. Their records did not document a third call by the complainant. During the first call, the complainant's husband provided the vehicle number of the car blocking the driveway, and the operator said they would broadcast a request for the officer to move his vehicle. The recordings document a second call from the complainant's husband seven minutes later. During this call, the operator told the complainant's husband that they did not know how long it would take for the patrol car to be moved because numerous officers had responded to a shooting in that police district. The operator stated that Communications had broadcast information about the blocked driveway, and that he would communicate to the officer that the complainant's husband was still waiting for the patrol car to be moved.

The audio recordings established that Communications did not broadcast a request for the named officer to move his car until twenty-four minutes after the complainant's husband made his first call to police. Records also established that the named officer responded to this broadcast one minute and twenty seconds after it was made, and told the dispatcher he would move the car in five minutes. The recordings did not indicate that there was heavy radio traffic concerning a shooting.

A visit to the scene determined that the house numbers of the complainant's residence, the residence the named officer was responding to and the two houses between them are extremely difficult to read from the street. It also established that the driveway in front of the complainant's residence was significantly wider than the driveways of the nearby buildings, which the officer's patrol car might not have been able to fit in. The visit also confirmed that the complainant's house is on a steep hill where cars traveling downhill have limited line of sight to oncoming traffic.

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

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

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

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

Division of Emergency Communications
Department of Emergency Management
Ms. Cecile P. Soto, Operations Manager
1011 Turk Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer displayed his firearm without justification.

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

FINDINGS OF FACT: The complainant stated she had an argument with her minor son, prompting him to lock himself in his room. Afraid that he would harm himself, the complainant called 911. The complainant stated that the named officer pointed his gun at her son.

The named officer denied he drew his firearm or had it aimed at the complainant's son.

The named officer's partner denied he was present when the son opened his bedroom door, and denied the named officer had drawn his firearm when the named officer initially knocked on the door.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer pushed her son to the ground, causing her son to fall back and hit the back of his head against a metal bedpost.

The named officer denied the complainant's 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: 06/26/15 **DATE OF COMPLETION:** 03/29/16 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to report and document the use of force.

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

FINDINGS OF FACT: SFPD General Order 5.01, Use of Force, requires officers to report the use of force when the person is injured or claims to be injured.

The named officer denied that he used any force on the complainant's son.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 03/29/16 **PAGE #1 of 3**

SUMMARY OF ALLEGATIONS #1-2: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the named officers ignored her and refused to hear her side of the story. The complainant further stated the named officers told her friend, who arrived after the incident, not to interfere.

The officers denied the allegation. One of the named officers stated he interviewed the complainant, focusing his investigation on identifying all of the parties involved and potential witnesses. He could not recall if he told anyone not to interfere.

The other named officer stated she listened to the complainant and explained why the complainant received a citation. She did not recall having any contact with the complainant's friend.

The complainant's friend arrived on scene after the incident. The complainant's friend stated the officers told her and the complainant to stand back.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #3-4: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated the officers listened to the other party and sided with the victim and witness.

The named officers denied the allegation. The named officers stated that all parties on scene were interviewed including an independent witness. The named officers stated their investigation placed the complainant at fault for the traffic collision with a pedestrian.

The complainant's friend arrived on scene after the incident.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 03/29/16 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated she disagreed with the citation that was issued to her by the named officer. The complainant stated she was adamant that she did not use her cellular phone while driving. The complainant stated her son was listening to music on his cellular phone before the traffic collision with the pedestrian. The complainant stated the independent witness might have mistaken her with her son who was using his cellular phone.

The pedestrian and the independent witness stated they observed the complainant use her cellular phone before the collision with the pedestrian.

The named officer documented the witness statement in the traffic collision report. The named officer stated the witness statement placed the complainant at fault for the traffic collision, in violation of 23123(a) CVC - hands free phone use while driving.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 03/29/16 **PAGE #3 of 3**

SUMMARY OF ALLEGATIONS #6-7: The officers failed to comply with SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) person

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

FINDINGS OF FACT: The complainant's primary language is Cantonese. The complainant stated she pulled into a parking space and saw a pedestrian fall in front of her car. The complainant stated the pedestrian stood up and the pedestrian did not have any visible injuries. The complainant stated officers responded to the scene to investigate a traffic collision. The complainant stated she told the officers she did not speak English. The complainant stated she attempted to explain to the officers what had occurred, but the officers ignored her. The complainant stated she requested her friend come to the scene to assist her in interpreting with the officers. The complainant stated the officers ignored the complainant and her friend. The complainant stated the officers sided with the pedestrian and witness from the traffic collision. The complainant stated she and her friend did not request for an interpreter from the officers because they were not aware that the officers could provide language assistance.

The named officers denied the allegation. The named officers stated they were dispatched to a vehicle versus pedestrian collision with injury. The named officers stated the complainant spoke English and that they were able to communicate and understand the complainant. The named officers stated they did not see a need to provide an interpreter, Language Line Services or to call a bilingual officer to the scene. One of the named officers that interviewed the complainant stated the complainant spoke rudimentary, passable and "broken English." The named officer stated he had no problems understanding the complainant within the scope of the investigation. The named officer stated the complainant's sons and her friend translated for the complainant.

Records from the Department of Emergency Management (DEM) show that the complainant called DEM and requested a Cantonese translator.

DGO 5.20 states, in part: "When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever a LEP person requests free language assistance services." The named officers violated this order when they failed to provide the complainant assistance to adequately interview the complainant and investigate 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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant, a fare inspector, stated she detained a fare evader and seized her ID and passport. She stated the fare evader tried to retrieve her passport by grabbing at the complainant and tugging at the complainant's pants. The complainant stated she pushed the fare evader to stop her forward movement toward the complainant. The complainant stated she signed a citizen's arrest form, and so did the fare evader. The complainant stated that both she and the fare evader were cited for battery.

The named officer stated she accepted citizen's arrests and cited both parties based on their statements.

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: 04/28/15 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2-3: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the named officers separated the complainant and the fare evader. The complainant stated that when the named officers spoke with the fare evader, they were laughing with her.

One witness officer stated he did not see any difference in the behavior of the named officers when they interviewed both parties. A second witness officer stated he did not observe the named officers laughing and being friendly with the fare evader.

One of the named officers stated she did not recall laughing while speaking with the fare evader. She stated that the complainant and the fare evader were physically separated about 40 feet from each other. She stated she didn't know how the complainant was able to know whether she was or was not speaking to the fare evader in a "very friendly" manner. The officer further stated she spoke to the complainant "in the same respectful and professional mode that she was speaking to me in."

The second named officer stated this incident was not "a laughing matter" with the fare evader. She stated she conducted herself professionally with both parties. The officer further stated both parties were separated approximately 40 feet apart from each other and she did not see how the complainant could hear what was being said.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated the officer did not conduct a proper investigation because the officer did not view the bus video.

A supervising officer at the scene stated the named officer did a thorough investigation for battery.

A witness officer stated that she took a brief statement from the fare evader and stayed with her while the named officer and her supervisor conducted the investigation.

The named officer stated her investigation involved interviewing all involved parties and canvassing the area for video footage and witnesses. She stated her supervisor conducted interviews with all parties as well. She stated she was unable to view the bus video evidence because it was unavailable at the time of the incident.

Department records showed that the named officer's partner contacted MUNI to obtain a copy of the video footage, which was delivered to the station two days after the incident.

The named officer prepared an incident report documenting the battery. Written statements were obtained from the bus driver, the complainant and the fare evader. The citations and the citizen's arrest forms were booked into evidence and copied to the report. The named officer conducted criminal history checks and warrant checks on the complainant and the fare evader. She also completed a misdemeanor packet and provided the complainant and the fare evader with follow-up forms, Victim of Violent Crime notification and Marsys card.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 03/07/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him for driving a stolen vehicle. The complainant denied that his vehicle was stolen and stated that he had purchased the car three months earlier.

The named officer stated he was in full uniform and was in his police car, equipped with a License Plate Reader software (LPR), when a vehicle drove past him. The named officer stated the LPR indicated that the vehicle was stolen, prompting him to initiate a felony stop. The named officer stated that a computer check revealed that the driver, later identified as the complainant, had an outstanding warrant and a suspended driver's license. The named officer stated that upon further investigation, he determined that the vehicle's prior owner had filed a false police report indicating that the vehicle was stolen when in fact it was not. The named officer dropped the stolen vehicle charge against the complainant and booked the complainant for the outstanding warrant and for driving on a suspended driver's license.

The evidence established that the named officer 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.

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

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, reminds members to make all E585 entries after any vehicle stops related to the following incidents: Moving violations, including bicycles, MPC violations, Penal Code violations, etc.

The named officer stated that he did not recall entering the required information for this traffic stop or that he made a mistake.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/15 **DATE OF COMPLETION:** 03/08/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to write an accurate incident report.

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

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate incident report, sanitizing the report so that the police did not have to take any action.

The named officer denied the allegation. The named officer stated he took and documented the complainant's counter report. The named officer stated that he could not locate the suspect because the complainant did not know the suspect. The named officer stated he also booked as evidence voicemail recordings provided by the complainant for future investigations. The named officer denied he dismissed or ignored additional information from the complainant. The named officer stated the complainant wanted the incident documented as a suspicious occurrence.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he met with the named officer and discussed the hit-and-run report the complainant had filed at the station. The complainant stated the named officer told him there was not enough money to fully investigate each traffic case. The complainant stated he felt that he needed to pay off the police to get something done.

The named officer denied the allegation, stating that he met with the complainant who complained about a myriad of things regarding his life experience. The named officer denied making any inappropriate comments to the complainant.

No witnesses were identified.

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: 08/20/15 **DATE OF COMPLETION:** 03/08/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: This complaint raises matters outside OCC's jurisdiction.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/14 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used excessive profanity during a drunk driving investigation. The complainant stated the named officer made several profane statements.

The named officer denied using profanity.

A witness stated he could hear an officer yelling, but did not hear any specific comments the named officer made.

Several witness officers stated they did not hear the named officer use profanity.

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: 12/03/14 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer pointed a gun at him and made racially bigoted comments during a drunk driving investigation. The complainant stated that the named officer made the bigoted comments in front of other officers because the officer was teaching them how police should treat people of Mexican descent. The complainant admitted driving while intoxicated.

The named officer was interviewed pursuant to OCC' Biased Policing Investigation Protocol. He denied the complainant's allegations, denying making any racially bigoted comments. The named officer stated he approached the complainant with his gun drawn because the complainant had recently called 911 and threatened to shoot people. The named officer denied treating the complainant differently based on his race.

The complainant's brother stated he heard an officer say the word "Mexican," but did not hear any specific comments the named officer made. The complainant's brother stated the complainant did not use his phone that night and never threatened to shoot anyone.

Witness officers stated they did not hear the named officer make any inappropriate comments. One witness officer stated the complainant made several racially derogatory comments during their encounter.

A witness stated she heard the complainant talking with his brother about having plenty of ammunition to kill people. The complainant's brother denied that the complainant was carrying weapons or threatening to shoot anyone.

In multiple Department of Emergency Management recordings, the complainant can be heard describing his guns and threatening to shoot a bar full of people because he received poor service.

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: 12/03/14 **DATE OF COMPLETION:** 03/23/16 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer pointed a gun at him during a drunk driving investigation. The complainant stated the named officer pulled the complainant out of his car by grabbing onto his left wrist and hair. The complainant stated the named officer pushed him to the ground, handcuffed him, and then kicked him. The complainant stated his shoulder was injured during the incident, requiring six months of rehabilitation. The complainant admitted driving drunk but denied threatening to shoot people.

The named officer stated he pointed his gun at the complainant because he believed the complainant was armed with multiple guns. The named officer stated the complainant complied with a verbal order to get out of his car and onto the ground. The named officer stated he ordered the complainant to lie on the ground because he was unsure if the complainant was carrying a gun. The named officer stated the complainant never complained of pain at any time. The named officer stated he brought the complainant to a hospital because a County Jail nurse identified a problem with the complainant's shoulder. The named officer denied pushing, hitting, kicking, punching, or pulling the complainant's hair.

Witness officers stated they did not see any officer hit, kick or pull the complainant's hair.

The complainant's brother stated the named officer dragged the complainant out of his car. The complainant's brother stated several officers took turns punching the complainant after he got out of the car.

In multiple Department of Emergency Management recordings, the complainant can be heard describing his guns and threatening to shoot a bar full of people. Medical records indicated the complainant was diagnosed with a dislocated and fractured shoulder after his arrest.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/15 **DATE OF COMPLETION:** 03/07/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was exiting a donut shop when he was detained by police who issued him a citation for loitering near an automated teller machine in the front of the shop. The complainant denied committing the violation, stating that he was at least five feet from the automated teller machine.

The named officer stated that he and his partner were on duty on the day in question handling, “shoulder surfing” crimes – by perpetrators stealing access codes from ATM users. The named officer stated he and his partner passed the area several times and saw the complainant continue to loiter in front of the machine the whole time without any business. The named officer stated he had enough observation to cite the complainant for the violation.

The named officer’s partner stated that he saw the complainant and another male standing in front of the automated teller machine. The officer stated the men were fifteen feet from the automated teller machine and had been loitering near it when he and his partner passed the location more than once while circling the area. The officer stated that the complainant and another man who knew each other never used the automated teller machine, nor went inside the donut shop.

Another man at the scene who had been briefly detained by the officers stated that the complainant was nowhere near the automated teller machine. The man, who said he did not know the complainant, referred to him by name during his interview.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #2: The officer interfered with rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that while using his phone to record officers engaged with another man, the named officer grabbed his phone, turned it off, and threw it to the sidewalk.

The named officer stated that he could not recall grabbing and throwing the complainant's phone to the ground, or stopping the complainant from recording.

The named officer's partner stated that he could not recall the complainant recording the incident with his phone. The officer stated that the named officer neither stopped the complainant from recording nor threw his phone to the ground.

A short video submitted by the complainant does not contain evidence of the officer's alleged action.

A second man who was at the scene said that the named officer walked toward the complainant and grabbed him.

No independent witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated the officer called him a "midget."

The named officer denied making the comments, stating that he was professional during the incident. His partner said he did not recall the named officer making the alleged comments.

No independent witnesses came forward.

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

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COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #4: The officer used unnecessary force during detention.

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

FINDINGS OF FACT: The complainant stated that the officer twisted his hands and fingers.

The named officer denied using any force on the complainant.

The named officer's partner stated that the named officer had no physical contact with the complainant.

A second man at the scene of the incident stated that the named officer grabbed the complainant and twisted his fingers. During an interview, he stated he did not know the complainant, but called him by name.

No independent witnesses came forward.

A short video submitted by the complainant did not contain any evidence of the alleged use of force.

There was no evidence that the complainant suffered injuries from the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/15 **DATE OF COMPLETION:** 03/07/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer unfairly issued her a citation. The complainant stated that she was in her pajamas, sitting in the passenger seat of her parked car in front of her house with her driver's side door open waiting for someone to arrive to look at a couch she had posted for sale. The officer pulled up behind her and flashed a spotlight on her car. When he approached her, she explained why she was sitting in her car. When the officer asked her for identification, she offered to go inside her home to retrieve it and also provided her driver license number from memory.

The officer then cited the complainant for violating California Vehicle Code §22517 Opening and Closing Doors which states:

“No person shall open the door of a vehicle on the side available to moving traffic unless it is reasonably safe to do so and can be done without interfering with the movement of such traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.”

The complainant resided on a quiet residential street and was sitting in her car in front of her house. She was not engaged in any criminal activity and the officer was not responding to any report of criminal activity in the area. There was virtually no traffic. The complainant's open door did not impede any other cars or bicycles. Additionally, the complainant did not know that an open car door was a traffic violation.

The named officer stated that he rarely issued tickets for having an open car door. Describing how he decided whether to issue a warning or a citation for this violation, he stated that if individuals closed their door when he shined a spotlight on their car, he considered this a warning and did not issue a ticket. If the individual did not close the car door, as in this case, he issued a citation.

The manner in which the officer exercised his discretion was problematic because he punished the complainant more harshly because she made no furtive act—such as closing her car door—when he spotlighted her car. Many civilians are trained to sit still when an officer spotlights their car to ensure the officer is not misled to believe the civilian is reaching for a weapon or attempting to flee.

The manner in which the officer exercised his discretion also undermined the goals of both community policing and traffic enforcement. The officer took enforcement action that was technically permissible but appeared petty and arbitrary from the perspective of a resident who was sitting in her car in front of her house, unaware that her open car door violated the law and unaware that in order to avoid a ticket she

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SUMMARY OF ALLEGATION #1: (continued from page 1)

was supposed to make a furtive movement and close her car door when the officer spotlighted her. Moreover, after taking enforcement action instead of issuing a warning, the officer subsequently reconsidered his enforcement action the following day, which prompted his inappropriate text message to the complainant. Thus, the officer compounded a negative citizen encounter with an even worse police response that appeared predatory and exploitative. As a sergeant responsible for setting an exemplary example to community members and his subordinates, the officer's actions require that he receive retraining in the Law Enforcement Code of Ethics and the goals of traffic enforcement and community policing.

The evidence proved that the action complained of was the result of inadequate or inappropriate training.

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DATE OF COMPLAINT: 09/03/15 **DATE OF COMPLETION:** 03/07/16 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that she was sitting in her parked car in front of her house with her driver's side door open waiting for someone to arrive to look at a couch she had posted for sale. The officer pulled up behind her and flashed a spotlight on her car. When he approached her, she explained why she was sitting in her car, cooperated with the officer, offered to retrieve her license from her home and provided the officer her driver license number from memory. When he issued her the citation, she began crying about her financial and personal problems, and requested that he issue her a warning instead of a citation. She also told him that she did not know her open car door violated the law. The officer requested her personal information including her phone number which the officer included on the citation.

The following morning, the complainant received a text message at the phone number she provided for the citation. In the text message, the officer referred to the complainant by her first name, referred to himself by his first name, told her he was showing her his personal side, offered to loan the complainant money to pay for her ticket and advised her not to tell anyone.

The named officer admitted that he had obtained the complainant's cell number from the traffic citation he issued her, and while off-duty sent the text message from his personal cell phone to the complainant. He stated that he was just trying to help the complainant out and do something good for somebody.

By using confidential information to send a text message to an emotionally and financially fragile woman whom the named officer had taken enforcement action against the night before and offering to loan her money to pay for the ticket and telling her not to tell anyone, the named officer engaged in unofficer-like conduct that reflected discredit upon the Department in violation of Department General Order 2.01, Rule 9 and several canons of the Law Enforcement Code of Ethics. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the named officer's conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/30/15 **DATE OF COMPLETION:** 03/23/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she was attempting to turn her car around and started backing up while her car was adjacent to a red zone. She stated that an officer gave her a citation for parking in a red zone.

Repeated queries to the traffic court to find an SFPD citation under the complainant's name yielded no results. The complainant was unable to provide a copy of the citation and did not respond to multiple requests for the license plate number of her vehicle.

A DMV query of two license plates that the district patrol car ran at approximately the time of the incident indicated that neither plate belonged to the complainant's car.

An officer poll failed to establish the identity of the alleged officer.

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 spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant stated that when the officer looked at her ID, he said, "You're from Daly City? What are you doing here?" He also told the complainant that he had been watching her car for five minutes.

A friend of the complainant's who was a passenger in the car corroborated the complainant's statements.

Neither the complainant nor the witness was able to identify the officer.

An officer poll failed to establish the identity of the alleged officer.

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: 04/13/15 **DATE OF COMPLETION:** 03/24/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated while driving his vehicle, the named officer stopped him for no apparent reason.

The named officer stated he stopped the complainant because the complainant's vehicle matched the description of a stolen vehicle. The officer stated that his LoJack, a stolen vehicle recovery system, alerted him to a stolen vehicle located directly in front of his vehicle, which prompted him to stop the complainant.

The named officer stated that he misread the complainant's license plate, which was similar to the license plate of the stolen vehicle. The named officer stated that once he realized that the complainant's vehicle was not the stolen vehicle described in the broadcast, he immediately released the complainant. The named officer stated the stolen vehicle was recovered two blocks from where the complainant was stopped.

Department records showed that there was a stolen vehicle reported in the area where the named officer spotted the complainant's vehicle. The records also showed that the complainant's license plate and the description of his vehicle did not match the plate and description of the stolen vehicle.

The evidence established that the named officer failed to follow proper procedures in making a felony stop on a vehicle.

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: 04/13/15 **DATE OF COMPLETION:** 03/24/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION 2: The officer pat searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the named officer pat searched him.

The named officer denied searching the complainant.

No independent witnesses were identified.

A preponderance of the evidence proved the conduct complained of did not occur.

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

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

FINDINGS OF FACT: The complainant stated the named officer placed him in handcuffs without cause.

The named officer stated he handcuffed the complainant because he believed the complainant was driving a stolen vehicle, a felony. The named officer admitted that he misread the complainant's license plate, which was similar to the license plate of the stolen vehicle. The named officer stated he relied primarily on the alert from his LoJack. The named officer stated that the complainant was immediately released from the handcuffs when he discovered that he had pulled over the wrong vehicle. The named officer stated the stolen vehicle was recovered two blocks from where the complainant was stopped.

Department records established that there was a stolen vehicle reported in the area where the named officer spotted the complainant's vehicle. The records also showed that the complainant's license plate and the description of his vehicle did not match the plate and description of the stolen vehicle.

The evidence established that the named officer failed to follow proper procedures in making a felony stop on a vehicle, which resulted in the complainant being handcuffed unnecessarily.

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: 04/13/15 **DATE OF COMPLETION:** 03/24/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION 4: The officer engaged in biased policing based on 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 complainant's allegation of biased policing.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he was not given any paperwork after he was released from handcuffs.

SFPD General Order 5.03 II.3. states:

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

The named officer stated he did not issue the complainant a Certificate of Release because the named officer admitted that he made a mistake detaining the complainant. In addition, he stated that when he asked the complainant if he wanted a Certificate of Release, the complainant laughed. The officer stated the complainant just wanted to leave. Not having any basis to further detain the complainant, the named officer allowed him to leave without getting the complainant's information and without issuing him a Certificate of Release.

The evidence established that the named officer failed to issue the complainant a Certificate of Release, in violation of DGO 5.03.

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