

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated he and his upstairs neighbors have been involved in an ongoing conflict over noise. The complainant stated that one of the upstairs neighbors is a member of the SFPD. One evening, all three neighbors came to the complainant's front door to complain about the noise. The named officer was off duty and asked to come inside to discuss the situation. The complainant invited the named officer in.

The complainant stated that once inside the complainant's apartment, the named officer stated, "You know I am a police officer, right?" The officer then acted in an inappropriate manner by getting into the complainant's personal space and backing him down his hallway to a bedroom doorway. The complainant stated that the officer threatened to have the complainant cited for the many violations he allegedly observed, berated the complainant's lifestyle and the environment he and his roommates had brought to the building. The complainant stated the officer's action made him worry about what the officer could do and might interfere with his tenancy in the building.

The two witnesses corroborated the complainant's allegation.

The named officer denied the allegation, stating that he did not threaten or intimidate the complainant. The officer stated that by saying "You know I am a cop, right?" he did not place himself on duty or infer that he was going to take any police actions. The officer stated he went to the complainant as a neighbor and not as a police officer in the hope that they could address the noise situation that was bothering the officer and his parents.

Department General Order 2.01 section 9 states, in part:

Any breach of peace, neglect of duty or 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.

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: 07/27/14 **DATE OF COMPLETION:** 04/20/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that he was driving without a seatbelt when he was pulled over by SFPD officers. The complainant acknowledged he was on probation with a search condition. The complainant stated that he was taken to the police station and detained for three hours, because he refused to provide his access code to his cell phone.

The named officer stated that the complainant was detained at the station for refusing to provide the pass code for his cell phone, while the officers were exercising a warrantless search condition. The officer stated the complainant was delaying their investigation at the scene.

Records established that the complainant was on active probation with a warrantless search condition.

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

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

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

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

FINDINGS OF FACT: The complainant stated that his cell phone was searched without cause.

The named officer stated that the search of the complainant's digital contents in his cell phone falls under an exception in the DB 14-177, which is a warrantless search condition while on probation.

The officer had the authority to conduct a search of the digital contents of the complainant's phone due to the warrantless search condition while the complainant was on active probation.

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: 07/27/14 **DATE OF COMPLETION:** 04/20/15 **PAGE #2 of 2**

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 No. 14-059, Traffic Stop Data Collection Program Information, requires members to collect and enter traffic stop data on all traffic stops.

The named officer acknowledged that he conducted a traffic stop on the complainant. The officer stated he did not recall if the required E585 data entry was made.

The Department's legal unit verified that the named officer's Traffic Data Collection Report had no entries regarding the complainant's 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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DATE OF COMPLAINT: 07/30/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was walking towards the parking garage of her apartment building when the named officer stopped and began to question her about an incident that occurred the day before.

The named officer denied detaining the complainant, stating that she was free to leave at any time. He stated he and his partner responded to the location to investigate a possible threat made by the complainant towards the general manager of the apartment complex. The named officer stated he gave the complainant the opportunity to present her side of the story. After speaking with the complainant, the named officer's partner prepared an incident report, documenting their investigation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed her hand when she removed a cell phone from her purse, and then twisted the phone from her hand. She stated her wrist and arm were hurting as a result of this contact, but she did not inform the officer that she was injured or in pain.

The named officer stated that while talking to the complainant, she put her hands in her pockets and was searching through her purse. The officer stated he told the complainant that if she were going to talk to him, he requested, for safety reasons, that she not put her hands in her pockets or try to remove anything from her purse. The officer stated the complainant disregarded his request and attempted to pull something out of her purse. At that point, he grabbed her hand and removed the object, which turned out to be a cell phone. He stated he placed the cell phone back in her purse and placed her purse on the ground.

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 behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated she was talking to the officer concerning a landlord/tenant dispute. She stated the officer kept interrupting her, was trying to intimidate her and she told him so. She stated the officer got very close to her face and told her, "It's my job to intimidate you."

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated the officer told her she was not free to leave, and detained her for approximately one-half hour. She further stated the officer did not issue a Certificate of Release to her.

The named officer denied detaining the complainant.

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 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 from her when she attempted to get his name and star number.

The named officer denied the allegation, stating that he verbally provided his name and star number to the complainant as she had requested.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 08/04/14 **DATE OF COMPLETION:** 04/21/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that her daughter was stopped while driving with friends. She stated the officer cited her daughter for not using a turn signal and not having valid proof of insurance. The complainant stated her daughter said she did use her turn signal. She also stated that her daughter called her during the traffic stop to have her send a photo of the valid insurance card, but the officer said that it was too late because he had already written the citation.

The named officer denied that he issued the citation without cause. He said that he observed the driver make a left turn without using her turn signal. He also stated the driver could not provide proof of insurance.

The complainant's daughter stated that an officer stopped her for not using her turn signal. She stated that she had to go around another car to make the turn, so her signal had shut off. She acknowledged that she was only able to locate an expired insurance card.

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

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

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

FINDINGS OF FACT: The complainant, who was not present, stated that the officer berated her daughter by implying she was a bad driver and asking her and her friends about the meaning of a provisional license.

The named officer denied behaving inappropriately or making inappropriate comments to the complainant's daughter.

The complainant's daughter stated that the officer made her feel like a bad driver and a horrible person.

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

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DATE OF COMPLAINT: 08/04/14 **DATE OF COMPLETION:** 04/21/15 **PAGE #2** of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DB 14-059, Traffic Stop Data Collection Program Information.

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

FINDINGS OF FACT: Department Bulletin 14-059 requires members to collect and record traffic data information following a traffic stop.

The named officer stated that his computer was having problems on the date of the incident and he did not recall if he received a confirmation for having entered the data relating to the traffic stop in question. He also stated that he was unaware that traffic stop data is required to be entered before the end of the officer's shift.

The Department stated that it had 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.

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DATE OF COMPLAINT: 08/07/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was in a laundromat and observed children trashing the room. She stated she told the children to stop, but the children responded by calling her names. The complainant stated the children's father came to the scene and told the complainant that if she said anything to his children, he was going to kill her. The complainant called the Department of Emergency Management (DEM). The complainant stated that the officers arrived on scene, requested her identification and wrote down some of the complainant's identifying information. The complainant stated that she asked for a report, but the officers threatened to arrest her and then left the area.

The named officers stated they responded to the call and spoke to the complainant. The officers stated that they requested identifying information from the complainant who was upset and yelling. The officers stated they identified and spoke to an independent witness who was present during the incident. The witness told the officers that it was the complainant who was directing profanity and racial slurs at the children, and the witness never heard the unknown male threaten the complainant. The officers stated they also went to the residence where the children lived. An adult female allowed the officers to enter the residence, but the officers did not locate the unknown male.

The named officers stated they returned and communicated with the complainant about their investigation. The officers stated they heard the complainant make derogatory remarks about the children who were in the area where the officers were conducting their investigation. The complainant also told the officers she wanted a police report prepared of the incident, and the officers told her they would prepare one. The officers stated, however, the complainant took back her identification, and left the area without providing the officers with the necessary information to prepare a report.

No witnesses came forward.

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

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DATE OF COMPLAINT: 08/14/14 **DATE OF COMPLETION:** 04/28/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that his landlord entered his unit to perform repairs and assaulted the complainant.

The named officer stated that his contact with the complainant was based on an on-going landlord/tenant dispute. The named officer stated that there was no visible evidence or complaint of injury to either party. In addition, the named officer stated that there was no report that the encounter between the complainant and his landlord had been physical.

The complainant's landlord denied that he assaulted the complainant.

No independent witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated the officer improperly threatened to arrest him if he called the police again.

The named officer denied the allegation. He stated he explained to the complainant and the other parties not to take any further action against each other, including fighting or harassment. He stated that if either party fought or harassed the other, then someone would be going to jail.

The witnesses did not see the entire interaction.

No independent witnesses came forward.

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

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DATE OF COMPLAINT: 08/11/14 **DATE OF COMPLETION:** 04/27/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The named officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the city illegally towed his vehicle because he was a Federal informant exposing city racketeering. The OCC investigation established that the named officer was not responsible for towing the complainant's vehicle. San Francisco Municipal Transportation Agency (SFMTA) officials were responsible for towing the complainant's vehicle.

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

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

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

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

SFMTA
11 South Van Ness Ave., Suite 350
San Francisco, CA 94103
Attn: Customer Service
(415) 701-3000

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DATE OF COMPLAINT: 08/21/14 **DATE OF COMPLETION:** 04/10/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare a complete and accurate report.

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

FINDINGS OF FACT: The complainant stated the officer did not include accurate details of the incident in the narrative and minimized the seriousness of the assault. The complainant stated she communicated the exact details of the incident through a translator, yet the officer did not include the information in the report. The complainant stated she told the translator that the suspect grabbed her buttocks. However, the officer stated in the report that the suspect “wrapped his arms” around the complainant “as if he was giving her a hug.”

The named officer denied the allegation. He stated he communicated with the complainant by using a Spanish language line interpreter, who did not mention that the complainant’s buttocks were grabbed. The officer stated he did not intend to minimize this incident. The officer stated that the report was labeled a suspicious occurrence and not a misdemeanor battery because the complainant stated she was not hurt and was not physically harmed.

The complainant’s brother stated he was five to six feet away and was able to hear the conversation between the officer, the interpreter, and his sister. The brother stated the interpreter did tell the officer that his sister said her buttocks were grabbed and that a similar incident occurred to another woman.

There was no audio recording available of the conversation between the officer, the interpreter, and the complainant.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 09/03/14 **DATE OF COMPLETION:** 04/03/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was driving home with her children when the named officer pulled her over. The complainant stated the officer asked for her driver's license, registration and proof of insurance. The complainant stated she gave the officer her documents but failed to provide proof of insurance. The complainant stated she did not know why the officer stopped her but recalled the officer asking about the speed limit in the area where the stop occurred.

The named officer stated he stopped the complainant for driving through an intersection against a red light at a high rate of speed. The officer stated the complainant accelerated to try and make it through the intersection. The named officer stated the light turned red before the complainant reached the first limit line.

The witnesses the complainant identified did not come forward.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged the officer yelled at her and was rude during a traffic stop.

The named officer denied the allegation.

The witnesses the complainant identified did not come forward.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant could not recall why she was cited but stated that the officer asked about the speed limit in the area where the stop occurred. The complainant further stated that she failed to provide proof of insurance.

The named officer stated he cited the complainant for running a red light, driving at an unsafe speed, and for having no proof of insurance.

The witnesses the complainant identified did not come forward.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 04/16/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was pulling out of a parking space when two unknown males rapidly approached his vehicle on foot, demanding money. Fearful of being robbed, the complainant continued to back up. The complainant stated he then heard one of the males yelled, "Ouch! Ouch! You ran over my foot. You ran over my foot," claiming that the complainant had run over his foot, which he denied. Shortly thereafter, an officer nearby, later identified as the named officer, pulled him over. The complainant alleged that the named officer failed to interview the complainant's wife, who was in his vehicle, and the other male, who was with the alleged victim.

The alleged victim was interviewed by the OCC. He stated that he was alone when he confronted the complainant about parking in the lot reserved solely for his clients. The alleged victim stated that when he confronted the complainant, the complainant said, "What are you gonna to do about it?" The complainant then backed out of the parking spot as fast as he could, running over the victim's foot. The victim then flagged down an officer nearby, who subsequently stopped the complainant.

The named officer denied the allegation, stating that he spoke to the complainant's passenger. The named officer stated he interviewed the two parties involved, the complainant and the alleged victim, documenting their statements in the traffic collision report.

The complainant's wife did not come forward.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer told the complainant's wife to "shut her mouth."

The named officer denied the allegation.

The alleged victim did not hear the named officer's conversation with the complainant as the victim and the complainant were separated by the named officer.

The complainant's wife did not come forward.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was involved in a minor traffic collision and was not cited at the scene. The complainant stated he later received a citation in the mail from an officer who was not at the scene of the collision.

The named officer stated the Chief of Police directed his unit to review all 2013 traffic collision reports that involved injuries. Officers were told that if there was substantial evidence in a report wherein the investigating officer determined one of the parties was found most at fault, a citation was to be issued and mailed to the party determined to be most at fault. The named officer stated that after reviewing the investigating officer's report, the named officer issued and mailed a citation to the complainant as the party determined to be most at fault, violating CVC §22106 – Unsafe Starting, Backing.

A preponderance of the evidence proved that the named officer's citation was justified, lawful and proper.

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

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

FINDINGS OF FACT: SFPD Department Bulletin 13-091, Traffic Stop Data Collection Program Information, reminds members that E585 entries shall be made 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.

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

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

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DATE OF COMPLAINT: 09/12/14 **DATE OF COMPLETION:** 04/17/15 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that two men, including an off-duty officer, were found gutting a deer at the edge of her family's property. She and her family questioned the officer about having poached the deer from their private property and asked the officer to meet Fish and Game officers who had been called to investigate. The complainant stated that the officer left before Fish and Game arrived on the scene. The complainant also stated that the officer was unable to show a valid hunting license or tag, and left the deer entrails on the side of the road.

The named officer confirmed he was gutting a deer on the side of a road. He denied poaching the deer and stated that it had been shot in an area where hunting was legal. He also said he had a valid hunting license and tag for the deer. The named officer denied that anyone asked him to wait for Fish and Game and stated that he initiated contact with Fish & Game officials the following day. He said he moved the entrails off of the construction area in an effort not to leave a mess. He denied behaving inappropriately, as alleged.

A witness, who was with the complainant, said that it appeared the men had poached a deer from his property because they were gutting a deer on the tailgate on the side of a highway and it was after dark. The witness asked for their identification, as he intended to report the incident to Fish and Game. He said that the officer denied poaching. The witness said he told the men to get their story straight for Fish and Game because he planned to report them.

A second witness, who works for Fish & Game, stated that his office investigated the incident and determined that no further action was required on their part. He stated that investigators determined that the deer had not been poached on private property. The investigators also confirmed the officer had a valid hunting license and tag. The witness stated that the deer entrails did not appear to have been illegally disposed of and he confirmed that the officer initiated contact with their office before they contacted him regarding the complaint.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she found two officers “hovering around” her parked vehicle. The complainant stated the officers told her she hit the vehicle that was parked in front of hers. The complainant stated she could not recall hitting anything when she parked her vehicle. She further stated that the named officer behaved inappropriately and made inappropriate comments. The complainant stated the named officer was keen in towing her vehicle and made statements to the other party that he could tow her vehicle so she would not be able to use it in the coming weekend. The complainant further stated that the interaction was sort of “recreation for the day” for the named officer and his partner.

The named officer stated he was professional during the contact. The named officer stated the complainant’s vehicle, which was improperly parked, hit and damaged the vehicle that was legally parked in front of it. The named officer stated the complainant’s vehicle was also blocking the other vehicle from moving out. The named officer stated he offered to have the complainant’s vehicle towed and prepared a Hit and Run report because the complainant violated Section 20002(a) of the California Vehicle Code by leaving the scene after hitting the other vehicle. The named officer stated he and his partner gave the complainant ample time to contact her insurance company after she initially could not provide proof of insurance.

The named officer stated the other party asked what his options were, so he explained to him that he could tow the complainant’s vehicle if he elected to charge her with violation of Section 20002(a) CVC, or if the vehicle was a runaway vehicle. The named officer further stated that he found nothing recreational about his interaction with the complainant, and that he and his partner handled the incident professionally.

A witness officer did not recall the conversation between the named officer and the complainant.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated she wanted to get the other party's insurance information, but the named officer said, "Why do you have to take his information? You hit him." The complainant further stated that the interaction was a sort of "recreation for the day" for the named officer and his partner.

The named officer denied making the statement. The named officer stated he assisted the parties in exchanging insurance information. The named officer further stated that he and his partner behaved professionally.

The named officer's partner could not recall the conversation between the named officer and the complainant.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on April 9, 2015.

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DATE OF COMPLAINT: 10/01/14 **DATE OF COMPLETION:** 04/27/15 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer summoned her by calling her out and asking inappropriate questions.

The named officer denied the allegation. He stated he was on a fixed post traffic assignment when he advised the complainant to walk on the sidewalk. The officer stated the complainant began berating him from the north side of the street. He told the complainant that if she wanted to have a conversation with him, she would have to cross the street to talk to him.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she repeatedly asked the officer if there was a reason why he wanted to talk to her. The complainant stated the officer asked her questions regarding her name change, her current address, and to tell her that he was watching her. The complainant stated the conversation with the named officer took approximately 20 minutes. During that time, the officer did not give a specific reason for the detention.

The named officer denied the allegation. He stated that the complainant was never detained nor was she asked to engage him in a conversation. He stated that the incident was resolved when the complainant walked away.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/14 **DATE OF COMPLETION:** 04/27/15 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she asked the officer for his star number and he responded by laughing at her.

The named officer denied the allegation. He stated the complainant returned to the area later and asked for his star number, which he promptly gave to her. The officer also denied laughing at the complainant and said he had his star openly displayed as required.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated that she was walking to a corner store and ran into a friend. The friend was drinking from a can of beer and asked the complainant for some money. The complainant gave her a dollar. Suddenly, two officers approached the complainant and detained her. The officers told the complainant that she was drinking beer in public. The complainant stated that she denied this to the officers and told them that it was her friend who had the can of beer.

The named officers both stated that they clearly observed the complainant drinking from a large can of beer. They detained her on the basis that she was breaking the law and consuming alcohol in public.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that a male officer falsely accused her of drinking in public and then conducted a search of the complainant. The complainant stated the officer looked through the pockets of her vest and touched her belly area.

The named officer and a witness officer denied that the named officer conducted a search of the complainant.

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: 10/15/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #4: The officer conducted a pat search without cause.

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

FINDINGS OF FACT: The complainant stated that a female officer searched the complainant for no reason. The female officer also checked the complainant's pockets and declared that the complainant was "clean."

The named officer stated that she witnessed the complainant drinking from a large beer can in public. The named officer stated that she did a quick pat search of the complainant because the complainant was reaching into her pockets and the officer thought she might have a weapon. The female officer conducted the pat search and determined the complainant did not have any weapons.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer wrongfully issued her a citation for drinking in public. The complainant denied that she was drinking in public and stated that it was her friend who was drinking from a can of beer.

The named officer and a witness officer stated that they observed the complainant drinking from a large can of beer. The named officer stated that she cited the complainant for the violation.

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: 10/15/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #6: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated she was walking to a corner store when officers detained her. The complainant stated the named officer pulled the complainant's arm behind her back and wrenched it up so hard that it caused an injury to her elbow. The complainant did not tell the officer that she was injured. The complainant stated that she sustained a fractured elbow from the officer's action.

The named officer denied the allegation. The named officer denied that he grabbed the complainant's arm and pulled it behind her back. The named officer and a witness officer stated that the named officer never touched the complainant or used any force.

The OCC obtained and reviewed the complainant's hospital records for this incident. The hospital records show that the complainant sought treatment five days after the contact with the officers. The records show that the complainant was diagnosed with an elbow strain and not a fractured elbow.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #7: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that officers detained and issued her a citation. The complainant stated that the named officer handcuffed her.

The named officer denied the allegation. The named officer and a witness officer denied that the complainant was placed in handcuffs at any time during the contact.

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: 10/15/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #8: The officer failed to display his star number.

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

FINDINGS OF FACT: The complainant stated she was on the sidewalk talking with a friend when suddenly a black car with tinted windows came speeding up and a man wearing all black jumped out and came at the complainant. The complainant stated that the man did not identify himself as a police officer and had no markings to identify him as a police officer. She later learned that the man was a police officer.

The named officer denied the allegation. He stated he approached the complainant with his star visible. The named officer stated he also identified himself as an officer when he approached the complainant.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer threw her cash on the ground and stomped on a beer can that was on the ground.

The named officer and a witness officer denied the allegation. The named officer stated that he did not search the complainant and did not step on a can of beer.

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: 10/15/14 **DATE OF COMPLETION:** 04/27/15 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #10: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she was detained and an officer handcuffed her. Another officer on the scene said something to the effect of, “See what happens when you don’t cooperate.”

The named officer and a witness officer denied the allegation.

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: 10/16/14 **DATE OF COMPLETION:** 04/17/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 3: The officers issued citations without cause.

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

FINDINGS OF FACT: The complainant stated he parked his twenty-two foot long camper overnight at particular locations in the same area of the city. On four separate occasions, officers cited the complainant's camper for being illegally parked, violating a city ordinance prohibiting the vehicle from being parked at the locations during certain hours. The complainant stated he has lived in the area, of where his vehicle was cited, for a number of years.

The complainant stated his vehicle should not have been cited because the "No Parking" sign only prohibited parking for the purpose of street cleaning between specific hours on certain days of the week. The complainant also stated the sign, which prohibited overnight parking of oversize vehicles, was inadequately posted.

The named officers stated that they did not recall issuing the specific citations. The officers stated that in response to complaints, the district Captain issued a memo to officers to cite violators in the area.

The officers stated there were several "No Parking" signs posted in the area at regular intervals prohibiting the complainant's vehicle from being parked overnight at the locations of where the vehicle was cited. The officers also stated there was sufficient lighting in the area to see these signs at nighttime.

The OCC investigation determined that "No Parking" signs prohibiting oversize vehicles from being parked overnight were posted at each block along the street where the complainant parked his vehicle. A review of the citations showed that the issuance of the citations complied with the signage of no parking between the hours of 12:01 a.m. and 6:00 a.m., the time the citations were issued.

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: 10/30/14 **DATE OF COMPLETION:** 04/17/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: A witness told the complainant, who was not at the scene, that the witness observed a district station officer fail to provide language access services to an unknown Spanish-speaking woman who wanted to make a report regarding an assault. The witness also told the complainant that the officer told the Spanish-speaking woman that he was not able to take her report and that she would have to wait. The officer spoke to the female in English and did not use Language Access Services.

The witness did not come forward. The unknown female has not been identified.

An Officer Identification Poll was sent to the district station Captain. The Captain polled his officers with negative results.

Several officers working station duty on the date of the incident denied they had any contact with the Spanish-speaking woman.

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: 11/03/14 **DATE OF COMPLETION:** 04/28/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used force while dispersing a group.

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

FINDINGS OF FACT: The complainant stated that he is a freelance photographer who was taking photos following the conclusion of the San Francisco Giants winning the World Series. The complainant stated he was at an intersection where several people were in the streets. He observed officers shooting canisters of some kind that had gas inside. He started taking pictures of those officers when suddenly he was struck in the kidney area. He quickly turned around and saw an officer in riot gear with his baton in his hands. The officer then left the area.

The complainant's friend witnessed the officer strike the complainant.

The named officer stated that he was in command of a platoon of tactical officers during the celebration following the SF Giants Worlds Series win. The officer stated they responded to an area where there was a large crowd, fires in the street and projectiles were being thrown from at least three different directions at the officers and other bystanders. The officer stated that the event commander gave a dispersal order over a loud speaker for everyone to leave the area. Some officers began deploying less lethal rounds. The complainant was standing near some officers and the complainant refused to leave the area and kept standing in the same spot despite the officers giving multiple orders to disperse. The named officer stated that he approached the complainant and jabbed him in the right arm area with his department-issued 36-inch baton. The officer stated that he jabbed the complainant because the complainant refused to heed the dispersal orders and because the conditions were so dangerous for the officers and bystanders. The complainant then ran away and the officer was unable to identify him. The officer later told his commanding officer of the use of force and entered it into the Use of Force Log.

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: 11/03/14 **DATE OF COMPLETION:** 04/28/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer who struck him failed to provide his name and star number when the complainant requested them.

The complainant's friend stated that he watched the officer strike the complainant. He stated that the complainant asked for the officer's name and star number, but the officer disappeared into a crowd of officers.

The named officer stated he did not hear the complainant say anything, including a request for his name and star number.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the named officer ran away and quickly sneaked behind other officers so that the complainant could not identify him.

The named officer denied sneaking behind officers to avoid detection. The officer stated that he was a platoon commander. As a platoon commander, the named officer stated that he commands the platoon from behind the officers' position.

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: 11/03/14 **DATE OF COMPLETION:** 04/28/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that he was taking photographs following the Giants World Series win when he noticed officers with large guns shooting canisters. He started taking pictures of those officers when suddenly he was struck really hard in the kidney/rib area. He quickly turned around and saw an officer in riot gear with his baton in his hands. The complainant stated that he believed the officer struck him in retaliation for the complainant taking photographs of the officers.

The complainant's friend witnessed the strike and also stated he also believed the complainant was struck because he was taking pictures. The complainant's friend was also taking pictures, but he was not struck in any way.

The named officer denied the allegation. The officer stated that he struck the complainant because the complainant refused to leave an area that was dangerous, despite dispersal orders being given in the area. The named officer stated that he did not know the complainant was a photographer and denied that the strike was in retaliation for photographing the police.

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: 11/14/14 **DATE OF COMPLETION:** 04/10/15 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 3, 2015.

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 3, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/14 **DATE OF COMPLETION:** 04/10/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: 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 April 3, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/02/14 **DATE OF COMPLETION:** 04/16/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was cleaning her apartment and her window screen fell out of the window. She stated that some fruit that was on an altar in front of the window fell onto the sidewalk. She stated that two officers later detained her pursuant to Welfare and Institutions Code section 5150 without justification.

Two witnesses stated that the complainant had been up all night screaming and banging on the walls of her apartment. They stated that in the morning the complainant began throwing objects out of her 4th floor window.

A third witness stated the complainant was intoxicated.

Two witness officers who saw the complainant several hours before her detention stated she was intoxicated. She told the officers she was fine and they believed her. Five witness officers who saw the complainant at the time of her detention stated she appeared intoxicated or under the influence of some other substance. They stated she was incoherent, screaming and acting in a bizarre and irrational manner. They each stated that the complainant appeared to be a danger to herself and others.

Photos taken by police show a bed – not an altar – in front of the complainant’s window. Photos of her room also show a broken picture frame missing its glass. Photos of the sidewalk under her window show smashed fruit and broken beer glass.

One of the named officers stated that witnesses told him that the complainant had pushed her screen out of her window and threw a beer glass and other items out of her window and that one of them almost got hit on the head. He stated tenants in the building told him the complainant had been up all night screaming. He stated the complainant was incoherent, argumentative, screaming, did not have much clothing on, and had paint on her body. She appeared to be under the influence of something.

The second named officer stated when he spoke to the complainant, she began screaming incoherently and acting in a bizarre manner. He stated that, based on the fact that the complainant was throwing things out of her window, which could hurt someone, and that the complainant could fall out of the window, he determined that she was a danger to herself and others. He stated he relayed his observations to his supervisor and the decision was made to transport the complainant to the hospital for observation.

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: 12/02/14 **DATE OF COMPLETION:** 04/16/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated an officer tackled her to the floor in her apartment. She stated that the officer and another male officer then forced her to walk down four flights of stairs. She stated another officer used his knee to push against the back of her knees to propel her forward. She told the officers she had a leg injury and needed crutches to walk. The complainant had a bruise on her right arm and bruising on her wrists from handcuffs.

Medical records indicated the complainant complained of minor pain to wrists from handcuffs and she had a minor abrasion to her heel. One witness stated he saw the complainant being carried down the steps by 4-5 police officers and placed in an ambulance. He stated she returned to the building about thirty minutes later with a bruise on her arm and a cut above her eye. He stated the complainant did not have those injuries earlier that day. Another witness stated she saw the officers walk the complainant down one flight of steps to the lobby. She stated the officers did not use any force. A third witness stated he heard, but did not see, the complainant being taken out of the building. He stated he heard the complainant screaming about a knee brace.

Six witness officers stated they did not see any officer take the complainant to the floor. Two witness officers stated they escorted the complainant down the stairs to the lobby. They stated they held the complainant's arms so she would not fall.

One of the named officers stated he was alone with the complainant in her apartment. He stated when he told the complainant she needed to go to the hospital, she knelt on the floor and went limp. He stated the other named officer arrived and assisted in lifting her up. The officer stated the complainant resisted going down the stairs and he had to employ a bent wrist control a couple of times to keep her walking. He didn't recall her asking for crutches or a knee brace. He denied pushing on the back of her knees.

The second named officer stated that when he entered the complainant's room, the complainant was handcuffed and sitting on the floor. He did not know how she got to the floor. He stated he assisted the other named officer in lifting her up. The officer stated that physical controls were used to handcuff the complainant. The officer stated the complainant was dragging her feet and screaming as she was brought downstairs. He stated the complainant did not say she needed crutches or was in pain. The officer denied that he or the other named officer pushed the back of her knees.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/15 **DATE OF COMPLETION:** 04/16/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited for an unsafe lane change. The complainant admitted he made a lane change but only after he placed his car turn signal on, looked over his shoulder and determined that he had sufficient room to complete his lane change safely.

The named officer denied the allegation. The officer stated he observed the complainant make an unsafe lane change into the lane the officer was driving in. The officer stated he had to brake abruptly, which almost caused a traffic collision with the complainant's car and other vehicles behind the officer. The officer stated he issued the complainant a citation for violating California Vehicle Code section 21658(a), an unsafe lane change.

The complainant's wife was a passenger in the vehicle. She did not recall if the complainant placed a turn signal on before the complainant changed lanes.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer was not professional, angry and upset with the complainant.

The named officer denied the allegation. The officer stated the complainant was belligerent, agitated, and confrontational toward him during the incident. The officer stated he was calm, polite and professional.

The complainant's wife was a passenger in the vehicle. She stated that the officer was angry, yelled and screamed at the complainant in an intimidating and threatening tone.

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: 01/02/15 **DATE OF COMPLETION:** 04/16/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged that he was stopped because of his race. The complainant stated he felt like a second-class citizen. As a Chinese-American, he was appalled by the lack of sensitivity from the officer.

The named officer was interviewed pursuant to the OCC's Biased Policing Investigation Protocol. The officer denied that the complainant's race or ethnicity was a factor in making the traffic stop. The officer stated that he conducted a traffic stop on the complainant for making an unsafe lane change. The officer stated he did not see the complainant's race before he conducted the traffic stop.

The complainant's wife was a passenger in the complainant's car. During her interview with OCC, she made no comments regarding biased policing.

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: 01/09/15 **DATE OF COMPLETION:** 04/22/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he saw a patrol car parked in a bus zone outside a bank ATM machine. The complainant stated that he walked his dog around the block, returned, and saw the passenger officer throw a coffee cup out of the car door onto the sidewalk. The officer looked at the complainant, closed the door, and the officers drove away.

The named officer and his partner stated that they were responding to an alarm at a bank. Both could not recall the complainant or the incident described by 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: 01/15/15 **DATE OF COMPLETION:** 04/29/15 **PAGE #1** of 1

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

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

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

California Highway Patrol
Headquarters - Complaints
601 North 7th Street
Sacramento, CA 95815

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 04/09/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was standing on a Muni platform when he was confronted by an unknown man, prompting the complainant to jump off the platform and sprained his ankle. The complainant stated he was then assaulted and robbed of his cell phone. The complainant stated that his neighbors called police. The complainant stated that when the named officer arrived on scene, the named officer demanded that he walk off the platform. When the complainant refused because of his injuries, the named officer drove off.

The named officer denied the allegation, stating that the complainant walked away from him twice.

A witness, who called 9-1-1, told the OCC that the victim, later identified as the complainant, refused police assistance by walking away and telling the responding officer to “piss off.” The witness stated the complainant then boarded the Muni’s Light Rail Vehicle (LRV).

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/17/15 **DATE OF COMPLETION:** 04/30/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that protesters were blocking an intersection and the SFPD did not disperse the protesters or force them to move onto the sidewalk.

Department records show a spontaneous demonstration occurred in the area complained of by the complainant.

SFPD General Order 8.03 section I, states, in part:

A. **PROTECTION OF RIGHTS.** It is the policy of the San Francisco Police Department to ensure that rights guaranteed by the constitutions of the United States and the State of California are protected for all individuals. A primary mission of police at events involving free speech activity is to protect and respect First Amendment rights to freedom of expression and assembly.

B. **RESTRICTIONS**

1. **Limits.** The San Francisco Police Department will not attempt to limit the size, location, time or activity at any demonstration, march, protest or picket unless there are articulable facts or circumstances causing reasonable concern for public safety, public health or the safe movement of persons in the area.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/23/15 **DATE OF COMPLETION:** 04/28/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: Members of the San Francisco Police Department (SFPD) failed to write a report.

CATEGORY OF CONDUCT: ND **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 April 8, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 04/13/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on April 3, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/15 **DATE OF COMPLETION:** 04/28/15 **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 April 21, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/23/15 **DATE OF COMPLETION:** 04/09/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she had just sat down at a street corner when a male uniformed officer in an unmarked car improperly ordered her to move on.

An Officer Identification Poll was sent to the captain of the district station. The captain stated that he polled his officers and none of his officers were involved in this alleged contact.

The identity of the alleged officer has not been established.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when ordering her to leave a local street corner.

An Officer Identification Poll was sent to the captain of the district station. The captain stated that he polled his officers and none of his officers were involved in this alleged contact.

The identity of the alleged officer has not been established.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/15 **DATE OF COMPLETION:** 04/13/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 25, 2015.

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/15 **DATE OF COMPLETION:** 04/09/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a motorcycle officer escorting a funeral procession yelled at him to pull over. The complainant did not respond to OCC's request for an interview.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated a motorcycle officer escorting a funeral procession used profanity when he yelled at the complainant to pull over.

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

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant admitted that he had “words” with the named officer over the issuance of a parking citation. The complainant stated the officer threatened to tow his vehicle. The complainant further stated the officer followed his car for several blocks after the incident.

The named officer denied the allegation, stating that he acted professionally towards the complainant. He denied following the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated the officer only cited his vehicle in the area where other persons had their vehicles illegally parked.

The named officer denied the allegation. He stated he was on patrol and observed an illegally double-parked car that obstructed traffic and created a hazard for bicyclists. He stated he did not recall seeing any other illegally parked cars.

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

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 officer denied the allegation. The officer stated the complainant was agitated and used profanity during the incident.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: Members of the San Francisco Police Department (SFPD) behaved inappropriately.

CATEGORY OF CONDUCT: CRD **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 April 20, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The named officers have retired, and are no longer subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/15 **DATE OF COMPLETION:** 04/10/15 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/15 **DATE OF COMPLETION:** 04/06/15 **PAGE#** 1 of 1

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

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

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

Daly City Police Department
Internal Affairs Division
333 90th Street
Daly City, CA 94015

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/15 **DATE OF COMPLETION:** 04/16/15 **PAGE #1 of 1**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/15 **DATE OF COMPLETION:** 04/17/15 **PAGE #1 of 1**

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 complainant raises matters not rationally within OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 04/16/15 **PAGE #1** of 1

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

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

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

California Highway Patrol
455 Eighth Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 04/17/15 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 04/17/15 **PAGE #1 of 1**

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 04/17/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The SFPD arrested the complainant's son without cause.

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

FINDINGS OF FACT: The complainant stated that his son was arrested without cause.

The complainant's son had previously filed a complaint with the OCC regarding his arrest. The complainant's son stated that he was arrested for violating a stay-away order that had already been terminated. Court records, however, indicated that the stay-away order was terminated two days after his arrest.

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: 04/15/15 **DATE OF COMPLETION:** 04/27/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that while she was walking, she thought two men walking on the street were following her. The complainant stated she called the police and reported the matter using the non-emergency number but no one came to assist her. The complainant stated she saw an officer driving a marked vehicle drive by, but the officer did not stop. The complainant further stated the Department called her three times on her cell phone but acknowledged she did not answer the calls. She also acknowledged she did nothing to notify the passing officer of her whereabouts.

Department records showed the named officers responded to the complainant's reported location within six minutes of her non-emergency call. Department records also showed a dispatcher called the complainant multiple times without an answer. The records showed that the named officers reported searching for the complainant, but did not see anyone matching the complainant's description or anyone in the area trying to flag them down.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/14 **DATE OF COMPLETION:** 04/22/15 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 7: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants, after drinking in clubs on Broadway, tried to help a friend who was involved in a fight in the street. As the complainants tried to break up the fight, the named officers became involved and the complainants were arrested for charges including battery, resisting arrest, and public intoxication. The complainants alleged the arrests were without cause.

The named officers stated that they responded to a call regarding a fight. When they arrived on the scene, the officers stated they observed the complainants fighting. As the named officers were breaking up the fight, one of the complainants pushed an officer to the ground. The named officers stated the complainants exhibited signs of intoxication and violently resisted being detained, prompting the officers to arrest the complainants.

One of the named officers stated he was not present during the complainants' arrest. This officer stated he arrived on scene as back up and assisted in filling out paperwork.

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: 04/15/14 **DATE OF COMPLETION:** 04/22/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #8 - 14: The officers used unnecessary force.

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

FINDINGS OF FACT: One of the complainants stated that when he saw his friend being assaulted, he tried to break up the fight but an officer in plainclothes grabbed him and pulled him to the side. This complainant stated he struck the officer who pulled him away, because he was not aware the man was an officer. This complainant stated another officer punched him in the head, and when he fell to the ground, the officer choked him. This complainant stated while he was being choked, another officer repeatedly punched him in the face.

The rest of the complainants also claimed being struck or otherwise taken to the ground. They stated the named officers hit them in the head and in different parts of their bodies.

The named officers acknowledged using force, classifying it necessary and minimal to overcome the violent resistance of the complainants when the officers arrested the complainants. The officers stated they elevated force to fist and elbow strikes on the persons of the complainants because lesser levels of force had no effect. The officers stated despite being advised to stop resisting, the complainants continued to fight and struggle during the arrest. The officers, however, denied choking or seeing any officer choke one of the complainants.

Two uniformed officers who responded to the scene described seeing one of the complainants tackle a named officer to the ground and fight with the officer.

No independent witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/14 **DATE OF COMPLETION:** 04/22/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #15 - 21: The officers failed to Mirandize the complainants.

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

FINDINGS OF FACT: The complainants stated the officers failed to read them their Miranda rights.

The officers stated they did not read Miranda rights to any of the complainants because the complainants were neither interrogated nor asked incriminating questions.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #22: The officer made inappropriate comments.

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

FINDINGS OF FACT: One of the complainants stated an officer who choked him spoke inappropriately. The complainant stated the officer, while tightly choking him, told him to go to sleep.

The officers present denied making any such comment, or hearing another officer do so.

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: 04/15/14 **DATE OF COMPLETION:** 04/22/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #23: The officer used profanity.

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

FINDINGS OF FACT: One of the complainants stated an officer who choked him used profanity in speaking to him.

The officers that were present during the detention of the complainant denied using profanity during the contact or hearing another officer do so.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/15 **DATE OF COMPLETION:** 04/27/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the 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: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #1** of 7

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

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

FINDINGS OF FACT: The complainant, a parking control officer, stated the named officer aggressively confronted her in an intersection as she directed traffic for a special event. The complainant stated the named officer stopped his car in the middle of the intersection, kicked open his door, stepped aggressively toward her, and yelled offensive statements. The complainant stated the named officer argued with her about whether or not he ran a red light, called her names, and intentionally spat on her face.

The named officer stated he abruptly stopped his car in the intersection because the complainant was waving her arms and shouting. The named officer stated he did not initially recognize the complainant as a parking control officer and got out of his car in order to provide assistance to a distressed citizen. The named officer stated he did not intend to confront the complainant or act aggressively. The named officer denied all of the complainant's allegations and denied spitting on or at the complainant.

Two parking control officers witnessed the incident. The first parking control officer stated he could hear the named officer yelling at the complainant and could tell they were arguing based on the named officer's body language. He stated he saw the complainant wipe her face just before he heard her announce over the radio that the officer spat on her. The second parking control officer saw the named officer struggling in his car before speeding away as the complainant announced over the radio that the officer spat on her.

SFPD Department General Order (DGO) 2.01 section 1 states in part that the basic mission of the San Francisco Police Department and its officers is "preserve the peace." DGO 2.01 section 9 states in part that any conduct by an officer that "reflects discredit upon the Department or any member shall be considered unofficer-like conduct subject to disciplinary action." DGO 2.01 section 14 also requires officers to "treat the public with courtesy and respect."

The named officer was off-duty when he mistook the complainant for a distressed citizen. Rather than defer to the complainant's authority upon learning she was a parking control officer, who was actively directing traffic, the named officer put himself on-duty and argued with her about his cell phone use and the quality of his driving, all while blocking traffic. The named officer's actions served no public safety purpose, engaging in an unofficer-like conduct by arguing with the complainant in the middle of an active intersection. A preponderance of the evidence indicated that at the termination of his contact, and in anger, the named officer spat on the complainant. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #2 of 7**

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant, a parking control officer, stated the named officer yelled profane statements at her while she was directing traffic. The complainant stated the named officer called her a “smart ass” and accused her of acting like a “bad ass.” The complainant stated the named officer used the word “fuck” multiple times in a berating manner and asked her, “Who the fuck do you think you are?” after she explained her traffic directing duties.

The named officer denied using profanity.

Two parking control officers witnessed the incident. The parking control officers stated they could not hear specific statements made by the named officer.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer drove improperly.

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

FINDINGS OF FACT: The complainant, a parking control officer, stated she was directing traffic for a special event in an intersection when the named officer almost struck her with his personal car because he was driving recklessly. The complainant stated the intersection was well-lit and controlled by her, a lighted traffic signal, and temporary cones and barriers. The complainant stated the named officer was speeding and talking on his cell phone as he approached the intersection. The complainant stated she signaled for him to slow down and stop because he was facing a yellow light. The complainant stated the named officer ignored her hand signals and sped up in response to the yellow light, which turned red as he entered the intersection. The complainant stated she jumped out of the way and yelled to avoid being hit by the named officer’s car. The complainant stated the named officer abruptly stopped his car in the middle of the intersection near a set of light rail train tracks and got out to confront her. The complainant stated the named officer identified himself as an SFPD officer and argued with her about her attitude, his cell phone usage, and whether or not he ran a red light. The complainant stated the named officer sped away after the confrontation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #3 of 7**

FINDINGS OF FACT continued:

The named officer stated the incident occurred while he was driving his personal car following a voluntary overtime assignment. The named officer stated he drove into an intersection on a green light and noticed the complainant walking to the right of his car and yelling. The named officer stated he parked his car in the middle of the intersection and got out because he thought the complainant needed help. The named officer stated he activated his hazard lights and did not park on the light rail tracks. The named officer denied speeding or running a red light. The named officer stated the complainant questioned why he was talking on his phone and driving. The named officer stated he informed the complainant he was a police officer and, therefore, was allowed to use a phone and drive at the same time. The named officer admitted engaging in a personal phone call without a hands-free device while driving and stated off-duty police officers are permitted to talk on the phone while driving to and from assignments.

Two parking control officers witnessed the incident. The first parking control officer heard the named officer's car come to a screeching halt in the middle of the intersection. Both parking control officers saw the named officer's car parked in the middle of the intersection near a set of light rail tracks and the named officer standing outside of his car. The second parking control officer saw the named officer speed away after the incident.

California Vehicle Code 23123 prohibits drivers from using cell phones without hands-free devices while driving. Police officers are exempted from California Vehicle Code 23123 if they are operating an authorized emergency vehicle and acting within the scope of their duties. Department Bulletin 13-135 further limits SFPD officers by allowing phone calls while driving only under "articulable exigent circumstances." The named officer was driving a personal vehicle and making a personal call—absent exigent circumstances.

The named officer also violated California Vehicle Code 21100.3, which states, "It is unlawful for any person to disobey the traffic directions of a person appointed or authorized by a local authority to regulate traffic." The named officer stated he did not intentionally disobey the complainant's order to stop because he did not see her. However, the named officer still failed to comply with California Vehicle Code 2110.3 when he argued with the complainant in the middle of the intersection rather than obeying her order to get back inside his car and move along. The named officer should have followed the complainant's orders the moment he realized she was a parking control officer and did not need his assistance.

No other witnesses were identified.

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: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #4** of 7

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

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

FINDINGS OF FACT: The complainant, a parking control officer, stated she went to a district station to report an assault and battery committed by an SFPD officer. The complainant stated she told the named officers that an unknown officer aggressively confronted her and spat in her face. The complainant stated the named officers repeatedly asked her to describe the unknown officer's uniform and questioned whether he was actually an officer. The complainant stated the named officers made excuses for her attacker and tried to dissuade her from making an official report. The complainant stated an officer asked the complainant if she wanted an apology in lieu of pursuing criminal charges.

The named officers stated they questioned the complainant as part of the investigative process and to identify the unknown officer. The named officers stated they questioned the complainant about the unknown officer's uniform because several law enforcement agencies were working in the vicinity at the time of the incident. The named officers denied trying to dissuade the complainant from filing a criminal complaint. One named officer stated he suggested the unknown officer might have been involved in an emergency situation because he was trying to express that the SFPD would investigate both sides of the story. The named officer stated he intended to show the complainant professional courtesy and was not trying to excuse the officer's offensive behavior. Neither of the named officers recalled asking the complainant if she wanted an apology.

A witness officer stated he might have asked the complainant if she wanted an apology in the early stages of their conversation and before he realized the seriousness of her allegations.

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: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #5 of 7**

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

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

FINDINGS OF FACT: The complainant went to a district station to report a battery. The complainant stated she verbally reported the incident details to the named officer and two other officers. The complainant stated she also wrote a statement summarizing the incident. The complainant stated the named officer refused to give her a copy of her written statement. The complainant stated she needed a copy of her statement because the incident happened while she was working.

The named officer stated he could not recall if the complainant asked for a copy of her statement. The named officer stated he would have provided the complainant with a courtesy copy of her statement if she had asked. The named officer stated he had no duty to provide the complainant with a copy of her statement.

Two witness officers stated they did not hear the complainant ask for a copy of her statement.

The named officer looked at Department General Order 2.04 to determine what procedures to follow and believed that because the complainant worked for another city agency, the complainant was not entitled to file a complaint with the Office of Citizen Complaints (OCC). Department General Order 2.04 instructs officers that “a Citizen Complaint form shall not be completed when the complainant is a member of the Department or is a representative of another police department or government agency. Instead, prepare a memorandum specifying the nature of the complaint and forward it to the accused officer’s commanding officer.” DGO 2.04 fails to include Penal Code §832.7’s requirement that a “department or agency shall release to the complaining party a copy of his or her own statements at the time the complaint is filed.”

The evidence proved that the act by the named member was justified by Department policy and that the Department’s policy needs to be corrected immediately to comply with Penal Code §832.7.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #6** of 7

SUMMARY OF ALLEGATION #7: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: The complainant, a parking control officer, stated an SFPD officer battered her while she was directing special event traffic. The complainant reported the crime to the named officer at a district station. The complainant stated the named officer did not immediately know how to handle the incident, spent a long time consulting a policy and procedure manual and even suggested she should file a complaint through her own agency instead. The complainant stated the named officer eventually prepared a police report, but told her she could not file an OCC complaint because complaints between City employees were handled differently from citizen complaints.

The named officer stated he diligently performed his duties. The named officer stated he reviewed Department General Order 2.04 regarding citizen complaints against officers because the complainant accused an SFPD officer of criminal conduct, which meant special procedures and notifications were required. The named officer stated he complied with all aspects of DGO 2.04. The named officer stated he made the appropriate notifications, prepared an internal memorandum, and began an investigation as required. The named officer stated he also reviewed DGO 2.04 to determine if the complainant was eligible to file an OCC complaint. The named officer stated he could not fill out an OCC complaint form because the complainant was a City employee and DGO 2.04 states, in part, “A Citizen Complaint form shall not be completed when the complainant is...a representative of another police department or government agency.” The named officer stated he interpreted this language to mean the complainant was also prohibited from completing an OCC complaint form. The named officer stated he informed the complainant she was ineligible to file an OCC complaint because she worked for another City agency. The named officer stated he suggested the complainant file a report with her own agency as an additional measure. The named officer stated he planned to refer the incident for criminal investigation regardless of whether the complainant filed an administrative complaint with her own agency. The named officer stated he was trying to explore all the options open to the complainant.

Department records indicate the named officer wrote an internal memorandum to his commanding officer, notified two on-duty commanding officers the night of the incident, and prepared an incident report. The Department did not notify the OCC of this incident. Despite being told that she could not file a complaint with the OCC, the complainant contacted and filed a complaint with the OCC.

Department General Order 2.04’s instruction that a citizen complaint form shall not be completed when the complainant is a representative of another police department or government agency conflicts with the OCC’s jurisdiction as established in the San Francisco City Charter. San Francisco City Charter §4.127 states that the “Office of Citizen Complaints shall investigate all complaints of police misconduct, or that a member of the Police Department has not properly performed a duty, except those complaints which on their face...were proper or those complaints lodged by other members of the Police Department.”

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/14 **DATE OF COMPLETION:** 04/02/15 **PAGE #7** of 7

FINDINGS OF FACT continued:

The City Charter does not exclude from OCC's jurisdiction complaints filed by employees of other city departments.

The evidence proved that the act by the member was justified by Department General Order 2.04. However, Department General Order 2.04 conflicts with the OCC's jurisdiction as established through San Francisco City Charter §4.127. This procedure needs to be changed immediately to comply with San Francisco City Charter §4.127.

SUMMARY OF ALLEGATION #8: The officer prepared an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated she reported a battery to the named officer, who prepared an inaccurate and incomplete incident report. The complainant stated the incident report narrative contained mixed up facts and lacked detail. The complainant also stated the named officer failed to include the location of several surveillance cameras which pointed directly at the intersection where the battery occurred. The complainant stated the named officer incorrectly identified the nearest surveillance cameras as being located a block from the incident location.

The named officer stated he prepared an accurate incident report, which correctly summarized the complainant's statements, identified the closest surveillance camera, and included a written statement submitted by the complainant as evidence.

Department records indicate the named officer prepared an incident report and booked a two-page statement handwritten by the complainant as evidence. The incident report narrative contains a paraphrased and accurate summary of the facts presented by the complainant in her written statement. The incident report identified a camera located one block from the incident as a possible source of video evidence. OCC investigation revealed the cameras pointing directly at the intersection would not have been a source of video evidence because they were used for real-time traffic control purposes and not configured to record video footage.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/14 **DATE OF COMPLETION:** 04/09/15 **PAGE** #1 of 2

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 saw three motorcycle officers stationed at a large intersection writing tickets. The complainant stated he approached the named officer and requested the officer's assistance in apprehending two suspects, who had threatened to rob him. The complainant stated the officer failed to take a report and failed to call another police unit to assist him.

The named officer denied the allegation. He acknowledged that he was on a taxi/limousine detail to enforce the bus and taxi zone regulations on the date and time of the incident. The named officer stated he did not recall any person approach him to request that he take enforcement action in regards to an assault or a threat. The named officer could not identify the other officers present at the scene. The officer did not recall any patrol officers speaking with him about the complainant's request.

A witness officer stated that his unit history indicated he was present at the scene writing citations; however, he had no recollection of the incident. The officer stated he had been with the traffic unit for only 30 days at that time.

Another witness officer stated on the date of incident, he was working the taxi enforcement on his motorcycle. The witness officer stated he did not remember observing a man walk up to and make contact with one of the officers at the location. He did not remember being present or being near such an exchange between the complainant and an officer at the scene.

The evidence established that after the incident, complainants called dispatch and a unit responded to their residence. The unit documented in the CAD (computer assisted dispatch) that the complainant became angry and slammed the door in their face. A second patrol unit responded later and an incident report was generated.

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: 04/16/14 **DATE OF COMPLETION:** 04/09/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #2-3: The officers made inappropriate comments

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

FINDINGS OF FACT: The complainant stated the officer he contacted made several inappropriate comments when he requested assistance. The co-complainant stated she made contact with another officer thirty minutes later at the same location. The co-complainant stated the officer she contacted made inappropriate comments.

The named officers denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/15 **DATE OF COMPLETION:** 04/29/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: This complaint raises matters not rationally within the 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: 04/22/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #1 of 5**

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

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

FINDINGS OF FACT: The complainant stated he was with a group of friends when a member of the group lit a firecracker. The complainant and his friends ran into a park. The complainant stated police arrived in the area and ran towards him, so he stopped running and walked towards the officer. The complainant stated he complied with the officer's order to lie on the ground. The complainant stated the officer put his knee on his head and twisted his arm to the point that his arm popped. The complainant stated while he was on the ground handcuffed and later in the squad car, he complained that his elbow was either broken or dislocated. The complainant stated paramedics examined him at the station. The complainant stated his mother transported him to the hospital where he was diagnosed with a fractured elbow.

The named officer denied the allegation. The officer stated he placed his knee on the complainant's shoulder blade and grabbed the complainant's left arm. He felt the complainant moving his hand beneath his body and subsequently pulled the complainant's arm to his chest using the prone technique and quickly placed the complainant in handcuffs. The named officer asked the complainant if he was ok, if he was injured and the complainant looked away, did not make eye contact and said, "No."

The witness officer stated the named officer used verbal commands to order the complainant on the ground, to which the complainant complied. He stated the named officer did not use excessive force while handcuffing the complainant.

SFFD medical records indicated the complainant's elbow was swelling and he had an abrasion to his left cheek. The complainant had complained of left elbow pain and swelling secondary to SFPD putting handcuffs on. Medical records from the hospital established that the complainant sustained a fractured elbow.

The named officer prepared the police report of the incident. The report stated the complainant was handcuffed without incident and there was no indication that the complainant had physically resisted the officer during handcuffing.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #2 of 5**

SUMMARY OF ALLEGATIONS #2-3: The officers failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated he told the officers that his elbow was either broken or dislocated and that he was in much pain, but the officers did not believe him. The complainant was handcuffed and placed in a patrol vehicle for two hours until an ambulance arrived.

The named officers denied the allegation. The officer stated that the complainant never complained of pain.

Medical records established that the complainant's elbow was fractured.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer told him to "Shut the fuck up and get on the ground," even though the complainant was already on the ground.

The named officer denied the allegation.

The witness officer stated he did not hear the named officer use profanity toward the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #3 of 5**

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

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

FINDINGS OF FACT: The complainant stated an officer took his backpack off his back and asked if he had any drugs or guns. He stated when he told the officer he did not have drugs or a gun the officer said, "Oh well, we will find some drugs on you."

The named officers denied the allegation.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #**4 of 5

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The complainant stated he told the officer in the squad car that his arm was broken or dislocated. The complainant stated he told the officer that he was in pain. He stated the officer told him he would get medical treatment when a sergeant arrived.

The named officer stated he transported the complainant to the station upon the request of the investigating officer. The named officer stated prior to transport, the complainant told him that his handcuffs were too tight. The named officer stated he told the complainant he would loosen the handcuffs when they arrived at the station. The named officer stated he did not loosen the handcuffs, though claimed he relayed all of the information he received from the complainant to the relief officer.

The witness officer stated the named officer provided him only with the complainant's name. The witness officer stated that the complainant told him that the handcuffs were too tight. The officer stated he checked the handcuffs on the complainant then removed the handcuffs completely, once the complainant advised him that his elbow was sore. The witness officer stated the complainant's elbow was swollen.

Records indicated the named officer transported the handcuffed complainant at 2027 hours. An ambulance was called to the station for the complainant at 2127 hours.

Medical records indicated the complainant sustained a fractured elbow.

Department General Orders stated that members are responsible for the security, safety and well being of detained juveniles.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #5 of 5**

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer wrote an inaccurate/incomplete incident report.

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

FINDINGS OF FACT: The name officer prepared the incident report. The incident report of the complaint's detention and arrest of several juveniles was incomplete and inaccurate. The incident report lacked details and omitted pertinent information relevant to the investigation of juveniles.

Report Writing Manual states in part:

Preparing factual and thorough incident reports is one of the most important duties of a professional police officer. Incident reports are among the most important documents used within the Criminal Justice System. An accurate and objective account of an incident, and a clear description of the officer's preliminary investigation are key to a complete incident report, which is the foundation on which investigators and the District Attorney must base their prosecution.

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

SUMMARY OF OCC ADDED ALLEGATION #3: The sergeant failed to supervise.

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

FINDINGS OF FACT: The OCC's investigation concluded the incident report regarding the complaint and the arrest of several juveniles to be incomplete and inaccurate. The named sergeant reviewed and approved the incident report.

Department General Orders require that sergeants review their subordinates' arrests and reports for appropriateness and completeness.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #1** of 4

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she exited a city bus at a transit stop and failed to stop for bus inspectors who were verifying proof of payment. She continued to walk away from the inspector when she felt the named officer pull on her backpack. The complainant stated she and the named officer tussled over her backpack, pulling it back and forth. She stated the named officer subsequently grabbed her arm and hand, twisting them.

The co-complainant stated her daughter got off the bus and was walking with her headphones when she felt someone try to snatch her backpack. She stated the named officer snatched her daughter's backpack and then grabbed her arm.

The witness transit inspector stated she requested proof of payment from the complainant multiple times, and she failed to comply. She stated the complainant walked away from her, so she alerted the named officer of the issue. she stated the named officer attempted to contact the complainant, but the complainant tried to run away from the officer. She stated the complainant pushed the officer out of the way.

The other witness transit inspector stated he observed the complainant walk away from the initial transit inspector so she summoned an officer.

The named officer stated a transit inspector alerted her that the complainant evaded the transit fare. She stated she contacted the complainant, but the complainant walked away. The named officer stated she grabbed the complainant's backpack to prevent the complainant from leaving. The named officer stated the complainant resisted/delayed her investigation and she attempted to handcuff the complainant. She stated her partner had to intervene and assist with handcuffing the complainant.

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

The officer's conduct was proper given the circumstances. 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: 04/23/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #2** of 4

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

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

FINDINGS OF FACT: The complainant stated that after the witness officer grabbed her backpack, the named officer intervened and arrested her without justification. The complainant admitted she did not stop for the transit inspectors. The complainant further acknowledged she was trying to pull away from the witness officer, was tussling over her backpack and was trying to get away.

The co-complainant stated her daughter was not a fare evader. She stated her daughter had her transfer in her backpack.

The named officer stated the complainant was detained for fare evasion, handcuffed for resisting/delaying arrest and arrested for an active warrant.

The witness officer stated the complainant was a fare evader, who resisted while being detained. The witness officer stated the complainant was placed in handcuffs for further investigation. Records indicated the complainant had an arrest warrant.

The witness transit operator stated she asked the complainant for her proof of payment several times and she failed to comply. She stated the complainant was not compliant and walked off. The witness stated she alerted an officer to stop the complainant. She stated the complainant fought with the officers and was subsequently arrested.

Records indicated that the complainant had a valid arrest warrant for a traffic infraction. The complainant was cited for California Penal Code Sections 148(a)(1)-resisting and delaying a peace officer and 640(C)(1)-evasion of the payment of a transit fare.

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: 04/23/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #3 of 4**

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

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

FINDINGS OF FACT: The complainant stated she and the witness officer were tussling when the named officer intervened. The complainant stated the named officer pulled her arm, twisted her thumb, forced her to the ground and placed his knee on her head. She stated the named officer pulled her hair and snatched her head to the side, so she would be still.

The named officer denied the allegation. He stated the complainant was combative and resisted. He stated he sustained a laceration on his finger during the contact.

The witness officer stated the complainant jerked and pulled away for no reason and she needed the named officer's assistance to handcuff the complainant. The witness officer stated she attempted to remove the complainant's earring, as per the jail requirement, and the complainant moved her head. She stated the named officer had to hold the complainant's head still so the earrings could be removed.

The witness transit operator stated it was necessary for two officers to detain the complainant. She stated the complainant was fighting with the officers.

No independent witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/15 **DATE OF COMPLETION:** 04/22/15 **PAGE #4** of 4

SUMMARY OF ALLEGATION #4: The officer failed to state the reason for the complainant's arrest.

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

FINDINGS OF FACT: The complainant initially stated she yelled and asked why she was arrested, to which the officer did not respond. The complainant later acknowledged that she was notified she was arrested for a citation warrant but it did not make sense to her.

The named officer denied the allegation. The named officer stated the complainant refused to talk to him or the witness officer.

The witness officer stated she informed the complainant she would be cited for fare evasion and had a warrant for her 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: 05/01/14 **DATE OF COMPLETION:** 04/16/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer behaved and spoke inappropriately to her about her son at the scene where several SFPD officers were serving a search warrant.

The named officer denied the allegation and said he might have asked the complainant what she was doing there, because he was unaware that the complainant was connected to the people listed in the search warrant. The officer admitted telling the complainant that it was nice to see her smiling and that he had seen her son the other day because he had not seen him since his arrest for homicide. He also did not think he told the complainant her son should be careful because shootings between gangs were at a heightened level.

A witness did not hear the officer's conversation with the complainant.

Another witness heard the named officer ask the complainant what she was doing there but denied his behavior was inappropriate.

A third witness heard the officer say to the complainant that it was nice seeing her smiling.

Other witnesses on scene did not respond to OCC requests for an interview.

No other witness came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/12/14 **DATE OF COMPLETION:** 04/27/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide information.

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

FINDINGS OF FACT: The complainant said he requested a police report and was sent a copy with portions blacked out. The complainant said further that the named officer's refusal to provide him with the information he requested resulted in a determination that the named officer had violated the City's Sunshine Ordinance.

The named officer has retired and is no longer subject to Department discipline. However, Department records, as well as the records of other city agencies, proved that the named officer followed all Department policies and procedures in denying the release of the report. The records also showed that while the denial of the release of the report resulted in a finding of violation by the Sunshine Ordinance Task Force (SOTF), the SOTF ultimately determined that the Police Department's policies on releasing police reports to the public are governed by State laws, which take precedence over the City's Sunshine Ordinance. The records also indicate that the named officer ultimately followed all recommendations of the SOTF and released a redacted copy of the incident report.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer who was assigned to investigate cases involving the complainant did not properly investigate the cases because the District Attorney did not prosecute the cases. The complainant further stated that he understood that one of the cases had not been prosecuted because of a weak Emergency Protective Order (EPO).

The named officer denied that he had failed to properly investigate the cases to which he was assigned, saying that he did all required tasks in the cases, that they were approved by his supervisor, and that he had submitted the cases to the District Attorney, who declined to prosecute the cases.

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: 05/21/15 **DATE OF COMPLETION:** 04/10/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer detained a man without justification.

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

FINDINGS OF FACT: The complainant stated he is an engineer and was making sidewalk measurements along a street. He was near an unmarked intersection when he saw a man step into and then cross the street. There was no crosswalk at this area, but the complainant knows that it is legal to cross at an intersection even if there is no crosswalk. The complainant saw officers detain the man and tell the man that he was jaywalking. The complainant did not see any more of the interaction but believes that the officers were not justified in detaining the man because he had committed no crime.

The named officer and witness officers stated they were driving down a busy street when they observed a man walk into a busy street, causing more than one vehicle to slam on their brakes. The officers stated they stopped the man and learned that he had a warrant for his arrest. The officer arrested the man for the warrant and denied the complainant's claims that the street was empty of vehicles.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #2 - 4: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that the named officers engaged in biased policing due to race when the officers stopped and searched an African-American man, after the man crossed the street at an unmarked intersection.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied the allegation. The officers denied that the man's race had anything to do with their detention and arrest of the man. The officers stated that they observed the man commit a traffic violation when the man unlawfully crossed the street, causing vehicles to stop for him. The officers arrested the man because he had an outstanding warrant.

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: 05/21/15 **DATE OF COMPLETION:** 04/10/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: Department Bulletin No. 14-059, Traffic Stop Data Collection Program Information, issued on March 3, 2014, states in part:

Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

- Moving violations, including bicycles and pedestrians
- --

The named officer stated that he did not enter the data because the latest department bulletin specifically states that entries are to be made on “vehicle stops.” He stated that this contact was not a vehicle stop because the person cited was on foot. While the bulletin does specifically mention pedestrians, the officer stated that it is difficult to understand whether traffic stop data should be collected when stopping someone who is not in a vehicle.

The evidence established that the member’s explanation for not complying with Departmental Bulletin 14-059 was reasonable in light of the Department Bulletin’s confusing language that requires E585 data entry after “any vehicle stop” without clarification that members are also required to make E585 entries involving stops of bicyclists and pedestrians for moving violations. The OCC recommends that the Department revise Department Bulletin 14-059 so that it explains that traffic stop data collection includes vehicle, pedestrian and bicycle stops related to moving violations, MPC violations, Penal Code violations, Transportation Code violations, 916 vehicle and high-risk stops, mechanical or non-moving violations, DUI’s, traffic collisions, assistance to motorists, BOLO/APB/Warrants.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/14 **DATE OF COMPLETION:** 04/03/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant wrote that the officer entered her home illegally. During a recorded interview, she stated that she was not home at the time the officer entered the home but that her father was home. She stated that her dad told her, “The police tricked me.” When she asked what he meant, he explained that he heard a knock at the door and a female voice stated “Manager.” He couldn’t see anyone so he opened the door and then the officers came from around the edge of the doorframe and entered the home, looking for the complainant’s son.

The named officer denied entering the residence illegally. She stated that she and her partner were asked to come inside.

A witness officer did not recall how they gained entry to the apartment. He described the complainant’s father as friendly and cooperative during their time inside the home and stated that he entered the home to check on the wellbeing of the child.

The father of the complainant stated that he was home with his grandson when he heard a knock on the door. He asked who it was, and heard only a mumble. He stated that he could not see anyone through the peephole so he opened the door and two officers rushed in, without permission.

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: 05/21/14 **DATE OF COMPLETION:** 04/03/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer failed to provide required information.

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

FINDINGS OF FACT: The complainant wrote in her written complaint that the officer did not provide her with a copy of the restraining order. However, during her recorded interview, she stated that an officer returned later that evening to provide her with a copy of the order.

The named officer denied that she failed to provide required information. She stated that she verbally provided the complainant with the details of the restraining order due to the fact that at the time of conducting the wellbeing check, she did not have an extra copy. She stated that she subsequently called the complainant from the station to ensure she would be home and had a copy delivered to the complainant later that evening.

A witness officer said that he and another officer delivered a copy of the restraining order to the complainant later that evening.

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 issued an invalid order.

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

FINDINGS OF FACT: The complainant stated that the officer told her that the Restraining Order superseded the current custody agreement, but the complainant denied that was accurate.

The named officer denied making the alleged statement to the complainant.

A witness officer denied hearing the named officer make the alleged statement.

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: 05/21/14 **DATE OF COMPLETION:** 04/03/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that she called the station to discuss an earlier incident with a different officer. The complainant stated that the officer that she spoke to cut her off when speaking and hung up on her. The complainant called back and asked to speak to a supervisor. The complainant stated that the officer said there was no one else above her but that after a brief pause, another female officer got on the phone.

The named officer denied making inappropriate comments or behaving inappropriately, as alleged. She stated that she was the station keeper and that she spoke to the complainant. She stated that she listened to the complainant and repeatedly explained her options, but the complainant refused to listen to her advice and continued to speak in a loud and rude manner. The named officer stated that she did not want to get involved in a verbal confrontation with the complainant and advised the complainant that she would be discontinuing the conversation. She stated that after telling the complainant she was unable to assist her further, she hung up the phone. The named officer denied telling the complainant that she was as far up the chain as she could go. She stated she told the complainant that a supervisor was not presently available and then placed the complainant on hold until she was able to locate a sergeant for the complainant to speak to.

A witness officer stated that she walked into the station when the phone rang, at which time the named officer advised that the caller had called before and had been provided with information, but was not satisfied. The named officer asked the witness officer to speak with the caller. The witness officer described the caller as very upset, and speaking in a loud voice. She denied being present when the named officer spoke to the caller.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/14 **DATE OF COMPLETION:** 04/16/15 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer would not take his report regarding a perjury civil matter.

The named officer stated that the complainant wanted to file a report regarding an incident at a nightclub. The named officer stated that he told the complainant that he would take the report, but the complainant then declined to file a report.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer was sarcastic and rude.

The 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: 05/30/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the police responded to a 9-1-1 call from his home. The complainant stated that he was placed in tight handcuffs, causing him pain.

The named officer denied the allegation. He stated the complainant never complained that the handcuffs were too tight or that they were causing him pain.

Other officers at the scene either did not see the complainant handcuffed or did not hear the complainant complain of tight handcuffs or pain.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer made multiple inappropriate and offensive comments and pushed him.

The named officer denied making any of the alleged comments or pushing the complainant.

Other officers at the scene denied hearing any of the alleged comments or seeing the alleged behavior.

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: 05/30/14 **DATE OF COMPLETION:** 04/14/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an officer rang his doorbell incessantly in a childish-like manner and pushed him. In addition, the complainant alleged numerous officers were laughing at the scene.

The officers at the scene denied engaging in the alleged behavior. The identity of the alleged officer has not been identified.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated he was not provided any paper work after being released from handcuffs.

The named officer admitted placing the complainant in handcuffs. The officer also admitted that he failed to provide the complainant with a Certificate of Release and failed to write an incident report.

SFPD General Order 5.03 states that if an officer physically restrains a person, a Certificate of Release (849b form) must be issued. Furthermore, DGO 5.03 states that if a person has been detained for a significant length of time, the officer must also prepare an incident report justifying the length of detention.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 04/30/15 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing due to gender identity.

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

FINDINGS OF FACT: The complainant stated that she and her partner were speaking with a transgender female when two officers approached the transgender female. The complainant and her partner thought the named officer made an inappropriate gender-related comment to the transgender female, and suspected that the officers' contact with the transgender female was not based on any criminal conduct but based on the fact that she was a transgender female. The complainant's partner acknowledged that the officers asked the transgender female about a theft and asked to search her bag for a stolen passport.

The OCC was not able to interview the woman who was the subject of the officers' contact.

Other witnesses acknowledged calling the police to the scene regarding a theft committed by a transgender female. One of the callers said she pointed out the transgender female to the officers as a person who might have information about a suspect.

The named officer and his partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer had no recollection of the incident.

The named officer's partner identified the woman questioned as transgender but denied hearing the alleged comments and denied that the officers engaged in biased policing. He said he reviewed hotel video camera surveillance footage of the theft crime and suspect, a transgender female. He said he and the named officer made contact with and questioned a transgender female as a possible suspect.

Department records showed that police were called to the location regarding a theft, that the named officers responded, and that those officers queried a transgender female.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 04/30/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that while she and her partner were speaking with a transgender woman, officers approached the transgender woman and one of the officers made an inappropriate, gender related comment to the transgender female by stating that she was not a female.

The complainant's partner who was at the scene recalled a different comment made by the officer.

Other witnesses acknowledged calling the police to the scene regarding a theft crime committed by a transgender female but neither witness heard the conversation between the officers and the transgender female.

The named officer had no recollection of the incident.

The named officer's partner denied hearing the alleged comments by the named officer.

The OCC was not able to interview the woman who was the subject of the officers' contact.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 04/30/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant stated she and her partner were speaking with a transgender female when two officers began questioning the transgender female. The complainant suspected that the reason for the contact was not based on an underlying crime but due to the woman's gender identity.

A witness who worked at the location said there had been a theft and an employee had called the police.

Another witness also said he worked at the location and called the police regarding the theft. This witness said that when the officers arrived, he identified the transgender female as a person who might have information about the suspect.

The named officer had no recollection of the incident.

The named officer's partner identified the woman questioned as a transgender female and said she was questioned because she was a suspect. The named officer's partner said the officers looked at a video record of the theft before questioning the transgender female.

The OCC was not able to interview the woman who was the subject of the officers' contact.

The evidence is inconclusive as to whether the contact with the transgender female was consensual or whether it was a detention.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 04/30/15 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate comment to the transgender female he was questioning.

The named officer denied making the comment.

The named officer's partner had no recollection of the incident.

A witness who had called the police to respond to the location denied hearing any of the conversation between the officer and the transgender female.

The OCC was not able to interview the woman who was the subject of the officers' contact.

The evidence is inconclusive as to whether the contact with the transgender female was consensual or whether it was a detention.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/14 **DATE OF COMPLETION:** 04/07/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer wrote him a personal email message regarding drumming noise allegedly coming from the complainant's home in the early morning hours. The complainant stated the officer used a government email account and signed his email with his name and star number. The complainant found the named officer's conduct to be inappropriate and threatening.

While the named officer denied attempting to intimidate the complainant, the named officer admitted using his Department email account while on duty. The named officer also admitted that it was a mistake to use his name and star number and the Department email account.

Department General Order 10.08, Use of Computers and Peripheral Equipment, and Department Bulletin No. 13-165, Use of Computers and Peripheral Equipment, prohibit the use of Department equipment and email for personal use. The named officer's conduct reflects discredit upon the Department, in violation of DGO 2.01.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him for trespassing on a sidewalk that runs through a public housing development. The complainant stated he was using the sidewalk to walk from a friend's home to a local market. The complainant stated he has never been told to stay away from the public housing development.

The named officer stated he detained the complainant because he suspected the complainant was involved in a conspiracy to sell drugs. The named officer stated he observed the complainant and another man approaching apparent strangers for at least twenty minutes in front of a prominently displayed "No Trespassing" sign on public housing property. The named officer stated the complainant had previously been told to stay away from the housing development.

Court records indicate that the complainant had a prior stay away order from the same area.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officer stopped and searched him, even though the complainant was walking on a public sidewalk in a public housing development. The complainant stated the named officer searched him by patting his clothing and reaching into his pockets. The complainant stated the named officer found a small amount of marijuana in his pocket and consequently arrested him. The complainant stated the named officer only found the marijuana because he conducted an impermissible search.

The named officer stated he stopped the complainant with the intent of arresting him. The named officer stated the complainant was trespassing in an area he had previously been told not to visit and appeared to be involved in a conspiracy to sell drugs. The named officer stated he cited and arrested the complainant for trespassing. The named officer stated he needed to search the complainant before he could transport him to a police station. The named officer stated he found a small amount of marijuana in the complainant's pocket.

A witness officer did not recall seeing the named officer search the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #3 of 4**

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him for trespassing and possessing marijuana. The complainant stated he was not trespassing because he was walking on a public sidewalk in a public housing development.

The named officer stated he observed the complainant for twenty minutes and believed the complainant was trespassing in the housing development as part of a conspiracy to sell drugs. The named officer stated he knew the complainant was not a resident of the housing development. The named officer stated the complainant was standing in front of a prominently displayed “No Trespassing” sign and had been previously warned not to sell drugs at the housing development. The named officer stated he arrested the complainant because he believed the complainant would continue trespassing if released at the scene. The named officer stated he found marijuana on the complainant when he searched him for the trespassing arrest.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer filed false charges.

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

FINDINGS OF FACT: The complainant stated the named officer charged him with possessing more than 28 grams of marijuana. The complainant stated he was carrying less than 28 grams of marijuana.

The named officer denied the allegation. The named officer stated he charged the complainant with possession of marijuana weighing 28 grams or less.

Department and court records indicate the complainant was charged with possessing less than 28 grams of marijuana.

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: 07/21/14 **DATE OF COMPLETION:** 04/22/15 **PAGE #4** of 4

SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated a \$10 bill was missing from his wallet when deputies released him from jail.

The named officer denied taking cash from the complainant's wallet.

A witness officer did not see anyone take money from the complainant's wallet.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer did not allow him to make phone calls in a timely manner after his arrest. The complainant stated the delay caused him to worry about who would pick up his son. The complainant stated the named officer eventually permitted the complainant to call a family member and arrange for someone to pick up his son.

The named officer did not recall the complainant mentioning his son or asking to make a phone call.

A witness officer did not recall the complainant asking to make a phone call.

No other witnesses were identified.

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