

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/15 **DATE OF COMPLETION:** 04/01/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him and five other people for selling drugs and conspiring to sell drugs. The complainant denied selling drugs. The complainant denied conspiring to sell drugs with the other arrestees and stated three of them were only acquaintances.

The named officer stated he observed the complainant acting as a lookout for a group of people who appeared to be selling drugs to apparent strangers. The named officer stated he suspected the group was working together to sell drugs because they were inconspicuously passing small objects between themselves and to people who approached them on the street. The named officer stated he was watching the group because of community member complaints about drug sales in the area. The named officer stated he ordered a team of officers to arrest the complainant and his five suspected co-conspirators. The named officer stated he ordered the arrests only after finding suspected methamphetamine on a man who appeared to have just purchased something from the group.

Four witness officers stated they were present as part of an arrest team. The witness officers stated they waited out of sight and were not in a position to observe the complainant's actions leading up to the arrest. One witness officer stated she found suspected methamphetamine on a man suspected of buying something from the group. Another witness officer stated she conducted an arrest search on the complainant at the police station and located suspected cocaine substance in a dollar bill found in the complainant's right sock.

Department records indicated the suspected buyer was carrying methamphetamine and four of the arrestees, including the complainant, were carrying small quantities of heroin and cocaine.

No other witnesses came forward.

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

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DATE OF COMPLAINT: 12/30/15 **DATE OF COMPLETION:** 04/04/16 **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 she was in her home when three SFPD officers arrived at her residence and asked her if she felt suicidal. The complainant said she was wearing a robe and holding it closed with her hands in her pockets. The complainant stated that the named officer yelled at her to take her hands out of her pockets. The complainant stated the named officer was rude, threatening and disrespectful, increasing the tension. The complainant stated the named officer told her again, in a louder voice, to take her hands out of her pockets. The complainant stated the named officer was disrespectful and inappropriate.

The named officer stated he responded to the complainant's residence on a report of a suicidal person. He did not remember his exact conversation with the complainant, but recalled asking her very nicely, and in a low tone, to keep her hands out of her pockets. The named officer stated he may have asked the complainant twice, but at no point did he raise his voice, nor was he disrespectful or threatening. The named officer stated he was very calm and professional during his interactions with the complainant.

Another officer at the scene stated that the named officer explained to the complainant that it was important to follow the officers' instructions, because police officers get hurt by people who conceal weapons in their pockets.

A third officer at the scene stated that he explained to the complainant why the police were at her residence and that he was concerned for her well-being. This officer stated the named officer did not shout at the complainant, nor did he witness any disrespectful or threatening behavior.

One other witness, the complainant's son, did not respond to requests for an OCC interview.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

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DATE OF COMPLAINT: 12/17/15 **DATE OF COMPLETION:** 04/01/16 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that he called police because a MUNI bus operator refused to let him board the bus with his Pitbull dog unless the dog was muzzled. The complainant stated the named officer was aggressive in his demeanor and body language, making the complainant feel defensive.

The complainant stated he recorded the encounter on his cell phone. The complainant declined to provide the video footage to the OCC.

The named officer denied the allegation. He stated that he was professional toward the complainant the entire time.

The two other officers at the scene were interviewed as witness officers. Both officers stated the named officer acted in a professional manner.

The MUNI bus operator was interviewed. The witness stated none of the officers present acted inappropriately toward the complainant. The witness stated the officers didn't say anything negative.

The MUNI Inspector was interviewed. The witness made no mention of the named officer's conduct during the interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/17/15 **DATE OF COMPLETION:** 04/01/16 **PAGE #2** of 2

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

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

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

San Francisco Municipal Transportation Agency
Accessible Services
1 South Van Ness Avenue
San Francisco, CA 94103

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DATE OF COMPLAINT: 07/15/15 **DATE OF COMPLETION:** 04/04/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a male officer of indeterminate race made inappropriate comments and threatened to arrest her during a very large public event. The complainant provided the officer's star number and the OCC arranged a mediation session. When the officer appeared for mediation, the complainant stated the officer was not the same officer who spoke with her at the public event.

The complainant was unable to provide additional information about the identity of the alleged officer.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated a male officer of indeterminate race used profanity while speaking with her at a very large public event. The complainant provided the officer's star number and the OCC arranged a mediation session. When the officer appeared for mediation, the complainant stated the officer was not the same officer who spoke with her at the public event.

The complainant was unable to provide additional information about the identity of the alleged officer.

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DATE OF COMPLAINT: 12/28/15 **DATE OF COMPLETION:** 04/05/16 **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 31, 2016.

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 31, 2016.

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DATE OF COMPLAINT: 09/18/15 **DATE OF COMPLETION:** 04/01/16 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that a police car followed him with its headlights turned off. The complainant stated the officer's driving was unsafe and improper.

The named officer denied the allegation.

The named officer's partner stated he could not recall if their patrol car's headlights were on.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was cited for speeding, which he denied.

The named officer stated he observed the complainant speeding, prompting the named officer to stop and cite the complainant.

The named officer's partner stated that the named officer determined the complainant was speeding.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 09/18/15 **DATE OF COMPLETION:** 04/01/16 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate comments during the incident.

The named officer denied the allegation.

The named officer's partner stated he could not hear the dialog between the complainant and the named officer.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 04/02/16 **DATE OF COMPLETION:** 04/06/16 **PAGE #**1of 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:

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

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DATE OF COMPLAINT: 04/04/16 **DATE OF COMPLETION:** 04/07/16 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 04/08/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that after she told her husband that she wanted a divorce, he became agitated, upset and verbally abusive. She stated she pulled out her cell phone and recorded her husband's behavior. She stated her husband twisted her thumb to pry the cell phone from her hand and then ran away, prompting her to call 911. She stated that when the named officer responded, she provided a detailed account of the incident and requested an Emergency Protective Order against her husband because she feared for her safety.

The complainant's husband stated that he did not recall the named officer questioning him about grabbing the complainant's cell phone. He stated that the named officer allowed him to tell his side of the story.

The named officer stated that the incident between the complainant and her husband was not physical but verbal. He stated that there was no evidence of domestic violence. The named officer stated that he interviewed the complainant, the complainant's husband and the complainant's husband's friend. He stated that he did not interview the two children shared by the complainant and her husband, who were present during the incident.

The named officer's partner stated that he responded to the complainant's address regarding a possible domestic violence. He stated the complainant called SFPD to report that her husband grabbed her cell phone and the named officer determined that no domestic violence occurred.

The named officer authored the incident report. The report was titled, "Suspicious Occurrence" and "Domestic Violence Secondary". The report showed that the complainant's husband grabbed the complainant's cell phone from her hand, erased the video footage and returned the cell phone to the complainant. The named officer's report failed to document that this incident was a domestic violence incident and failed to investigate the incident as a domestic violence incident.

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

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DATE OF COMPLAINT: 04/30/15 **DATE OF COMPLETION:** 04/08/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that she read the incident report authored by the named officer. She stated the incident report was inaccurate. She stated the incident report indicated she had “no injury”, which was false. She stated that she told the named officer that her hand was sore, but that she didn’t need medical treatment. She stated that she notified the named officer that she feared for her safety and requested an Emergency Protective Order; however, the incident report indicated that the complainant feared she would lose custody of her children. She stated that the named officer took pictures of her hand and face, but the pictures were not attached to the incident report.

The named officer stated that he did not recall why he neglected to follow all the outlined procedures for investigation and processing the complainant’s domestic violence incident. He stated that the incident report was written to the best of his ability.

The incident report showed that the named officer made various clerical errors and neglected to include the required information required under DGO 6.09.

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: 08/10/15 **DATE OF COMPLETION:** 04/07/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant filed an OCC complaint in August 2015 regarding his arrest that occurred in April 1985. The complainant alleged that he was arrested without cause.

The officers who arrested the complainant are no longer with the Department

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department failed to remove his arrest in 1985 from his criminal record.

Department records showed that the arresting officers are no longer with the Department. Records also showed that the charges arising out of the complainant's arrest in 1985 were dropped.

SFPD has no duty to delete the complainant's criminal record.

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

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DATE OF COMPLAINT: 05/08/15 **DATE OF COMPLETION:** 04/07/16 **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 that his roommate called police to have the complainant removed from their apartment. The complainant stated the named officer ordered him to leave and took the complainant's key to the apartment. Threatened with arrest, the complainant stated he complied and left.

The named officer and his partner stated that the complainant voluntarily left the apartment. The named officer denied taking the complainant's key.

The back-up officers had no independent recollection of the incident in question.

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

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was involved in a dispute with his roommate, prompting police to respond to his apartment. The complainant stated the officer should have prepared an incident report.

The named officer stated no one asked for a police report.

The named officer's partner stated that the incident involved a civil dispute and that no crime was committed.

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

No other witnesses were identified.

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

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DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 04/11/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she called the police to report a vandalism at her home. The complainant stated that the responding officers refused to write a report.

An Officer Identification Poll was sent to the district station captain. The captain polled his officers and no officer was identified as having made contact with the complainant.

Based on the information provided by the complainant, the OCC conducted a search of all calls made to the Department of Emergency Management. The complainant's 911 call could not be located.

No witnesses were identified.

The identity of the alleged officers has not been established.

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

SUMMARY OF ALLEGATION #2: The officers behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers looked at her as if she was "crazy."

No witnesses were identified.

The identity of the alleged officers has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 04/11/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated she called the police to report a vandalism at her home. The complainant stated that the responding officers failed to investigate the crime she had reported.

An Officer Identification Poll was sent to the district station captain. The captain polled his officers and no officer was identified as having made contact with the complainant.

Based on the information provided by the complainant, the OCC conducted a search of all calls made to the Department of Emergency Management. The complainant's 911 call could not be located.

No witnesses were identified.

The identity of the alleged officers has not been established.

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

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DATE OF COMPLAINT: 02/29/16 **DATE OF COMPLETION:** 04/11/16 **PAGE #**1of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 7, 2016.

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DATE OF COMPLAINT: 04/07/16 **DATE OF COMPLETION:** 04/11/16 **PAGE #**1of 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
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DATE OF COMPLAINT: 12/15/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the Municipal Transportation Agency is using the police to enforce rules that are a violation of his civil rights.

The complainant failed to provide additional requested evidence.

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

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

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

San Francisco Municipal Transportation Agency
SFMTA Accessible Services
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/19/16 **DATE OF COMPLETION:** 04/13/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that a person threatened her, prompting her and the co-complainant to call the police. The complainants stated that the named officers appeared insensitive, lacked concern and empathy during the contact.

The named officers denied the allegation. The named officers stated they were calm, courteous, and professional. The named officers stated the co-complainant abruptly walked away from them and left the scene in his car with the complainant.

No witnesses were identified.

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

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DATE OF COMPLAINT: 03/09/16 **DATE OF COMPLETION:** 04/12/16 **PAGE#** 1 of 1

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

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

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

TAZ Mobile Auto Detailing
c/o Denise Alexander
VP of Operations
P.O. Box 880397
San Francisco, CA 94188

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/16 **DATE OF COMPLETION:** 04/13/16 **PAGE #**1 of 1

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

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

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

Daly City Police Department
Attn: Internal Affairs Division
333 90th Street
Daly City, CCA 94015

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DATE OF COMPLAINT: 01/12/16 **DATE OF COMPLETION:** 04/13/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was the named officer's tenant for the past 12 years, taking over her mother's Section Eight voucher when her mother moved out. She stated that during the past several years, the named officer has used his status as a police officer to threaten and harass her, and has also used his unmarked police vehicle to come by and collect the rent. She stated that the officer changed the locks in October 2014 and refused to give her a key. She also stated that on January 2, 2016, the named officer entered her unit and locked her out.

The named officer denied that he ever used his status as a police officer to threaten or intimidate the complainant. He also denied ever using a Department vehicle for the purposes of rent collection or harassment. He stated that he never locked the complainant out of her home. He said that the complainant was given keys to the new locks in the fall of 2014, but one of the keys did not easily unlock the door. He claimed that after he learned that the complainant was having difficulty with her lock, he sent her a newly cut key via certified mail, which was returned to him unclaimed. The named officer said that the complainant had given him a 30-day notice that she was moving out by January 1, 2016. He stated that he entered the unit on January 2, 2016, but left when he saw all of her belongings still there. He denied locking her out. He said the complainant was upset because of a rent increase approved by the San Francisco Housing Authority, Section Eight Division, and that she eventually moved out in March of 2016.

The named officer provided a CD with photos that he claimed were of the condition of the unit upon the complainant's move out. He also provided a CD with voice messages from the complainant regarding her efforts to deliver the rent money to him.

A witness identified by the complainant did not respond to requests for an interview.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/13/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #1 of 8**

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

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

FINDINGS OF FACT: The complainant stated that while he was being detained during an investigation of a shooting, the named officer called him “ignorant” and “stupid,” told him to “shut up” and threatened to handcuff him.

The named officer denied making the statements described by the complainant.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was sitting in his car talking to some friends when gunshots were fired. One of his friends was struck in the leg by a gunshot. The complainant began driving his wounded friend to the hospital and was stopped by police several blocks away. The victim was transported to the hospital and the complainant was detained until an investigator arrived at the scene. While the complainant was being detained, he received calls on his cell phone inquiring whether he was okay. An officer at the scene allowed the complainant to use his cell phone. However, the complainant stated the named officer told him he could not use his phone because he might be considered a suspect and could be communicating with confederates. When the complainant verbally objected, the named officer took the complainant's phone.

The named officer stated he did not recall seeing the complainant with a phone or seizing a phone from him.

A witness officer stated that he allowed the complainant to make several calls on his cell phone, and that another officer told the complainant he could not use his phone, but he did not see the named officer seize the complainant's phone.

The investigator who arrived and took charge of the scene stated that one of the officers at the scene gave him the complainant's cell phone, but he stated that he could not recall exactly where the phone came from or whether it had been taken from the complainant. In an affidavit for a search warrant of the complainant's phone, the investigator wrote that he seized the complainant's phone from the named officer, who had removed it from the complainant for officer safety when he detained the complainant.

The evidence established that the named officer took the complainant's phone for officer safety reasons, to prevent him from using it while the investigation into the circumstances of the shooting and the complainant's involvement in it was pending. The complainant's detention under the circumstances was lawful. Once the complainant was detained, the named officer had the authority to take the complainant's cell phone from him for officer safety reasons, since at that time, the complainant's role in the shooting(s) if any, had not been determined, and he could have been communicating with confederates who might present safety risk to the officers or to the public.

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

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

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

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

The named officer and witness officers denied the allegation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

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

The named officer and witness officers denied the allegation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 05/13/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #4 of 8**

SUMMARY OF ALLEGATION #5: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated while he was being detained, he received calls on his cell phone inquiring whether he was okay. An officer at the scene allowed the complainant to use his cell phone. The complainant stated that another officer told him he could not use his phone because he might be considered a suspect and could be communicating with confederates. When the complainant verbally objected, this officer took the complainant's phone.

The complainant stated that the named officer, an investigator, arrived at the scene, and the officer who took the complainant's phone gave it to the named officer. The named officer took the complainant to his car and attempted to obtain a statement from him. When the complainant refused to provide a statement, the named officer inquired whether the cell phone he had been given belonged to the complainant. When the complainant said it did, the named officer said he would be keeping the phone.

The named officer stated that when he arrived at the scene, a patrol officer gave him a phone, but that he could not recall how this officer came into possession of the phone. The named officer stated that the complainant told him he wanted his phone returned, and the named officer told the complainant he was seizing the vehicle the complainant had been driving and everything associated with it, including the complainant's cell phone.

Department records established the named officer did not document his seizure of the complainant's phone contemporaneous to the time he seized it. The named officer prepared a Search Warrant Affidavit several months later for the data inside the complainant's phone. In the Search Warrant, the named officer wrote that he received the phone from an officer who removed it from the complainant at the scene for officer safety reasons.

The evidence established that the complainant was lawfully detained while driving a vehicle that had sustained damage from gunshots, with a wounded gunshot victim inside. When the named officer took possession of the complainant's phone, the complainant was still under investigation and his role in the incident had not been determined.

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: 05/13/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #5** of 8

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

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

FINDINGS OF FACT: The complainant stated an investigator arrived at the scene, and the officer who took the complainant's phone gave it to the named officer. The named officer took the complainant to his car and attempted to obtain a statement from him. When the complainant refused to provide a statement, the named officer inquired whether the cell phone he had been given belonged to the complainant. When the complainant said it did, the named officer said he would be keeping the phone. The named officer did not give the complainant a property receipt for his phone.

The named officer stated that he was unable to prepare a Property Receipt when he took possession of the complainant's phone because of the complainant's confrontational and aggressive demeanor. The named officer stated that he told the complainant he was free to leave and should leave the crime scene.

OCC's investigation showed that the named officer did not tell the complainant he was going to prepare a Property Receipt or ask him to wait so he could receive a copy of the form. Furthermore, the named officer did not prepare a Property Receipt after he placed the complainant in handcuffs when he had ample time with sufficient coverage to complete the task. The evidence established that the named officer did not prepare a Property Receipt form, as required by Department General Order 6.15, at the time he seized the complainant's phone.

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: 05/13/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #**6 of 8

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

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

FINDINGS OF FACT: The complainant stated that after he told the named officer he would not consent to an interview, the named officer told the complainant he was keeping the complainant's phone. The named officer used profanity and ordered the complainant out of his car. The complainant walked to the end of the street, then turned and walked back to the named officer's car and asked for his badge number. The named officer gave the complainant his badge number, but the complainant could not see his badge and asked, "Can I see your badge? I can't see it." The named officer responded, "No. Get the fuck out of my face before I arrest you." The complainant asked to see the badge again, which caused the named officer to grab the complainant and handcuff him stating, "You say another word I'm going to fucking arrest you."

The named officer stated he attempted to interview the complainant inside his car, but the complainant refused to provide a statement. When the named officer told the complainant that he was keeping the complainant's phone as evidence, the complainant became confrontational and aggressive. The named officer told the complainant he was free to leave. The complainant and the named officer exited the vehicle and the complainant asked the named officer for his star number, which the named officer provided. The complainant walked approximately 10 to 13 feet away, then stopped, turned around and told the named officer to show him his star (which was hanging around the named officer's neck), saying, "Come put it in my face." The complainant's fists were clenched at his side. The named officer declined and again provided his name and star number. The complainant said he did not believe the named officer and told him, "Come here. Show it in my face." The named officer told the complainant he was in an active crime scene and that if he did not leave, he would be interfering. The named officer stated the complainant took an aggressive stance, and repeatedly asked the named officer to approach and show him his star. The complainant "took a step" toward the named officer. The named officer approached, grabbed and handcuffed the complainant to prevent the complainant from possibly injuring the named officer or contaminating the crime scene.

A witness officer stated that he saw the complainant cursing at and using derogatory language towards the named officer. He saw the complainant flailing his arms, but thought the complainant was doing this to draw the attention of members of the media, who were nearby outside the crime scene. He stated that the named officer approached him with the complainant and asked the witness officer to help escort the complainant out of the crime scene. As they did, the complainant continued to be verbally belligerent.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #7** of 8

SUMMARY OF ALLEGATION #7 continued:

Another witness officer stated that he was a block away at the other edge of the crime scene, with his back to the named officer and the complainant, and did not observe the interaction.

No other witnesses were identified.

There is conflicting evidence regarding the named officer's motive for handcuffing the complainant. According to the complainant, the named officer was angered by the complainant's refusal to give a statement, and retaliated by keeping the complainant's phone and using profane and discourteous language to him. The complainant believed his handcuffing was motivated by the named officer's anger. Once the named officer arrived at the crime scene, he was the primary investigator and as such, he had the duty to keep the area isolated and protected from contamination. The complainant's refusal to leave the crime scene when ordered to do so gave the named officer justification to escort the complainant from the scene. While there is conflicting evidence about the extent of the complainant's aggressive or confrontational behavior, there is sufficient evidence to establish that the complainant behaved in a manner that would cause a reasonable officer to believe the complainant was non-compliant. The named officer was, therefore, justified in handcuffing the complainant for the short period of time it took for him to escort the complainant out of the crime scene.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/15 **DATE OF COMPLETION:** 04/11/16 **PAGE #8 of 8**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to issue the complainant a Certificate of Release.

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

FINDINGS OF FACT: The evidence established that the named officer failed to issue the complainant a Certificate of Release, as required by DGO 5.03, after handcuffing 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.

SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to properly process evidence.

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

FINDINGS OF FACT: The evidence established that the named officer seized a cell phone from the complainant, but did not properly document the seizure of this evidence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/15 **DATE OF COMPLETION:** 04/13/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving his vehicle when the officer stopped him and issued him a citation for failing to yield to a pedestrian in the crosswalk. The complainant denied that he failed to yield.

The named officer stated that he clearly observed the complainant driving a vehicle and failing to yield to a pedestrian in the crosswalk, prompting him to stop and cite the complainant for the violation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer's actions of looking at the officer's handcuffs and gun made the complainant nervous and scared the complainant. The complainant also stated that the officer threatened to arrest the complainant and tow his vehicle if the complainant did not sign the citation.

The named officer denied the allegation. The named officer stated he treated the complainant with the fairness, professionalism and respect.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/16 **DATE OF COMPLETION:** 04/13/16 **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 encountered the named officer while walking with his ex-girlfriend, who also used to date the officer, who is also a friend of his. While shaking hands with the officer, the complainant said that the officer crushed his fingers and refused to look at him. The complainant stated that the officer assisted his former girlfriend in obtaining a one-week Emergency Protective Order (EPO) against him in 2014. After they parted ways with the officer, the complainant said that the officer texted the ex-girlfriend excessively, wanting to know why she was with him.

The officer whose name appears on the EPO denied any involvement with the named officer and said he has never worked with him in the 20 years of his career.

The named officer denied giving any assistance with the ex-girlfriend's EPO. The officer also denied crushing the complainant's fingers when shaking his hand. He stated that he shook the complainant's hand in a normal manner and did not squeeze it unnecessarily hard. The officer admitted to texting the complainant's ex-girlfriend following the incident, but stated that he only asked her, "Why are you with him, didn't you file a restraining order against him?" or something to that effect.

A witness, the complainant's ex-girlfriend, stated that the officer did not assist her with the Emergency Protective Order against the complainant. She stated that the complainant is crazy and does not leave her alone. She also recalled that the complainant did not say anything to her about the officer shaking his hand too hard until a week later.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/15 **DATE OF COMPLETION:** 04/13/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/15 **DATE OF COMPLETION:** 04/13/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 2: The officers behaved inappropriately.

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

FINDINGS OF FACT: In an online complaint, the complainant stated that he saw two (2) motorcycle officers ride their motorcycles across the sidewalk and along a walkway. The complainant stated the officers then parked their motorcycles against a building along the walkway and got in line for coffee.

The complainant was unwilling to give an interview with any details regarding the incident but provided the motorcycle number for one of the motorcycles in his written complaint.

The named officer, who admitted being assigned the motorcycle that the complainant identified, stated that he does not recall whether he was in the location provided by the complainant on the date in question, or whether he drove his motorcycle on the sidewalk on that date.

The identity of the second officer could not be established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/15 **DATE OF COMPLETION:** 04/18/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer engaged in racial profiling due to race.

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 15, 2016.

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

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 15, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/16 **DATE OF COMPLETION:** 04/18/16 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded 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: 10/05/15 **DATE OF COMPLETION:** 04/04/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was ejected from a major league baseball game for cheering too loud for the opposing team and using profanity. He stated his friends were pulling on his coat and telling him to sit down.

The security supervisor stated his unit got a call about an unruly fan that needed to be ejected. The fan kept standing up, blocking people's views and refused to sit down. He stated his unit went to the section and the complainant cursed them out and refused to leave until the police were called. He stated two officers arrived and contacted the complainant. The complainant yelled at the officers. The supervisor stated that he, an usher and 2-3 female family members of the complainant accompanied the officers and the complainant to the exit gate. In his report, the supervisor stated the complainant threatened a Guest Services employee.

The Guest Services employee wrote a statement for the report stating the complainant threatened him. He stated the complainant's two friends apologized to him several times, saying they had never seen the complainant act like that, and they couldn't get him to sit down and watch his language.

The named officers stated the security advised them that the complainant was using foul, threatening language and refused to sit down during the game. They ejected the complainant at the request of security personnel.

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: 10/05/15 **DATE OF COMPLETION:** 04/04/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the complainant's ejection.

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

FINDINGS OF FACT: The complainant stated that security employees of a major league baseball team dragged and pushed him through the crowd, not allowing him to walk with his white cane. The complainant stated he is legally blind. The complainant stated a male security guard who claimed to be a police officer grabbed him by the arm and pulled him from his seat. He then put the complainant "almost in a head lock" and dragged him out of the stadium. He stated he did not know how the female security guard touched him. He insisted that the man and woman were security guards, not police. The complainant stated that the Giants fans were screaming at him, "We're gonna get you!!" He said these fans also kicked him. He stated his two female friends stayed in their seats. The complainant stated he was not injured.

The complainant failed to provide contact information for his two friends.

The security supervisor for the baseball team stated two officers ejected the complainant. He stated the complainant was not dragged or pulled out of the stadium. He stated the officers were "extremely professional and very courteous" towards the complainant. He stated the female officer let the complainant put his hand on her shoulder as they walked up the stairs and allowed him to use his cane. He stated the complainant was accompanied by family members.

The named officer stated that no physical controls or force was employed to escort the complainant out of the stadium. He stated, "In fact, I even offered my arm to him." The officer stated the complainant was allowed to use his cane and was accompanied by two friends. The named officer stated that the complainant was not dragged or pushed.

The named officer's partner stated that no physical controls or force was employed to escort the complainant out of the stadium. She stated the complainant was allowed to use his cane and was accompanied by two friends. She stated she and her partner repeatedly reassured the complainant that he would be safely guided out of the stadium. The officer stated she might have held the complainant's forearm or elbow to guide him.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/05/15 **DATE OF COMPLETION:** 04/04/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: This complaint raises matters outside the OCC's jurisdiction.

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

FINDINGS OF FACT: A portion of this complaint raises matters outside the OCC's jurisdiction. The complaint was partially referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/16 **DATE OF COMPLETION:** 04/18/16 **PAGE #1 of 1**

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

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

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

San Francisco Police Department
Internal Affairs Division
1245 3rd Street, 4th Floor
San Francisco, CA 94158

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

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

FINDINGS OF FACT: The complaint raises matters outside OCC's jurisdiction. The 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: 04/06/16 **DATE OF COMPLETION:** 04/20/16 **PAGE #**1of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/15 **DATE OF COMPLETION:** 04/20/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she and her wife went to the Bill Graham Civic Auditorium to complain about the noise coming from a generator. The complainant stated she was ignored by the officers and that one of the officers threatened to arrest her.

The complainant's wife did not come forward.

The named officers denied the allegation, denying that they threatened to arrest the complainant. The named officers stated the complainant had asked to speak with someone from Apple regarding a noise complaint. One of the named officers stated he notified an Apple staff member that there was a woman outside who wanted to speak with someone in charge regarding the noise from a generator. The Apple staff member advised the officer he would handle the situation. The officer stated he attempted to secure assistance for the complainant as she requested by informing Apple staff of her complaint. The officer stated that by the time Apple staff responded, the complainant had already left.

The other named officer denied having any involvement with the complainant.

A witness interviewed by the OCC stated he was not involved in the incident.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/15 **DATE OF COMPLETION:** 04/18/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that officers grabbed his arms while he was urinating in an unmarked doorway. The complainant stated he refused to produce his identification when the officers ordered him to, and they gave him a citation without cause and drove away.

Department records show the named officer issued a citation to the complainant for 148(a)(1) PC – Resisting or Delaying Arrest and 153(a) MPC – Urinating in Public.

The named officer stated he observed the complainant urinating on a public street and detained him for violating MPC 153(a). The named officer stated he ordered the complainant to provide him with identification several times and the complainant refused each time. The named officer stated he placed the complainant under arrest for 148(a)(1) PC, issued the complainant a citation for both code violations, and then released him.

The complainant acknowledged urinating and then refusing to provide his identification when asked by the named officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/15 **DATE OF COMPLETION:** 04/18/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2 - 4: The officers searched the complainant and his belongings without cause.

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

FINDINGS OF FACT: The complainant stated the named officers searched his pockets without permission. Additionally, the complainant stated he took a video of the encounter using his laptop computer/tablet, and the officers deleted the video.

One of the named officers stated he placed the complainant under arrest and searched the complainant's person incident to the arrest. This named officer stated he observed another named officer remove two large knives from the complainant's hip. This named officer denied erasing a video recording of the incident from the complainant's computer.

A second named officer stated an officer searched the complainant incident to his arrest. This named officer stated he removed two edged weapons from the complainant's left hip for officer safety. This named officer stated that neither he nor the other named officers erased any content from the complainant's computer.

A third named officer stated the complainant was searched incident to arrest. This officer stated he observed two, sheathed, edged weapons on the complainant. This named officer does not recall anyone searching any device for any potential video of 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: 11/13/15 **DATE OF COMPLETION:** 04/18/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5 - 7: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the named officers found his identification card and threw the rest of his belongings into a nearby pile of “urine-soaked feces.”

The named officers denied the complainant’s allegation.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #8 - 10: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated two named officers grabbed his arms while he was urinating on a public street. The complainant stated that when he refused to provide his identification, the officers roughly pushed him against a wall.

One named officer stated he placed the complainant under arrest and handcuffed the complainant but denied using unnecessary force while handcuffing the complainant. This named officer stated he did not push the complainant against a wall, nor did any officer.

Another named officer stated the complainant exhibited violent behavior, raising his voice and swinging his arms violently. This officer stated that he and another officer grabbed the complainant by his arms and placed him in handcuffs. This officer denied the complainant was pushed against a wall.

A third named officer stated the complainant was in a highly agitated state and was not complying with an officer’s requests. This named officer stated he and the other named officers attempted to handcuff the complainant, and the complainant actively resisted being handcuffed. This named officer stated the officers used only the amount of force necessary to handcuff the complainant. This officer stated that he did not recall if the complainant was pushed against a wall.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/15 **DATE OF COMPLETION:** 04/18/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #11 - 13: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the named officers seized his wallet. The complainant stated he later discovered cash and several cards were missing from his wallet.

A named officer stated he searched the complainant incident to arrest and located the complainant's wallet inside the complainant's jacket pocket, which contained the complainant driver's license. This named officer stated he did not take any cash or cards from the complainant's wallet, nor did the other named officers. This officer told a Department investigator, however, that he did not recall who searched the complainant.

Another officer stated he did not seize any items from the complainant's wallet, nor did the other named officers.

A third officer stated he did not see the complainant's wallet, any money or cards, nor did he take anything from the complainant's wallet. This officer stated he did not see either of the other named officers take any items from the complainant.

Department records, specifically an investigation record, indicated that there was no evidence that the complainant's property was not properly processed.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/16 **DATE OF COMPLETION:** 04/21/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest her if she continued to drive on a closed street. The complainant provided a star number for the officer she had the contact with.

The star number that the complainant provided did not belong to an officer with the San Francisco Police Department.

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 failed to provide his name and star number.

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

FINDINGS OF FACT: The complainant stated the officer threatened to arrest her if she continued to drive on a closed street. The complainant provided a star number for the officer she had the contact with.

The star number that the complainant provided did not belong to an officer with the San Francisco Police Department.

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: 12/01/15 **DATE OF COMPLETION:** 04/19/16 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that, prior to the officers' arrival at the scene, he had encountered three individuals, one of whom had threatened him with a knife. The complainant stated that he ran to his bag and pulled out a 2x4, which he brandished while yelling until the three people left. When SFPD officers arrived and spoke to the complainant, they did not pursue the suspect who had threatened him, but instead questioned him further and subsequently arrested him. The complainant alleged that the officers failed to write an incident report regarding the threat.

Records from the Department of Emergency Management (DEM) showed that four officers were dispatched to the complainant's location regarding a mentally disturbed man hitting surrounding objects with a large wooden object. Records also showed that the named officers were the initial officers on the scene.

Department records showed that one of the responding officers determined that the complainant was a danger to himself or others, prompting the officer to detain the complainant pursuant to 5150 W&I. The officer prepared an incident report regarding the complainant's detention.

The named officers and two other officers denied being told about the alleged threat.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/15 **DATE OF COMPLETION:** 04/19/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that, prior to the officers' arrival at the scene, he had encountered three individuals, one of whom had threatened him with a knife. The complainant stated that he ran to his bag and pulled out a 2x4, which he brandished while yelling until the three people left. When SFPD officers arrived and spoke to the complainant, they did not pursue the suspect who had threatened him, but instead questioned him further and subsequently arrested him. The complainant alleged that the officers failed to investigate the threat and failed to write an incident report.

Records from the Department of Emergency Management (DEM) showed that four officers were dispatched to the complainant's location regarding a mentally disturbed man hitting surrounding objects with a large wooden object. Records also showed that the named officers were the initial officers on the scene.

Department records showed that one of the responding officers determined that the complainant was a danger to himself or others, prompting the officer to detain the complainant pursuant to 5150 W&I. The officer prepared an incident report regarding the complainant's detention.

The named officers and two other officers denied being told about the alleged threat.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/01/15 **DATE OF COMPLETION:** 04/19/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-6: The officers handcuffed the complainant.

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

FINDINGS OF FACT: The complainant stated that, prior to the officers' arrival at the scene, he had encountered three individuals, one of whom had threatened him with a knife. The complainant stated that he ran to his bag and pulled out a 2x4, which he brandished while yelling until the three people left. When SFPD officers arrived and spoke to the complainant, they did not pursue the suspect who had threatened him, but instead questioned him further and subsequently arrested him.

Records from the Department of Emergency Management (DEM) showed that four officers were dispatched to the complainant's location regarding a mentally disturbed man hitting surrounding objects with a large wooden object. Records also showed that the named officers were the initial officers on the scene.

Given the nature of the call and the complainant's behavior, the named officers were justified in placing him in handcuffs.

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

SUMMARY OF ALLEGATION #7: The officer spoke inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant stated that after he was handcuffed, one of the officers told him that, "If you don't calm down, I'm going to mess you up."

All of the officers who responded to the scene denied the allegation.

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: 12/01/15 **DATE OF COMPLETION:** 04/19/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #8-9: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant stated that when the officers tried to place him in a patrol car, he resisted, prompting multiple officers to restrain him. In the course of the struggle, the complainant stated he sustained a laceration on his arm.

The named officers stated the complainant refused to get into the patrol car, prompting them to guide him inside the patrol car to make sure he didn't hit his head. The officers denied using any force.

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: 04/13/16 **DATE OF COMPLETION:** 04/22/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been forwarded 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: 05/06/15 **DATE OF COMPLETION:** 04/29/16 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he called the San Francisco Police Department Internal Affairs Division (IAD) and asked why his property was being held even though the charges against him had been dropped. The complainant stated he also asked if there was a restraining order against him. The complainant stated the officer he spoke to over the phone told him that she could not provide him with the information.

The named officer stated the complainant called IAD to ask how to get his property back. The named officer stated he explained to the complainant that he needed to contact the sergeant who investigated his case and gave the complainant the sergeant's name and phone number. In addition, the named officer stated that because she could not verify the complainant's identity over the phone, the complainant needed to go to his local police station to verify if there was a restraining order against him.

The evidence established that the named officer's action was proper.

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

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

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

FINDINGS OF FACT: The complainant stated that he was arrested based on false charges made by his ex-girlfriend.

The named officer denied the allegation, stating that there was probable cause to arrest the complainant for domestic violence based on the victim's statement and physical evidence.

Department records showed that an Emergency Protective Order against the complainant was granted by a Judicial officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/15 **DATE OF COMPLETION:** 04/29/16 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the SFPD still had his property even after his case was dismissed. The complainant stated he did not understand why his property had not been released.

The named officer stated the complainant has never contacted him to retrieve his property.

SFPD chronological of investigation showed no record of the complainant making contact with the named officer for a release of his property.

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: 02/03/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that the police were called because there was an altercation among friends over car keys. She stated she was about to move her friend's car when a patrol car blocked her vehicle. The complainant stated she was then ordered out of the car and placed in handcuffs.

The named officer and several other officers involved in her detention stated that the complainant physically and verbally resisted her detention pending a domestic violence investigation based on a call of a fight involving a male and several females.

Two independent witnesses stated that the complainant, who was intoxicated, disregarded commands by officers to sit on a sidewalk, and put up a fight.

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

SUMMARY OF ALLEGATIONS #2-5: The officers used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force during her arrest.

The named officers denied the complainant's allegation, stating that the complainant resisted being handcuffed and thrashed around while on the ground.

Two independent witnesses stated the complainant put up a fight and a female officer had to hold the complainant's head down without grinding it against the pavement.

No other witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #6: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated the named officer used profane language towards her.
The named officer denied he used profane language.

Two officers on scene could not recall whether the named officer used profane language and two independent witnesses said they did not hear profanity used by any of the arresting officers.

Other officers on scene were involved with detaining or arresting other people and said they were not focused on the named officer's language.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #7: The officer failed to inform the complainant of her arrest charges.

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

FINDINGS OF FACT: The complainant stated she was not informed of the charges against her.

The named officer said he responded to the complainant's question regarding her arrest, telling her she was under arrest for not following his lawful commands.

Four witness officers on scene said the scene escalated with subjects yelling and they could not recall if the complainant asked anything.

Two civilian witnesses who said they watched the entire incident heard the complainant ask for her arrest charges or where the officers were taking her, and the named officer responded that she was arrested for not following his commands, and for resisting.

The evidence proved that the act alleged in the allegation 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: 02/03/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #8-12: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that four officers placed her face down while in hobble restraints inside a patrol wagon.

The named officer could not recall who carried the complainant to the wagon or in what position she was placed inside the wagon.

Two independent witnesses who said they watched the entire incident said they saw three officers carrying the complainant with her legs restrained toward a patrol wagon, but did not see where or how the complainant was positioned and secured in the wagon for transportation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer improperly drove an emergency vehicle.

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

FINDINGS OF FACT: The complainant stated that the driver of the patrol wagon purposefully accelerated and applied the brakes to cause her and her friend to hit the vehicle's inner walls.

The named officer and the passenger officer denied the allegation.

The complainant's friend did not come forward.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #14: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated that a plainclothes officer at the station used profanity towards her.

The named officer stated he ordered the complainant to sit down but do not recall using profanity while monitoring her inside the police station.

All other officers involved in this incident either were not present at the station or could not recall the officer monitoring the complainant and did not hear the alleged profanity. The station keeper said he only heard females yelling in the adjacent room, but believed they were yelling at each other.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATION #15: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said a plainclothes officer sarcastically asked her how it felt “being handcuffed while [he made] \$85,000 a year.”

The named officer, who acknowledged that he was monitoring the complainant for a time, stated that he did not make the remark to the complainant.

All other officers involved in this incident either were not present at the station or could not recall the named officer monitoring the complainant and did not hear the alleged remark.

The station keeper said he only heard females yelling in the area where the complainant was held.

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: 07/24/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he went to the bank to cash two checks but the bank refused to cash them due to insufficient funds. He stated he was told to leave, but he refused. He was then told to leave by a parking control officer, prompting the complainant to go to a store across the street. He stated that when he exited the store, he was detained by numerous officers.

Records from the Department of Emergency Management (DEM) showed that the bank employees called 911. One employee told the dispatcher, "We need someone right now — he may have a Taser." The bank's service manager stated the complainant was shouting racial slurs at some of the tellers and kept one hand inside a bag, which kept the employees on high alert. She stated the complainant left the bank before police arrived. She stated she went outside and saw the police take the complainant into custody.

A parking control officer (PCO) stated he told the complainant he had to leave or the police would be called. He stated the complainant screamed and left the bank but returned and continued to act obnoxiously toward the bank employees. The complainant finally exited the bank and went into a nearby store. The PCO stated several officers approached the complainant and told him to stop, wanting to talk to the complainant. The complainant refused.

The named officers stated they escorted the complainant out of the store to talk to him. They stated the complainant was uncooperative and was yelling racial slurs. The named officers stated he attempted to walk away after being told not to leave. The named officers stated the complainant was then detained.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated he was trying to cash some checks at his bank when employees called police. A parking control officer came into the bank and told him to leave, prompting the complainant to walk to a nearby clothing store. The complainant stated that when he exited the store, he was detained and then subsequently arrested.

The bank service manager stated employees called police when the complainant refused to leave the bank. Before the police arrived, the complainant walked outside. The manager stated she went outside and saw the police take the complainant into custody. They told the complainant to stop running, but he refused to comply. She stated that when the officers put him on the ground, the complainant began kicking, trying to get away. She signed a citizen's arrest form for the complainant.

A parking control officer (PCO) stated the officers approached the complainant outside a store and told him to stop, wanting to talk to him. The complainant refused to stop. The PCO stated the complainant began yelling racial slurs at the Asian officer. He stated the complainant had one or both hands inside his backpack. The PCO stated the officers wrestled the complainant to the ground, and that the complainant refused to bring his hands out from underneath his body. The PCO stated it took several officers to hold him down and handcuff him.

The named officer stated the complainant was arrested for resisting arrest and battery on a police officer. The named officer and two other officers stated the complainant ignored their verbal orders to stop. They stated the complainant swung his arms wildly, twisted violently away from the officers and then pulled both arms in front of his torso to keep the officers from handcuffing his wrists. While the complainant struggled, the complainant and the three officers fell to the ground. Two officers sustained minor injuries.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-7: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that five officers detained him when he exited a store. The officers told him to sit on a bench and he refused. The complainant stated the officers grabbed his arms and threw him to the ground. The complainant stated the officers kicked him in the ribs, then picked him up and took him to the station. The complainant stated he did not sustain any injuries.

One witness, a parking control officer, stated that about six officers approached the complainant and told him to stop, wanting to talk to him. The complainant refused to stop. The witness stated the complainant began yelling racial slurs at one of the officers. He stated the complainant had one or both hands inside his backpack. He stated the officers wrestled the complainant to the ground because he refused to bring his hands out from the backpack. It took several officers to hold him down. The witness stated there was "no brutality" on the officers' part. He stated the officers "were not hitting him with batons or nightsticks." The witness denied that the officers hit or kick the complainant. The complainant was held on the ground for several minutes. Once the complainant was handcuffed, he was transported.

Another witness, a bank employee, stated she went outside and saw the police take the complainant into custody. They told him to stop running but he refused to comply. She stated they put him on the ground and he was kicking and trying to get away. The witness stated she did not see the officers use any force on the complainant. She stated they were trying to be kind to the complainant.

The named officers stated that after the complainant was detained, he pulled both arms in front of his torso to prevent being handcuffed. The officers stated they grabbed the complainant's arms and legs and all four men fell to the ground. Two of the officers sustained injuries to their hands and legs. The officers stated the complainant continued to struggle and the officers had to call for additional help to handcuff the complainant. The officers denied using unnecessary force.

The incident report contained four handwritten statements from witnesses of the complainant's antagonizing behavior and resistance towards the officers.

Department photographs established the injuries sustained by the officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/15 **DATE OF COMPLETION:** 04/29/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #8-9: The officers used unnecessary force after the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that while at the police station, he spat at one of the named officers. The complainant stated he did so because they would not let him make a phone call. The complainant stated the officers threw him on the ground, hit him with their hands and kicked him. The complainant stated the officers put a spit mask on him and placed him in the wagon. The complainant stated he did not sustain any injuries.

The named officers stated they were tasked with transporting the complainant to jail. The officers stated that the complainant was very aggressive and agitated. The named officers stated that as the complainant stepped into the police wagon, he turned around and spat on the officers. The named officers stated they did not use any physical controls or force on the complainant. They stated that numerous officers assisted them and guided the complainant to the floor with his head facing away, placed a spit mask on the complainant, stood him up and placed him in the wagon. The named officers could not identify the officers who assisted them.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #1** of 1

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

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

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

Davis Police Department
Professional Standards Division
2600 5th Street
Davis, CA 95618

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The complainant stated in her written complaint that the named officer harassed her over a 12-month period by issuing her two vehicle code violation citations in that timeframe. Additionally, the complainant stated the named officer and his colleagues are harassing her and other people in the Bayview-Hunters Point area. The complainant did not respond to numerous requests by the OCC for an interview and for more information regarding the citations.

The named officer stated he did not remember issuing either citation to the complainant, nor was he able to locate the citations. The named officer stated it is likely that he did issue one of the citations, because the complainant's address is in the area to which he is assigned. The named officer denied knowing the complainant or harassing her. He stated he is not aware of any SFPD officers harassing the complainant or other Bayview-Hunters Point residents.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/22/15 **DATE OF COMPLETION:** 04/11/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed her weapon without justification.

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

FINDINGS OF FACT: The complainant left a voice mail message for the Chief of Police stating that SFPD officers came to his home while he was sleeping, according to the complainant's wife. The complainant stated that the police were there to kill him and his wife. The complainant stated he did not want anything to happen and does not want to be used as "target practice" by the officers.

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

Records from the Department of Emergency Management showed that a VA social worker called to alert police that the complainant made a terrorist threat towards a SFPD officer.

The SFPD incident report established that four SFPD officers responded to the complainant's home regarding his terrorist threats and a well being check. The named officer gained access to the complainant's apartment while the others waited outside. The named officer stated that the complainant's wife opened the door slightly and the officer observed a large male wrapped in a blanket asleep. The complainant's wife asked the officer not to wake the complainant and the officer agreed. The complainant's wife stated that the complainant was drunk and had fallen asleep. The named officer denied that she had her weapon drawn.

Another officer on the scene, who waited outside the complainant's home, spoke to a neighbor who stated that the complainant sometimes drinks a lot and does not know what he says.

A neighbor also told officers that the complainant was "a harmless drunk."

All four officers who responded to the complainant's house stated that at no time during the incident did they draw or display their weapons, nor did they observe any other officer doing so.

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: 07/15/15 **DATE OF COMPLETION:** 04/18/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was cited for crossing a double yellow line. She admitted crossing a double yellow line, stating that she was just following other cars doing the same thing.

The named officer stated he saw a vehicle driven by the complainant cross a double yellow line into oncoming traffic, prompting oncoming vehicles to swerve to avoid the complainant's vehicle. The named officer stated he cited the complainant for the violation.

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

SUMMARY OF ALLEGATION #2: The officer made inappropriate and threatening comments and behaved in an inappropriate and threatening manner.

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

FINDINGS OF FACT: The complainant stated the officer inappropriately leaned into her driver-side window, making it feel tight inside her car. She further stated the officer admonished her for failing to yield to an emergency vehicle and wrongfully threatened her with a DMV reexamination.

The named officer denied the allegation.

The complainant refused to provide her partner's information who was in the car with her.

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: 07/15/15 **DATE OF COMPLETION:** 04/18/16 **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 stated the named officer engaged in racial profiling during a traffic stop. She stated the officer said, “You people, didn’t you hear me? Didn’t you see the vehicle?”

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

The complainant refused to provide her partner’s information who was in the car with her.

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: 05/14/15 **DATE OF COMPLETION:** 04/07/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant was a bystander who said she saw the named officer detain a juvenile for jaywalking using excessive force.

The juvenile stated the named officer pushed her as he escorted her to the sidewalk and shoved her with his forearm against and over the ledge of a temporary pedestrian wood walkway on the sidewalk. The juvenile also said the named officer pulled her arm back as high as he could to handcuff her. The juvenile denied resisting.

The named officer denied using excessive force, explaining that he and another officer had to escort the juvenile by the arms from a MTA platform onto the sidewalk for safety reasons in order to issue her a jaywalking citation. The juvenile, he said, resisted by pulling away from the officers during the escort.

Two witness officers on scene said the juvenile physically and verbally resisted her detention and had to be handcuffed due to her erratic behavior and unwillingness to cooperate.

A third witness officer said he was not present when the juvenile was detained.

Two witnesses reported to be at the scene did not respond to OCC requests for information.

No other witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/15 **DATE OF COMPLETION:** 04/07/16 **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 complainants said the named officer made comments that seemed biased against African American adolescents, implying that the complainant was unsophisticated, and told her that if she brought a complaint to the OCC, the OCC would take no action.

The named officer denied he made the alleged remarks.

Two witness officers and another sergeant on scene said they were at a distance from the named officer and the complainant that made it impossible to hear their conversation.

Two witnesses reported to be at the scene did not respond to OCC requests for information.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 2.04.

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

FINDINGS OF FACT: The complainant said that when she expressed objections over the degree of force used upon a juvenile detained by another officer, the named officer did not offer to take her complaint, telling her instead she could file a complaint with the OCC.

The named officer denied failing to take the complainant's complaint, saying that he might have told her that she was welcome to go to the OCC or make a complaint over the telephone or that he could take a complaint personally.

Two witness officers and another sergeant on scene said they were at a distance from the named officer and the complainant that made it impossible to hear their conversation.

Two witnesses reported to be at the scene did not respond to OCC requests for information.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/15 **DATE OF COMPLETION:** 04/07/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the named officer made insensitive remarks about juvenile African Americans in general, which led the complainant to believe that the named officer was implicitly biased.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied making the alleged remarks.

Two witness officers and another sergeant on scene said they were at a distance from the named officer and the complainant that made it impossible to hear their conversation.

Two witnesses reported to be at the scene did not respond to OCC requests for information.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/15 **DATE OF COMPLETION:** 04/07/16 **PAGE#** 4 of 4

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.01.

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

FINDINGS OF FACT: The complainant was a bystander who said she heard an officer ask a juvenile he had detained for her name but could not hear the conversation between the named officer and the juvenile.

The detained juvenile said she responded to the named officer that she was not resisting, but that he had the handcuffs too tight.

DB 13-067 requires officers to report the use of force when a detainee complains of pain.

The named officer said that the juvenile did not complain of pain or claimed to be injured.

Two witness officers on scene said the juvenile physically resisted and had to be handcuffed due to her erratic behavior. A third witness officer at a distance said he heard no complaint of pain from the juvenile.

Two witnesses reported to be at the scene did not respond to OCC requests for information.

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

SUMMARY OF OCC-ALLEGATION #2: The officer failed to loosen tight handcuffs.

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

FINDINGS OF FACT: A juvenile detainee said she told the named officer her handcuffs were too tight.

The named officer said he applied the handcuffs on the juvenile with proper tightness, which he checked, and the juvenile did not complain.

Three witness officers on scene denied hearing any statement from the juvenile about tight handcuffs.

Two witnesses reported to be at the scene did not respond to OCC requests for information.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/15 **DATE OF COMPLETION:** 04/07/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was standing in line to pay for some candy in a corner grocery store when he “nodded out.” When he awakened, a worker in the store approached the complainant, accused him of attempting to steal the candy, struck him and pushed him out of the store. The complainant stated four or five male police officers arrived at the scene but would not listen to the complainant’s side of the story and refused to take a report. The complainant stated that he fell unconscious in the middle of the street but did not specify where or when this happened. The complainant could not be contacted for a follow-up interview to clarify several issues raised during his OCC interview.

Department records established that the complainant filed a police report at the police station on the day following this incident. The report stated that the complainant claimed a store employee struck him in his hand, torso and right knee. The complainant complained of pain on his left side under his ribs and on his right knee as a result of this assault. The report stated that the complainant appeared to be physically unstable and incoherent when he came to the station, and that an ambulance was summoned to transport the complainant to San Francisco General Hospital.

The complainant’s medical records from San Francisco General Hospital showed that he complained of pain to the left side of his ribs and his left knee as the result of being assaulted the night before, but that there were no objective signs of trauma. The complainant left the hospital before a physician saw him.

Records from the Department of Emergency Management showed that two officers, a male and a female, stopped to investigate a dispute between the complainant and a shopkeeper regarding an alleged theft. The records do not reflect any additional officers being at the scene. The records showed that the customer paying for his candy resolved the incident.

The named officers stated that they stopped to investigate a dispute between the complainant and a store clerk. One named officer stated that he interviewed the store clerk but did not speak with the complainant, and that the complainant did not tell him that he had been assaulted or wanted a report prepared. The second named officer stated that she spoke with the complainant, who did not state that he had been assaulted or that he wanted a report prepared.

The OCC spoke with a store employee who could not recall the incident in question.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1 - 3: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that three officers contacted his parents and searched their apartment, with his mother's consent, looking for him. The complainant, who was not present, stated that the officers could not have received consent from his parents because his parents do not speak English. Additionally, the complainant believes that the officers should not have been looking for him at his parents' San Francisco residence because he lives in Carmichael, CA.

The complainant's brother, who acknowledged being present during the police contact with his parents, stated that his mother consented to the search of her apartment via his translation. The complainant's brother stated that the complainant visits his parents at their San Francisco apartment approximately twice a month.

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

The named lieutenant stated he was on an investigative detail with the named sergeant and the named officer to locate and arrest fugitives. The lieutenant stated he never identified anyone at the apartment, but did contact several people. The lieutenant stated he never asked for consent or searched for anything while at the apartment.

The named sergeant stated he was on an investigative detail with the named lieutenant and the named officer. The named sergeant stated the scope and reason for this investigation was to arrest the complainant, a fugitive, who was wanted on a felony warrant. The named sergeant stated he never identified anyone at the apartment, but did acknowledge having contact with the complainant's brother and mother, but not the father. The named sergeant stated that all of the subjects spoke English and he never asked for consent to search for anything while at the apartment.

The named officer stated he was at the complainant's parents' apartment with the named sergeant and the named lieutenant looking for the complainant, who was wanted on a \$250,000 felony warrant. The named officer stated he did contact a female who the complainant's brother informed him was the complainant's mother. The named officer stated he did not recall asking this woman for consent to search her apartment and that he did not search her apartment. The named officer stated that everyone he contacted during this incident was able to communicate with him in English.

District Attorney records indicated that the warrant naming the complainant listed the address of the complainant's parents' apartment. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #4 - 6: The officers spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that three officers contacted his parents, at his parent's residence, looking for him. The complainant stated that the officers needlessly upset his family members, specifically his mother, who is now unhappy with him because he was the reason for the officers' visit.

The complainant's brother, a witness, stated the officers were not rude or discourteous to his parents, but his mom was upset by the fact that the police were looking for her son.

The OCC attempted to contact the complainant's mother via telephone and the U.S. mail, but she did not return contact.

The named lieutenant stated he was on an investigative detail with the named sergeant and the named officer to locate and arrest fugitives. The lieutenant stated he and his fellow officers displayed respect and dignity toward the people they contacted.

The named sergeant stated he was on an investigative detail with the named lieutenant and the named officer. The named sergeant stated the scope and reason for this investigation was to arrest the complainant, a fugitive, who was wanted on a felony warrant. The named sergeant stated he was courteous, professional and respectful.

The named officer stated he was at the complainant's parents' apartment with the named sergeant and the named lieutenant looking for the complainant, who was wanted on a \$250,000 felony warrant. The named officer stated he did not speak or behave inappropriately.

District attorney records indicated that the warrant naming the complainant listed the address of the complainant's parents' apartment.

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: 03/22/2016

DATE OF COMPLETION:

PAGE # 3 of 3

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

CATEGORY OF CONDUCT: CRD

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that three officers contacted his parents, at his parents' residence, looking for him. The complainant stated that the officers needlessly harassed his family members, specifically his mother, who is now unhappy with him because he was the reason for the officer's visit.

The complainant's brother, a witness, stated the officers were not rude or discourteous to his parents, but his mom was upset by the fact that the police were looking for her son.

The OCC attempted to contact the complainant's mother via telephone and the U.S. mail, but she did not return contact.

The named lieutenant stated he was on an investigative detail with the named sergeant and the named officer to locate and arrest fugitives. The lieutenant stated he did not harass anyone, nor did the named sergeant or the named officer. The lieutenant stated he runs a professional unit that does not tolerate harassing members of the public.

The named sergeant stated he was on an investigative detail with the named lieutenant and the named officer. The named sergeant stated the scope and reason for this investigation was to arrest the complainant, a fugitive, who was wanted on a felony warrant. The named sergeant stated he did not harass anyone.

The named officer stated he was at the complainant's, parents' apartment with the named sergeant and the named lieutenant looking for the complainant, who was wanted on a \$250,000 felony warrant. The named officer stated he did not harass anyone during this incident.

District Attorney records indicated that the warrant naming the complainant listed the address of the complainant's parents' apartment.

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: 05/18/15 **DATE OF COMPLETION:** 04/26/16 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 5.20 – Language Access Services for Limited English Proficient Persons.

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

FINDINGS OF FACT: The complainant, who speaks Russian, stated she got into a verbal confrontation with a cafe owner regarding excessive noise. The complainant stated the owner grabbed and twisted her arm, prompting her to call the police. The complainant stated she was not provided with an interpreter.

The named officer admitted that the complainant had an accent but stated that the complainant's English was understandable and that the complainant made no indication that she did not understand their conversation in English. The named officer stated he understood the nature of the problem and was able to take the required action during the investigation. The named officer stated he took photos of the complainant's injury, received a Citizen's Arrest from the complainant, examined the complainant's video recording of the incident and offered the complainant medical attention. The named officer stated he did not offer the complainant interpretation services because he was able to effectively communicate with her.

The named officer's partner stated the complainant's English was very good, understandable and clear.

The cafe owner stated he has had several contacts with the complainant in the past. He stated that the complainant speaks Russian and some English, but she does not speak English well. He stated he had difficulty understanding the complainant's English.

Records from the Department of Emergency Management (DEM) showed that dispatch used the language line to communicate with the complainant in Russian.

It is the policy of the Department that when performing law enforcement functions, officers shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services.

The evidence established that the complainant was an LEP person who needed language assistance services at the time of the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/15 **DATE OF COMPLETION:** 04/26/16 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated she felt discriminated against because of her Russian accent and language. The complainant stated the suspect and the officers spoke English. The complainant stated she felt undeserving of being spoken to because of her poor English.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the complainant's allegation, stating that he was able to effectively communicate with the complainant in English.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she told the officers that she suspected the cafe owner to not have the required permits to serve alcohol at his place of business. The complainant stated the officers made no attempt to verify the owner's permits while at the scene.

The cafe owner stated he had all the required permits to sell beer and wine on his premises.

The named officer and his partner stated that after the incident, they followed up and spoke to the station permit officer about the permits for the café. The permits officer reported to the named officer that the cafe's permits were all in compliance.

The permit officer recalled talking to one of the officers about the cafe permits and recalled that the cafe had no permit problems to report.

The incident report includes no reference to there having been any verification of the cafe owner's permits.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 04/29/16 **PAGE #1** of 2

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

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

FINDINGS: The complainant stated the officer arrested him on bogus charges. The complainant acknowledged he was engaged in an argument with his father on a sidewalk. The complainant stated, "Um, my father had a loud voice. I guess he was yelling at me. Something, one of us raised our voice, but we were just standing there having a discussion in front of his house." The complainant stated that police pulled up and arrested him. The complainant stated that neither he nor his father threatened anyone. The complainant stated that the District Attorney dismissed the felony charge against him.

The victim stated he was the manager at a bar/lounge and came out of the bar to smoke a cigarette. The victim stated he observed the complainant having an argument with his father who lived in a hotel down the street from the lounge. The victim stated the complainant's father told the complainant that he did not have any money and the complainant started screaming, pushing the father around. The victim stated people in the street were trying to determine why the complainant, a younger stronger man, was pushing the older man around. The victim stated that the complainant took off his shoe and threw it directly at a woman walking nearby, so the victim called the police to put the complainant under some kind of restraining order. The victim stated that the complainant had threatened him numerous times in the past, but on this occasion, the complainant yelled, "I'm going to fucking kill you man!" He stated the complainant's threat was directed to him and he felt the threat was credible. The victim stated that he did fear for his safety because the complainant was volatile and was "definitely on the heavy shit that day." The victim stated he waited inside his lounge for the police to arrive. The victim stated he was the one who pressed charges against the complainant and absolutely believed that the complainant should have been arrested.

The complainant's father acknowledged that he was engaged in a disagreement in front of a bar that got a "little rough" with his son. He recalled that the complainant was yelling at him and the bartender told the complainant to leave the front of the bar. He stated that the complainant asked the bartender why he had to leave and the bartender called the police. The complainant's father stated he was irritated with the complainant because the incident had gotten out of control and the complainant should have calmed down. He stated he could not recall if the complainant made a threat toward the bartender. He stated he was still present when the police arrived, but walked away from the scene. He stated he was within eyesight when the complainant was arrested.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 04/29/16 **PAGE #2** of 2

FINDINGS CONTINUED: The named officer stated he and other officers arrived on scene and located the complainant already detained and handcuffed by the initial responding officer. The named officer stated the victim identified the complainant as the suspect. The victim told the named officer that the complainant had verbally threatened him and believed that the complainant would physically attack him. The named officer stated the victim relayed that he was scared of the complainant and knew him to be violent. The officer stated that after the complainant verbally threatened the victim, the victim retreated in his club only to have the complainant advance and bang loudly on the door. The named officer stated at that point, the victim grabbed a golf club for protection for his life. The named officer stated the elements for the crime of threats had been met and resulted in the lawful arrest of the complainant. The named officer stated the statements of the victim regarding the complainant's verbal and physical behavior fulfilled the elements of threats by the complainant as defined in 422(A) PC. Furthermore, the named officer stated that the crime of 422(A) PC is a felony charge and a citizen's arrest form is not required to make the arrest.

The witness officer corroborated the named officer's account of what happened. He stated he provided the victim with the SFPD Follow Up Form, a Victim of Crime Form and a Marsy's Card. The witness officer stated they searched, but could not locate any video surveillance cameras.

Records from the Department of Emergency Management (DEM) showed that the victim called DEM regarding an "A" priority of an assault/battery call.

The evidence proved that the named officer had probable cause to arrest the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/09/16 **DATE OF COMPLETION:** 04/04/16 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he tried to close the front door of the residence as he was exiting a party that was being broken up by the police and the officer stopped him from closing the door by placing his foot and arm in the doorway.

The host of the party stated one of the partygoers must have let police officers in the apartment upon their arrival.

The named officer stated he never entered the residence. He stated that each time he showed up to the disturbance call regarding noise from the party, the host of the party would eventually come to the front door and speak to him. The named officer stated he asked the host to break up the party each time he was at the residence, and on his third visit, the partygoers finally left the residence. The named officer stated he placed his foot on the bottom hinge of the door and his hand on the top hinge of the door to stop the complainant from closing the door, in order to make sure the partygoers left the residence. The named officer denied ever entering the apartment or breaching the doorway of the residence.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer threatened him.

The officer denied the allegation.

Two witnesses denied seeing or hearing the interaction between the complainant and the named officer.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/16 **DATE OF COMPLETION:** 04/29/16 **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 on two separate occasions without justification.

The named officer stated he detained the complainant during the first incident because he observed the complainant selling and dispensing marijuana, in plain view.

The named officer stated that in the second incident, he contacted the complainant after he observed the complainant loitering in an area known for marijuana sales and then detained him when the complainant handed him marijuana that he possessed. The named officer stated the complainant was in possession of a medical marijuana card during both incidents, but not a valid card issued by the State of California, or by the City and County of San Francisco Health Services.

One officer present at the first incident stated he did not see the activity that caused the complainant to be detained because he was detaining another subject. This officer stated he was present and observed the complainant hand marijuana to the named officer during the second incident. This officer stated the named officer determined that the complainant's Medical Marijuana Card was not valid.

Another officer stated he arrived a few seconds after the named officer's detention of the complainant during the second incident and stated he observed the complainant hand marijuana to the named officer.

An SFPD report on the first incident written by the named officer indicated the complainant and two other subjects were detained for possession of marijuana for sale. The report details the detention, the evidence, the complainant's Medical Marijuana Card and the release of the complainant.

Another SFPD report written by the named officer details the complainant's second detention, the officer's seizure of marijuana, the citation, and also addresses the complainant's Medical Marijuana Card.

A witness named by the complainant who was also detained during the first incident did not respond to the OCC's telephoned and mailed requests for an interview.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #2** of 4

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

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

FINDINGS OF FACT : The complainant stated that the named officer was intentionally harassing him by asking him about guns, gangs and drugs during one incident and by threatening to “put a case” on him during another incident.

The named officer admitted asking the complainant about narcotics activity, guns and gangs but stated he did not harass the complainant. The named officer stated he detained, and then released the complainant and other detainees during the first incident because the narcotics investigation was ongoing. The named officer stated that, during the second incident, he did not harass the complainant, but did explain to the complainant that the case that had started with his previous detention was still a pending investigation.

Another officer, who was present during both incidents, stated he heard the named officer speak to the complainant about gang affiliation and whether the complainant had knowledge of anyone who sold drugs or carried firearms in the area. This witness officer stated he never observed the named officer harass the complainant, nor did he hear the named officer say he was going to “put a case” on the complainant.

A third officer, who was present during the second incident, stated he did not observe the named officer harass the complainant or hear the named officer state that he was going to “put a case” on him.

Department records indicated that the named officer detained the complainant and two other subjects for possession for sale of marijuana, after which the three were released. Department records indicated the named officer detained the complainant again about 7 weeks after the first detention, and issued a citation for possession of marijuana.

A witness named by the complainant who was also detained during the first incident did not respond to the OCC’s telephoned and mailed requests for an interview.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #3 of 4**

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 the named officer seized marijuana from him and that the search was illegal.

The named officer stated he contacted the complainant after he observed the complainant loitering in an area known for marijuana street sales. The named officer stated he could smell the odor of marijuana coming from the complainant's person while they were speaking. The named officer stated the complainant admitted he was in possession of marijuana and handed the marijuana to him from his jacket pocket.

A SFPD report authored by the named officer indicates the complainant was detained for possession of marijuana.

Two officers who were with the named officer at the detention scene said they observed the complainant hand the marijuana to the named officer.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #4** of 4

SUMMARY OF ALLEGATION #4: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated an officer who detained him cited him for 11357(b) H&S - possession of less than one (1) ounce of marijuana, even though he was in possession of a Medical Marijuana Card.

The named officer stated he instructed another officer to issue a citation to the complainant because the named officer determined the complainant did not possess a valid Medical Marijuana Card.

An officer present at the scene of the complainant's detention said the named officer instructed him to cite the complainant.

No other 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant stated an officer who detained him cited him for 11357(b) H&S - possession of less than one (1) ounce of marijuana, even though he was in possession of a Medical Marijuana Card.

The named officer stated he issued the citation to the complainant at the direction of his supervisor who determined the complainant did not possess a valid Medical Marijuana Card.

The named officer's supervisor stated he asked the named officer to cite the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/15 **DATE OF COMPLETION:** 04/29/16 **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 an officer knocked on her apartment door, stepped inside her apartment and asked her if she had seen his partner. When the complainant asked the officer where his partner officer should have been, the named officer did not respond and left her apartment. The complainant stated she is visually impaired and could only see the officer's outline against the white wall. The complainant stated she could see that the officer wore a badge, baton and a gun.

The apartment building management failed to respond to OCC efforts to determine the identity of a possible witness to the incident. A security guard employed at the building stated they wear a uniform consisting of a black long sleeve shirt, black trousers, a jacket and a yellow patch on the shoulder of the company name and logo. The security guard stated they are not equipped with a gun, mace or a walkie-talkie.

A poll of the district station yielded negative results.

The identity of the alleged officer has not been established.

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

SUMMARY OF ALLEGATION #2: The officer entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that an unknown officer stepped into her apartment.

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: 12/09/15 **DATE OF COMPLETION:** 04/29/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer engaged in rude and intimidating behavior

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 25, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/16 **DATE OF COMPLETION:** 04/29/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer disclosed confidential information.

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

FINDINGS OF FACT: An anonymous complainant stated that an SFPD officer is disclosing confidential information about ongoing criminal investigations to the subjects of those investigations. After the complainant was notified that the Chief of Police has been notified of his/her allegation, the complainant stated he/she was satisfied and said that he/she did not want to file an OCC complaint.