

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/14 **DATE OF COMPLETION:** 05/20/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated officers detained him and his friends for graffiti. The complainant stated he was handcuffed and placed into the back of a patrol car. The complainant stated he made numerous derogatory remarks toward the named officer. The complainant stated that while seated and handcuffed in the back of the patrol car, the named officer used his left hand to choke the complainant and then struck his left cheek area.

The named officer and witness officers denied the complainant's allegation. Several witness officers reported that the complainant was verbally aggressive and yelling profanities towards officers at the scene. Other witness officers reported the complainant slamming his head against the window while being detained in the patrol car.

SFPD supervisors conducted a use of force investigation into the incident. The supervisors called an ambulance for medical attention for the complainant. The supervisor reported that the medics advised that the complainant had no objective signs of physical trauma. The SFPD investigation found no merit to the use of force allegation.

Department photographs taken of the complainant documents redness to the complainant's left cheek and neck area.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer unnecessarily slammed him into a wall during an arrest. The complainant stated the named officer handcuffed him, twisted his wrists, and roughly pushed him into the back of a patrol car. The complainant stated the named officer unnecessarily pulled his arms while escorting him to a police station and purposefully pushed him into a glass door. The complainant stated the named officer kept him handcuffed so he could yank his arms in a painful upward motion while taking his fingerprints.

The named officer denied pushing the complainant against a wall or into a door, twisting his wrists, pulling roughly on his arms, or pushing him into a patrol car. The named officer did not recall fingerprinting the complainant. The named officer stated he did not purposefully hurt the complainant and only touched the complainant's arms to guide him through the station.

A witness officer stated he did not see the named officer take any of the alleged physical actions.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #2 - 3: The officers applied handcuffs to the complainant's wrists too tightly.

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

FINDINGS OF FACT: The complainant stated that one named officer applied handcuffs to his wrists too tightly, causing the complainant's wrists to swell. The complainant stated both named officers refused to loosen the handcuffs upon request.

One named officer stated he applied handcuffs to the complainant's wrists with the proper degree of tightness. Both officers stated the complainant never asked for the handcuffs to be loosened. The named officers stated the handcuffs could not have been removed for safety reasons.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him for smoking a prescribed medical marijuana cigarette. The complainant stated he was carrying a medical marijuana card and should not have been arrested. The complainant stated he purchased the marijuana from a dispensary using his medical marijuana card a few minutes before his arrest.

The named officer stated the complainant was smoking marijuana and unable to provide a medical marijuana card upon request. The named officer stated he arrested the complainant for smoking marijuana and because he had three outstanding arrest warrants.

A witness officer stated the named officer asked the complainant for his medical marijuana card, which the complainant did not provide.

The marijuana dispensary manager stated patients were not required to show their medical marijuana cards for every purchase.

Court records indicated the complainant had three outstanding arrest warrants.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #5 - 6: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the named officers confiscated his medical marijuana during an arrest, even though he was carrying a medical marijuana card. The complainant stated the named officers should have returned his medical marijuana with the rest of his property upon his release from custody.

Both named officers stated the complainant did not have a medical marijuana card. One named officer stated he booked the complainant's marijuana into a narcotics drop box as required by Department policy.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #7 - 8: The officers failed to give the *Miranda* admonishment.

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

FINDINGS OF FACT: The complainant stated the named officers did not question him or give him the *Miranda* warning.

The named officers stated they did not give the complainant the *Miranda* warning because they did not interrogate him.

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

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SUMMARY OF ALLEGATIONS #9 - 10: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated the named officers arrested him for possessing marijuana, even though he was carrying a medical marijuana card. The complainant stated neither officer bothered to ask for his medical marijuana card.

The named officers stated they asked for the complainant's medical marijuana card, and he could not provide it.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #11 - 12: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the named officers targeted him based on his race. The complainant stated the named officers treated him poorly because they assumed he was a criminal.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officers denied targeting the complainant, treating him poorly, or assuming he was a criminal based on his race.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #13 - 14: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that one named officer treated him in a condescending manner and made rude and sarcastic comments. The complainant stated the other named officer purposefully stepped on his headphones. The complainant acknowledged that his headphones were not damaged.

The named officers stated they acted professionally and made no condescending, rude, or sarcastic remarks. One named officer denied stepping on the complainant's headphones.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer did not explain to her what was going on and refused to allow her to see or talk to her son.

The named officer denied the allegation. The officer stated he spoke to the complainant about her son's charges and his subsequent transport to Juvenile Justice Center (JCC) for booking. The officer stated the complainant did not ask to see her son.

Witnesses stated they did not hear the conversation between the named officer and the complainant at the station.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant, who was not present during her son's arrest, stated that an unknown person told her that the police used unnecessary force on her son by throwing him to the ground.

The named officers denied the allegation, stating that no reportable use of force was used in taking the complainant's son into custody. The officers stated the complainant's son did not complain of any pain or injuries, request medical aid and that there were no visible injuries on the complainant's son.

One witness stated that the officers did not use any force when taking the complainant's son into custody.

The complainant's juvenile son did not come forward to provide an interview to OCC.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that officers detained, transported and arrested her juvenile son for assaulting another juvenile with a knife. The complainant stated that her rights and the rights of her arrested juvenile son were violated.

The complainant's son did not come forward for an OCC interview.

Department Records show that one of the named officers was the arresting officer and wrote the incident report documenting the complainant's son's arrest. The other named officer was the supervising officer who reviewed and approved the incident report.

Department Bulletin (DB) #13-194 states in relevant part that any time a juvenile is arrested, members shall provide the juvenile arrestee with a copy of the San Francisco "Know Your Rights for Youth" brochure and shall document that fact in the incident report.

The officer interviewed by the OCC either did not recall providing the required brochure or did not provide the brochure to the complainant's son. There is no evidence that any officer provided the juvenile arrestee with a copy of the San Francisco "Know Your Rights for Youth" brochure and there was no documentation in the incident report that the brochure was provided, as required by DB #13-194.

The named officer who wrote the incident report acknowledged that he did not document in his incident report whether the brochure was provided. He also did not recall providing the complainant's son with a copy of the San Francisco "Know Your Rights for Youth" brochure.

As the author of the incident report, the named officer was responsible for documenting in the incident report that the "Know Your Rights for Youth" brochure was provided to the complainant's son pursuant to DB# 13-194. Furthermore, the named officer's supervisor, who reviewed and approved the incident report, was equally responsible for making sure that Department regulations were followed.

The complainant failed to provide additional requested evidence in order to verify if she or her son received a copy of the San Francisco "Know Your Rights for Youth" brochure from a member of SFPD.

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

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

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

FINDINGS OF FACT: The complainant stated he was inaccurately identified as the party at fault in a traffic collision report. As a result, the complainant's insurance company billed him for his deductible and an officer mailed him a citation. The complainant stated multiple officers told him they were not allowed to correct the finished report. The complainant stated SFPD policy should require officers to correct inaccuracies found in incident reports. The complainant stated the SFPD should have held a formal hearing to adjudicate the traffic collision report finding of fault. The complainant acknowledged his option to submit a supplemental report but stated that supplemental reports are inadequate.

The SFPD policy prohibiting officers from editing finished collision reports is practical and necessary. Allowing officers to edit collision reports would diminish their evidentiary value. Supplemental reports and investigation chronologals are effective methods of documenting additional facts and corrections. Collision reports are not criminal charges or citations subject to adjudication.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer misquoted him and erroneously identified him as the party at fault in a traffic collision report. The complainant stated he told the named officer he was double-parked just before the collision, but the named officer instead wrote that he was pulling out of a curbside parking spot. The complainant stated he did not yield to other cars as he merged because double-parking gave him the right-of-way. The complainant stated he would not have been found at fault if the named officer had quoted him correctly.

The named officer stated she accurately summarized the complainant's statements. The named officer stated the complainant's parking spot was irrelevant to her finding of fault. The named officer stated the complainant was at fault because he merged without yielding to the flow of traffic. The named officer stated physical damage to both cars indicated the complainant unsafely pulled in front of the other car.

A witness officer did not hear what the complainant said to the named officer. The witness officer stated the vehicle damage indicated the complainant most likely caused the accident.

The other party to the collision stated the complainant caused the accident by failing to yield to her car. She did not hear what the complainant said to the named officer.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated he provided the named officers with scientific proof he was not the party at fault in a collision. The complainant stated the named officers refused to change the original traffic collision report and suggested he file a supplemental report instead.

The named officers stated Department policy prohibited them from changing the traffic collision report. Both named officers stated they advised the complainant to file a supplemental report. The named officer who prepared the traffic collision report stated she did not elect to prepare a supplemental report because the complainant's scientific proof did not make sense.

Department policy prohibited the named officers from changing the original traffic collision report.

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

SUMMARY OF ALLEGATION #5: The officer engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant stated the named officer retaliated against him for complaining about an inaccurate collision report by ordering another officer to mail him a citation.

The named officer stated she did not influence the citing officer to issue the citation.

The citing officer stated the named officer did not ask him to cite the complainant. The citing officer stated that his commanding officer ordered him to review traffic collision reports from the previous year and issue citations to the parties at fault. The citing officer stated he mailed hundreds of similar citations and did not target the complainant specifically.

Shortly before the complainant received his citation, the Department announced a new policy requiring officers to cite the party at fault in a traffic collision. Officers were ordered to review collision reports from the previous year and mail citations to the parties at fault.

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

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

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

FINDINGS OF FACT: The complainant stated he called police after a dog attacked his dog. The complainant stated he asked the responding officers to arrest the owner of the dog and asked for a police report. The complainant stated the officers refused.

The named officers denied the allegation, stating that the complainant did not ask for a police report. In addition, the officers stated that there was no probable cause to believe that a crime had occurred. They stated there was no evidence that either dog or any person was bitten or injured.

No witnesses came forward.

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

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

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

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

The named officer and his partner denied the allegation.

The complainant's friend refused to provide a statement.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated the officers refused to examine his dog for injuries.

The named officers denied the allegation. They stated they did not notice any visible injuries to the involved parties or their dogs.

The complainant's friend refused to provide a statement.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated he asked the responding officers for a citizen's arrest and asked for a report, but the responding officers refused.

The named officer and his partner denied the allegation, stating that no one asked for a police report to be written. In addition, the named officer and his partner stated that the complainant walked away from them when they were speaking to him. The named officer and his partner stated that the complainant repeatedly asked for the owner of the dog that attacked the complainant's dog to be arrested.

San Francisco Police DGO 5.04 section II.8., states, "In all instances involving requests for a private person's arrest an incident report shall be prepared."

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

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

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

FINDINGS OF FACT: The complainant stated that the officer refused to hear his complaint. The complainant stated the officer did not take or file an incident report.

The named officer denied the allegation. The named officer stated the complainant called the station. The named officer described the complainant as hostile, agitated, and angry with her. The named officer stated the complainant wanted information regarding filing a complaint against officers. The named officer stated she explained the different options to file a complaint and the complainant terminated the call.

No witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #1-6: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated that numerous officers used unnecessary force when he was arrested.

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

Department records showed that the complainant was arrested pursuant to a private person's arrest. Records also indicated that the officers' use of force was documented in the incident report and in the Use of Force log.

SFMTA video surveillance footage shows the complainant resisting, refusing to get on the ground. In addition, the video footage shows numerous officers struggling with the complainant, attempting to gain control of the complainant, who was approximately 6 feet tall and about 220 pounds.

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.

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause.

Department records showed that the complainant was arrested pursuant to a private person's arrest. Records indicated that the named officer approved the complainant's charges.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer approached him and spoke to him briefly before telling him to sit on the ground for a second. The complainant stated he sat down for a couple of seconds and stood back up. He asked the officer what was going on and told the officer that he had a soccer game. The complainant stated the officer grabbed his left hand and told the complainant not to fight him. The complainant denied fighting the officer though he pulled his hand away from the officer. The complainant stated the named officer sprayed pepper spray into his eyes, took him to the ground, struck the complainant five times with a baton and handcuffed him. While on the ground, the complainant stated an unknown officer kicked him approximately 20 times on the right side of his body, back and his legs. The complainant admitted that he did not fully cooperate and physically pulled away from the detaining officer.

The named officer denied using unnecessary force. He stated the complainant failed to follow his verbal commands and resisted. The officer said he had to use pepper spray, his baton and a knee strike in an effort to gain compliance from the complainant. It took additional back-up officers to control and handcuff the complainant. The officer stated he reported his use of force to a supervising officer.

Video surveillance footage shows the complainant resisting, pulling away from the officer. The video footage also shows that it took four additional officers to take the complainant into custody.

Witness officers denied using any reportable force or observing any officer use unnecessary force.

A witness stated he had never seen such an incident and felt that the named officer's actions may have been excessive.

Department records show that the named officer's use of force was documented in an incident report and in the Use of Force log. Records also show that the named officer reported his use of force to a supervisor as required.

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 take the complainant into custody.

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

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

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

The named officer denied the allegation.

No witness at the scene heard the named officer use the alleged profanity.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was cited for battery and for resisting arrest. The complainant denied resisting arrest.

Records show that the complainant was cited for battery pursuant to a private person's arrest. The video evidence shows that the complainant resisted.

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 #5: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that his soccer ball and sunglasses went missing after his arrest.

The named officer stated he had no recollection of what happened to the complainant's ball. He did not recall the complainant having a pair of sunglasses. The named officer denied seizing these items.

The back-up officers did not recall seeing a ball or sunglasses during the incident, with the exception of one officer who stated he saw a ball.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #6: The officer failed to provide the required information.

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

FINDINGS OF FACT: The complainant said the officer never explained to him why he wanted to speak to him or why he was not free to leave.

The named officer stated he did explain the reason for the detention to the complainant.

A witness said he did not speak English and did not understand the nature of the conversation between the complainant and the officer.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that while in class, someone stole his bicycle from a bike rack. The complainant stated he later learned from the security guards at his school that they had seen a man cutting the lock on his bicycle, prompting them to call the police. According to the security guards, the man was detained but was later allowed to leave with the bicycle. The security guards also told the complainant that the man was wearing a City of San Francisco vest, which was confiscated by the officers.

The named officer stated that he and his partner, who had recently completed Field Training, responded and detained the suspect, who the security guard identified as the suspect. The named officer stated the suspect claimed the bicycle belonged to him and that he cut the lock because it wouldn't open due to an apparent vandalism. Neither the named officer nor any of the witness officers reported seeing any damage to the suspect's lock consistent with cutting or drilling. The named officer released the suspect and the bicycle. The named officer stated that he did not examine the bicycle for a serial number or other identifying marks and did not obtain the name or contact information of the security guard who reported the incident. The named officer also stated that he did not prepare an incident report because no crime had been committed.

A preponderance of the evidence established that the named officer failed to properly investigate a crime that had been brought to his attention. The named officer acknowledged that other than the suspect's statements about the bicycle and the statements of the security guard, he did not conduct any other investigation concerning ownership of the bicycle.

The evidence further established that the named officer failed to take possession of the bicycle and book it as evidence pursuant to DGO 6.15. Additionally, the named officer seized the suspect's vest, failed to book it into evidence and failed to issue the suspect a property receipt, in violation of DGO 6.15. A preponderance of the evidence also established that the named officer failed to prepare an incident report as required by Department regulations.

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

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

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

FINDINGS OF FACT: San Francisco Department General Order 5.03 section II.3., states:

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

A preponderance of the evidence established that the suspect was placed in handcuffs and that the suspect was not issued a Certificate of Release as required.

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

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

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

FINDINGS OF FACT: The complainant stated she called police after her neighbor spat on her and slapped her. She stated that the named officer failed to arrest her neighbor and told the complainant that since the assault was mutual, both parties could sign private person's arrest forms. The complainant stated she refused to sign a private person's arrest. The complainant further stated the officer did not interview any witnesses.

A witness officer stated that the complainant refused to sign for a private person's arrest form. Two other witness officers did not hear the complainant request a private person's arrest. Those three officers stated that no witnesses were located. The complainant's neighbor did not come forward.

The named officer stated the complainant's neighbor told him that the complainant spat on her and hit her, prompting the neighbor to do the same. The named officer stated he also spoke to an unidentified male witness who stated he observed the complainant spit on another woman, and that woman then spit on the complainant. That witness stated the two women did not hit each other. The named officer stated he explained to the complainant that if she chose to sign a private person's arrest of her neighbor, her neighbor could do the same. The named officer stated the complainant declined to sign a private person's arrest. He stated he did not prepare an incident report because neither party signed a private person's arrest.

Department General Order 5.04, Arrests by Private Persons, requires officers to prepare an incident report in all instances involving requests for a private person's arrest.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer displayed his handcuffs in a threatening, intimidating manner while explaining the citizen's arrest process.

The named officer stated he did not display his handcuffs to the complainant.

Three witness officers stated they did not observe the named officer display handcuffs to the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/14 **DATE OF COMPLETION:** 05/12/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: A female victim placed a 9-1-1 emergency telephone call and reported that she had just been assaulted by two men. Two officers responded to the scene, took photographs of the victim's bruised wrist and elbow, and prepared a report. The named officer was assigned to investigate the case. Based on his investigation, the named officer determined an assault had occurred and he obtained a search warrant and then arrested the complainant.

The complainant stated he accompanied the co-complainant to serve a Notice to Appear in Small Claims Court on the victim. The complainant stated he and the co-complainant devised a ruse to get the victim to accept service of the Notice; however, the victim, who did not know either the complainant or the co-complainant, grew suspicious of the encounter and a struggle ensued between the victim and the co-complainant. The complainant admitted lightly tapping the victim on her wrist with his Maglite (a large flashlight) during the encounter.

As a result of the named officer's investigation, the Superior Court for the County of San Francisco agreed there was probable cause to issue a search warrant for the production of certain evidence related to this incident.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer did not have any cause to search the complainant's residence.

OCC's investigation established that the search was conducted pursuant to a search warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/14 **DATE OF COMPLETION:** 05/12/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The co-complainant stated the officer refused to file charges against a female who the co-complainant stated assaulted him.

A female victim placed a 9-1-1 emergency telephone call and reported that she had just been assaulted by two men. Two officers responded to the scene of this incident, took photographs of the victim's bruised wrist and elbow, and prepared a report.

The named officer investigated this incident further and identified the complainant and co-complainant as suspects. The named officer determined that the evidence supported that the female had been assaulted, but there was no evidence to support that the female had assaulted the co-complainant.

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

SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant and co-complainant stated the officer misrepresented the facts of the incident in the officer's efforts to obtain a search warrant. The complainant and co-complainant stated the female victim was not assaulted, and that she caused the bruises herself. The bruises supported the victim's assertion she had been assaulted, and another officer took photos of bruising done to the victim's wrist and elbow. In his OCC statement, the complainant admitted lightly tapping the victim on her wrist with his Maglite (a large flashlight) during the encounter.

The officer denied misrepresenting anything in his application for a search warrant, and stated he reported the facts and evidence in the manner he found them.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/14 **DATE OF COMPLETION:** 05/12/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The co-complainant stated the named officer refused to return several calls the complainant made to the officer. In addition the complainant stated the named officer refused to return the co-complainant's cell phone, which the officer had seized pursuant to the execution of a search warrant. The co-complainant stated he also requested the officer provide the co-complainant with a copy of the police report, but the officer refused.

The named officer stated he did talk to the complainant and informed him that he (the officer) could not return the phone to him, at the time, because it was needed as evidence. The officer also stated he did not grant the co-complainant's request to be provided with a copy of the police report because the officer was conducting an active criminal investigation at the time.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer failed to properly process property.

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

FINDINGS OF FACT: The co-complainant stated that he requested the officer to return the co-complainant's cell phone that was seized pursuant to the execution of a search warrant, but the officer refused.

The named officer stated he could not return the co-complainant's cell phone to him at the time the complainant requested it because the phone was still needed as evidence, but the cell phone was returned to the complainant after the officer's investigation was concluded.

The co-complainant confirmed that his cell phone had been returned to him.

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: 01/21/15 **DATE OF COMPLETION:** 05/01/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, a taxi driver, picked up a passenger from a crowd of people, which led to a delay in determining which one in the crowd had called the taxi. The complainant stated that the passenger opened the taxi door but further delayed the pick-up by stopping to bid farewell to friends. The complainant stated that at some point during the pick-up process, the named officer shined a beam of light toward the taxi's rear window, signaling him to move the vehicle. The complainant stated he left as soon as the passenger entered his vehicle but that the named officer stopped him and issued a double-parking citation.

The named officer could not recall the incident. The named officer stated from the complainant's letter, it appeared the complainant's detention was due to staying a prolonged period in a lane of traffic. The named officer stated that it was likely that he flashed his spotlight towards the complainant's vehicle, signaling him to move and the complainant refused because his passenger was still outside the vehicle.

A witness officer at the scene did not recall the incident.

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

SUMMARY OF ALLEGATION #2: The officer behaved rudely and inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer refused to talk or listen to the complainant or his passenger. The complainant stated his passenger tried to explain the situation, but the named officer told the passenger to shut up because he was not the one getting cited.

The named officer could neither recall the incident nor having interaction with any passenger.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 05/01/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer stopped him because of the complainant's race.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer and his partner could not recall the incident.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant was cited for a double-parking violation. The complainant stated the citation was without cause because he briefly stopped parallel to the curb and flashed his lights during the pick up of a passenger. The complainant also stated no car was parked to his right side of the street.

The named officer could not recall the incident. The named officer, however, explained that the street consists of one lane of traffic on each direction, and that the street is usually crowded with people visiting numerous establishments in the area during weekends.

One witness officer stated that the street at the time of night the complainant was cited is usually crowded with pedestrians and vehicles leaving bars and restaurants in the area.

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: 08/15/14 **DATE OF COMPLETION:** 05/23/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant in this case saw posters and other notifications of an event involving the named officers. The complainant raised concerns about the Department's allowance of officers to appear at a function that he said was political in nature, and to appear on the promotional materials in uniform. Additionally, the complainant said promotional materials announced that one of the officers would use handcuffs at the event.

The named officers stated that they attended a fundraising event called the Ice Bucket Challenge that was held in a private restaurant. One named officer acknowledged that the event included a raffle to raise money for a charity for families of officers wounded or killed on duty. Winners of the rally would have the opportunity to dump ice water on the officer. That officer stated that he had an approval from his supervisor, did not use Department equipment at the event, attended the event on his day off, and that any photographs of him used in promotional materials were taken while he was on duty, in public spaces.

The second named officer acknowledged having acted as a photographer at the event. The second officer stated that she had an approval from her supervisor to do so, and did so on her own time.

Two lieutenants confirmed that they provided permission to the officers for their actions during the event, and confirmed the officers' statements about their actions at the event. One of the lieutenants stated that officers attending civilian or community functions is an accepted practice in the Department that is in accordance with Department General Order 3.11(1)C, which states:

Community policing involves interaction between police officers and the citizens who work and live in the neighborhood. It is an organizational strategy that allows the police and community residents to work closely together in new ways to help solve the problems of crime and neighborhood decay. Police officers become managers of their beats and are encouraged to engage in responsible, creative ways to make the community safer and more attractive.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/14 **DATE OF COMPLETION:** 05/01/15 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she was stopped and cited for not wearing a seatbelt. The complainant denied that she was not wearing her seatbelt.

The named officer and his partner stated that they both observed the seatbelt violation, prompting the named officer to cite the complainant.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to write an accurate citation.

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

FINDINGS OF FACT: The complainant stated that she reviewed her copy of the citation and noticed the officer indicated her court date was on the same day the citation was issued. She stated she did not have time to go to the courthouse and feared her driver's license would be suspended for failing to appear in court. She stated she went to the Hall of Justice the next day and made a court date. The complainant stated that the citation was later dismissed.

The named officer stated he made a clerical error. He stated the complainant had 30 days before her court date. He stated that when he realized his mistake, the complainant had already left the scene.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/14 **DATE OF COMPLETION:** 05/01/15 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated she felt harassed by the named officer.

The named officer stated he was not familiar with the complainant. He and his partner stated that the complainant was cited for not wearing her seatbelt.

No independent witnesses were identified.

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

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with SFPD Department Bulletin No. 14-059, Traffic Stop Data Collection Program Information.

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

FINDINGS OF FACT: Department Bulletin (DB) 14-059, Traffic Stop Data Collection Program Information, states in part:

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

- Moving violations, including bicycles and pedestrians
-

The named officer stated he entered the E585 data in his vehicle's computer after completing the complainant's traffic stop. He stated he was unable to retrieve a copy of the E585 entry.

The named officer's partner stated he observed the named officer complete the E585 data entry.

Department Records indicated an E585 entry was not made for the traffic stop.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/14 **DATE OF COMPLETION:** 05/12/15 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that she was sitting at a bus stop with her husband when two officers approached and asked to see her medical marijuana card. The complainant stated that she provided her card to the officers, but denied she was smoking marijuana. The complainant stated that an officer cited her for an unknown offense. The complainant stated that she ripped up the citation and threw it on the ground because she had not done anything to deserve it.

The named officer said he saw the complainant smoking what he believed to be marijuana. He and his partner approached the complainant and asked to see her ID and medical marijuana card. The officer stated the complainant was smoking a cigar with marijuana in it and had littered the plastic wrapper and contents of the cigar on the ground beneath her feet. He stated that he issued a citation to the complainant for littering. He confirmed that she ripped up the citation and threw it on the ground, continuing the offense for which she had already been cited.

A witness officer could not recall this incident.

The complainant's husband denied that he was with her at the time of the incident. He stated that he was across the road and came around the corner to see the complainant with the officers. He stated that he watched from across the street. He denied seeing her litter and denied that the officer gave her a citation.

No other witnesses were identified.

In the course of the OCC investigation, a citation for littering was located that was issued to the complainant by the named officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/14 **DATE OF COMPLETION:** 05/12/15 **PAGE #** 2 of 3

SUMMARY OF ALLEGATIONS #2 - 3: The officers used unnecessary force against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers slammed her against the bus stop and pulled her arms behind her back. She stated that due to a back injury and recent surgery, her arms do not easily go behind her back. She stated that she did not comply with their order to put her hands behind her back, because she had not done anything wrong. She denied that she was placed in handcuffs and stated that at some point she “blacked out.” She stated that after telling the officers, “hands up, don’t shoot” she was released from their grasp. The complainant said she sustained a “knot” on her head as a result of being slammed to the glass of the bus shelter and sprained her back.

Both named officers denied using unnecessary force against the complainant, as alleged. One of the officers stated that he saw the complainant smoking, what he suspected to be marijuana, in a bus stop. He and his partner approached and asked to see a valid ID and a medical marijuana card. The officer said the complainant became extremely angry and refused to show her ID. She was initially sitting down but as she got upset, she stood up and the officer asked her to sit back down but she refused. He said he placed her in a control hold and placed her hands behind her back before handcuffing her. He denied that they slammed her into the glass at the bus stop and he did not recall her complaining of any pain. He recalled her saying, “hands up, don’t shoot,” but he denied that she lost consciousness during the contact.

The second named officer could not recall the incident.

The complainant’s husband denied being with the complainant at the time police approached. He stated he was across the street and came around a corner to see two officers “harassing” her. He stated that he saw the complainant with her hands in the air and then saw one of the officers push her against the bus stop. He heard the officers telling her to put her hands behind her back, while her hands were in the air already. He said they did not give her time to put her hands behind her back before they pushed her against the bus stop. The complainant’s husband stated that he heard her say that the officers had hurt her back.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/14 **DATE OF COMPLETION:** 05/12/15 **PAGE #** 3 of 3

SUMMARY OF ALLEGATIONS #4 - 5: The officers failed to provide their name and star numbers upon request.

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

FINDINGS OF FACT: The complainant said that she asked for the officers' names and badge numbers but they refused to provide them so she took pictures of the officers instead. The complainant did not provide the photos to the OCC.

Both the named officers denied that they refused to provide their name or star number to the complainant. One of the named officers stated that his information was on his uniform and on the citation.

The complainant's husband was not with her during the incident. He stated that he watched part of the incident from across the street.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/14 **DATE OF COMPLETION:** 05/14/15 **PAGE #** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 2: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that after a verbal altercation with his girlfriend's ex-boyfriend, police came banging on his door. The complainant stated that when he did not answer the door, the named officers kicked in his door.

The named officers stated they responded to the complainant's apartment regarding a man screaming for help. The officers stated they knocked on the door numerous times and announced, "San Francisco Police Department. Open the door." Fearing that someone was gravely disabled or suffering from life threatening injuries, the officers kicked in the door with the approval of their supervisor. The complainant was then subsequently arrested, in part, for two outstanding warrants.

One of the named officers prepared an incident report outlining the sequence of events.

Records from the Department Emergency Management (DEM) show that DEM received a 9-1-1 call regarding a "male screaming for help." It was also reported to DEM that "someone [was] fighting in the room." The call was dispatched as an "A" priority call, and the named officers responded to the call.

The facts described by the named officers required swift action to prevent imminent danger to life. The officers reasonably believed that an entry was necessary to prevent physical harm to other persons. As such, the officers' entry was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/14 **DATE OF COMPLETION:** 05/14/15 **PAGE #** 2 of 2

SUMMARY OF ALLEGATIONS #3 - 4: The officers arrested the complainant.

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

FINDINGS OF FACT: The complainant stated he had a warrant for his arrest. The complainant stated that had the officers not illegally entered his apartment, they would not have known about his warrant.

The named officers stated they responded to the complainant's apartment regarding a man screaming for help. The officers stated they knocked on the door numerous times and announced, "San Francisco Police Department. Open the door." Fearing that someone was gravely disabled or suffering from life threatening injuries, the officers kicked in the door with the approval of their supervisor. The complainant was then subsequently arrested, in part, for two outstanding warrants.

One of the named officers prepared an incident report outlining the sequence of events.

Records from the Department Emergency Management (DEM) show that DEM received a 9-1-1 call regarding a "male screaming for help." It was also reported to DEM that "someone [was] fighting in the room." The call was dispatched as an "A" priority call, and the named officers responded to the call.

The facts described by the named officers required swift action to prevent imminent danger to life. The officers reasonably believed that an entry was necessary to prevent physical harm to other persons. As such, the officers' entry was proper. In addition the complainant's arrest was proper as the officers confirmed the warrants with the Central Warrants Bureau.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 05/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he parked his vehicle about ten feet from his residence. He later discovered it missing and contacted SFPD and was informed that his car had been towed because it had been in an accident. The complainant stated he went to Central Station and spoke with a sergeant, who pulled the CAD and went through the information with the complainant. The complainant stated, "What the onsite officers, officers had done was run my plate as well as the VIN number...[of] the car that hit my car and they had used his registration against my license plates. So, they goofed."

The named officer stated a motorist struck the complainant's parked car, causing it to spin into the busy roadway. He attempted to determine the owner of the vehicle to see if the owner could move the car. The officer stated he accidentally called in the incorrect license plate number to dispatch. Because of the officer's error, the complainant's vehicle came back to be registered to a Sacramento address, prompting the tow of the complainant's vehicle.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer was rude to him over the phone.

The named officer denied being rude to the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/14 **DATE OF COMPLETION:** 05/15/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was threatened by a bar patron after complaining about a group of patrons smoking in a bar. He stated the named officer said he could not help him, and told the complainant he could go to another bar.

The named officer stated the complainant was upset and intoxicated. He stated he investigated the complainant's complaint about a group smoking inside the bar and found no merit. The named officer stated he explained his findings to the complainant and told the complainant he was unable to take any police action. The named officer denied telling the complainant he could go to another bar.

The named officer's partner stated he did not recall the named officer telling the complainant to go to another bar.

The bartender stated the complainant was intoxicated. She stated some patrons began smoking inside the bar and she told them to go outside, and they complied. She stated the complainant got into a verbal argument with those patrons. She further stated she did not hear the conversation 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: 09/18/14 **DATE OF COMPLETION:** 05/15/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he told the officer that a bar patron threatened him. The complainant stated he was “frustrated” that the officer did not take any action but also stated that he left the scene and did not ask the officer to take any action.

The named officer stated the complainant did not tell him that a person inside the bar threatened him.

The named officer’s partner stated he did not recall the complainant saying that he had been threatened.

The bartender stated the complainant was intoxicated and got into a verbal argument with patrons who were smoking in an area outside the bar. She stated she did not hear the conversation between the complainant and the 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: 09/22/14 **DATE OF COMPLETION:** 05/19/15 **PAGE** #1 of 3

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

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

FINDINGS OF FACT: The complainant was detained and cited for violation of California Vehicle Code section 21456(b), which states, in part:

Whenever a pedestrian control signal showing the words "WALK" or "WAIT" or "DONT WALK" or other approved symbol is in place, the signal shall indicate as follows:

--

(b) Flashing or steady "DONT WALK" or "WAIT" or approved "Upraised Hand" symbol. No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed crossing shall proceed to a sidewalk or safety zone or otherwise leave the roadway while the "WAIT" or "DONT WALK" or approved "Upraised Hand" symbol is showing.

The complainant stated she “stepped into the street on a yellow light.”

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

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

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

FINDINGS OF FACT: The complainant was detained and cited for violation of California Vehicle Code section 21456(b).

The evidence established that the named officer had probable cause 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: 09/22/14 **DATE OF COMPLETION:** 05/19/15 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated she was wrongfully detained and cited for crossing the street. As an officer prepared a citation, she stated she held her purse with her hand inside it and turned away because she was upset. The second officer grabbed her hand from inside her purse, asking her what was inside. The complainant stated that when she asked the citing officer what would happen if she did not sign the citation, he gestured to a nearby patrol wagon and threatened to take her to jail.

The officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol.

The named officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/14 **DATE OF COMPLETION:** 05/19/15 **PAGE #3 of 3**

SUMMARY OF ALLEGATIONS #8-9: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers failed to offer her medical attention when she told them she was not feeling well.

The officers denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers failed to remain in constant radio contact with the Department of Emergency Management (DEM).

The officers stated they were on a medical call when they witnessed the complainant commit a California Vehicle Code violation.

Records from the Department of Emergency Management (DEM) show that DEM was aware of the officers' location and assignment.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 05/04/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer came to her home in response to a call from the complainant's neighbor regarding noise. The complainant stated that the officer was accusatory and sarcastic. She also said the officer rolled her eyes at the complainant.

The named officer denied making inappropriate comments or behaving inappropriately. The officer described her own demeanor as polite, professional and patient. She stated that the complainant was initially friendly but became increasingly agitated and argumentative. She stated that she might have rolled her eyes because the complainant would not listen to her.

The complainant's neighbor that called police lives on a different floor and was unable to recall this incident.

Another neighbor of the complainant recalled the officer's presence on their floor but stated that she did not have any contact with the officer and does not recall overhearing anything said between the officer and the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/14 **DATE OF COMPLETION:** 05/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she witnessed a female officer being verbally aggressive while directing traffic. The complainant stated that when she approached a crosswalk, the female officer said, "Go around the car," in an angry voice. The complainant stated she heard the female officer yell toward a man who had not heard her direction to go around the car, "Either you just don't listen or you're stupid." The complainant saw the female officer aggressively approach the male pedestrian. The complainant stated she intervened by asking the officer, "Are you having a bad day?" The female officer replied, "I'm not talking to you!"

Two female officers who were within two blocks from the location identified by the complainant denied any recollection of the alleged incident.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/14 **DATE OF COMPLETION:** 05/18/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that an officer at a police station refused to take her report regarding a vandalism and harassment matter. The complainant did not respond to OCC's request for an interview.

An Office Poll was sent to the commanding officer of the station where the complainant went to file her report, asking the commanding officer to determine if any of his officers were involved. The poll came back negative.

The station keeper at the station was questioned by the OCC. The station keeper did not recall the incident in question.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: Part of the complainant's complaint raises matters outside OCC's jurisdiction. The complainant's complaint against the Public Service Aide (PSA), a civilian employee of the San Francisco Police Department (SFPD), has been referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/17/14 **DATE OF COMPLETION:** 05/15/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was wrongly arrested for assaulting a female guest in his home. He stated the woman was throwing things against a wall. He stated that when she picked up a clothes iron from the floor, she banged her face on his weights. He further stated the woman scratched his neck and wrist when he attempted to stop her from throwing things.

Records from the Department of Emergency Management (DEM) show that DEM received a 9-1-1 call regarding a domestic violence at the complainant's home. The reporting party stated that her boyfriend, later identified as the complainant, had just hit her in the eye. The reportee also reported that the complainant was trying to kick her out, and that she was 7 weeks pregnant.

One of the named officers stated the woman told him that she was in a relationship with the complainant and that the complainant hit the back of her head with a clothes iron and struck her face with his fists. The officer stated the woman had slight swelling on the side of her face. The officer stated he determined that the complainant was the dominant aggressor because the woman had visible injuries and made specific statements about what occurred, i.e., what weapon was used and where it was. The officer stated the complainant only made general statements such as, "She started it" and "She was throwing things." The officer stated the complainant had no visible injuries nor complained of pain.

The other named officer stated that the woman told him that she and the complainant had been living together for 3-4 weeks and she was seven weeks pregnant. They argued about money and he told her to get out. The woman stated the complainant punched her a couple of times in the face and hit the back of her head with a clothes iron. The officer stated that the woman's thick hair protected her scalp from serious injury. The officer stated the woman had a swollen cheek but no other visible injuries. The officer stated the complainant refused to give him a statement.

Department records indicate that the named officers documented their investigation in an incident report and obtained an Emergency Protective Order, which was granted by a Superior Court Commissioner.

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: 11/17/14 **DATE OF COMPLETION:** 05/15/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that when he returned home from jail the following day, he noticed some paperwork was missing. The complainant stated that his children told him that officers took some paperwork from his bedroom closet. He stated his mother, who responded to take care of the children, might be able to describe the officers.

The arresting officers denied searching the complainant's residence. They stated the only item seized was the iron that the complainant allegedly threw at a female guest.

The identity of the alleged officer has not been established.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that when he returned home from jail the following day, he noticed some paperwork was missing. The complainant stated his children told him that officers took some paperwork from his bedroom closet. He stated his mother, who responded to take care of the children, might be able to describe the officers.

The arresting officers stated the only item seized was the iron that the complainant allegedly threw at a female guest.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/14 **DATE OF COMPLETION:** 05/26/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, while staying in his sister's house, had a verbal altercation with his sister's children's father regarding property of the father the complainant had sold. When the altercation progressed to a violent threat, the complainant called 9-1-1 and described the suspect. The complainant also told the dispatcher that the suspect had threatened to shoot him and that he had seen him return with a gun in his hand. The complainant told dispatchers that he had escaped into his sister's home but that his family was in danger and asked to specifically meet with officers. The complainant waited for the officers but no one came to the house.

A witness, a friend of the complainant, stated he was sitting in his car outside the complainant's sister's home when he saw the suspect pacing back and forth behind a vehicle. The witness stated that he watched the suspect run away when officers drove past the address. The witness stated the officers continued driving without stopping.

The named officers acknowledged they were assigned to the call, that they were the first unit on the scene and that they did not stop to speak with the complainant. The officers stated they requested dispatchers call the complainant for more information and that he did not answer the phone. The officers contended that their actions were sufficient and even prudent in this incident, because going to the complainant's address may have put him in danger. The named officers further acknowledged that they did not prepare a report for the incident, stating that without any further information from the complainant, and no suspect, there was nothing to report.

Department records and interviews with several officers who responded showed that no officer approached the address where the complainant requested police response.

Records of the audio recordings of the complainant's call to 9-1-1 and the transmissions between dispatchers and the primary unit show that the complainant was unequivocal in requesting the response of police to his address. The records also show that dispatchers told the responding officers several times of the request for a meeting with the complainant, repeated his address, told the officers the complainant had refused to speak on the phone, and said the complainant was waiting for them inside the home.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/14 **DATE OF COMPLETION:** 05/26/15 **PAGE#** 2 of 2

Department General Order 2.01, General Rules of Conduct, dated August 11, 2005, states in part:

1. ATTENTION TO DUTY. The basic mission of the San Francisco Police Department and its officers is to protect life and property, preserve the peace, prevent crime, enforce criminal laws and ordinances, and regulate non-criminal conduct as provided by law. While on duty, officers shall devote their entire time to the achievement of this mission within the context of their respective assignments.

Department General Order 1.03, Duties of Patrol Officers, dated April 17, 1996, states in part:

5. ATTENTION TO DUTY.

...

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

...

6. INVESTIGATIONS. Obtain information on witnesses, and promptly furnish descriptions of suspects to the Communications Division

The named officers were conscious that they were called to the report of a serious crime. They were told numerous times where the complainant was and that he wished to meet them. When the officers had dispatch call the complainant back, he did not answer. Nonetheless, the named officers made no reasonable attempt to meet the complainant or check on his well-being. In addition, the named officers did not write an incident report and did not identify and interview witnesses to the incident, as required by Department General Orders when it was brought to their attention.

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: 11/19/14 **DATE OF COMPLETION:** 05/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was riding his bicycle on Castro at Market Street where there was a lot of construction going on. He stated he turned right on a green light onto Market Street. He stated an officer was waving his hands at him and as he passed the officer, the officer grabbed the complainant forcing him to stop. He stated the officer told the complainant he was breaking the law but didn't tell the complainant exactly what he had done wrong. The complainant stated he had the right of way and did not recall anyone telling him to stop or seeing a sign telling him to stop. The complainant stated the officer let him go without issuing a citation.

The named officer stated he was directing vehicular and pedestrian traffic at a construction site at Market and Castro Streets. He stated he detained the complainant because he was trying to maneuver his bicycle around the named officer while large dump trucks were pulling out from the center island and large construction equipment was crossing back and forth on the roadway. The named officer stated he was concerned about the complainant getting seriously injured so he grabbed the complainant's bicycle handlebar to stop him. The officer stated he explained to the complainant that it was unsafe for him to maneuver through the construction traffic. After all the construction equipment cleared the roadway, he told the complainant he was free to go.

Based on the complainant's own admissions, the officer had the discretion to detain the complainant for safety reasons. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer was hostile and yelled at him.

The named officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/14 **DATE OF COMPLETION:** 05/22/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer aggressively contacted her and ordered her to move from in front of a coffee shop. She stated the officer told her he had a directive from the Mayor's Office to run people off. She stated the officer threatened to arrest her because she did not have her identification.

The named officer denied the allegation. The named officer stated he did not recall making contact with the complainant.

Department records indicate that the named officer was on patrol in the vicinity at or around the time of the incident.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer refused to give her his name and badge number.

The named officer denied the allegation.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 05/14/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was about to board a bus when two officers in plainclothes approached him with their guns drawn. The complainant stated that the officers told him that they were looking for a person with a gun. The officers then asked for his identification and asked if he had a gun. After providing his identification, the complainant ran away from the officers. The complainant stated he was then tackled to the ground and placed under arrest. He stated he was subsequently charged with gun possession and vehicle code violation. The complainant denied having a gun. He also refused to discuss the gun found on the scene because he had a criminal case pending.

The named officers stated that they were working in plain clothes when they received a call about a person with a gun. The officers stated that the complainant matched the description of the suspect. When they attempted to perform a pat search, the officers stated the complainant ran, causing a gun to fall from the complainant's front area. While one of the named officers stayed with the gun, the other gave chase and apprehended the complainant.

Records from the Department of Emergency Management (DEM) show that DEM did in fact receive a 9-1-1 call regarding a person with a gun in the area where the complainant was located.

A preponderance of the evidence established that the officers had probable cause for the arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 05/14/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3 - 4: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant stated the named officers had their guns drawn halfway when they approached him.

Records from the Department of Emergency Management (DEM) show that the named officers were responding to a 9-1-1 call regarding a person with a gun when the officers made contact with the complainant.

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

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

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

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

FINDINGS OF FACT: The complainant stated the charges that the officers brought against him were all fabricated.

OCC's investigation established that the officers had probable cause to arrest the complainant.

Court records indicate that charges were dismissed and replaced by a grand jury indictment. The complainant's criminal case remains pending.

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: 12/04/14 **DATE OF COMPLETION:** 05/14/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #7 - 8: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he was racially profiled by the arresting officers.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied the complainant's allegation of biased policing.

OCC's investigation established that the officers had probable cause to arrest the complainant.

Court records indicate that charges were dismissed and replaced by a grand jury indictment. The complainant's criminal case remains pending.

The evidence proved that the act alleged in the complaint did not occur because the officers arrested the complainant based on a specific description matching the suspect.

SUMMARY OF ALLEGATIONS #9 - 10: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the officer failed to book his baseball hat.

Department records show that the complainant's baseball cap was booked into property.

The evidence established that the officers properly processed the complainant's property.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/14 **DATE OF COMPLETION:** 05/23/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued the complainant a citation without justification.

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

FINDINGS OF FACT: The named officer and his partner stated that the complainant was cited for running a red light.

The complainant denied the violation, stating that he entered the intersection on a yellow light and that the light turned red when he reached the middle of the intersection. The complainant stated he was driving slowly in the intersection because there was a rainstorm. During his OCC interview, the complainant stated that the officers might have been correct in citing him, but argued that they should have been nicer to him.

A preponderance of the evidence established that the named officer was justified in issuing the citation. ‘

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him to “shut up” during the traffic stop.

The named officer and his partner denied the allegation.

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: 12/15/14 **DATE OF COMPLETION:** 05/18/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was involved in a non-injury accident approximately three weeks prior to going to a police station to file a police report. The complainant stated that the named officer refused to take his report.

The named officer denied the allegation, stating that the complainant told him that the complainant had already reported the incident when it occurred.

The station keeper could not recall the incident in question.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named member was inappropriate and threatening when the complainant asked for a police report.

The named officer denied the allegation.

The station keeper 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: 12/10/14 **DATE OF COMPLETION:** 05/06/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 13, 2015.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on April 13, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 05/06/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she gave her neighbor money to clean her house, but he never cleaned her house. She stated the neighbor gave her his cell phone as “collateral” for the money he took from her. The complainant stated that her neighbor later came into her apartment and took her cell phone. She stated she called police, but they did not arrest her neighbor for the theft of her cell phone.

One of the named officers stated that complainant showed him a black cell phone that her neighbor gave her before he cleaned her apartment. The complainant told the officer that her neighbor did not clean her apartment and her cell phone was missing. The complainant’s neighbor told the officer that he unknowingly took the complainant’s cell phone. The officer’s investigation revealed that the complainant and her neighbor had the same make and model phone. The officer stated that the complainant said that if her phone were returned, she would request no further police action. He stated the phones were exchanged and both parties went their separate ways.

The other named officer stated that the complainant told him that she and her neighbor were in a disagreement over a phone. This officer stated the complainant’s neighbor told him the complainant wanted to hire him to clean her house. He further stated the complainant accused him of stealing her phone. The complainant’s neighbor told the officer that he and the complainant have the exact same phone. This officer stated he determined there was no theft because the parties had each other’s phones.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 05/06/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that an officer told her he remembered her from the Tenderloin District. She stated the officer asked her why she hired a male neighbor to clean her house when he had stolen from her in the past and that the neighbor did not owe her anything. In her OCC interview, the complainant acknowledged her male neighbor had stolen from her in the past. She stated she hired him to clean her house because she was “desperate.”

The named officer stated he had had consensual encounters with the complainant while working in the Tenderloin. He denied asking the complainant why she hired her neighbor or saying that the neighbor owed her nothing.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 05/07/15 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/15 **DATE OF COMPLETION:** 05/20/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 18, 2015.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 18, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 05/12/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 5, 2015.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 5, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/15 **DATE OF COMPLETION:** 05/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written narrative, the complainant stated she was using her phone while driving for navigation purposes. In her OCC interview, she stated she was using her phone while driving to turn down music she was streaming from her phone into her car speakers. She stated the officer saw her holding her phone and pulled her over. She was then cited for texting while driving.

The named officer stated he cited the complainant for a cell phone violation. He stated she was looking at and touching her cell phone while operating a vehicle.

California Vehicle Code section 23123.5(a) prohibits the use of an electronic wireless communication device to write, send or read a text-based communication, unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send or listen to a text-based communication, and it is used in that manner while driving.

The complainant's reasons for using her cell phone while driving were inconsistent.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was "agitated" based on his "posture," standing close to her car and because his voice got louder.

The named officer denied raising his voice. He stated he tried to explain that he had a helmet with speakers so he had to talk louder but the complainant did not care. He also denied being agitated.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/15 **DATE OF COMPLETION:** 05/06/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer yelled at her during a traffic stop.

The named officer denied yelling or becoming angry during the contact. The named officer stated it was the complainant who became upset because he issued her a citation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/15 **DATE OF COMPLETION:** 05/18/15 **PAGE#** 1 of 1

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

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 May 5, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

FINDINGS OF FACT: The complainant stated that approximately four and a half year ago, SFPD officers entered and searched her residence without cause.

The named officers denied the allegation, stating that exigent circumstances existed, giving them the authority to enter and search the complainant's residence. The officers stated that three security guards were shot at while in a moving vehicle. One of the guards told the officers that he saw three juveniles running away from the shooting scene and into the complainant's apartment. The officers said they found several spent casings ten feet from the complainant's front door. When the officers knocked at the complainant's door to inquire about possible victims or suspects hiding inside her residence, the complainant lied about who was inside her residence. One of the officers stated he saw a juvenile, who was on probation, seated in a couch, attempting to hide. The officers entered the residence to conduct a probation search, searching only the immediate area where the probationer was located.

The juvenile, who was on probation, stated that the officers searched the entire apartment.

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

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

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SUMMARY OF ALLEGATION #4: The officer used excessive force during an entry.

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

FINDINGS OF FACT: The complainant said the officer pushed her forearm against her neck until she was pinned against an interior wall when she objected to an entry into her residence.

The named officer and three witness officers denied the allegation.

One witness gave conflicting accounts of the force used by the named officer.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant said the officer handcuffed her outside her residence without justification while officers searched her residence.

The named officer denied the allegation and recalled that no one was handcuffed during the investigation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant said he got into an altercation with two men and was struck in the face with a metal chair. The complainant said two officers responded. The complainant said the officers focused all their attention on him and, as a result, the other parties to the incident were able to leave. The complainant said the officers should have detained the other parties and failed to do so.

The named officers said the complainant was detained because he fit the description of a suspect with a knife. Both officers said the other party or parties to the incident were gone upon their arrival.

A witness said he saw the fight and that the complainant was the aggressor and the other parties defended themselves. The witness said all parties were present when the officers arrived and detained the complainant. The witness said he did not see the other parties when he left.

Department records showed that one party with a knife and another party were gone on the named officers' arrival.

An SFPD incident report by the named officers documented that the complainant was detained because he fit the description of the party with a knife. The report documented that several subjects were seen standing near the corner of Market and 17th Streets, walking away upon the officers' arrival. The named officers stated in the incident report that they were unable to locate any other potential victims.

There is conflicting evidence as to the whereabouts of the parties to the altercation upon the arrival of the officers and whether the officers had an opportunity to detain them.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #3 - 4: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant said that when the named officers arrived, they pointed their weapons at him. The complainant said the officers told him they did so because they had received a report of a suspect with a knife.

One of the named officers could not recall if he drew his weapon. The other officer said he drew and pointed his weapon at the complainant because of the report of a subject with a knife.

Department records indicated that there was a report of two subjects in a fight, one with a knife.

One witness said he saw one of the officers point his “rifle” at the complainant.

Department Orders authorize officers to draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. The officers were responding to a reported fight involving a knife, providing the officers justification to draw their firearm.

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