

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/15 **DATE OF COMPLETION:** 05/11/16 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated she had a temporary restraining order against her ex-boyfriend. She stated that while she was not home, the police did a civil standby, allowing him to take whatever he wanted, including some of her belongings.

The named officers stated there was no temporary restraining order in the system at the time of the civil standby. They stated that upon verification that the ex-boyfriend was on the lease and the management providing him with the key, the named officers conducted the civil standby.

The SFPD subject matter expert stated that the Department General Order only has one line regarding civil standbys and does not go through what officers can and cannot do during a civil standby.

The evidence proved that the act by the named officers was justified by Department policy, procedure, or regulation. However, the OCC recommends a change in the particular policy, procedure, or regulation.

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

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

FINDINGS OF FACT: The complainant stated that the officers allowed her ex-boyfriend to take whatever he wanted, including some of her belongings.

The named officers stated that prior to entering the apartment, one of the named officers followed the ex-boyfriend to his room and that everything he retrieved fit into his backpack, not allowing the ex-boyfriend to retrieve anything from the common areas of the apartment.

The SFPD subject matter expert stated that the Department General Order only has one line regarding civil standbys and does not go through what officers can and cannot do during a civil standby.

The evidence proved that the act by the named officers was justified by Department policy, procedure, or regulation. However, the OCC recommends a change in the particular policy, procedure, or regulation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/15 **DATE OF COMPLETION:** 05/11/16 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #5: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the police did a civil standby without her being present and allowed her ex-boyfriend to take whatever he wanted, including some of her belongings. She stated that the ex-boyfriend was on the lease; however, she had a temporary restraining order against him, ordering him to stay 100 yards away from her apartment building. Upon learning of what had occurred, the complainant repeatedly called the non-emergency number and requested that the same officers respond to her apartment. After about twelve hours later, the named officer responded to her apartment. She stated she was more focused on her missing items than a possible violation of the restraining order. She wanted the actual officers who did the civil standby to respond back. The named officer told her that this was a civil matter and when she asked who were the officers that did the civil standby, the named officer told her he did not know and told her to go to the OCC.

The named officer stated he did not take any investigative steps regarding the alleged missing property because the complainant was more concerned about the civil standby. He denied being told about the restraining order. The named officer stated he requested the CAD number through dispatch and told her to contact the police station in order to reach the officers involved who could point her in the right direction.

Records from the Department of Emergency Management show that DEM received two calls regarding a petty theft.

The evidence established that the named officer failed to properly investigate the reported theft and failed to write an incident report, in violation of DGO 2.01.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/15 **DATE OF COMPLETION:** 05/11/16 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the police did a civil standby without her being present and allowed her ex-boyfriend to take whatever he wanted, including some of her belongings. She stated that the ex-boyfriend was on the lease; however, she had a temporary restraining order against him, ordering him to stay 100 yards away from her apartment building. Upon learning of what had occurred, the complainant repeatedly called the non-emergency number and requested that the same officers respond to her apartment. After about twelve hours later, the named officer responded to her apartment. She stated she was more focused on her missing items than a possible violation of the restraining order. She wanted the actual officers who did the civil standby to respond back. The named officer told her that this was a civil matter and when she asked who were the officers that did the civil standby, the named officer told her he did not know and told her to go to the OCC.

The named officer stated he did not take any investigative steps regarding the alleged missing property because the complainant was more concerned about the civil standby. He denied being told about the restraining order. The named officer stated he requested the CAD number through dispatch and told her to contact the police station in order to reach the officers involved who could point her in the right direction.

Records from the Department of Emergency Management show that DEM received two calls regarding a petty theft.

The evidence established that the named officer failed to properly investigate the reported theft and failed to write an incident report, in violation of DGO 2.01.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/15 **DATE OF COMPLETION:** 05/16/16 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated that, while riding his bicycle, he stopped at a red light and crossed the intersection when the light turned green. He stated that a female officer yelled at him to stop at the red light, followed the complainant and stopped him a block away from the intersection. The complainant alleged that the detention was unjustified.

The named officer stated that she was stopped at a red light, facing south, when she saw a female bicyclist traveling north cross the intersection against the red light. The named officer stated that as she was about to make a U-turn, she saw the complainant cross the intersection against the red light. The named officer stated that she followed the two and stopped the complainant on the next block. She stated that the female cyclist had turned off the street and she could not catch up with her.

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: 09/10/15 **DATE OF COMPLETION:** 05/16/16 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant said he was issued a citation for running a red light, which he denied.

The named officer stated she observed the complainant cross an intersection while the traffic light was red.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged that the named officer behaved and spoke inappropriately.

The officer denied behaving and speaking inappropriately.

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: 09/10/15 **DATE OF COMPLETION:** 05/16/16 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the named officer wrote the wrong date of violation on the citation, prompting the court to dismiss the citation.

The named officer acknowledged her mistake, explaining that the sun's glare affected her vision while preparing the citation. The named officer further explained that she did not know she made a mistake until she went to court.

SFPD General Order 2.01 section 9, states:

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

The evidence established that the named officer wrote an incorrect date of violation on the citation. To her credit, the named officer admitted that she made a mistake, prompting the court to dismiss the citation.

Pursuant to section 9 of Department General Order 2.01, the named officer's neglectful act constitutes misconduct that was prejudicial to the efficiency and discipline of the Department.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #1 of 9**

SUMMARY OF ALLEGATIONS #1-6: The officers entered a residence without probable cause.

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

FINDINGS OF FACT: The complainant stated that SFPD officers entered his residence without probable cause. The complainant admitted he and his wife were on probation at the time.

The named officers stated the complainant and his wife were on probation with a search condition that allows police to enter and search the complainant's residence without the need for probable cause or a warrant.

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

SUMMARY OF ALLEGATIONS #7-12: The officers searched a residence without probable cause.

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

FINDINGS OF FACT: The complainant stated that SFPD officers searched his residence without probable cause. The complainant admitted he and his wife were on probation at the time.

The named officers stated the complainant and his wife were on probation with a search condition that allows police to enter and search the complainant's residence without the need for probable cause or a 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: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #2 of 9**

SUMMARY OF ALLEGATIONS #13-18: The officers detained the complainant and his family at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated SFPD officers detained him and his family at gunpoint.

The named officers denied the allegation. The named officers stated the complainant and his wife were convicted felons with a history of violence. In addition, both the complainant and his wife were on probation with a search condition. The named officers stated they drew their firearms when they initially entered the residence but holstered their firearms after the entry was complete, a protective sweep was completed and when the scene was safe. The named officers denied that they pointed their firearms directly at either the complainant or his family.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #19: The officer arrested the complainant's family member without cause.

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

FINDINGS OF FACT: The complainant stated the named officer arrested his son's fiancée without cause.

The named officer stated the arrestee was a suspect in a criminal case and he identified the suspect using surveillance photos. The named officer further stated he linked the suspect's cell phone number with the number provided to him by the crime victim. The phone number belonged to the suspect and the phone was in the suspect's control at the time of her arrest. The named officer stated the victim identified the suspect in a photo lineup.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #3 of 9**

SUMMARY OF ALLEGATIONS #20-21: The officers arrested the complainant and his family members without cause.

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

FINDINGS OF FACT: The complainant stated the named officers arrested one of his sons for burglary without cause. The complainant further stated he and his second son were cited for Penal Code 148 (a) Resisting/Delaying an investigation without cause.

The named officers denied the allegation. Both named officers stated they were involved in a probation search of the complainant's residence. The named officer investigating a burglary stated he immediately recognized "his" burglary suspect based on a photograph in a crime alert lifted from a surveillance video. The second named officer arrested the complainant and his other son for Penal Code 148 (a), Resisting/Delaying an investigation. The named officer stated the suspects were constantly interrupting officers when they tried to question other residents in the house, prompting the named officer to arrest the complainant and his other son for violating California Penal Code 148 (a).

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

SUMMARY OF ALLEGATIONS #22-23: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the named officer taunted him with the barrel of his gun, touching it to his cheek. He further stated the officer improperly threatened his infant grandchild with "CPS." The complainant further stated an unidentified officer said, "I'm not pointing the gun at the baby. I'm pointing it at her."

The named officer denied the allegation. He denied touching anyone with his firearm or making any inappropriate comments.

Witness officers denied the allegation. No other witnesses came forward.

The identity of the second 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: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #4 of 9**

SUMMARY OF ALLEGATIONS #24-25: The officers made sexually derogatory comments.

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

FINDINGS OF FACT: The complainant stated the named officers made explicit sexual remarks to his 14-year-old daughter and a sexually derogatory comment to his son during a probation search of his residence.

The named officers denied making any sexually derogatory comments.

Witness officers denied hearing any officer make the alleged statements.

No other witnesses came forward.

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

SUMMARY OF ALLEGATIONS #26-27: The officers made racially derogatory comments.

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

FINDINGS OF FACT: The complainant stated the named officers called him and members of his family “dirty gypsies.”

The named officers denied making any racially derogatory comments.

Witness officers denied hearing any officer make the alleged statements.

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: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #5** of 9

SUMMARY OF ALLEGATION #28: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that when the named officer conducted a probation search of the complainant's house, there was petty cash missing from the house totaling "a couple hundred dollars."

The named officer denied the allegation. The officer in charge of the investigation appointed the named officer as the scribe and photographer for a probation search of the complainant's residence. The named officer stated eight "Canadian" silver dollar coins inside a woman's blue purse were confiscated and identified as such in his incident report. The named officer issued a receipt to the complainant's wife and stated the word "cash" referred to the eight silver dollar coins from a blue purse noted in his report.

The named officer failed to itemize the cash in a receipt he issued to the complainant's wife. The officer's notation of "cash" on the receipt, without specifying how much cash or in what denominations, was a violation of Department General Order 6.15, Property Processing, which requires that all money, including foreign currency, be separately processed in a money envelope with the amounts noted. The officer did not document the search of the blue purse by photographing its interior prior to unpacking its contents, which added to the confusion. The fact that the officer did not specify the amount of money and instead placed "cash" also led to confusion over whether any "petty cash" was taken from the residence as claimed by the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #**6 of 9

SUMMARY OF ALLEGATION #29: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that when the named officer conducted a probation search of the complainant's house, there was petty cash missing from the house totaling "a couple hundred dollars."

The named officer denied the allegation. He stated that when he performed a probation search, he did not recall seeing cash. He stated the only cash he saw were some silver dollars.

The named officer was responsible for bagging the silver dollars found at the scene into a separate money envelope at the station and logging them separately from other property. The named officer failed to do so, in violation of DGO 6.15, Property Processing, which requires that all money, including foreign currency, be separately processed in a money envelope with the amounts noted.

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 #30: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer and other officers entered and searched his home while his family and kids were in the house, in violation of DGO 7.04, Children of Arrested Parents.

The named officer stated he was the officer in charge of the operation. He stated he did not see any children when he and another officer conducted surveillance at the complainant's residence on three occasions. He stated the children were kept with their loved ones and did not handcuff the juvenile female.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #7** of 9

SUMMARY OF ALLEGATION #31: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer and other officers entered and searched his home while his family and kids were in the house, in violation of DGO 7.04, Children of Arrested Parents. The complainant's 14 year-old daughter was inside the house, as well as his infant granddaughter.

The named officer denied the allegation. He acknowledged contacting a juvenile in the house he searched and providing her with a juvenile brochure. The officer demonstrated he had no knowledge of the juvenile's parents, asked who her parents were during his OCC interview, and did not realize he took the juvenile's father as well as two other members of her family into custody. The officer also failed to document the name and contact information of a responsible guardian he left the juvenile with, in violation of DGO 7.04 which states in part:

The reporting officer shall include the following in the incident report:

- the name and contact information of the adult with whom the children were left...

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #**8 of 9

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

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

FINDINGS OF FACT: The named officer issued Certificates of Release to detained persons but failed to keep and book copies of the forms as evidence.

DGO 5.03 states in part:

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

FORM PREPARATION AND FILING. Complete the Certificate of Release form in duplicate. Give the original to the person being released and forward a copy to the Records Section.

The named officer acknowledged that he failed to keep and book a copy of the Certificates of Release but documented his error in his report.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/23/16 **PAGE #**9 of 9

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

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

FINDINGS OF FACT: The name officer prepared the incident report. The incident report was incomplete and inaccurate. The incident report lacked relevant copies of subordinate compliance forms (Certificates of Release) and other required information, such as the amount of cash that was seized during the search.

Department Bulletin 14-266 states in part:

A complete incident report shall include legible copies of ALL subordinate compliance forms such as: Domestic Violence checklists, written statements, Marked City Funds form, diagrams, Medical Examiner receipt, all 849(b) Certificate of Release forms.

Upon completion of an incident report, members shall scan and upload copies of such forms into the Crime Data Warehouse “Upload Documents” feature.

Additionally, the SFPD Report Writing Manual states in part:

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 05/24/16 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant stated a plainclothes officer cited him for impeding the flow of traffic on a congested street. The complainant stated he was driving slowly due to heavy traffic, but that he was traveling the same speed as other drivers and was not impeding traffic.

Two witness officers stated the complainant was double parked in a lane of traffic for no apparent reason. The witness officers stated other drivers were forced to merge into the next lane in order to pass the complainant's car, causing additional delays in an already congested area.

No other witnesses were identified.

The named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report.

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer recklessly attempted to bypass traffic by driving an unmarked car in a bicycle lane along a congested street, and that when the bicycle lane narrowed, he swerved and tried to merge in front of the complainant. The complainant stated he did not allow the named officer, whom he believed to be a reckless civilian driver, to merge in front of him.

Two witness officers stated the named officer drove in a safe and professional manner, and that they never observed the named officer drive in a bicycle lane or swerve.

No other witnesses were identified.

The named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 05/24/16 **PAGE #2** of 4

SUMMARY OF ALLEGATION #3-5: The officers failed to comply with Department General Orders 9.01 and 5.08.

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

FINDINGS OF FACT: The complainant stated he was pulled over on a congested street when he heard a siren and saw emergency lights through his rear window. He was expecting to see a uniformed officer approach his driver side window and was startled when a man in civilian clothes walked toward him instead. The complainant did not understand that the man approaching his car was an officer until the man reached his window and held out a badge. The complainant stated plainclothes officers should not conduct traffic stops because it is alarming to see a non-uniformed person approaching your driver side window when you think you have been pulled over by a police officer.

One named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report. This finding pertains only to two named officers.

Two named officers stated they contacted the complainant because he was double-parked in a lane of traffic for a prolonged period of time, which constituted an “aggravated situation” requiring them to take immediate action to protect life or property. The named officers explained that the situation was “aggravated” because they suspected the complainant was intoxicated or needed help. The officers stated that a drunk driving investigation falls under the “aggravated situation” exception to the rule prohibiting plainclothes officers from conducting traffic enforcement. The officers stated they did not call for uniformed backup officers because the complainant was already stopped or parked, which meant they did not initiate a traffic stop.

With limited exceptions, DGOs 9.01 and 5.08 prohibit plainclothes officers from conducting traffic enforcement activity. Department General Order 9.01 states that “moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers.” Department General Order 5.08 states that “non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except...[w]hen witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.” Additionally, when non-uniformed officers initiate traffic stops, they are required by DGO 5.08 to call for the assistance of a marked backup unit.

By detaining and citing the complainant, the named officers conducted traffic enforcement in violation of Department General Orders 5.08 and 9.01. A stopped or double-parked car does not pose the same threat to public safety as a drunk driver and is not “an aggravated situation requiring immediate action.” In fact, the streets of San Francisco, and especially busy traffic areas such as where this incident took place, are constantly in a stage of gridlock, and double-parked vehicles are often the cause.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 05/24/16 **PAGE** #3 of 4

FINDINGS OF FACT #3-5: (continued):

Additionally, the named officers failed to request uniformed officers to back them up as required by DGO 5.08. The named officers stated they were not required to request backup because they did not initiate a traffic stop. However, a traffic stop occurs any time a driver is detained for traffic enforcement purposes, even if the car is stopped or parked.

No other witnesses were identified.

As plainclothes officers who engaged in traffic enforcement activity when no exigency existed, the officers violated DGOs 5.08 and 9.01. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #6: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the named officer pulled him over for impeding traffic as a pretense. The complainant stated the named officer pulled him over due to road rage because the complainant did not allow the named officer, who was wearing plainclothes and driving an unmarked car, to merge in front of him on a congested road. The complainant stated the named officer harassed him by repeatedly asking the same questions and implying that the complainant was intoxicated. The complainant stated the named officer seemed to be fishing for a reason to justify an inappropriate traffic stop. The complainant stated the named officer was extremely rude and disrespectful throughout the traffic stop.

Two witness officers stated they could hear the named officer speaking with the complainant, but could not hear the complainant's responses due to the ambient noise. The two witness officers stated the named officer acted in a professional manner and asked standard questions related to a drunk driving investigation.

No other witnesses were identified.

The named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 05/24/16 **PAGE #4** of 4

SUMMARY OF ALLEGATION #7-9: 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 pulled him over for impeding traffic as a pretense. The complainant stated the named officers really stopped him because he is African American. The complainant stated one named officer ordered him to surrender his keys during the traffic stop based on racial bias. The complainant stated two other named officers surrounded his car and stared at him during the traffic stop in an attempt to intimidate him.

One named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report.

The other two named officers denied engaging in biased policing. The two named officers stated they contacted the complainant because he was double parked for a prolonged time in a congested area. The named officers stated they approached the complainant to investigate if he was intoxicated, or experiencing a medical or mechanical issue. The named officers stated they were unaware of the complainant's ethnicity until they walked up to his window. The named officers denied that the complainant's ethnicity influenced their treatment of him.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 1 of 9

SUMMARY OF ALLEGATION #1: The named officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the named officer detained him. During the detention the complainant stated that the named officer made inappropriate comments and acted inappropriately when she kicked his legs apart so he nearly lost his balance. The complainant stated that the named officer had her arm around his throat but stated that he could still speak.

The named officer denied the allegation, stating she did not choke the complainant and that the complainant could still speak and breath. The named officer stated the complainant was resisting and that she moved his legs apart to place him into custody.

The OCC reviewed the video recordings of the incident provided by the co-complainant. The video does not capture the entire contact between the complainant and the officer. The video does not show any inappropriate comments made to the complainant. The video does not indicate the named officer used a carotid restraint or compromised the complainant's airway. The video shows the complainant not cooperating with the officer and the named officer kicking the complainant's legs apart, but he does not lose his balance. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him for 148 (a) PC, resisting, delaying an arrest and 243 (b) PC, battery on a police officer without probable cause. The complainant admitted he moved around when the officer detained him. While detained, the complainant stated that spit accidentally left his mouth as he spoke, landing on a responding witness officer's face. The complainant stated he apologized to the responding witness officer.

The named officer denied the allegation. She stated the complainant was in a rage, screaming and moving the entire time and that his act of spitting was intentional.

The witness officer who was spat on stated he has been spat on many times, knows the complainant, and stated he did not think the complainant meant to spit on him and thought the spit could be directed at the arresting officer. Video evidence indicated the complainant apologized twice to the witness officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 2 of 9

SUMMARY OF ALLEGATION #3: The officer searched a vehicle without probable cause.

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

FINDINGS OF FACT: The complainants stated the named officer searched a vehicle owned by the complainant's wife without probable cause. The complainants stated that the car had nothing to do with this incident and was parked a half block away. The complainant's stated that when the complainant was placed into custody and then searched, the named officer removed the complainant's car key and alarm fob, and cash from the complainant's person. The car was parked in the public street.

The named officer denied the allegation. She stated she had probable cause to search the car because the complainant had an immediate hostile reaction to police, was in an area known for drug trafficking and had an argument with a person that she believed was narcotics related. The complainant had a large amount of currency on him in small denominations common with narcotics sales. She further stated that she spoke to the co-complainant after detaining the complainant, who told her she needed the key to the car right away and this was inconsistent with what the co-complainant had told her earlier. The named officer ordered a subordinate to locate the car on the street, by "chirping" the alarm fob, locating the car and unlocking it. The car was a few parking meter "spots" away from the scene of the complainant's arrest. The named officer and her subordinate officers conducted a search of the vehicle and its contents based on these factors.

The named officer failed to state specific and articulable facts supporting her belief that the incident leading to the complainant's detention was narcotics related. The named officer did not provide statements from the parties, her observations of narcotics, narcotics paraphernalia, or a narcotics related transaction involving the complainant and the use of his parked vehicle. She failed to state specific articulated facts to support her belief of the presence of narcotics in the car or the fruits of narcotics sales as a predicate to searching the car. The car was legally parked. The named officer admitted she did not see the complainant near the car, entering it or exiting it prior to searching it.

The witness officer stated he did not know how the named officer figured the dispute between the parties was narcotics related. The Fourth Amendment presumes any search or seizure by a police officer without a warrant is unreasonable, absent a relevant, applicable exception to the warrant requirement.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 3 of 9

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainants stated the named officer used profanity. During the initial contact with the complainant, the complainant stated the named officer issued him a profanity-laced order and the co-complainant observed this. After the complainant was in custody, the named officer contacted the co-complainant and made use of profanity again. The co-complainant provided video recordings of the named officer using profanity during their contact.

The named officer denied using profanity at anytime. The named officer reviewed the video recordings and had no comments on the use of profanity

SFPD DGO 2.01(14). PUBLIC COURTESY. When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 4 of 9

SUMMARY OF ALLEGATION #5: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainants stated the named officer wrongfully confiscated \$393.75 from the complainant and failed to return the money.

The named officer denied the allegation. The named officer stated she found the currency while searching the complainant incident to his arrest for 148(a)(1) PC, resisting arrest, and 243(b) PC, battery on a police officer. The named officer stated the funds were evidence for an on going pending criminal narcotics investigation regarding the complainant's drug dealing.

The named officer failed to articulate specific facts that the complainant's funds seized in this arrest, were the result of any narcotics related activity or related to the charges she pressed against the complainant for this arrest. There was no further investigation into the complainant's alleged narcotics transactions as a result of this arrest. The seizure of the complainant's cash was proper at the time of the arrest, and the named officer properly processed the funds. However, the named officer failed to return the funds to the complainant upon his release from the station that same night, when the officer failed to articulate that the seized funds were related to criminal activity and also were not evidence of the charges placed against the complainant of resisting arrest and battery on an officer.

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 #6: The named officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated that the named officer made statements to him as a black man she would not have made to a white person in a different neighborhood.

The named officer denied the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 5 of 9

SUMMARY OF ALLEGATIONS #7-8 The officers searched a vehicle without probable cause.

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

FINDINGS OF FACT: The complainants stated the named officers searched a vehicle without probable cause. They stated the named officers, improperly searched a legally parked vehicle belonging to the complainant's wife located half a block from the scene of the complainant's arrest. The complainants stated the officers located the vehicle by using the key fob alarm to find the car. The officers then unlocked the car and searched its contents, with negative results.

The named officers denied the allegation. They stated they were called to the scene by a supervisor requesting assistance in a search. The named officers stated they performed all the acts described by the complainant but did so because they acted upon the direct order of a supervisor.

No additional witnesses came forward.

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

SUMMARY OF ALLEGATION #9: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated an officer who drove him to a police station made a sexually derogatory comment.

The named officer denied the allegation, stating he did not recall the incident or having any conversation with the complainant when he transported the complainant to the station.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 6 of 9

SUMMARY OF OCC-ADDED ALLEGATION #1: The named officer failed to properly supervise.

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

FINDINGS OF FACT: The named officer denied the allegation. The named officer stated she issued her two subordinates a direct order to search a vehicle based on her underlying rationale that she had complied with applicable law and policy.

The investigation showed that the named officer had no probable cause to perform the vehicle search. The named officer's lack of probable cause resulted in her neglect of duty to properly supervise her subordinates.

DGO 1.04, Duties of Sergeants states in part "Sergeants shall have immediate control and supervision of assigned members." It further requires Sergeants to insure that their subordinates comply with applicable law and SFPD policies.

Since the named officer lacked probable cause to search the vehicle, she issued her subordinates an unlawful order, therefore improperly directing and supervising them. Moreover the officer failed to insure her subordinates complied with applicable law, specifically the Fourth Amendment of the U.S. Constitution.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 7 of 9

SUMMARY OF OCC-ADDED ALLEGATION #2: The named officer failed to maintain knowledge.

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

FINDINGS OF FACT: The named officer is a 22-year veteran of SFPD and a supervisor. The named officer stated she has extensive training in search and seizure.

The named officer denied the allegation. She stated if she does not know something, she knows where to look, performs self-study in her chosen field of narcotics and attends continuing education to supplement her knowledge.

The named officer lacked knowledge of the Fourth Amendment and probable cause needed to search a vehicle, confiscate funds belonging to the complainant that were not evidence of a charge she arrested him for, and failed to timely return the confiscated funds. The deficiency was a violation of DGO 2.01, Rule 7 which states "Members shall maintain a working knowledge of all information required for the proper performance of their duties."

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

SUMMARY OF OCC-ADDED ALLEGATION #3: The named officer wrote an inaccurate, incomplete incident report.

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

FINDINGS OF FACT: The named officer denied the allegation. She stated her report was complete and accurate and that because she on-viewed the incident, and she should have written and approved the report.

The named officer is a veteran officer and supervisor who made critical omissions in her incident report. The named officer failed to include specific, articulable facts supporting probable cause to perform a vehicle search consistent with applicable law and SFPD policy. The named officer failed to state specific, articulable facts as to why currency she confiscated was linked to a charge of battery on a police officer and resisting arrest, should be confiscated and not returned to the complainant. The named officer failed to articulate the specific intent required for the crime of battery, a relevant element of the crime. The named officer failed to obtain written statements from the witness officer (victim) and the co-complainant who was a witness at the scene that may have included exculpatory information. The named officer's report contained spelling, grammatical and usage errors, drawing additional attention because the named officer was also the reporting and reviewing officer.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 8 of 9

SUMMARY OF OCC-ADDED ALLEGATION #3 continued:

FINDINGS OF FACT: DM-11 Report Writing Manual Introduction states, "Preparing factual and thorough incident reports is one of the most important duties of a professional police officer." SFPD Department Bulletin 14-206 states "Supervisors are responsible for reviewing incident reports to ensure that all pertinent information is contained in the report." The named officer had a dual responsibility. The named officer was required as a) the reporting officer to ensure that all substantive elements were included in her report; and as b) reviewing officer, that all content in her report was appropriate and complete.

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

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

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

FINDINGS OF FACT: The named officer denied the allegation. The named officer stated he read the officer's report. He stated his subordinate stated sufficient probable cause and that he counts on her as a veteran officer of her caliber to assure the content of her report is appropriate and complete.

The named officer was the approving officer for an officer's incident report. The named officer was the station platoon commander and responsible for verifying completeness and accuracy of all reports.

The named officer failed to assure his subordinate's report accurately and completely documented relevant elements of search, seizure and probable cause consistent with Department policy and applicable law regarding a vehicle search. The named officer failed to require the reporting officer to state specific, articulable facts as to why currency confiscated as evidence was linked to charges of PC 243(b), Battery on a Police Officer and PC 148(a) and could not be returned to the complainant upon his release that same night.

SFPD Department Bulletin 14-206 states "Supervisors are responsible for reviewing incident reports to ensure that all pertinent information is contained in the report." The report contained numerous inaccuracies. The named officer failed to take required action, in violation of Department General Order 3.01, which states members shall comply with the provisions of "A" Bulletins.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/08/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 9 of 9

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

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

FINDINGS OF FACT: The named officer was the approving officer for an officer's incident report. The named officer failed to assure his subordinate's report accurately and completely documented relevant elements of search, seizure and probable cause consistent with Department policy and applicable law regarding a vehicle search. The named officer failed to require the reporting officer to state specific, articulable facts as to why currency confiscated as evidence was linked to charges of PC 243(b), Battery on a Police Officer and PC 148(a), resisting arrest.

The named officer denied the allegation. The named officer stated he read the officer's report. He stated his subordinate stated sufficient probable cause and that he counts on her as a veteran officer of her caliber to assure the content of her report is appropriate and complete.

The named officer was the station platoon commander and responsible for verifying completeness and accuracy. SFPD Department Bulletin 14-206 states "Supervisors are responsible for reviewing incident reports to ensure that all pertinent information is contained in the report." The report on its face contained numerous inaccuracies. The named officer failed to take required action, in violation of Department General Order 3.01, which states members shall comply with the provisions of "A" Bulletins.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers failed to respond to her call for service concerning a suspicious person involved in drug related activities in a stairwell, lurking outside one of the buildings in her apartment complex. There are four high-rise buildings in this complex. The complainant described the unknown suspect to police dispatch and provided a location of where the suspect could be located. The unknown person remained in the stairwell for approximately thirty minutes after the complainant called police dispatch. This unknown person voluntarily left the area after this time period. The complainant stated she watched the activities of this unknown person the whole time, but police never showed up at the scene.

The named officers stated they responded to the scene of this incident. They got out of the patrol car and walked around the area including multiple stairwells, looking for the suspicious person. The named officers stated they did not see anyone matching the description of the suspicious person provided by the complainant. The named officers stated they also spoke to other people in the area. One person said they did not see or hear anything suspicious. Another person stated an unknown male was yelling at people earlier, but the unknown male had left the area.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/16 **DATE OF COMPLETION:** 05/27/16 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in an online complaint that he was pulled over and issued a traffic citation by the named officer. The complainant stated the citation was “illegitimate” and claimed the named officer “pulled him over for no good reason other than filling a quota.”

The complainant did not respond to numerous efforts by the OCC to interview him.

The named officer stated he was driving a marked SFPD car behind another vehicle while southbound on 4th Street crossing Bryant Street on a solid green light. The named officer stated he observed the complainant, who was stopped at a solid red light eastbound Bryant Street at 4th Street, make a right turn onto southbound 4th Street, causing the vehicle in front of the named officer’s patrol car to brake in order to avoid colliding with the complainant’s vehicle. The named officer stated he stopped the complainant and cited him for violating section 22107 of the California Vehicle Code - Unsafe Turn. The named officer stated he did not cite the complainant to fill a quota, and denied that he had a citation quota.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/16 **DATE OF COMPLETION:** 05/27/16 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/16 **DATE OF COMPLETION:** 05/28/16 **PAGE#**1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/16 **DATE OF COMPLETION:** 05/28/16 **PAGE #1** of 1

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

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

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

San Francisco Municipal Transit Agency
11 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/29/16 **DATE OF COMPLETION:** 05/28/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department improperly seized and destroyed a package he had left at a FedEx store.

Department records show that the named officers responded to the FedEx store regarding a suspicious package left by the counter without any labels. The named officers were told that the complainant had been banned from all FedEx locations because he had threatened FedEx employees in the past. Records indicate that the package was booked into evidence as required.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/16/16 **DATE OF COMPLETION:** 05/28/16 **PAGE #1 of 1**

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

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

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

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/16 **DATE OF COMPLETION:** 05/28/16 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to release the complainant's property.

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

FINDINGS OF FACT: The complainant stated that he attempted to get his scooter released from property control numerous times. The complainant stated that the named officer refused to release his property.

The named officer stated that several district attorneys advised him that the complainant's property was still under the jurisdiction of the court and the complainant would have to file a motion and submit it to the court if he wanted his scooter released.

Department records showed that the complainant's scooter was ultimately released to him.

The evidence proved 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: 07/08/15 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that she and her friend were detained without justification while they were talking in the back seat of a parked car in a parking lot.

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

The named officers stated they responded to a call of an auto burglary in the parking lot. The officers stated that two males had been reported casing parked vehicles. The officers stated that when they looked around the parking lot, they saw the complainant and her friend in the back seat of a darkened vehicle. The officers stated the suspects' presence in the car and movements inside led them to suspect auto burglary or drinking inside the car. The named officers stated that when they contacted the complainant and her friend, the two voluntarily stepped out of the vehicle, where the officers identified, queried, and released them without incident.

A supervising officer stated the named officers had reasonable suspicion to contact the two subjects to determine what they were doing in the back seat of a dark vehicle at the location of the auto burglary call.

Another officer on scene did not recall the incident.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/15 **DATE OF COMPLETION:** 05/30/16 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate remarks.

The named officer denied he made any of the alleged remarks.

Two other officers on scene could not recall if the named officer made the alleged remarks. A third officer on scene had no recollection whatsoever of the incident.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #4: 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 asked a series of questions that were irrelevant to the report of a suspicious person in the parking lot.

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

The named officer stated that his questions were intended to establish why the complainant and her friend were in the back seat of a parked car in a parking lot where two suspects were reported to be casing parked cars.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/29/16 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he observed the named officer lean over from behind a handcuffed man and twist the man's wrist until he yelled in pain. The complainant stated that the man was seated and offering no resistance, and the officer used unnecessary force.

The named officer stated that he and his partner heard a radio call describing suspects in a theft from a restaurant, and detained a man whose distinctive clothes matched the description. The officers conducted a cold show with the restaurant employees, who positively identified the suspect. The named officer stated that when the suspect was told he was going to jail, he got extremely agitated, and said he was having a heart attack. The named officer stated he had to hold him in one position, as the man tried to walk away. He stated that the suspect tried to roll around, and that he employed a wristlock pain compliance technique to keep him from rolling onto his chest, which he said was in pain. When the ambulance came and the suspect heard the officers say they were going to release him after a citation, the suspect said, "Then I don't have chest pain. I'll leave."

The named officer's partner stated that the named officer used a wrist pain compliance technique to gain control of the suspect. He said that the man did not want to go to jail and claimed he was having a heart attack. He also stated that the man appeared to be "tweaking" on drugs and was very fidgety and tried to move around, so the named officer used the pain compliance technique to keep him in one spot until the ambulance arrived. Once the man learned that he was going to be cited and released, he denied he was having a heart attack and refused medical treatment.

Department records revealed that the man was detained as one of a group of suspects had walked out of a restaurant without paying for their food.

A witness who worked at the restaurant stated that after she called police, officers located a suspect nearby. She stated that she positively identified the man as one of the suspects but that she did not witness any use of force by the named officer.

The man detained and cited by the officer is homeless.

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: 09/10/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer stopped and cited her for making a right turn on a red traffic light. She stated she did not have a complaint regarding the citation. She stated the named officer laughed uncontrollably when he issued the citation and told her, “Oh, that will teach you how to drive.” The complainant stated the named officer’s behavior was inappropriate and disrespectful. She stated that she is an older woman, visiting San Francisco, who was lost. She stated she would have expected the named officer to help her find her hotel, not laugh.

The named officer acknowledged contact with the complainant, but denied laughing at the complainant and making the alleged comment. He stated he was professional throughout the contact.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/16 **DATE OF COMPLETION:** 05/28/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/16 **DATE OF COMPLETION:** 05/27/16 **PAGE #** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers detained a person without justification.

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

FINDINGS OF FACT: The complainant, who wished to remain anonymous, stated that the named officers detained a Latino male without justification.

The named officers stated that the Latino male was detained and subsequently arrested because he had a no bail warrant.

The arrestee did not come forward.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer used harsh and uncivil language.

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

FINDINGS OF FACT: The complainant stated that the named officer used harsh and uncivil language towards him.

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: 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 arrestee did not come forward.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer failed to provide name and star number.

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

FINDINGS OF FACT: The complainant stated that the named officer failed to provide his name and star number.

The named officer and his partner denied the allegation.

The arrestee did not come forward.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officer should be “removed.” The complainant refused to provide a recorded statement and refused to provide additional information.

The complainant failed to provide additional information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer misused her police authority by filing police reports of domestic violence incidents against the complainant. The named officer and the complainant were former romantic partners.

The named officer denied the allegation, denying that she misused her authority in filing police reports against the complainant for harassing phone calls. The named officer stated she notified her supervisor of the incidents in compliance with Department General Order 6.20, Member-Involved Domestic Violence.

Witness officers, who prepared the incident reports, stated that named officer did not make any comments that would indicate any ulterior motive for filing the reports.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/15 **DATE OF COMPLETION:** 05/30/16 **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 the named officer stopped him for speeding. The complainant stated the officer asked for his driver's license, proof of insurance and registration. The complainant stated that he was nervous and was shaking as he handed the officer his ID. He could not find his current registration and gave the officer an expired one. He finally found the current registration and gave it to the officer. The complainant stated the officer asked him if he was on drugs and if he had been smoking. The complainant stated his eyes may have been red due to allergies. The complainant felt the questions were completely out of line and that the officer had no right to ask such questions.

The named officer was interviewed. He had no recollection of the incident.

No 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 Department Bulletin 14-059, Traffic Stop Data Collection Program Information.

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

FINDINGS OF FACT: Department records show that the named officer did collect the required traffic stop data.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #2: The San Francisco Police Department failed to comply with Department Bulletin 14-059, Traffic Stop Data Collection Program Information.

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

FINDINGS OF FACT: During the course of the investigation, the OCC queried the SFPD Legal Division to determine if the named officer complied with Department Bulletin 14-059 regarding collecting and recording traffic stop data information. The SFPD Legal Department replied that they had no document responsive to the OCC request. The OCC then brought an OCC added allegation against the officer of Neglect of Duty for failure to comply with DB 14-059.

The named officer was interviewed by OCC and stated that he is assigned to the San Francisco Police Department Airport Bureau as a motorcycle officer. The named officer stated that his motorcycle is not equipped with an MDC. The named officer stated that in order to comply with DB 14-059, airport bureau motorcycle officers complete a form regarding the E585 data entry. At the end of the officer's watch, the form is attached to the citation and submitted to the Records room and the Records Division is responsible for making the required E585 entry.

A San Francisco Police Department Subject Matter Expert (SME) was interviewed regarding procedures for Airport Bureau officers to be in compliance with DB 14-059. The SME stated that solo motorcycle officers are expected to complete the E585 "form". The SME stated that the officer completes the form and subsequently submits the form to the Records section at the airport where it is compiled. A member of the clerical staff then completes the data entry. Motorcycle officers at the airport do not have access to a Level II terminal and are not expected to enter the E585 data into the system themselves. The officers' ability to comply with Department Bulletin 14-059 is limited or modified in the sense they complete the form, but it's forwarded to a location where the data entry is done by a clerk who has access to a Level II terminal. The form is entered into a spreadsheet by clerical staff and then emailed to the Planning Division of the Crime Analysis Unit.

The OCC investigation revealed that there is a backlog of E585 forms at the Airport that have not been processed. The named officer completed the E585 form but it had not been processed due to the backlog.

The evidence proved that the act by the member was justified by Departmental policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure or regulation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/16 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

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

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

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

Better Business Bureau, Inc.
1000 Broadway, Suite 625
Oakland, CA 94607

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/16 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant stated that he was arrested in another county for an outstanding warrant and was transported to the San Francisco county jail, where he was held for one year on a vandalism charge. The complainant suspects that an unidentified officer placed a false vandalism charge on his record.

Department and Court records established that the complainant was arrested in another county for a warrant arising from a felony arrest in San Francisco for battery. The complainant's San Francisco criminal history records have no record of a vandalism charge.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1** of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to conduct a proper investigation.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/05/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #2** of 2

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

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

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

San Francisco District Attorney's Office
Hall of Justice
ATTN: Administration
850 Bryant Street, Rm. 322
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 18, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take enforcement action.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a member of the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on May 20, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 12, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 13, 2016.

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 13, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer yelled and threatened him during a dispute.

The named officer stated that the complainant and the complainant's wife were the named officer's wife's tenants. The named officer, who was off-duty at the time of the dispute, denied threatening the complainant.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The named officer used profanity.

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

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

The named officer stated that the complainant and the complainant's wife were the named officer's wife's tenants. The named officer, who was off-duty at the time of the dispute, denied using profanity.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was driving his girlfriend's vehicle when the named officers stopped him. The complainant stated he had no license plate on the car, but tried to show officers a permit from the Department of Motor Vehicles allowing him to drive the vehicle. The complainant stated the officers did not bother to look at his documents. The complainant stated the stop was unlawful because he had a permit to drive the vehicle that day.

The named officers stated that they stopped the complainant for having no license plate attached to the rear of his vehicle.

The permit (Vehicle Moving Permit) the complainant claimed allowed him to drive the vehicle without registration did not allow the vehicle to be operated without license plates. Additionally, the date on the DMV permit offered as evidence appeared to have been tampered with and was not clearly legible, which the permit stated rendered it void.

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

SUMMARY OF ALLEGATIONS #3: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he should not have been given a citation, because he had a document allowing him to drive. The complainant acknowledged that he had no license plate attached to the rear of his vehicle and no proof of financial responsibility in his possession at the scene.

The named officer stated that she issued a citation for no rear license plate and no proof of insurance. The citation showed that the named officer issued a citation for those violations.

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:** 05/28/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers behaved and spoke inappropriately.

The named officers stated they were professional during the contact.

One witness who the complainant stated was on the phone with him during the incident failed to respond to numerous requests for an interview.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated that one of the documents that he gave to the named officer was a citation from an earlier incident. The complainant stated the officer failed to return the citation to him.

The named officer denied the complainant gave him a citation from a previous stop.

The named officer's partner could not recall the complainant giving the named officer a citation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #7 - 8: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that soon after he was released with a citation from one traffic stop, the same officers pulled him over again, for no reason. The complainant denied being on his cell phone.

Department records indicated that the named officers, who had not stopped the complainant earlier that day, stopped the complainant for using a cell phone while operating his vehicle.

The named officers stated they were not aware of the previous stop when they stopped the complainant, and when they were informed by the officers who had conducted the earlier stop, they admonished the complainant for use of a cell phone while driving.

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: 06/18/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer should not have cited him for riding his bicycle through an intersection. The complainant stated he came to a full and complete stop at the intersection, even though he balanced in place rather than touching his foot to the ground.

The named officer stated he cited the complainant because he watched him ride past a stop sign without stopping.

Another bicyclist stated she and the complainant both failed to stop at the stop sign. The other bicyclist was also cited.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer yelled and screamed at him while issuing a traffic citation. The complainant stated the named officer rudely told him, "I am an officer of the law, so you have to stop." The complainant stated the named officer threatened to take him to a police station because the address on his license was illegible and he refused to answer questions about his address. The complainant stated the named officer had no authority to ask for his identification in the first place. The complainant stated the named officer also threatened to arrest him for using profanity and obstruction.

The named officer denied yelling, screaming, or acting in a rude manner. The named officer stated he raised his voice only when ordering the complainant to pull over because the complainant failed to yield to his lights and siren. The named officer denied threatening to arrest the complainant. The named officer stated he advised the complainant that, if he refused to provide identification, he would be taken to a police station for identification purposes.

The named officer pulled over another bicyclist at the same time he pulled over the complainant. The other bicyclist stated the named officer was polite and courteous and did not threaten to arrest either of them. She stated the complainant told the named officer he did not have identification. She stated the complainant was belligerent and yelled loudly the entire time she was present. The other bicyclist received a citation and left before the named officer cited 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: 06/18/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Order 9.01, Traffic Enforcement.

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

FINDINGS OF FACT: The complainant stated the named officer announced he was citing him for two violations instead of one because of the complainant's bad attitude. The complainant stated the other cyclist was only cited for one violation.

The named officer stated he cited the complainant and another bicyclist at the same time. The named officer stated the complainant used profanity, acted rudely, and initially refused to provide identification. The named officer stated he explained to the other bicyclist that he would cite her first because the complainant was behaving badly by refusing to provide identification. The named officer stated he based the complainant's citation solely on witnessing a traffic violation, not on the complainant's attitude. The named officer stated the second violation listed on the citation was only an advisement that bicyclists are subject to the same laws as motor vehicle drivers.

The other bicyclist who was cited stated the complainant was yelling loudly and acting belligerent. She stated the complainant told the named officer that he did not have identification. She stated the named officer apologized for subjecting her to the complainant's bad behavior and explained that he would cite her first, so she could leave.

Records indicated the complainant and bicyclist were both cited for failing to stop at a stop sign. The complainant's citation also contained an advisement that bicyclists are subject to the same rules of the road as vehicles. Adviseements do not result in monetary fines.

Department General Order 9.01, Traffic Enforcement, prohibits officers from letting the attitude of a violator influence their enforcement action. Although the named officer described the complainant as having a bad attitude, there is no indication that the complainant's attitude influenced the named officer's enforcement action. The named officer cited both the complainant and another cyclist who was more cooperative for the same violation. Adding an advisement to the citation, which did not result in a monetary fine, was appropriate given the complainant's initial refusal to provide identification.

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: 05/21/16 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

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

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

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

Animal Care & Control
1200 15th Street
San Francisco, CA 94103
(415) 554-6364

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/16 **DATE OF COMPLETION:** 05/30/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was “punched” in the head with a “flashlight.” In addition, the complainant stated he was kneed in the stomach, causing him to fall to the ground where he was taken into custody.

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

One of the named officers stated that he attempted to arrest the complainant for selling drugs and the complainant resisted arrest. This officer stated he struggled with the complainant, who reached into his pocket and pulled out a folding knife, prompting both officers to use force to get him to the ground where he was handcuffed.

The second named officer stated that he saw his partner attempt to arrest the complainant, who resisted. This officer then approached the complainant and put him in a headlock. This officer stated his partner told him that the complainant had a knife, which led this officer to believe that the complainant was about to use lethal force on him or his partner. In response, this officer stated he struck the complainant in the torso with his knee, which had no effect. He then attempted to strike the complainant in the torso with his radio but missed, causing him to hit the complainant in the head area instead. The complainant was then taken to the ground where he was handcuffed.

Video footage taken from a hotel surveillance system captured the interaction and corroborated much of the named officers’ statements. However, the complainant’s hand and knife are not visible in the video and there is no sound. The video showed the complainant resisting/struggling with the officers and a crowd of about 10-20 people gathering around the officers.

No witnesses were identified.

The officers’ use of force was documented in the incident report and in the use of force log as required. There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to take the complainant into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that one of the officers approached him and asked him if he had “Roxy.” When the complainant said no, he was placed under arrest.

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

The first named officer stated that he approached the complainant, who was dancing and saying, “Roxy.” The officer, who was in plainclothes, stated that he told the complainant he wanted some. A man in a car next to the complainant said, “Not to him,” as the man in the car recognized the officer. The complainant tried to put a bag of pills into his mouth but dropped them on the ground as the officer grabbed the complainant’s arm. The complainant resisted arrest and the second named officer came to assist. They eventually arrested the complainant, but the bag of pills on the ground was gone. The officers did find a container with drug residue inside and a folding knife, which the named officers stated the complainant pulled out to use on them.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged that the officers stole \$75 from him.

The named officers stated they did not remember confiscating any money from the complainant and denied stealing any money from 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: 09/01/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated she was socializing with two individuals in a park when she saw the named officer approach an unknown male who was sleeping. The complainant stated the officer kicked the man and yelled for him to get up. The complainant stated she told the officer that he did not have to do that. The officer escorted the man out of the park and began to clear the park. The officer then asked the complainant for identification, and she argued with him about the legality of his request. The complainant was then taken into custody and transported to the station.

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

The named officer stated he was rendering aid to a person who had passed out in the park when the complainant started yelling at the officer to leave the man alone. After escorting the unidentified man from the park, the officer returned to the park to cite the complainant for a violation. The officer could not recall the violation because he did not have a copy of the citation. He stated the complainant refused to provide her identification, prompting her arrest. After the complainant was identified at the station, she was cited and released.

Department records show that the complainant was cited for violation of San Francisco Park Code section 3.02, Signs to be Obeyed.

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

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

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

FINDINGS OF FACT: Department records show that the complainant was cited for violation of San Francisco Park Code section 3.02, Signs to be Obeyed.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that during her detention and arrest, the named officer intentionally stepped on her foot, causing her pain. In addition, the complainant stated the officer also pushed and pulled her by the arms while she was handcuffed.

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

The named officer was interviewed and he denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer spoke and behaved inappropriately.

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

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

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

The named officer was interviewed and he denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: In her written complaint, the complainant stated the named officer used profanity.

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

The named officer was interviewed and he denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, who was not present during the arrest, alleged that the named officers used unnecessary force on an arrestee, repeatedly slamming the arrestee into a wall.

The arrestee did not come forward.

The named officers denied using unnecessary force. Both officers stated the arrestee resisted as he was being escorted into the holding cell, prompting both officers to utilize academy-approved control holds. The named officers stated that the arrestee was not injured and did not complain of pain.

Department records showed that the arrestee was arrested on an outstanding warrant.

A video provided by the complainant was inconclusive regarding the use of force by the named officers.

No independent witnesses were identified.

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

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

SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate, incomplete incident report.

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

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

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 2 of 2

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

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

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

San Francisco Sheriff's Department
Attention: Internal Investigations
Lieutenant Charles Flewelling
25 Van Ness Avenue, 3rd Floor
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was vandalized by three females, prompting him to call 911. The complainant stated that the females started calling their friends, so he left the scene and drove to a nearby police station. As he was driving into the police station parking lot, the complainant stated he came across the named officer and told him what had occurred. The complainant stated the named officer failed to detain or identify one of the suspects who appeared while the complainant was talking to the named officer.

The named officer stated he was returning to the station from his “10-B Assignment” (overtime assignment) when the complainant approached him while the named officer was stopped at an intersection near the police station. The named officer stated the complainant told him that his vehicle had been vandalized a block away and that the complainant wanted to file a police report. The named officer stated that because his hand held radio battery died, he told the complainant to meet him inside the police station where he could take his report. The named officer stated the complainant told him, “My car is right over there.” The named officer again told the complainant to meet him inside the station, so the named officer could take his report. While talking to the complainant, the named officer stated the complainant pointed to a witness. The named officer asked the witness if she knew what had occurred, and the witness denied knowing anything about what the complainant was talking about. The complainant then decided to go back to his car to wait for the officers to be dispatched to the 911 call he had made.

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 2.01 section 57, Conflict of Interest in Investigations.

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

FINDINGS OF FACT: The complainant stated that the suspect called the named officer “uncle,” covering up her identity.

The named officer denied the allegation, denying that he had any personal or familiar relationship with the woman who walked by when he was speaking 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: 01/25/16 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated she was working as a parking attendant at a farmer's market and told a man to move his car. She gave two different versions of what happened next. In one version, the man slammed his car door and walked off. In the other version of events, the man opened his door "roughly and knocked me back with the door and then he pushed me and knocked me into his car." The complainant stated she took a photo of the suspect in his car but it did not capture the license plate. She called the police and told them what had occurred. Two officers responded. The complainant showed the named officer the photo and asked for an incident report. The complainant stated she was on pain medication at the time of the incident. The complainant stated she refused medical assistance. The complainant stated the officers asked her questions that had nothing to do with being pushed onto the suspect's car. For example, the complainant was asked if she had been in any trouble. The complainant stated she was making a complaint because the officers were "ridiculous" and "foolish."

Two witness officers stated they were briefly at the scene before the sector car arrived. Both officers stated they did not hear the conversation between the complainant and the named officer. The witness officers stated they left the scene when the sector car arrived and took over the investigation.

The named officer stated he spoke to the complainant and wrote an incident report. He stated the complainant was hostile and agitated and used derogatory language toward them. The named officer did not recall refusing to take a report because the complainant would not go to the hospital. He did not recall asking the complainant if she had ever been in any kind of trouble.

The named officer's partner stated he and the named officer offered to take a report multiple times. He stated the complainant was very agitated and kept saying the officers were not helping her. He stated the complainant eventually took a copy of the report number. The named officer's partner stated he did not ask the complainant if she had ever been in any kind of trouble and did not hear any other officer ask her that question.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer did not cite him but harassed and threatened him in an obvious racially motivated attack after the complainant temporarily double-parked his car.

The named officer and his partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer did not recall the incident. The named officer stated that the complainant admitted being double-parked and that the named officer would have been justified to point out the violation.

The named officer's partner stated he and the named officer observed the complainant's vehicle double-parked, blocking the roadway, prompting them to make contact with the complainant. He denied that the complainant's race played any role in their decision to make contact with him.

A witness stated he did not hear the conversation between the named officer and the complainant. The witness stated he was also told to move his vehicle.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The named officer could not recall the incident in question.

A witness stated he did not hear the conversation between the named officer and the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/12/15 **DATE OF COMPLETION:** 05/30/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he requested the named officer's name. The complainant stated the named officer rattled off a badge number, which the complainant was unable to remember.

The named officer could not recall the incident in question.

A witness stated he did not hear the conversation between the named officer and the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he was stopped for having a broken tail light. The complainant stated he had already been previously cited for the same violation.

The named officers stated they initiated a traffic stop on the complainant for a mechanical violation.

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

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

SUMMARY OF ALLEGATION #3: The officer displayed firearms without justification.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the officers had their firearms drawn during the traffic stop.

All responding officers were interviewed and they all denied drawing their weapons. They stated the traffic stop was unremarkable and the complainant was calm and cooperative during his arrest. They stated they had no need to draw their firearms.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #4 - 5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested him for an existing mechanical violation for which he had already been issued a “fix-it” ticket.

The named officers stated that the complainant was arrested on a no-bail warrant.

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

SUMMARY OF ALLEGATIONS #6 - 7: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated multiple white officers at the scene of his traffic stop made inappropriate, threatening comments to him.

The named officer denied the allegation. He stated the complainant appeared to be developmentally disabled, spoke like a child and asked questions that reflected an apparent lack of understanding of the questions he was being asked.

The OCC found there was only a single Caucasian officer at the scene of the complainant’s traffic stop.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #8: The officer used profanity.

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

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

The named officer and witness officers denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated that a white officer ordered two onlookers to his traffic stop to disperse.

The named officer and witness officers denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #10 - 11: The officers used racially derogatory comments.

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

FINDINGS OF FACT: The complainant stated that multiple white officers made racially derogatory remarks and slurs while addressing him during a traffic stop.

The OCC found there was only a single Caucasian officer at the scene of the complainant's traffic stop.

The named officer and witness officers denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #12 - 13: The officers searched a car without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched his car, including his phone.

The named officers denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/15 **DATE OF COMPLETION:** 05/31/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #14: The officer used unnecessary force.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that officers struck him in the ribs because he would not walk to a police car.

All of the involved officers were interviewed and they all denied using any force.

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 #: 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 partially referred to:

San Francisco Sheriff's Department
Attention: Internal Investigations
25 Van Ness Avenue, 3rd Floor
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he and his partner were sitting in a parked vehicle in a parking lot when his partner got into an argument with two females in an adjacent vehicle. The complainant stated that when his partner “left the area,” his partner was “physically assaulted” by the females. The complainant stated that the initial responding officer allowed the females to leave without getting their information, prompting the complainant to demand for a sergeant to respond to the scene. The complainant stated that when a supervisor responded to the scene, the complainant told him, “I want to file charges on the people who attacked my partner.” The complainant stated the supervisor then said, “You’ve been drinking. You don’t want to get into any trouble yourself.” At the point, the complainant and his partner left.

The complainant and his partner did not respond to OCC’s request for an interview.

The named officers denied the allegation. They stated they believed the complainant was intoxicated. The named officers stated the complainant was uncooperative and verbally abusive towards them. Both named officers stated no crime occurred in their presence. The named officers determined that no crime had been committed and, thus, no report was required. They denied being told about an assault. They stated the complainant never requested a citizen’s arrest. Both named officers stated the complainant was uncooperative and left on his own, walking away from the scene.

One of the named officers stated he on-viewed a crowd of approximately 10 people in the parking lot and heard people arguing. He did not observe any physical contact. He asked what was going on and several people said they were having an argument. The two males never said anything to him about an assault. He stated he did not detain the females and get their information because he had no knowledge that a crime had occurred and he did not witness a crime. Several witnesses he spoke to all said there was an argument. He stated that a verbal argument is not a crime in the State of California.

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: 04/29/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated she was arrested without cause for aggravated assault and making a terrorist threat. The complainant stated her roommate should have been arrested instead.

The named officers stated that the complainant accused the roommate of throwing a vase at her, and the roommate accused the complainant of throwing a vase at the roommate. As such, both the complainant and the roommate were arrested for assault with deadly weapon. In addition, the complainant was charged with threat because she allegedly threatened to stab her roommate.

A witness, who was in another part of the apartment where the incident took place, said he heard a threat by the roommate, but did not see what occurred between the complainant and the roommate.

Records from the Department of Emergency Management show that the officers responded to the complainant's apartment regarding a threat.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force by forcing her to the ground where she was placed in handcuffs.

The named officer and his partner denied the complainant was taken to the ground or that any force was used to handcuff her.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #4-5: The officers used sexual slurs.

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

FINDINGS OF FACT: The complainant stated the arresting officers described the complainant as a “big man,” and used a sexual slur in reference to the complainant.

The named officers and two other officers on scene denied the named officers called the complainant a man or used any sexual slur toward the complainant.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #6-7: The officers made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that she was inappropriately referred to as a male.

The named officers and other officers denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 3 of 4

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 call her landlord to verify that a threat was made to the complainant by her roommate a day before the complainant's arrest, and failed to take photographs of broken items in the kitchen that would indicate an assault was committed against her.

The named officers and two other officers denied the complainant told them that her landlord had witnessed a threat by the roommate. The named officers stated they took photographs of the crime scene.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #10: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated an unidentified officer, who did not match any of the officers involved, threatened her with additional criminal charges while she was at the police station.

The arresting officers and the transporting officers denied the allegation.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/15 **DATE OF COMPLETION:** 05/28/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #11: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated that her cellular phone was seized.

The arresting officers and the transporting officers denied the allegation.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint was partially referred to the San Francisco Sheriff's Department at:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he booked a hotel reservation through an online third-party vendor. He stated that when he arrived at the hotel, the hotel manager told him there were no rooms available. He stated that he requested a refund but was denied. He stated that he visited the district police station to file a theft complaint against the hotel manager. The complainant stated that the named officer would not allow him to write a statement for his incident report.

The named officer denied the allegation that the complainant was not given an opportunity to write his statement. She stated the complainant was given more than one opportunity to give both a written and verbal statement. She stated the complainant demanded to make a report and write a statement but would not give her information to make the report and refused to write a statement. She stated that she wrote an incident report detailing how the incident at the station unfolded.

A Police Services Aide who was present stated she made the initial contact with the complainant, but when he became difficult she requested the assistance of a supervisor. She stated she asked the complainant basic questions regarding the incident and the complainant refused to provide answers. She stated she gave the complainant a blank piece of paper to write his information down and he became fixated on the paper. She stated the piece of paper was not for him to write a statement.

The hotel manager stated that the complainant booked an online hotel reservation. He stated that the complainant arrived at the hotel before the check-in time and there were no rooms available. He stated that the complainant requested a refund, and he told the complainant he needed to request a refund from the reservation vendor. He stated the complainant was not charged for his room.

Department records showed that the named officer generated an incident report regarding the complainant's incident. In the report, the complainant's summarized statement was consistent with the statement the complainant provided to the OCC.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/15 **DATE OF COMPLETION:** 05/27/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer did not return his identification card and when he requested that she return his ID, she refused. The complainant stated that the named officer ordered him to leave the station and threatened to arrest him for trespassing if he did not leave. The complainant also stated that the named officer instructed him to file his complaint online if he wanted to write his own statement of facts. He stated that he visited the SFPD website and the website instructed him to go to the police station and request a statement form.

The named officer denied that she refused to return the complainant's property. She stated that the complainant yelled profanities and behaved in a threatening manner so she provided him with information on how to file an online report. She stated she made a copy of the complainant's identification card and returned the original identification card to him. She stated that she ordered the complainant to leave the station and threatened to arrest the complainant because the complainant had threatened a police officer.

A non-sworn member of the San Francisco Police Department stated that the named officer acted professionally even though the complainant was aggressive and uncooperative.

No other witnesses were identified.

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

OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT
Amended 07/11/16

DATE OF COMPLAINT: 08/25/15 **DATE OF COMPLETION:** 05/28/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated he was parked in a designated “No Waiting” area for less than a minute waiting for his Lyft passenger at the San Francisco Airport Departure Terminal when he was approached by the named officer. The complainant stated the named officer scolded him, was rude and treated him like a criminal. He stated the named officer did not issue him a citation, but she told him, “I don’t ever want to see you doing this again.”

The named officer denied having any contact with the complainant on the date and time provided by the complainant. The named officer presented documentary evidence that she was not at the airport at the date and time complainant said he was in contact with her.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 05/31/16 **PAGE #1 of 5**

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

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

FINDINGS OF FACT: The complainant stated that he was walking down the street after making a purchase at Walgreens, when the named officer quickly approached him at gunpoint. He stated the named officer ordered him on the ground and subsequently placed him in handcuffs.

The named officer stated that he was pursuing three shooting suspects in the area. He stated that he observed a group of males, which included the complainant, jump a wall in the area surrounding the shooting scene. He stated the complainant was detained because he was told to stop and he continued to walk.

The named officer's partner stated that there was reasonable suspicion to detain the complainant because the complainant was a half block away from a shooting location, and the complainant hopped a locked fence with three known criminal street gang members. He also stated that it was suspicious that when the four males saw officers approaching, the complainant and two of the gang members walked away from each other, while the other gang member fled.

Records from the Department of Emergency Management show that police responded to the area on a report of a shooting.

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

A friend of the complainant, who reportedly was present at the detention, did not respond to requests for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 05/31/16 **PAGE #2 of 5**

SUMMARY OF ALLEGATION #2: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant stated that the named officer placed him in tight handcuffs, causing marks on the complainant's wrists.

The named officer denied the allegation, stating that he was able to place his finger between the handcuffs and the complainant's wrists.

A friend of the complainant, who reportedly was present at the detention, did not respond to requests for an interview.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he complied with the named officer's order to get on the ground, but the named officer still placed his foot on the complainant's back and subsequently placed him in handcuffs. He stated that he still had back pain from the contact.

The named officer denied placing his foot on the complainant's back or using any excessive force.

The named officer's partner denied that the named officer placed his foot on the complainant's back or used excessive force.

A friend of the complainant, who reportedly was present at the detention, did not respond to requests for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 05/31/16 **PAGE #3 of 5**

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

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

FINDINGS OF FACT: The complainant stated he was wearing white pants, and that the named officer ruined the complainant's pants when the named officer ordered him to the ground. In addition, the complainant stated the named officer refused to listen to him about not being involved in the shooting.

The named officer and his partner denied the allegation.

A friend of the complainant, who reportedly was present at the detention, did not respond to requests for an interview.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer pointed his weapon at him and said, "Get your ass on the fucking ground!"

The named officer and his partner denied the allegation.

A friend of the complainant, who reportedly was present at the detention, did not respond to requests for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 05/31/16 **PAGE #4 of 5**

SUMMARY OF ALLEGATIONS #6-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that he informed the detaining officer several times that he was a juvenile. The complainant stated that the detaining officer did not read him his Miranda advisement and refused to speak to his mother, who requested to speak to the officer through a friend's cell phone speaker during the detention.

The co-complainant, the complainant's mother, stated the detaining officer did not follow proper police protocol. She stated that she should have been notified that her son was detained. She stated that she discovered her son was detained on the Internet and immediately called the complainant's friend who posted the message about the detention. She stated that she spoke to her son and subsequently asked to speak to the detaining officer, but the detaining officer refused to speak to her.

DGO 7.01 states that members shall take reasonable steps to read the Miranda advisement as soon as practical, but within a half-hour of taking the juvenile into custody. The name of the member reading the Miranda advisement shall be included in the police report. Also, members shall take immediate steps to notify the juvenile's parent, guardian, or a responsible person that the juvenile is in custody and the place where he or she is being held and members shall include in their incident report how notification was made or what actions the member took in attempting to notify parents or guardians. Members are required to ensure the safety of the juvenile in their care or custody. Members shall document the name of the responsible person to whom the juvenile was released in the police report or in the CAD history.

The named officers acknowledged that they eventually learned the complainant was a minor, but said they did not know until the end of a one-hour detention, which prevented the proper adherence to the requirements in DGO 7.01. The officer who detained the juvenile and was with him for the entirety of the detention acknowledged that he did not speak to or notify a parent of the complainant, but said he did not know the complainant was a juvenile at the time. In addition, the detaining officer stated that he tried to get the name of the complainant's aunt, to whom the complainant was released, but she refused to provide it.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 05/31/16 **PAGE #5 of 5**

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

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

FINDINGS OF FACT: Department General Order 7.01, Policies and Procedures for Juveniles Detention, Arrest and Custody, states that members shall include in their incident report how notification was made or what actions the member took in attempting to notify parents or guardians. Members shall document the name of the responsible person to whom the juvenile was released in the police report or in the CAD history.

The named officer wrote the incident report. Department records indicated that the named officer was notified that a detainee in the incident he was reporting was a juvenile. The named officer acknowledged that he learned the complainant was a juvenile and that he did not comply with the documentation requirements set forth in DGO 7.01. He stated that he did not know the complainant was a juvenile until he received a copy of a Certificate of Release with the age of the complainant indicated on it. He stated by then, it was too late to obtain some of the required documentation and he included what he had been given by other officers.

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

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

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

FINDINGS OF FACT: Department General Order 1.04, Duties of Sergeants, states that sergeants shall review their subordinates' arrests and reports for appropriateness and completeness.

The named officer stated she reviewed and approved the incident report. She acknowledged the detaining and reporting officers did not comply with all documentation requirements set forth in DGO 7.01.

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