

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/14 **DATE OF COMPLETION:** 06/22/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she heard screaming late at night and went outside to investigate. She stated she saw officers detaining a woman on the hood of a patrol car. She stated she later saw the handcuffed woman on the ground with her ankles bound. The complainant stated the woman was screaming and distraught.

Two witness officers stated they were the first officers to make contact with the detainee when they heard her screaming at her boyfriend, who told the police his girlfriend was intoxicated and he wanted to go home alone. The officers stated the woman kept following her boyfriend and refused to take a taxi home. They stated the woman was detained because she was intoxicated and unable to care for herself. They stated that the woman kicked one of the named officers and tried to bite, kick at and spit at other officers. The witness officers stated the woman was taken to the ground and her legs were restrained to keep her from kicking the officers. The witness officers stated the named officers did not use any reportable force on the woman. They further stated that the detained woman did not complain of pain, did not have any visible injuries and did not request medical attention.

Both named officers stated the woman was detained and handcuffed because she was highly intoxicated and unable to care for herself. The named officers stated that while being escorted to the patrol car, the woman kicked the thigh of the female named officer. The named officers stated they and other officers placed the woman on the hood of the car. The named officers stated the woman began spitting at, and trying to bite and kick officers. The named officers stated the woman was picked up and sat upright on the ground without the use of physical controls or force. The named officers stated the woman continued to kick officers and her legs were restrained. The named officers further stated the woman did not complain of pain, did not have any visible injuries and did not request medical attention.

The woman who was detained did not respond to a request for an interview.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #3 - 4: The officers failed to comply with Department General Order 5.07, Rights of Onlookers.

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

FINDINGS OF FACT: The complainant stated that while recording a police detention, two officers shined their flashlights at her, interfering with her recording. The cell phone videos provided by the complainant depicts two flashlights being shined at the complainant for a portion of the time she was recording the detention. The video also showed that when the complainant told an officer she wanted to videotape the detention, the officer replied, "No problem."

The investigation revealed that four officers were dealing with an intoxicated woman who had assaulted one officer and resisted being taken into custody. The two named officers stated that when the complainant arrived on scene, they shined their flashlights at the complainant. They stated that it was very dark outside and two other officers had their backs to the complainant. One of the named officers stated the complainant asked him if it was okay to record and he told her that it was fine. This officer stated that, because he did not know the complainant and did not search her for weapons, he kept his flashlight on her until the wagon arrived. He stated it was not his intention to obstruct the complainant's recording of the incident. He stated he was keeping the officers safe while their backs were turned away from the complainant

The second named officer stated the complainant came up behind him and he was trying to keep his eye on the detained woman as well as the complainant. He stated he didn't know who the complainant was and didn't know what her intentions were, and didn't know what she would do if she got closer to the officers. He stated his main concern was making sure the complainant did not make physical contact with other officers. He stated it was dark outside and he kept the complainant illuminated whenever he could. He denied deliberately aiming his flashlight at the complainant so she could not videotape the incident.

Two other officers at the scene stated they were busy with the detention and didn't pay any attention to the complainant. DGO 5.07 states that persons are permitted to remain in the immediate vicinity to witness detentions unless the officer safety is jeopardized, the person interferes or the person threatens to violate the law. The evidence showed that the complainant was allowed to remain in the immediate vicinity of the detention and to continuously record the detention.

The detainee did not respond to an OCC request for an interview.

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

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

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

FINDINGS OF FACT: The complainant stated that she got into a minor collision with another motorist who was a City employee. There was no damage, but because she was driving a taxi, she wanted police to assess the situation. Officers arrived and one of the officers repeatedly asked the complainant why she reported the collision to her cab company. She told the officer it was company procedure but he continued to ask her in a rude way. The complainant stated she got the feeling that the officer suspected she was setting up some sort of lawsuit or claim against the City.

The named officer stated he asked the complainant a few questions to investigate the collision. He denied being rude or suggesting that the complainant was trying to set up a lawsuit or claim against the City.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she felt singled out because she is of a mixed race and the other driver involved in the minor collision was white.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied that the complainant's race played a factor on how the investigation was conducted.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer made an inappropriate comment to her following her report of obscene emails. She stated he told her, "And you don't like that?" The complainant stated she told the officer his remark was not a joke

The officer denied the allegation. He stated he and the complainant had a miscommunication.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated she heard the named officer use profanity while speaking with a non-sworn employee about the complainant's vehicle.

The non-sworn employee stated he did not recall this incident.

The named officer stated he did not recall speaking with anyone about the complainant's vehicle.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to comply with Department General Order 2.04, Citizen Complaints Against Officers.

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

FINDINGS OF FACT: The complainant stated that when the named officer prepared her OCC complaint form, he used "police jargon," using the word "declined" on the complaint form when she refused to provide her address. When she asked him to use her own words, the named officer complied.

The named officer stated the complainant told him she wanted to dictate her complaint narrative to him. He stated the complainant did not wish to provide an address so he wrote, "declined" in the address section of the form. He stated the complainant told him that she wanted him to use the word "privacy" instead of "declined", so he added the word "privacy" to the address section of the form. He stated he wrote only what she told him.

DGO 2.04 states that when officers prepare a complaint form, "Write only what the complainant states on the form."

The complainant admitted that the officer re-wrote her complaint form, using her own words.

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

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SUMMARY OF ALLEGATIONS #1 - 5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated she was asleep in her wheelchair when a man attacked her with a hammer. The complainant stated the officers failed to help her or arrest the suspect.

Department records showed there were three police responses regarding the complainant's reported crime. The officers in the primary units on two calls relating to this incident denied failing to take required action. One officer, who responded as the primary unit in the first call, stated that the complainant was uncooperative and refused to answer basic questions about the incident. He described the complainant as intoxicated and stated that she did not want to wait for medics to arrive. He stated that he spoke to a witness who had not seen an attack and told the officer that the complainant had been alone in the area for several hours. The other officer that responded to the call has resigned from the Department and was unavailable for an interview.

The officers in the primary unit responding to the second call stated they looked for but could not locate a suspect matching the complainant's description. The officers stated they offered the complainant sobering and medical services. They could see no injuries and the complainant could not provide further information on the location of the suspect. Medics responded and examined the complainant at the scene, but they were also unable to locate injuries consistent with a hammer attack.

Eight other officers who responded to the scene either did not recall the incident or stated that they did not speak to the complainant.

A witness who made the first call for service stated that he saw no visible injuries on the complainant. He stated that officers responded and he believed they searched for the suspect.

Following a third report, several hours after the reported attack, paramedics responded and transported the complainant to a hospital, where she was treated.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATIONS #6: The officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that officers responding to calls regarding an attack on her laughed at her and told her that there was nothing wrong with her.

Twelve officers who responded to calls for service relating to the complainant denied making the alleged comment to the complainant or laughing at her. They also all denied hearing any officers laugh at the complainant or make inappropriate comments.

No other witnesses to the alleged comments or behavior were identified.

The identity of the alleged officers has not been established.

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

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

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

FINDINGS OF FACT: The complainant stated a security guard accused him of being intoxicated and ordered him to leave a public building. The complainant approached the named officer, who was standing nearby, and requested a Breathalyzer test to prove his sobriety. The complainant stated the named officer refused to administer the Breathalyzer test. The complainant also asked the named officer for the security guard's name. The complainant stated the named officer provided his own name and star number, but refused to reveal the identity of the security guard.

The named officer stated he was not investigating the complainant and had no duty or ability to administer a Breathalyzer test at the time of the incident. The named officer stated he identified himself, but did not provide the security guard's name due to privacy concerns.

Based on the complainant's own testimony, the named officer did not detain the complainant for being drunk in public and the officer had no duty to administer a Breathalyzer test or any other sobriety test. The named officer had no duty to identify the security guard for the complainant.

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

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

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

FINDINGS OF FACT: In a complaint filed online, the complainant stated that he was at AT&T Park watching the World Series when he got into a verbal altercation with another fan. The complainant said he was wrongfully detained for public intoxication by two SFPD officers. The complainant did not respond to OCC's repeated requests for an interview.

The named officers stated that while providing security inside the ballpark, a fan flagged them down and reported that the complainant spoke inappropriately around his children and kept putting his hands on their heads. The named officers stated the fan further reported that when he told the complainant he would inform security about his behavior, the complainant showed a badge and said that the security officers would not do anything to him. The named officers stated they walked toward the complainant, who walked away upon noticing them.

One of the named officers stated that during the contact, the complainant exhibited slurred speech, watery eyes, unsteady gait, difficulty finishing sentences and refused to comply with lawful orders. The other named officer stated that while escorting the complainant to an elevator, the complainant staggered and swayed from side to side, prompting both officers to detain the complainant for being drunk in public.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officers refused to answer questions and belittled him. The complainant did not respond to OCC's repeated requests for an interview.

The named officers both stated that they answered the complainant's questions, repeatedly explaining to him why he was being detained and ejected from the ballpark.

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

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

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

FINDINGS OF FACT: The complainant stated he was on the sidewalk with his dog tied to his broken cart when the named officer approached him and told him that he had received a complaint and that the complainant needed to leave. The complainant stated that when he asked the officer what the complaint was and how many complaints the officer had received, the named officer said he was under arrest for camping and for verbally challenging the officer's order. When the complainant asked to speak to a sergeant, the named officer placed one of the complainant's hands in handcuff. When the complainant promised to leave the premises, the named officer released him.

The named officer stated the complainant was blocking the sidewalk with his property. He stated he observed the complainant's property spread out and wrapped around the block. He stated the complainant was further obstructing the sidewalk with his dog. He stated he informed the complainant that he needed to gather his property. He stated the complainant refused to gather his property, was argumentative, wanted a second opinion and did not have identification. He stated he placed one handcuff on the complainant but did not lock it. He stated he did not completely handcuff the complainant. He stated he gave the complainant several opportunities to comply with his order. He stated he released the complainant in the spirit of the law, when the complainant agreed to gather his property and leave.

Records from the Department Emergency Management (DEM) show that the named officer responded to the location regarding a homeless related call for service.

No witnesses were identified.

There was insufficient evidence to establish the sequence of events and the actual conversation that took place between the named officer and the complainant.

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

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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 the named officer verbally demoralized him and verbally attacked his character. He stated the officer unfastened his weapon and told the complainant to control his dog or he would shoot the dog.

The named officer denied the allegation.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer searched the complainant's personal property without justification.

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

FINDINGS OF FACT: The complainant stated the officer illegally searched his personal belongings.

The named officer denied the allegation.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #4: The officer failed to promptly and politely provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated that he requested the officer's name and badge number several times and the officer told him that he would get that information only if he was arrested.

The named officer denied the allegation. The named officer stated he provided the complainant with his name and star number.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer told him he was under arrest and placed one of his hands in handcuff.

The named officer stated the complainant was not under arrest. He stated the complainant refused to move and did not have identification. He stated he did not issue the complainant a Certificate of Release, because he did not completely handcuff the complainant. He stated he placed one handcuff on the complainant but did not lock it. He stated he gave the complainant several opportunities to comply with his order. He stated he did not cite the complainant. He stated he released the complainant in the spirit of the law, when the complainant agreed to gather his property and leave.

SFPD Subject-Matter-Expert stated the Certificate of Release did not need to be issued because the named officer did not completely handcuff the complainant.

Department General Order 5.03 requires an officer to issue a Certificate of Release if the detained person is taken to a police facility or physically restrained.

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

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SUMMARY OF ALLEGATIONS #1 - 2: The officers failed to conduct a proper traffic collision investigation.

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

FINDINGS OF FACT: The complainant stated he was working as a LYFT driver when a vehicle struck him. He stated he lost consciousness and had no contact with the other party. He stated that when he obtained the traffic collision report, he learned that the other party told police she was drinking in a bar with her boyfriend and he was too drunk to drive, so she drove. The complainant stated that police should have conducted blood and sobriety tests and charged the driver with driving under the influence.

Department records of a 9-1-1 call indicated that an unidentified female reportee told the dispatcher that a female driver was pulled out of the car through a window and “kind of smells like alcohol.” One witness told the OCC that she heard people at the scene saying the female driver was drunk and smelled like alcohol, and that she relayed this information to the dispatcher. This witness stated the dispatcher told her to get closer to the female driver but she was unable to do so because the female driver was hostile and walked away.

A second witness stated the female driver was stumbling and smelled like alcohol. This witness stated she spoke to a couple of officers who asked her for identification. She stated she told one officer that she saw the female driver climb out of the driver’s seat. The witness stated she did not tell any officers that she smelled alcohol on the female driver, saying, “No one asked me. I figured they could smell it themselves.”

Both named officers stated that they did not observe any objective signs of intoxication on the female driver. One named officer, who interviewed the female driver at the hospital, did not recall whether he asked her if she had been drinking. The other named officer, as well as the officer who served as a translator, stated the female driver was asked if she had been drinking, and denied doing so. All three officers denied hearing the “driver smells like alcohol” comment broadcast over the air. The female driver was determined to be the party at fault and was cited for driving without a license and insurance and failing to stop at a red light.

The female driver did not come forward.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #3: The officer failed to prepare a complete and accurate traffic collision report.

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

FINDINGS OF FACT: The complainant stated that while working as a Lyft driver, his car was struck by another vehicle. He stated he lost consciousness and had no contact with the other party. He stated he obtained a copy of the Traffic Collision Report and learned that the other party told police she had been drinking in a bar with her boyfriend and he was too drunk to drive, so she drove. According to the complainant, the report also stated the other party was cited for no insurance. The complainant stated police should have conducted blood and sobriety tests and charged the other party with driving under the influence.

The Traffic Collision Report stated that a female driver was cited and released for failing to stop at a red light and driving without a license or insurance. The report stated the female driver told police that she was at a club and her boyfriend was too drunk to drive, so she drove. She also told police she was not a very good driver and had never been issued a driver's license. The report did not indicate whether police conducted a sobriety test or whether the female driver was asked if she had been drinking.

One witness officer stated he served as a translator for the named officer. He stated the named officer asked the female driver whether she had been drinking and she said no. He further stated that he did not observe any objective signs of intoxication.

A second witness officer stated he was the named officer's supervisor. He stated he had contact with the female driver at the scene and at the hospital. He stated he did not observe any objective signs of intoxication. He further stated that the named officer asked the female driver if she had been drinking and she said she had not. When asked if the report was complete, he replied, "All the major stuff was in there."

The named officer stated he did not observe any objective signs of intoxication on the female driver. He stated he did not know why he did not include these observations in his report. He further stated he could not recall the female driver giving him any information that was not included in his report.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #4: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated he was involved in a traffic collision. He stated the officers failed to conduct a proper investigation and failed to prepare a complete and accurate traffic collision report.

The named officer stated he supervised the recruit officer who led the investigation and wrote the traffic collision report. He stated his job as a supervisor was the delegation of tasks such as organizing inventories and tows, making sure photos were taken and that all parties and witnesses were identified and interviewed. He stated he reviewed the report and it was “spot on.” When asked what he did to make sure that his recruit conducted a proper investigation, the named officer stated that he made sure that his recruit answered all of his questions to his satisfaction.

The named officer’s recruit stated the named officer reviewed his report. He stated he could not recall what the named officer did during the investigation. He recalled that the named officer oversaw everything.

An officer who served as a translator at the scene stated that the named officer and his recruit were in command of the investigation as a unit. He stated that the named officer was present at the interview of the female driver and her boyfriend. This officer stated he didn’t know if the named officer directed his recruit to ask certain questions of the parties. When asked if the recruit failed to ask any obvious or important questions of the parties, this officer replied, “From what I remember, no.”

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated he was in a hotel boiler room when the named officer arrived and told him someone had accused him of rape. The complainant stated the arrest was unlawful because no one reported or came forward accusing him of the crime, and the officer had no evidence against him.

Department records showed a hotel employee called for police assistance reporting that a victim was reporting a rape that had occurred in the hotel. The victim told police the complainant raped her inside a room located at the rooftop of the hotel. The records further showed the named officer responded to the scene and arrested the complainant in a room on the roof of the hotel for rape, false imprisonment and kidnapping.

The named officer stated that he interviewed the victim upon arrival at the scene. The named officer stated the victim described the suspect and the description matched that of the complainant when he was arrested. The named officer stated the victim also provided a location where the crime allegedly occurred. The named officer stated he found the complainant in a room that was in the location provided by the victim. He contacted the complainant, placed him handcuffs and subsequently arrested him after the victim positively identified the complainant.

The officer who investigated the crime stated that there was probable cause to arrest the complainant. The officer, concurring with the named officer, stated that the victim positively identified the complainant as the suspect who had sexually assaulted her.

The other officers at the scene stated that the arrest was based on the victim's statement, identification of the complainant as the suspect, and physical evidence gathered.

Department records showed the victim viewed the complainant and identified him as the suspect. The evidence established that the named officer had probable cause to arrest the complainant. Thus, making the officer's arrest justified, lawful and proper.

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

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SUMMARY OF ALLEGATION #2: The officer filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant alleged the named officer falsely charged him with crimes he did not commit. The complainant stated the charges were based on falsified video evidence, and the investigation was unprofessionally conducted. The complainant stated the evidence neither showed him being at the scene nor committing a crime.

The named officer stated the charges were true, accurate and adequately supported with evidence. The named officer stated the charges were filed after a preliminary investigation. Department records indicated that the charges were brought with the approval of a sergeant.

The officer who initially investigated the crime stated that he interviewed the victim, who provided him with a detailed description of the suspect and the location where the alleged sexual assault occurred. The officer stated the victim positively identified the complainant as the suspect, and that a follow-up investigation occurred wherein the inspectors assigned interviewed the victim and the complainant. Department records corroborated the accounts of the investigating officers.

The inspectors charged with the follow-up investigation stated that they interviewed the arresting officer, the victim, the hotel employees and the complainant. The inspectors stated they reviewed the hotel's surveillance videos. The inspectors stated they found evidence at the scene substantiating the charges.

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

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SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: In her online complaint, the complainant stated that the named officer used profanity. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation.

Witnesses interviewed by the OCC did not see the entire interaction.

No other witness came forward.

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

SUMMARY OF ALLEGATION #2: The officer used a sexually derogatory comment.

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

FINDINGS OF FACT: In her online complaint, the complainant stated that the named officer made a sexually derogatory comment. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation.

Witnesses interviewed by the OCC did not see the entire interaction.

No other witness came forward.

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

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

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

FINDINGS OF FACT: In her online complaint, the complainant stated that the named officer behaved inappropriately and made inappropriate comments. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation.

Witnesses interviewed by the OCC did not see the entire interaction.

No other witness came forward.

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

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SUMMARY OF ALLEGATION 1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she got caught up in congested traffic from a convention and ended up driving in a lane of traffic, which was restricted and coned off for buses only. The complainant said the traffic officer repeatedly raised his voice in an angry manner when ordering her out of the traffic lane. The complainant stated that she was delayed in following the officer's order because she had difficulty merging back into an unrestricted traffic lane. Both the complainant and one of her passengers believed the officer's angry demeanor was inappropriate and unprofessional.

The officer denied the allegation. The officer stated he worked a traffic control assignment to assist buses through the intersection. The officer stated he told numerous drivers to exit the clearly marked restricted traffic lane in lieu of issuing drivers a citation for violation of the California Vehicle Code. The officer stated vehicles that traveled in the restricted lane created a safety issue. The officer stated his conduct was in compliance with department policy.

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: 09/29/14 **DATE OF COMPLETION:** 06/13/15 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated that at about 5:35 a.m., he and his girlfriend were inside their tent when two officers pulled up, flashed their lights and activated their sirens. Through their intercom, one of the officers yelled, "Stand up, pack your shit and leave." The complainant stated he had Multiple Sclerosis (MS) and was unable to immediately comply with the officers. From inside his tent, the complainant began to record the officers using his cell phone. At that point, the officers exited their vehicle. The complainant stated that one of the officers, later identified as the named officer, ripped the complainant's tent open, placing the complainant in a control hold. The complainant stated the named officer "snatched" the complainant's cell phone from his hand, deleted the video footage and said, "I'm sick of this shit" and began to walk away. When the complainant asked for his phone back, the named officer said, "If you want your phone, come get it." The complainant stated he had to crawl out of his tent to retrieve his phone.

The complainant's girlfriend corroborated the complainant's conversation with the named officer. She stated she only saw the incident from the waist down because she was inside the tent towards the back. She did not witness any physical contact between the complainant and the officers, except when the named officer grabbed the phone out of the complainant's hand.

The named officer stated that he and his partner responded to the area regarding 10-12 encampments. He stated he parked on the street, raised his vehicle's spotlight and told the subjects to pack up. He denied activating his sirens. He stated he repeatedly told the complainant to pack up, but the complainant never attempted to move, yelling back at the officers. At that point, the named officer and his partner exited their vehicle. The named officer denied touching the complainant. He stated the complainant had his camera in his face with the light on, preventing the named officer from seeing both of the complainant's hands. The named officer stated he removed the complainant's camera from his hand and placed it on the bumper of a truck parked in the street. He denied deleting any video footage as alleged. The named officer did not recall the complainant asking for his cell phone back. Ultimately, the named officer stated they drove off after telling everyone once again to wrap things up.

The named officer's partner's account of what happened was consistent with that of the named officer. He stated that the complainant was argumentative, prompting him and his partner to not engage him any further.

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: 09/29/14 **DATE OF COMPLETION:** 06/13/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #2: 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 complainant's girlfriend stated that she was just waking up when the incident occurred. She did not recall the alleged profanity.

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.

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

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

FINDINGS OF FACT: The complainant stated that the named officer twisted his arm behind his back and placed him in a control hold.

The complainant's girlfriend stated she only saw the incident from the waist down because she was inside the tent towards the back. She did not witness the alleged use of force.

The named officer and his partner denied the allegation.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 06/13/15 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 2.04, Citizen Complaints Against Officers.

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

FINDINGS OF FACT: The complainant stated that the named officer, a supervisor, attempted to handle the complainant's complaint in-house instead of directing the complainant to the OCC or taking the complaint and forwarding it to the OCC.

The named officer denied the allegation, stating that he explained the complaint process to the complainant. The named officer stated he gave the complainant the OCC form and allowed him to make the decision on how he wanted his complaint handled. The named officer denied attempting to handle the complaint in-house as alleged by the complainant.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/14 **DATE OF COMPLETION:** 06/22/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer asked him to leave a courtroom for using his cell phone. The complainant stated that in the hallway of the court building, the named officer pushed him up against a wall and the complainant sustained an injury.

The named officer denied the allegation. The named officer stated that he did not have any physical contact with the complainant. The officer denied that he pushed the complainant against a wall.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he requested the named officer's name, but the officer failed to provide his name to the complainant.

The named officer denied the allegation. The named officer stated that he did provide his name and star number to the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/14 **DATE OF COMPLETION:** 06/22/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he asked the officer to call an ambulance for him but the officer failed to do so.

The named officer denied the allegation. The officer stated that the complainant asked to speak to a commanding officer. The named officer stated that the complainant did not request an ambulance or tell him any other information. The officer stated that he had a commanding officer contact the complainant.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he asked the officer to call an ambulance but the officer refused his request and told the complainant to drive himself to the hospital. The complainant stated he told the officer that he wanted an ambulance for a medical condition but he did not provide the officer with any details of his condition.

The named officer stated that the complainant did request an ambulance but failed to provide him any information as to why an ambulance was needed. The officer stated that communications will not dispatch an ambulance unless there is a reason for the request. The officer stated that he asked the complainant for further information but the complainant did not provide any information and became profane. The officer stated that he did tell the complainant that he could drive himself to the hospital.

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: 09/25/14 **DATE OF COMPLETION:** 06/25/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that he was arrested for trespassing. The complainant did not respond to OCC's request for an interview.

Department records showed that the complainant was arrested pursuant to a private person's arrest. The evidence shows that the named officer's action complied with SFPD General Order 5.04, Arrests by Private Persons.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/14 **DATE OF COMPLETION:** 06/30/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer engaged in misuse of police authority.

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

FINDINGS OF FACT: The complainant, who wished to remain anonymous, stated he received information from a confidential source that the named officer was unnecessarily detaining young Hispanic males and dropping them off to opposing gang territory, endangering their lives.

The complainant failed to provide additional information to the OCC to thoroughly investigate the allegation.

No witnesses were identified.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/14 **DATE OF COMPLETION:** 06/10/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officers used excessive force with a detainee while in custody.

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

FINDINGS OF FACT: The complainant is a bystander who said he saw one of the named officers unnecessarily throw or push a detainee to the ground and handcuff her. The complainant also stated that while the detainee was restrained prone on the ground, one of the named officers unnecessarily pressed his forearm on the detainee's neck and the other named officer put his knees on the detainees' lower back for an extended period of time in an attempt to silence the yelling detainee.

The named officers stated that the detainee was about to assault another female during a verbal altercation and when one of them attempted to detain her, the detainee resisted, and had to be brought to the ground and handcuffed while prone. The officers, however, gave conflicting statements as to how the detainee was brought down. Both named officers said the detainee resisted while on the ground, attempting to get up. The named officers gave slightly different versions of how one officer used his weight on the detainee's back or his knee on her shoulder while the other controlled the detainee's legs with a maneuver designed to stop her resistance. Both officers denied they used their forearms on the neck of the detainee.

Two witnesses who said they were near the scene of the detention at different times denied seeing the detention.

One patrol wagon officer could not recall the incident while the other said she did not see the detention.

Two other officers denied seeing the detention.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/14 **DATE OF COMPLETION:** 06/12/15 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while participating at a job forum in the chamber of commerce building in San Francisco, he suffered a small epileptic seizure. The complainant stated security summoned the police instead of emergency medical care. The complainant stated that once he recovered from his small seizure, he was escorted out of the building and did not see an ambulance. The complainant stated that the police officer never called an ambulance.

The named member stated that to the best of his recollection, building security called regarding a male that refused to leave the building. The building security told the named officer that the complainant was in a meeting upstairs when he became disruptive and argumentative. During his outburst, the complainant suffered a seizure and medical services were called out. Security informed the named officer that medics treated the complainant on the scene and had left. The officer stated that security escorted the complainant to the lobby but he refused to leave the building, so they called for police. The named officer stated he was never asked to summon an ambulance for the complainant. The officer stated the complainant told him that when he recovered from his seizure, the complainant saw medics tending to his needs, but he declined to be transported.

A witness stated the complainant, while waiting for his turn at a job forum, suddenly clenched his fist, got up, and started to punch two large video conference monitors in the room. The witness stated guests at the job forum became nervous and were afraid that the complainant would become violent towards them. The witness stated she went to security to report the complainant's actions. The witness stated she is not a doctor and could not tell if the complainant was having a seizure that day.

The building security report documents that police were summoned to the scene to remove the complainant from the building. The security report also documents that police responded and removed the complainant from the building. The security report states that no ambulance was summoned or responded to the incident.

Records from the Department of Emergency Management (DEM) shows that DEM received a 9-1-1 call regarding a fight with no weapons involved. The reportee requested police assistance regarding a male refusing to leave the building and being "very vocal."

OCC's investigation established that the officer was called for assistance to escort the complainant out of the building. The evidence established that the officer's action was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that after being pulled over, she provided a false name to the officer. She stated she was then taken into custody and transported to Southern Station for identification. She said that she did not know she would be arrested for giving a false name.

The named officer and a witness officer stated that the complainant provided a false name at the scene of the traffic stop. They both stated that the complainant was transported to the station to confirm her identification and that she admitted to lying once she was at the station. After being properly identified, the complainant was cited and released.

SFPD General order 9.01 section I.B.4., states, in part, “When issuing a moving violation, an officer shall reasonably ascertain the true identity of the violator.”

The evidence established that the officer’s action was within Department guidelines.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated she was driving a vehicle without a license. She stated her husband was present and had a valid driver's license, but the officer nonetheless towed the vehicle.

The named officer stated the vehicle was towed for having expired registration for more than 6 months.

San Francisco Traffic Offender Program (STOP) instructs officers to tow the vehicle if the original expiration date is over 6 months and one day.

SFPD General Order 9.06 section II.A.2., states:

MANDATORY CIRCUMSTANCES. It is the policy of the Department that officers shall tow any vehicle being driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver license. The vehicle shall not be released to anyone at the scene; however, a commercial vehicle (e.g., cab, truck, bus) may be released to an agent of the company who is a licensed driver.

The evidence established that the complainant was driving with a suspended license. In addition, the evidence also established that the vehicle the complainant was driving had an expired registration over six months and one day.

The evidence proved that the acts, which provided the basis for the allegation, occurred; however such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officer inappropriately searched her at the station.

The named officer denied the allegation, stating that his search for weapons was conducted according to Department policy.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer laughed at her and threatened to hold her for a psychiatric evaluation. She also stated she told the officer she needed to use a restroom several times but he did not get a female officer to escort the complainant to the restroom.

The named officer and his partner denied behaving inappropriately or making inappropriate comments to the complainant. The named officer did not recall any requests to use a restroom. He did not recall asking the complainant questions about her mental state, but stated he may have done so because he is trained to recognize symptoms of mental distress. The officer denied laughing at 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: 08/19/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 4 of 4

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

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

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

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

- Moving violations, including bicycles and pedestrians
-

The named officer stated he could not recall entering the E585 data after completing the complainant's traffic stop.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/14 **DATE OF COMPLETION:** 06/11/15 **PAGE#** 1 of 2

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/14 **DATE OF COMPLETION:** 06/11/15 **PAGE#** 2 of 2

The evidence established that the named officers were engaged in community policing, allowing the officers to interact with the public. The evidence also established that the named officers' participation in the fundraising event was approved by their lieutenants.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 06/10/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer talked “bad” to her. The complainant did not respond to OCC’s request for an interview.

The named officer denied the allegation. He stated that he and his partner were detaining two individuals for having an open container of alcohol and drinking in public. The named officer stated the complainant kept walking towards the officers and the detainees despite him ordering the complainant to get back. The named officer stated the complainant attempted to wrap her arms around the torso of the female detainee to give the female detainee a hug. The officer stated he warned the complainant not interfere with the investigation. The officer stated that the complainant was argumentative but eventually complied with his advisements.

A witness officer stated that he did not have contact with the complainant.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant alleged that the officer struck her in the arm when she said hello to a girl the complainant knew. The complainant did not respond to OCC’s request for an interview.

The named officer denied using any unnecessary force. The officer denied striking or placing his hands on the complainant.

A witness officer stated that he did not have any contact with the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 06/10/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officer told her to, “Get out of here” when she tried to say hello to a female that she knew. The complainant did not respond to OCC’s request for an interview.

The named officer stated he and his partner were detaining two persons for misdemeanor violations when the complainant approached the detainees and attempted to hug the female detainee by wrapping her arms around the upper torso of the female detainee. The officer stated he told the complainant not to interfere with his investigation and advised her not to come any closer to the detainees.

A witness officer stated that he did not have any contact with the complainant,

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 06/09/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she called the police after getting into a verbal confrontation with another storage unit renter. The complainant said the facility manager told her she had to leave the facility. The complainant stated that when the police arrived, the named officer told her she had to leave or she would be handcuffed and arrested.

Property managers of the storage facility stated the complainant had behaved in a manner that violated her contract, prompting them to ask her to leave. The managers stated they told the police they wanted the complainant removed from the facility.

The named officer did not recall the incident.

A witness officer did not recall the named member make the alleged comments.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that as she was being escorted out, the named officer followed her too closely, making her very uncomfortable.

The named member stated he escorted the complainant out of the premises, but did not recall walking too closely to the complainant.

The witness officer 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: 07/18/14 **DATE OF COMPLETION:** 06/15/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer mistreated a police canine.

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

FINDINGS OF FACT: Several anonymous complainants stated that during a training exercise, the named officer mistreated his police canine. The allegations included that the officer kicked the dog, held it in the air by its leash, and threw it into a police vehicle.

The named officer denied mistreating his canine. He stated that during a training exercise, his dog was not completing the exercises correctly, which was frustrating because it was not normal behavior. The named officer said that he told the trainer that the dog wasn't working and they were going to leave the training site. He stated that he and the dog walked back to the vehicle and the dog jumped inside on his own.

Four witnesses denied seeing the named officer mistreat his canine.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: An anonymous complainant wrote that the named officer was seen driving away from a rental car lot at a high speed. A separate anonymous complainant wrote that an unnamed rental car lot employee told him that the officer sped out of the lot at a high rate of speed, nearly hitting the employee.

The named officer denied driving improperly. He wrote that he was frustrated and left in a hurry, but immediately slowed down because there is a very narrow lane with a guard shack, which requires one to slow down to exit. He denied that anyone was in danger of being struck by the vehicle at anytime.

Four witnesses officers denied seeing the named officer nearly hit a pedestrian.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/14 **DATE OF COMPLETION:** 06/30/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him to leave an area. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation. The named officer stated he was detailed to assist the Department of Public Works (DPW) sidewalk and street cleaning crew. The named officer stated DPW initially asked the complainant to move, but the complainant refused. The named officer stated he asked the complainant to move a short distance in order to have DPW clean the area, but the complainant refused. The named officer further told the complainant he could come back when DPW was done cleaning the area.

Witnesses interviewed by the OCC did not recall the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that his feet were in pain, and that the named officer refused to call him an ambulance.

The officer denied the allegation, stating that the complainant had no signs of physical pain, distress, or showed visible injuries indicating that he needed medical aid. The named officer stated he observed the complainant walk around without assistance.

Witnesses interviewed by the OCC 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: 07/15/14 **DATE OF COMPLETION:** 06/30/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer picked up the complainant's chair and refused to give it back to him.

The named officer denied the allegation. The named officer stated he moved the complainant's chair out of the doorway area so that the DPW crew could clean the area. The named officer stated the complainant retrieved his chair and placed it back in the doorway area. The named officer stated the complainant sat himself in his chair and refused to leave as requested.

Witnesses interviewed by the OCC did not recall the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer dragged him violently out of the doorway area and into the sidewalk area.

The named officer denied the allegation. The named officer denied any excessive force was used on the complainant.

Witnesses interviewed by the OCC 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: 07/15/14 **DATE OF COMPLETION:** 06/30/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the named officer discriminated against him based on race.

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

Witnesses interviewed by the OCC did not recall the incident.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer lied about seeing the complainant driving without wearing a seatbelt.

The named officer and his partner denied the allegation, stating that they both witnessed the complainant driving without wearing a seatbelt, prompting them to initiate a traffic stop.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #2-3: The officers failed to comply with DGO 5.08 (Non-Uniformed Officers)

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that undercover vehicles are not supposed to make traffic stops unless there was an emergency or an ongoing investigation.

The named officers stated they were on patrol in an unmarked unit in plainclothes when they observed the complainant driving without wearing a seatbelt. The named officers stated the complainant was driving a new vehicle with an out of state license plates that could possibly be a rental vehicle. They noted that rental vehicles are often used in criminal activity. The named officers stated the complainant drove past them and looked at them with an anxious look, prompting them to conduct a traffic stop.

SFPD General Order (DGO) 5.08 states, in part, that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except when the activity is related to an ongoing criminal investigation or regulated vehicle enforcement, e.g., taxicabs, shuttle buses, limousines, or when witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving. DGO 5.08 further states that when making a traffic stop under the circumstances described above (except for regulated vehicle enforcement) non-uniformed officers shall immediately request a marked backup unit.

OCC's investigation established that the named officers violated DGO 5.08 when they conducted a traffic stop of the complainant for a minor vehicle code violation that was not related to an on going criminal investigation or regulated vehicle enforcement. In addition, the complainant's minor vehicle code violation was not an aggravated situation, requiring immediate action by the officers. The named officers also failed to immediately request a marked backup unit as required by DGO 5.08.

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

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SUMMARY OF ALLEGATIONS #4-5: The officers failed to comply with DGO 5.05 (Emergency Response and Pursuit Driving)

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

FINDINGS OF FACT: The complainant stated he fled the scene after he saw two men walking to his vehicle with their guns drawn.

The named officers stated they were on patrol in an unmarked unit in plainclothes when they observed the complainant driving without wearing a seatbelt. The named officers stated the complainant was driving a new vehicle with an out of state license plates that could possibly be a rental vehicle. They noted that rental vehicles are often used in criminal activity. The named officers stated the complainant drove past them and looked at them with an anxious look, prompting them to conduct a traffic stop. They stated the complainant initially pulled over but drove off when the officers reached his vehicle.

The named officers stated that when they approached the complainant's vehicle, the complainant aggressively reached into the back seat to either conceal or retrieve what they believed to be a firearm. They denied drawing their firearms. When the complainant drove off, the named officers stated they initiated a vehicle pursuit, notifying the Department of Emergency Management (DEM) that they're pursuing a person with a gun. During the pursuit, the named officers stated the complainant struck several cars, almost collided with a marked unit and a uniformed officer discharged one shot at the complainant. One of the named officers stated he used a balancing test and determined that the need to apprehend the complainant outweighed the risk to public safety.

SFPD Department General Order 5.05, EMERGENCY RESPONSE AND PURSUIT DRIVING, states, in pertinent part:

I. POLICIES

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C. PURSUIT POLICY

1. The policy of the San Francisco Police Department is to safely apprehend a fleeing violator without unnecessarily endangering the public and/or officers.
2. Pursuant to California Vehicle Code Section 17004., in determining whether to initiate or continue a vehicle pursuit, officers shall balance the known or

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reasonably suspected offense and the apparent need for immediate capture against the risk to motorists and pedestrians, peace officers, and others to protect the public. When it becomes apparent that the benefits of immediate apprehension are clearly outweighed by an unreasonable danger to the officer or others, the officer shall not initiate a pursuit or, if the pursuit is already in progress, the officer shall terminate the pursuit.

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IV. VEHICLE PURSUIT

A. PURSUIT GUIDELINES

1. **WHEN A PURSUIT IS AUTHORIZED.** Except as otherwise provided in this order, an officer in an emergency vehicle may initiate a pursuit of an individual:
 - a. Suspected of a felony; or
 - b. When there is an articulable reasonable belief that the individual needs to be immediately apprehended because of the risk that individual poses to public safety.

An officer shall not initiate a pursuit of an individual suspected of a non-violent felony, misdemeanor, property crime, or vehicle code violation except as specified in (b) above.

The evidence established the named officers violated DGO 5.05 when they initiated a pursuit of the complainant absent reasonable articulable reasons that the complainant needed to be immediately apprehended because of a risk the complainant posed to public safety. The SFPD policy specifically states that officers shall not initiate a pursuit of an individual suspected of a non-violent felony, misdemeanor, property crime or vehicle code except when there is an articulable reasonable belief that the individual needs to be immediately apprehended because of a risk that individual poses to public safety. Based on the information known to the officers, there was no need to immediately apprehend the complainant that outweighed the risk posed to public safety.

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

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SUMMARY OF ALLEGATION #6: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote an inaccurate report.

The named officer denied the allegation, stating that what he wrote in his incident report was an accurate description of what had occurred.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was profiled.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied the allegation, stating that they stopped the complainant after witnessing the complainant driving without wearing a seatbelt.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #9: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer lied, claiming that the complainant ran over his foot when the complainant was attempting to flee from police.

The named officer denied misrepresenting the truth. He stated he was in full uniform when he exited his patrol car and walked up to the passenger side of the complainant's vehicle stopped in traffic at a controlled, city intersection. The named officer stated he knocked on the passenger side window and yelled several times for the complainant to exit the vehicle. The complainant ignored him and drove off. The named officer stated that the complainant's vehicle collided with two other vehicles, pushing them out of the way, in his attempt to evade police. The named officer stated the complainant also drove over his foot.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #10: The officer discharged his weapon.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that during a vehicle pursuit, officers radioed that he had a firearm, prompting the named officer to shoot at him. The complainant denied having a gun.

The named officer stated he was driving his marked patrol car in the opposite direction when he saw several police vehicles in pursuit of the complainant's vehicle that was stuck in traffic at a busy intersection. The named officer stated he exited his vehicle and walked up to the front of the complainant's vehicle. The named officer stated the complainant began to drive away, colliding with vehicles alongside and straight towards the named officer. Fearing for his life and nowhere to escape, he fired his semi-automatic pistol at the driver with the hope of preventing the vehicle from running him over. The named officer stated the vehicle went past him and narrowly missed striking him.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: SFPD Department Bulletin No. 13-091, Traffic Stop Data Collection Program Information, issued on May 21, 2013, states, in pertinent part:

Members are reminded that E585 entries shall be made after any vehicle stops related to the following incidents:

Moving violations, including bicycles
MPC violations
Penal Code violations

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Members with access to a Mobile Dispatch Computer (MDC) shall collect this data by entering the information into the mask provided on their MDC after all traffic stops.

The Department reported to the OCC that it could not find any evidence indicating the named officer had entered the required traffic stop data as required. The named officer stated he did not remember whether he entered this information into the computer database, but acknowledged that an entry was required. The named officer stated that the unmarked unit had a mobile dispatch computer in the unit.

The evidence established that the named officer and his partner stopped the complainant for a violation of the California Vehicle Code. The named officer was the senior officer and, therefore, responsible for the proper completion of the assignment. The named officer acknowledged that an E585 entry should have been made as his unit conducted a traffic stop of 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.

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

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

FINDINGS OF FACT: SFPD General Order 5.05 section I.C.2., states, in part:

When it becomes apparent that the benefits of immediate apprehension are clearly outweighed by an unreasonable danger to the officer or others, the officer shall not initiate a pursuit or, if the pursuit is already in progress, the officer shall terminate the pursuit.

DGO 5.05 section II.D., states, in part:

A pursuit supervisor is a field supervisor of an officer involved in a pursuit who assumes control of the pursuit. Only one field supervisor at a time may act as the pursuit supervisor. In addition, higher ranking officers retain authority to terminate the pursuit or take control of directing it at any time.

The named officer acknowledged being the immediate supervisor of the two plainclothes officers who stopped the complainant. The named officer stated he was in a police vehicle but working in a separate area of the district when the incident occurred. Although the named officer was not present with the two officers who initiated the traffic stop, the named officer heard the radio communications involving the complainant driving away to evade detention by the plainclothes officers. The named officer stated he approved the vehicle pursuit of the complainant and monitored the radio traffic based on what he knew at that time, including that the officers were pursuing a person with a gun.

Records from the Department of Emergency Management show that higher-ranking officers, at levels higher than the named officer, also listened to the radio traffic from this incident. These higher-ranking officers did not call off the pursuit, which ended by the complainant crashing into a cement divider, thus disabling the complainant's vehicle. The complainant was subsequently apprehended.

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

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SUMMARY OF ALLEGATION #1: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer worked on duty in uniform for a taxi company. He stated the taxi company paid the named officer monthly to do certain unlawful things, which included covering up “shady acts of crime.”

The named officer denied the allegation. He stated he had a contract with the taxi company for two years. He denied working for the taxi company while on duty as an officer. He denied wearing his Department uniform while contracted with the taxi company. Furthermore, he denied that he investigated charges against the same taxi company for corruption. He stated he did not give preferential treatment to the taxi company while he was on duty with the Department. He stated there was no conflict of interest regarding his secondary employment with the taxi company.

A witness stated the named officer used an undercover police car to bring parts and visit the taxi company. The witness stated the named officer was paid \$6500 per month at \$55 per hour. He stated the named officer brought in accident reports that were completed the same day. The witness stated the named officer’s police vehicle was at the taxi company for hours at a time. The witness stated the named officer replaced him after he was fired from his position at the cab company.

Another witness stated the named officer, to his knowledge, was not involved in any corruption.

Department records indicate the named officer was approved for secondary employment with the taxi company at the time.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: Part of this complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: Part of this complaint raises matters outside OCC's jurisdiction. This complaint was partially referred to the San Francisco Police Department Internal Affairs Unit for investigation.

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

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

FINDINGS OF FACT: The complainant stated that he was slowly riding his bicycle in close proximity to his sister, his cousin and his sister's boyfriend, who were all walking to his sister's house, when an unmarked police car passed by. The unmarked car made a U-turn and stopped. Two plainclothes officers exited the car, walked onto the sidewalk, grabbed the complainant by the arms and handcuffed him. The officers transported the complainant to the station in a patrol car. At the station, one of the named officers and a sergeant sought information from the complainant about criminal activities and about someone he knew in the neighborhood. The officers also told the complainant to remove his shoes, socks and pants, which they searched. One of the named officers cited the complainant for riding a bicycle on the sidewalk and for delaying and resisting.

The complainant's cousin and the complainant's sister's boyfriend confirmed that the officers exited the car, walked towards the complainant, who was stopped on the sidewalk, and grabbed him by the arms. A witness who was at his open window stated that the two officers immediately grabbed the complainant's arms while the complainant was standing still on the sidewalk.

One of the named officers stated he saw the complainant, who he recognized as an associate of a local gang known for drug sales and violent crimes, riding a bicycle on the sidewalk. He asked the driver of the unmarked car to make a U-turn and stop so he could advise the complainant not to ride the bicycle on the sidewalk. The officer stated he intended only to advise the complainant and did not intend to question or search him or obtain his identification. He also stated he didn't tell the other officers in the car that the complainant was a gang associate and that he paid no attention to the complainant's companions and could not discern their race until after the complainant had been handcuffed.

Both named officers stated they walked onto the sidewalk with their police stars displayed and identified themselves as SFPD officers. They stated the complainant, who was stopped and straddling the bicycle, began charging at them and that they grabbed him by the arms to prevent him from fleeing or riding the bicycle into them. They stated they handcuffed the complainant because he physically resisted them, and transported him to the station because the complainant's companions were angry and agitated and were yelling at the officers. The named officers denied questioning the complainant at the station. The named officers stated they were working in plainclothes and knew that SFPD regulations prohibit plainclothes officers from making traffic stops except in very limited circumstances. Both named officers stated that their contact with the complainant was not a traffic stop because he was on the sidewalk and because they planned only to advise him.

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The other two plainclothes officers in the car largely confirmed their colleagues' account. They also denied that the complainant was questioned at the station. Several of the officers, including the supervisor of the plainclothes team, stated that they would usually attempt to obtain information from a gang member or associate, who had been brought to the station.

The credibility of the named officers and their partners was diminished because significant elements of their accounts were inconsistent with police practices and with common sense. The officers' claim that they did not question the complainant about gang activities, despite this being a standard practice, was not credible. Neither was the named officer's assertion that he did not tell his partners he was about to contact a known gang associate when he exited the car, or his claim that he paid no attention to the complainant's companions when he first contacted the complainant, despite this officer's stated concern about people in this neighborhood carrying weapons.

A preponderance of the evidence established that the named officers detained the complainant for riding a bicycle on the sidewalk while in plainclothes and driving an unmarked vehicle. Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the complainant's detention was not related to an ongoing criminal investigation, and the evidence established that it was not necessary to protect life or property. The evidence demonstrated that the named officers detained the complainant for a minor traffic violation that posed no threat to life or property, in violation of 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.

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SUMMARY OF ALLEGATIONS #3-4: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that he was slowly riding his bicycle on the sidewalk when two plainclothes officers exited an unmarked car, walked onto the sidewalk, grabbed him by the arms and twisted his arm behind his back.

The named officers stated they contacted the complainant to advise him not to ride his bicycle on the sidewalk and grabbed his arms after the complainant rushed towards them as if he was attempting to flee or ram them with the bicycle.

Two witness officers largely confirmed the named officers' account of what happened.

Two of the complainant's companions and an independent witness, who was at his window, stated that the officers approached the complainant, who was stopped on the bicycle, and grabbed his arms. These witnesses denied that the complainant moved towards the officers.

Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the complainant's detention was not related to an ongoing criminal investigation and the evidence established that it was not necessary to protect life or property.

The evidence demonstrated that the named officers detained the complainant for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01. The named officers' use of force on the complainant was the direct result of the traffic enforcement activity that DGOs 9.01 and 5.08 prohibit plainclothes officers from taking. The evidence also established that the named officers lacked legal justification to detain the complainant when they grabbed his arms.

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

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SUMMARY OF ALLEGATIONS #5-6: The officers spoke and behaved inappropriately toward the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers spoke and behaved inappropriately. The named officers denied the allegation.

Witnesses stated that they did not witness the statements and actions described by the complainant.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers handcuffed him without justification after they stopped him for riding a bicycle on the sidewalk.

The named officers stated that they contacted the complainant to advise him not to ride a bicycle on the sidewalk and grabbed his arms after he rushed towards them as if he was attempting to flee or ram them with the bicycle. They stated that they handcuffed the complainant because he physically resisted them after they grabbed his arms.

Two witness officers largely confirmed the named officers' account of what happened.

Two of the complainant's companions and an independent witness stated that the officers approached the complainant, who was stopped on the bicycle, and grabbed his arms. They denied that the complainant moved towards the officers.

The evidence established that the named officers, who were in plainclothes and traveling in an unmarked vehicle, handcuffed the complainant after detaining him for a minor traffic violation. Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation

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or when immediate action is necessary to protect life or property. The named officers stated that the complainant's detention was not related to an ongoing criminal investigation and the evidence established that it was not necessary to protect life or property.

The evidence demonstrated that the named officers detained the complainant for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01. The named officers' handcuffing of the complainant was the direct result of the traffic enforcement activity that DGOs 9.01 and 5.08 prohibit plainclothes officers from taking. The evidence also established that the named officers lacked legal justification to detain or to handcuff the complainant.

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

SUMMARY OF ALLEGATIONS #9-10: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched him without justification after they stopped him for riding a bicycle on the sidewalk.

The evidence established that the named officers, who were in plainclothes and traveling in an unmarked vehicle, searched the complainant after detaining him for a minor traffic violation. Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property.

The named officers stated the complainant's detention was not related to an ongoing criminal investigation and the evidence established that it was not necessary to protect life or property. The evidence demonstrated that the named officers detained the complainant for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01. The named officers' search of the complainant was the direct result of the traffic enforcement activity that DGOs 9.01 and 5.08 prohibit plainclothes officers from taking.

The evidence also established that the named officers lacked legal justification to detain or to search 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.

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SUMMARY OF ALLEGATIONS #11-12: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without cause after they stopped him for riding a bicycle on the sidewalk.

The evidence established that the named officers, who were in plainclothes and traveling in an unmarked vehicle, arrested the complainant after detaining him for a minor traffic violation. Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property.

The named officers stated the complainant's detention was not related to an ongoing criminal investigation and the evidence established that it was not necessary to protect life or property. The evidence demonstrated that the named officers initiated a traffic stop and made a minor traffic arrest for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01. The complainant's arrest, which occurred as a result of the unlawful detention, was therefore improper.

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 #13: The officer conducted a search beyond the scope of authority.

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

FINDINGS OF FACT: The complainant stated officers conducted a strip search of him at the station.

The officers involved with the complainant's detention and arrest all denied that the complainant's clothing was removed at the station.

The named officer, who was present and supervised the plainclothes officers who detained and arrested the complainant, denied that a strip search was conducted.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officers filed false charges against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer wrongfully charged him with resisting and delaying. The complainant stated he was slowly riding a bicycle on the sidewalk when two plainclothes officers exited an unmarked car, walked onto the sidewalk, grabbed him by the arms, twisting them behind his back.

The named officer stated he decided to stop and contact the complainant, who he knew was an associate of a violent gang active in this neighborhood, solely to advise him not to ride a bicycle on the sidewalk. He denied that he wanted to question, search or run a wants and warrants check on the complainant. He and his partner stated they stepped onto the sidewalk and advised the complainant not to ride a bicycle on the sidewalk, and that they grabbed his arms after he rushed towards them as if attempting to flee or to ram them with the bicycle. The named officer stated that he cited the complainant for resisting and delaying because the complainant charged at him and his partner and resisted when they grabbed his arms.

Two witness officers confirmed portions of the account of the two officers who detained the complainant. Two of the complainant's companions and an independent witness stated that the officers approached the complainant, who was stopped on the bicycle and grabbed his arms. They denied the complainant moved towards or charged at the officers.

The credibility of the named officer and his partners was diminished because significant elements of their accounts were inconsistent with police practices and with common sense. The officers' claimed that they did not question the complainant about gang activities, despite this being a standard practice, was not credible. Neither was the named officer's assertion that he did not tell his partners he was about to contact a known gang associate when he exited the car, or his claim that he paid no attention to the complainant's companions when he first contacted the complainant, despite this officer's stated concern about people in the neighborhood carrying weapons. The named officer's claim that he had one of his partners make a U-turn so he could exit the car and advise the complainant not to ride a bicycle on the sidewalk also was not credible. The named officer and two of his partners could not recall another occasion when, while working in plainclothes, they had contacted someone solely because they were riding a bicycle on the sidewalk.

A preponderance of the evidence established that the named officer and his partner approached the complainant, who was standing on the sidewalk, and grabbed him by the arms, and that the complainant did not run or charge towards the two officers, as the named officer claimed he did.

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Additionally, the evidence established that the named officer, who was in plainclothes and traveling in an unmarked vehicle, detained the complainant for a minor traffic violation in violation of Department General Orders 5.08 and 9.01, which state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The officers stated that the complainant's detention was not related to an ongoing criminal investigation and the evidence established that it was not necessary to protect life or property. The evidence demonstrated that the named officer initiated a traffic stop and made a minor traffic arrest for a minor traffic violation that posed no threat to life or property, in violation of DGOs 5.08 and 9.01. The use of force on the complainant and the complainant's arrest, which occurred as a result of the unlawful detention, was therefore improper. In addition, the filing of charges of delaying and resisting against the complainant lacked justification.

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 ALLEGATIONS #15-16: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated he believes the officers harassed him by transporting him to the police station in order to question him about criminal activities in the neighborhood.

The named officers denied that they wanted to question the complainant and denied asking him any questions at the station. The named officers and their two partners stated that they transported the complainant to the station because his companions were angry and agitated and were screaming at the officers, making it unsafe for them to issue a citation to the complainant at the scene.

The complainant's sister stated she screamed obscenities and ethnic insults at the officers and repeatedly stepped off the curb and approached them.

There are serious doubts about the credibility of the named officers, especially concerning their claim that they did not intend to and did not question the complainant, who one of them knew to be associated with a violent street gang. However, the antagonistic behavior of the complainant's sister at the scene appears to have provided the officers justification to transport the complainant to the station.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/14 **DATE OF COMPLETION:** 06/12/15 **PAGE #9** of 12

SUMMARY OF ALLEGATIONS #17-18: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he believes the officers stopped him because of his race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officers and their two partners denied that the complainant's race was a factor in any of their actions, and the named officers denied detaining the complainant because of his race.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/14 **DATE OF COMPLETION:** 06/12/15 **PAGE #**10 of 12

SUMMARY OF OCC-ADDED ALLEGATIONS #1-2: The officers conducted a traffic stop in violation of Department regulations.

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

FINDINGS OF FACT: The named officers stated that while in plainclothes and driving an unmarked vehicle, they detained the complainant for riding his bicycle on the sidewalk, a violation of San Francisco Municipal Traffic Code §7.2.12.

Department General Orders 5.08 and 9.01 state that non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests, except when the activity is related to an ongoing criminal investigation or when immediate action is necessary to protect life or property. The named officers stated that the complainant's detention was not related to an ongoing criminal investigation and the evidence established that it was not necessary to protect life or property.

The named officers' detention, arrest and use of force on the complainant were the direct result of the named officers' traffic enforcement activity that DGOs 9.01 and 5.08 prohibit plainclothes officers from taking.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/14 **DATE OF COMPLETION:** 06/12/15 **PAGE #**11 of 12

SUMMARY OF OCC-ADDED ALLEGATIONS #3-4: The officers failed to comply with Department rules concerning traffic enforcement.

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

FINDINGS OF FACT: The evidence established that while in plainclothes and driving an unmarked vehicle, the named officers detained the complainant for riding his bicycle on the sidewalk and that this detention was a traffic stop. Department General Order 5.08 requires that when non-uniformed officers make a traffic stop, they shall immediately request a marked backup unit.

The evidence established that the named officers failed to immediately request a marked backup unit.

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 #5: The officer failed to comply with Department regulations concerning traffic stop data collection.

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

FINDINGS OF FACT: The named officer and his partner conducted a traffic stop of the complainant. Department Bulletin 13-091 requires that officers collect and enter traffic stop data after any vehicle stops, including bicycles.

The named officer stated he did not enter the traffic stop data for this incident and the Department had no record that traffic stop data for the traffic stop of the complainant was entered. As the officer who initiated the traffic stop and wrote the incident report and the traffic citation, the named officer had a mandatory duty to collect traffic stop data regarding the traffic stop of the complainant and to enter the information the same day.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/14 **DATE OF COMPLETION:** 06/12/15 **PAGE #**12 of 12

SUMMARY OF OCC ADDED ALLEGATION #6: The officer failed to properly supervise.

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

FINDINGS OF FACT: The evidence established that the named officer was present when plainclothes officers he supervised conducted a traffic stop of the complainant in violation of Department regulations, failed to comply with Department rules requiring non-uniformed officers to immediately summon a marked backup unit to the scene of a traffic stop, failed to comply with Department regulations concerning traffic stop data collection and detained, handcuffed, used unnecessary force on, searched and arrested the complainant without justification.

A preponderance of the evidence established that the named officer failed to properly supervise subordinate officers who, in his presence and under his direct supervision, violated Department regulations.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant said he walked in between a group of officers while listening to a music player on earphones when an unidentified officer yelled at him and, two seconds later, the named officer detained him without justification.

The named officer stated the complainant yelled profane and sexual slurs at another officer. As the complainant walked in his direction, he told the complainant to relax and leave the area. The named officer said he detained the complainant after the complainant became irate, yelled profanities at him while walking in his direction and physically challenged him to a fight.

A witness officer said the complainant first profanely asked why the officer was looking at him and then called him sexual slurs. He said the complainant continued walking towards the named officer and said the complainant called the named officer a slur and got very close to the named officer.

A second witness officer did not see what led to the detention but corroborated the complainant yelled profanities at officers prior to his detention, apparently baiting officers to fight him.

A third witness officer heard someone call another sexual slurs. He then saw the named officer approach the complainant, told him to relax, to leave, but did not see what prompted the named officer to detain the complainant.

Two witnesses, who observed and video-recorded part of the detention, stated that they did not see what led to the complainant's detention.

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: 06/30/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant said that while one officer yelled at him from one side, the named officer slapped him on his jaw, grabbed him by his jacket, and pulled him down to the ground, away from the sidewalk.

The named officer denied that he slapped the complainant, but said when the complainant challenged him to a fight, he used a rear left bent-wrist lock and pushed on the complainant's shoulder until he was in a seated position on the sidewalk.

A witness officer denied the named officer slapped the complainant. He said the named officer held the complainant's arm and pulled the complainant down to the sidewalk.

A second witness officer heard shouting but did not see how the complainant was detained.

A third witness officer saw the complainant and the named officer walking towards a building line before the named officer sat the complainant on the ground. He denied that the named officer slapped or threw the complainant.

Two other witnesses in the area did not see how the named officer detained 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: 06/30/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3: The officer used profane language.

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

SUMMARY OF ALLEGATION #4: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said an officer profanely threatened to knock his teeth out, and submitted video recordings to substantiate his assertion.

The named officer said that he was the officer at the scene of the complainant's detention who was yelling at the complainant, and may have used profanity, but explained that he did so to focus the complainant upon him so that other officers could complete tasks necessary to the detention. The named officer further stated that he did not recall making the profane threat attributed to him but said that use of profanity is at times necessary to relate to suspects who use that language regularly. As to the video, the named officer said the officer leaning over the complainant "could be" him, and the voice heard during the threat could have been his or someone else. He acknowledged he was with the complainant when the officer who had detained him was in a police vehicle running a query on the complainant's identification.

One witness officer, shown the video of the incident, said he recognized the named officer leaning over the complainant while the threat was made. One witness officer confirmed that the named officer was among those surrounding the complainant at the detention. Several witness officers said they could not recognize anyone on the video as the video was dark and unclear. Several witness officers said they did not know who made the threat to injure the complainant or said they did not hear it. Several officers said that the threat may have come from a passerby.

Video evidence provided to the OCC by two independent witnesses and the testimony of the witnesses as to what they observed showed the named officer delivering a clearly audible profane threat to injure the complainant. Spontaneous comments made by the witnesses and captured on the video recordings proved that the profane threat was made by an officer.

A preponderance of the evidence established that the named officer yelled a profane threat to seriously injure the complainant in violation of DGO 2.01 sections 9 and 14.

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: 06/30/14 **DATE OF COMPLETION:** 06/17/15 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: A video recording of the incident, witness and officer testimony established that the named officer was present during the detention of the complainant, and was immediately present when an officer under his supervision made a profane threat to physically injure a detainee.

The named and two witness officers stated that the named officer was at the scene of the detention during which the threat took place and that the named officer took no corrective action at the scene of the detention or immediately after with regard to the officer who made the threat.

The named officer said that the threat clearly audible on a video recording of the detention would have constituted a violation of Department regulations, but denied that he heard, saw or became aware of the officer making the alleged threat.

Testimony from witness officers and the named officer, as well as the video evidence provided by independent witnesses, indicated that the named officer was present at the time of the clearly audible threat and took no appropriate action.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/14 **DATE OF COMPLETION:** 06/23/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the named officers failed to investigate her noise complaint, refusing to speak to her tenants.

The named officers denied the allegation. They stated they did not hear any noise coming from the complainant's tenants' apartment. The named officers stated the complainant's noise complaint lacked sufficient merit to take any action.

Witnesses stated they were asleep when the officers spoke with the complainant.

No other witnesses were identified.

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

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

Witnesses stated they were not present when the officers interviewed 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: 06/27/14 **DATE OF COMPLETION:** 06/23/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated she had a video clip to submit as evidence to the officer regarding a tenant being aggressive towards her. The complainant stated the officer gave her a compact disc (CD) to save her video, but the officer took the CD back before she could save her video on it.

The named officer denied the allegation. He stated he provided the complainant a department issued blank CD in order for her to save any data she had to book as evidence. The named officer stated he told the complainant she could also bring her videos to the station to be booked as evidence. The named officer stated he did not view any of the complainant's videos, because she was not able to find or view them on her laptop. The named officer stated he did not recall if he left the CD with the complainant or if the complainant declined to take the CD.

Witnesses stated they were not present when the officers spoke to the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/14 **DATE OF COMPLETION:** 06/10/15 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer detained the complainant

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

FINDINGS: The complainant stated she called 9-1-1 numerous times after having a verbal argument with her mother, which turned physical. The complainant stated she was afraid of her mother “doing damage” to her. The complainant stated she kicked the chair her mother was sitting in and pretended to slap her but did not. The complainant stated officers arrived at her residence and she opened the door and let the officers into her house. The complainant stated that while the officers were present, they saw her taking a dose of her psychiatric medication and the officers thought that she was going to consume the entire bottle. The complainant acknowledged she has been to psychiatric wards for mental health issues. The complainant stated the officer placed her on a 72-hour hold. The complainant requested that her mother not be interviewed regarding this complaint.

The named officer denied the allegation. He stated he detained the complainant because she was emotionally unstable and unpredictable. He stated the complainant was out of control and was taking an excessive amount of pills within a 30-minute period. He stated he determined the complainant was a danger to herself and the complainant was later admitted to the psychiatric hospital.

Three witness officers stated that the complainant was agitated, erratic, screaming, crying and taking pills at the same time. The witness officers corroborated that the complainant was a danger to herself and others.

No other witnesses were identified.

Psychiatric emergency records established that the complainant met the criteria for a 5150 psychiatric hold.

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: 06/23/14 **DATE OF COMPLETION:** 06/10/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force during the detention.

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

FINDINGS: The complainant stated one of the named officers aggressively twisted her hand behind her back as if she were going to be handcuffed. The complainant stated the other named officer sat on her during the incident. The complainant stated she was placed in tight handcuffs.

The named officers denied the allegations. One of the named officers stated he assisted the other named officer by holding onto the complainant's arms to keep her from shifting her upper body to free herself. He stated that he gently grabbed the complainant by the arm and helped her with sitting on the bed. He stated he did not use excessive force while controlling and holding the complainant's arms and that the complainant did not have any complaint of pain.

The other named officer stated he grabbed the complainant's arms and tugged down to get the complainant to sit still on the bed. He stated he did not use excessive force and the complainant did not complain of any pain or of being injured. He stated that he handcuffed the complainant with the proper degree of tightness and double locked the handcuffs. Both named officers stated the complainant did not complain about the handcuffs being too tight.

Witness officers did not recall the complainant tell any officer that the handcuffs were too tight.

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: 06/16/15 **DATE OF COMPLETION:** 06/29/15 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/14 **DATE OF COMPLETION:** 06/13/15 **PAGE#** 1 of 3

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 he was driving his friend's vehicle when he was pulled over for no apparent reason.

The named officer and his partner stated that the complainant was stopped for driving in a taxi/limo only lane and for having an expired vehicle registration.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was arrested for having a loaded assault rifle in his vehicle and for resisting arrest. In addition, the complainant was arrested on drug related charges.

The complainant denied the charges, stating that he had a medical marijuana card and, as a retired military member, he was permitted to carry a concealed weapon.

There was insufficient evidence to prove or disprove the circumstances that led to the complainant's initial detention and the subsequent arrest.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/14 **DATE OF COMPLETION:** 06/13/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant was arrested for having a loaded assault rifle in his vehicle and for resisting arrest. In addition, the complainant was arrested on drug related charges. The complainant stated that his rifle and medical marijuana were unnecessarily seized. In addition, the complainant stated his friend's vehicle was towed for no reason.

The named officer denied the allegation. He stated he observed a marijuana grinder on the front passenger seat of the complainant's vehicle and smelled an odor of marijuana emanating from the passenger compartment of the vehicle. The named officer stated he conducted a vehicle search for marijuana and found seven individually wrapped baggies of marijuana, a glass pipe and a loaded assault rifle. He stated the complainant's vehicle could not be parked legally and presented a traffic hazard, prompting the tow. The named officer stated that items seized were booked into evidence.

There was insufficient evidence to prove or disprove the circumstances that led to the complainant's initial detention and the subsequent arrest.

No independent witnesses were identified.

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

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 named officer threatened to put him in a mental institution. While at the district station, the complainant stated an unknown officer stated, "Way to bag a terrorist."

The named officer and his partner denied the allegation. The identity of the alleged officer at the station has not been established.

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: 06/17/14 **DATE OF COMPLETION:** 06/13/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

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

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.

SUMMARY OF ALLEGATION #7: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated the named officer pulled him out of his vehicle, threw him to the ground and handcuffed him.

The named officer denied the allegation. He stated he asked the complainant to step out of his vehicle, place his hands behind his head and interlock his fingers. He stated the complainant complied with his order. He stated that when he placed his hand on the complainant's hand, the complainant pulled away and attempted to lunge back into the vehicle. He stated he and the complainant struggled and ended up on the ground. He stated his partner came around the vehicle and assisted him in handcuffing the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/14 **DATE OF COMPLETION:** 06/23/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated there was a disparity in the way police responded to his request for service and that of his neighbor. The complainant stated that race was a factor in the treatment he received from the police. The complainant stated the police did not do anything for him when he called them for assistance; however, when his neighbor called the police and accused him of harassing her, the police assisted the neighbor.

The named officers were interviewed pursuant to the OCC Biased Policing Investigation Protocol. The named officers denied the allegation.

Witness officers and the complainant's neighbor also denied that the named officers engaged in biased policing.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the police referred to him as mentally ill.

The named officers denied the allegation.

The witness stated she was concerned for the complainant's well being and decided to call the police. The witness stated the complainant is delusional, has dementia and constantly complains. The witness explained her observations to the officers and an officer commented to her that the complainant might not have it all together. The witness stated she did not recall which officer commented to her about the complainant's mental status or the exact words the officer said. The witness stated the named officers were calm and professional.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/15 **DATE OF COMPLETION:** 06/25/15 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/15 **DATE OF COMPLETION:** 06/11/15 **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. This complaint has been referred to:

SFMTA Customer Service Center
ATTN: Citation Review
11 South Van Ness Avenue
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/15 **DATE OF COMPLETION:** 06/22/15 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer arrested a person without cause.

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

FINDINGS OF FACT: The complainant stated that an unknown plainclothes officer(s) arrested her fiancé without cause. During an interview, the complainant stated she wished to consult with an attorney before proceeding. The complainant did not respond to OCC's request for an interview.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/15 **DATE OF COMPLETION:** 06/09/15 **PAGE #1** of 1

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

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

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

San Francisco District Attorney's Office
850 Bryant Street, Third Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/15 **DATE OF COMPLETION:** 06/10/15 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/15 **DATE OF COMPLETION:** 06/10/15 **PAGE #1** of 1

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

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

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

Stanislaus County Sheriffs Department
Internal Affairs Unit
250 East Hackett Road
Modesto CA, 95358

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/25/15 **DATE OF COMPLETION:** 06/09/15 **PAGE** #1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/18/15 **DATE OF COMPLETION:** 06/12/15 **PAGE #1** of 1

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

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

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

San Francisco Sheriffs Department
Investigative Services Unit / TLO
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 06/10/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers conducted searches without cause.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that the named officer and another officer drove to a parking lot, approached a group of boys, including her son, and began searching them without cause. The complainant did not respond to OCC's request for an interview.

The named officer stated that on the date of the incident, he received information from a confidential reliable informant that a probationer in the parking lot had a firearm. The named officer said that during his surveillance, he saw a group of gang members smoking marijuana inside their vehicles, prompting him to detain the suspects and conduct cursory searches of the suspects for weapons.

Three witness officers did not recall the incident and a fourth denied being present.

No other witnesses on the scene responded to OCC requests for an interview.

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

SUMMARY OF ALLEGATIONS #3-4: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that the named officer and another officer drove to a parking lot, approached a group of boys, including her son, and began searching them without cause. In addition, the complainant stated that the officers searched a vehicle without cause. The complainant did not respond to OCC's request for an interview.

The named officer stated that on the date of the incident, he received information from a confidential reliable informant that a probationer in the parking lot had a firearm. The named officer said that during his surveillance, he saw a group of gang members smoking marijuana inside their vehicles, prompting him to detain the suspects and conduct cursory searches of the suspects and their vehicles for weapons.

Three witness officers could not recall the incident and a fourth officer denied being present.

No other witnesses on the scene responded to OCC requests for an interview.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 06/10/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that an officer ignored her request for his name. The complainant did not respond to OCC's request for an interview.

One of the officers denied the allegation. Three officers could not recall the incident. A fourth officer denied being present at the parking lot.

No other witnesses on the scene responded to OCC requests for an interview.

There was insufficient evidence to establish the identity of the alleged officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/15/14 **DATE OF COMPLETION:** 06/09/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant said she is the mother of an adult male with emotional problems who was issued a citation for smoking in a bus stop shelter. The complainant stated she believed that police should focus more on serious crimes. The complainant provided a copy of the citation, which noted a violation of section 1009.22 of the San Francisco Health Code, described by the issuing officer as “No smoking at bus shelter.” The complainant stated that her son and a witness told her that her son was smoking a cigarette while seated inside the bus stop shelter in front of their residential hotel.

A preponderance of the evidence established that the complainant’s son was in violation of the ordinance that prohibits smoking in certain public areas.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/15 **DATE OF COMPLETION:** 06/29/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was driving through heavy traffic looking for a parking spot near the baseball stadium to attend the World Series game. The complainant stated he drove for a short time in the bus-taxi-only lane to turn into a parking lot. The complainant stated that the parking lot was full, prompting him to continue to drive for another block in the bus-taxi only lane. The complainant stated he was then pulled over and cited for driving in a bus-taxi only lane.

Pursuant to San Francisco Traffic Code 31, persons are not permitted to drive in lanes designated only for buses and taxis.

The citation shows the named officer cited the complainant for the above-mentioned violation.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer knew that the complainant was from the Bay Area and was just looking for a parking spot. The complainant felt that the named officer should have let him go without a citation.

The evidence shows that the complainant was properly 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: 04/20/15 **DATE OF COMPLETION:** 06/19/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: A member of the San Francisco Police Department (SFPD) failed to properly investigate.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on June 3, 2015.

SUMMARY OF ALLEGATION #2: A member of the SFPD engaged in biased policing based on race.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on June 3, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/15 **DATE OF COMPLETION:** 06/25/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate comments to him, calling the complainant a child molester. In addition the complainant stated the named officer was sarcastic.

The named officer denied the allegation, stating that he was professional and respectful towards 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: 03/31/15 **DATE OF COMPLETION:** 06/09/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated he was riding his bicycle to work when officers stopped him. The complainant stated he had his headphones around his neck with one ear bud in his ear. The complainant denied that he ran the red lights. The complainant stated the named officer cited him for wearing headphones and two red light violations.

The named officer and his partner stated that they stopped and cited the complainant after witnessing numerous traffic violations.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was extremely rude, had a terrible attitude and made inappropriate and threatening comments.

The named officer and his partner denied threatening or intimidating the complainant. The named officer stated he and his partner were “very professional in dealing with the complainant.”

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: 03/16/15 **DATE OF COMPLETION:** 06/22/15 **PAGE #1** of 1

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

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

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

San Francisco Metropolitan Transportation Agency
Sustainable Streets Division
1 South Van Ness Ave.
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/15 **DATE OF COMPLETION:** 06/22/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued citations to the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer cited him without cause on two separate occasions.

The named officer denied the allegation. He stated that for the first citation, he observed the complainant cross a double yellow line and cited the complainant for that violation. The officer noted that the court found the complainant guilty of the offense.

The named officer stated that for the second offense, he used LIDAR and observed the complainant exceeding the posted speed limit. He then issued the complainant a citation for speeding.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the time listed on the citation was inaccurate.

The named officer denied the allegation. The named officer stated that the Event History Detail for this incident showed that the time listed on the citation was correct.

Department Records show that the time listed on the citation corresponded with the time the complainant was stopped for this violation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/15 **DATE OF COMPLETION:** 06/29/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 - 4: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she was in a dispute with another man about a parking spot. The complainant stated she called the police because the man was yelling at her and standing in the parking space. The complainant stated that several officers arrived and made inappropriate comments, telling her to move her vehicle.

The named officers denied making inappropriate comments alleged by the complainant.

No witnesses came forward.

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

SUMMARY OF ALLEGATIONS #5 - 8: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that she was in a parking dispute with another man and called police to assist. The complainant stated that when the police arrived, the officers belittled her and spoke down to her. The complainant stated that she believes the officers acted that way towards her because she is African American.

The named officers were interviewed pursuant to the OCC Biased Policing Investigation Protocol. The named officers denied the allegation, stating that the complainant's race played no role in how the call was handled or how they communicated with her.

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: 02/24/15 **DATE OF COMPLETION:** 06/29/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 23, 2015.

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complainant without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on June 23, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/15 **DATE OF COMPLETION:** 06/29/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on June 23, 2015.

SUMMARY OF ALLEGATIONS #6-7: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on June 23, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/15 **DATE OF COMPLETION:** 06/29/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers towed a vehicle without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on June 23, 2015.

SUMMARY OF ALLEGATION #10: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 23, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/15 **DATE OF COMPLETION:** 06/22/15 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/15 **DATE OF COMPLETION:** 06/09/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on June 5, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/15 **DATE OF COMPLETION:** 06/22/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the officer yelled at her in a bizarre and inappropriate manner for several minutes during a traffic stop about not pulling over to a better location.

The named officer denied being inappropriate, and said that he gestured for the complainant to pull over at one location and the complainant stopped at a different location, in an intersection that put both of them in danger. The named officer said he raised his voice to be heard over traffic noise, telling the complainant to move her vehicle to another location, to no avail.

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: 01/15/15 **DATE OF COMPLETION:** 06/30/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an officer behaved inappropriately by grabbing the complainant's backpack after the complainant exited a bus. The complainant stated the officer should have tapped him to get his attention. The complainant admitted he did not hear what the officer said to him.

The complainant provided a name and star number that did not match with SFPD records.

The OCC attempted to identify the involved officer by sending Officer Identification Polls to the District Station and to MTA. The Identification Polls were returned stating that no officer was identified as being involved in this incident.

The complainant did not respond to OCC's request for photo identification of the named officer.

Officers questioned by the OCC either denied the allegation or did not remember the contact.

The identity of the alleged officer has not been established.

A witness did not observe the interaction between the complainant and the officer.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/15 **DATE OF COMPLETION:** 06/22/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer intentionally damaged personal property.

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

FINDINGS OF FACT: The complainant filed a complaint through the City's 311 System regarding an unidentified officer breaking her purse during a police contact. The complainant refused to be interviewed over the phone. Instead she insisted on coming in for an in-person interview. The complainant failed to appear for her scheduled OCC interview and did not respond to OCC's subsequent requests for an interview.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/12/15 **DATE OF COMPLETION:** 06/09/15 **PAGE** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was cited for running a stop sign even though she came to a complete stop and looked both ways before proceeding.

The named officer denied the allegation. He stated that he observed the complainant fail to make a stop at a posted arterial stop sign.

A witness stated the officer frequently cites people at the intersection and stated that he did not observe this traffic stop.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION # 2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer yelled and acted aggressively throughout the entire traffic stop.

The named officer denied the allegation and said he was professional during the traffic stop.

A witness stated he is familiar with the officer who enforces traffic near the school and stated that the officer makes him nervous because he is very strict. However, he stated that he did not observe this traffic stop.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/14 **DATE OF COMPLETION:** 06/22/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 16, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/24/14 **DATE OF COMPLETION:** 06/09/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to investigate.

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

FINDINGS OF FACT: The complainant stated that he filed a report with the San Francisco Police Department (SFPD) in 2013 regarding a mortgage fraud perpetrated against him in 2006 that resulted in his losing rights to a home. The complainant said that his ex-wife and an acquaintance persuaded him to sign papers while he was hospitalized and suffering from memory loss and other medical conditions. The complainant stated that the SFPD did not conduct any investigation.

Department records show that the police report was prepared in 2013 for the purpose of allowing the District Attorney to access the VA Hospital's surveillance files, according to the incident report. Department records also show that the case was not assigned to an inspector for investigation, as the report was for suspicious occurrence only.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/14 **DATE OF COMPLETION:** 06/09/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was approached by the named officer and was told that the complainant could not be in the area. The complainant did not specify his exact location.

The named officer stated he had contact with the complainant because the complainant was violating a stay-away order. He stated that if he told the complainant to leave the area, it was because of the stay-away order.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainants stated that the named officer made inappropriate comments towards the co-complainant.

The named officer denied the allegation.

No independent witnesses were identified.

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