

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/16 **DATE OF COMPLETION:** 06/06/16 **PAGE #**1of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 16, 2016.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 16, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers failed to comply with Department Bulletin 14-105, Operation Outreach Protocol for Processing Homeless Property “Bag & Tag.”

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

FINDINGS OF FACT: The complainant stated the named officers tore apart her homeless encampment without warning and confiscated her property. The complainant stated the named officers ordered her to take what she could carry and leave, but did not allow her adequate time to pack her most valuable possessions. The complainant stated the named officers loaded the rest of her property onto a Department of Public Works (DPW) truck, explaining that they had the right to remove “abandoned” property. The complainant denied abandoning her property. The complainant stated she should have been given more time to move the things she could carry and a receipt or instructions on how to retrieve the rest of her property.

The named officers denied confiscating any of the complainant’s property. The named officers stated they ordered the complainant to pack her things and leave the encampment. The named officers stated the complainant had adequate time to pack and even came back for some forgotten items. The named officers stated the complainant did not claim to own any of the property loaded onto the DPW truck. The named officers stated they were not required to issue a property receipt because the property did not belong to the complainant and because DPW actually confiscated the property.

Records indicated that DPW called for police assistance.

Several witnesses saw only a portion of the incident and could not hear any conversation between the complainant and the named officers.

Department Bulletin 14-105, Operation Outreach Protocol for Processing Homeless Property "Bag & Tag," requires officers to issue a property receipt when taking property from an individual.

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: 06/03/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officers treated her in a rude and threatening manner while tearing down her homeless encampment with the help of a Department of Public Works (DPW) employee. The complainant stated one named officer ordered her to leave the area and threatened to arrest her fiancé if she returned. The complainant stated she was allowed to keep only those belongings she could carry in one trip and nothing more. The complainant stated the named officers denied her request to retrieve medication from a cart they were confiscating. The complainant stated one named officer followed her up the street and confiscated her suitcase while she was inside a bathroom.

The named officers stated they were helping Department of Public Works employees break down a homeless encampment. The named officers denied threatening the complainant or confiscating her medication. The named officers stated they allowed the complainant to keep all of her property. The named officers stated they were cooperative when the complainant returned for dog food that she had forgotten. The named officers stated the complainant never mentioned medication and did not claim to own any of the property taken by DPW. The named officers denied following the complainant up the block or taking her suitcase.

Several witnesses saw only a portion of the incident and could not hear any conversation between the complainant and the named officers.

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: 06/03/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: This complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Department of Public Works
2323 Cesar Chavez Street
San Francisco CA 94124

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/15 **DATE OF COMPLETION:** 06/06/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was in an altercation with her roommate and hit him over the head, causing him to bleed. She stated that two officers entered her residential hotel room without her consent.

Four officers responded to the scene. Of the four officers, two officers rendered aid to the 72 year-old victim, who was bleeding from the head. They stated the victim told them that the complainant, his wife of twenty years, hit his head with a hammer during an argument about drugs. One of the officers stated he located a hammer nearby with blood specks on it.

The two named officers entered the complainant's room and placed her in handcuffs.

Records from the Department of Emergency Management (DEM) show that the complainant called 911 regarding a 72-year-old man bleeding from the head. She requested police and medical assistance to respond.

The exigency of the circumstances provided the officers the exception to the general requirement of a warrant under the Fourth Amendment searches and seizures.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/15 **DATE OF COMPLETION:** 06/06/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated she was in a fight with her roommate. She stated she hit him on the head in self-defense and he began to bleed. She stated she was alone inside her residential hotel room when two uniformed officers kicked the door open. She stated she was standing on the opposite side of the room and the officers ordered her to come to them. She stated she refused their order. They ordered her again, and again she refused. The complainant stated the officers grabbed her by her wrists, picked her up and slammed her on the bed, face down on top of a plastic bin and handcuffed her. She stated she was not injured.

The named officers stated no physical controls were needed to take the complainant into custody. One named officer stated the complainant was placed in handcuffs on her bed without incident. The other named officer stated the complainant's wrists were grabbed because she initially resisted, but was quickly detained. He stated the bed took up eighty percent of the room and she was handcuffed on it.

A third officer at the scene stated he saw the complainant being led down the stairs. He did not see any visible injuries on the complainant. He stated the complainant did not say anything about being injured and did not request medical attention, either at the scene or at the station.

A fourth officer stated that when he first saw the complainant, she was in a hallway and she was handcuffed. He recalled the complainant complained about tight handcuffs. He stated he checked the handcuffs for proper tightness, and they were fine.

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: 12/04/15 **DATE OF COMPLETION:** 06/06/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she was in an altercation with her roommate and hit him over the head, causing him to bleed. She stated she was wrongfully arrested for assaulting her roommate.

The named officer stated he and his partner found the 72 year-old victim bleeding profusely from the head. The victim told the officer that he had been in an argument with his wife, the complainant, about crack cocaine. The named officer stated that neither party wanted to press charges. He stated that, due to the victim's injuries, he arrested the complainant.

The officer's partner stated the victim told him that the complainant was his wife and that they had an argument over missing crack cocaine. The victim told the officer's partner that the complainant hit him on his head with a hammer. The officer stated a hammer with blood was found near the victim.

SFPD photos showed the victim's head injury and a hammer with blood specks on it.

Records from the Department of Emergency Management (DEM) show that the complainant called 911 regarding a 72-year-old man bleeding from the head. She requested police and medical assistance to respond.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/15 **DATE OF COMPLETION:** 06/09/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was at a festival when he got into an altercation with a group of people. He stated that the named officer arrived and began to question him even though the complainant had done nothing wrong. The complainant stated that while he was never handcuffed, he did not feel as if he was free to go. He stated the named officer had the complainant's identification the whole time. The complainant stated the named officer then transported him in a patrol car away from the festival.

The named officer denied that he detained the complainant. The named officer stated that he was dispatched to a call of a theft at the festival. When the named officer arrived, people accused the complainant of stealing a bag and harassing a young woman. The named officer stated he conducted a lengthy investigation and determined that no crime had occurred. The named officer then told the complainant he had to leave the festival because it was a private event. The named officer escorted the complainant out of the festival and called a taxi for him. When the taxi did not show up, the named officer stated he gave the complainant a courtesy ride to a supermarket, approximately one-quarter mile away.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer searched the complainant's bag without his permission.

The named officer denied that he searched the complainant's bag without his permission, stating that the complainant unzipped his bag and allowed the named officer to look inside.

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: 07/01/15 **DATE OF COMPLETION:** 06/09/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments towards him. In addition, the complainant stated that the named officer refused to listen to the complainant's story of how he was assaulted.

The named officer denied the complainant's allegation, stating that he listened to both sides.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant stated that the named officer did not provide him medical treatment.

The named officer denied the allegation, stating that the complainant never requested medical attention.

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: 07/01/15 **DATE OF COMPLETION:** 06/09/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that when he asked the named officer for his name and star number, the named officer pointed at his nametag.

The named officer stated that he provided his name and star number and pointed to his nametag so the complainant knew how to spell the named officer's name.

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: 07/01/15 **DATE OF COMPLETION:** 06/09/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated that after being detained for more than an hour, the named officer gave him a courtesy ride to a nearby supermarket. The complainant stated the officer did not provide him any documentation of this incident.

Department General Order 5.03, Investigative Detentions, section II states:

A. CERTIFICATE OF RELEASE/INCIDENT REPORT/DUTIES OF DETAINING OFFICER

1. **BRIEF DETENTIONS.** If you briefly detain a person where you stop him/her, or move a person a short distance for safety, convenience, or privacy, the person is not considered arrested or taken into custody. When releasing the person, you need not issue a Certificate of Release or prepare an incident report.

2. **PROLONGED DETENTIONS.** If, however, you release a person after he/she has been moved a substantial distance or has been detained a significant length of time, you must issue the person a Certificate of Release and prepare an incident report justifying the movement or the length of detention. Title the incident report "Investigative Detention," list the person as "D" detained, and include the reasons) the subject was detained such a long time or why he/she was moved

The named officer stated he did not issue the complainant a Certificate of Release because he did not believe this was a prolonged detention or that the complainant was moved a substantial distance. The named officer stated he gave the complainant a courtesy ride to a supermarket, approximately one-quarter mile away.

Records from the Department of Emergency Management show that the named officer was at the scene for over an hour.

Pursuant to DGO 5.03, the named officer was required to issue the complainant a Certificate of Release and prepare an incident report justifying the movement or the length of detention.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 1 of 7

SUMMARY OF ALLEGATION #1: The officer authorized an arrest without cause.

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

FINDINGS OF FACT: The co-complainant stated he and his parents went to the police station to make a complaint against an officer who had been to their home the day before. Before they could make the complaint, the co-complainant was arrested for an incident that occurred the day before.

SFPD initial incident report documents terrorist threats and a domestic violence incident, and was prepared the day before the co-complainant's arrest. The booking section of the report did not list a booking charge, as the co-complainant was not on scene. The narrative section of the initial report described the incident, actions, identification and the probable cause for the co-complainant's arrest. The initial incident report contains the victim's statement written in her Urdu language. SFPD transcribed the victim's statement, which stated in pertinent part: "He abuses me...I am afraid of him...It seems to me that he will kill me. He says that he has divorced me...He says if you do not obey me, I will kill you...." The victim failed to contact the OCC after numerous attempts were made.

The supplemental report established that the station duty officer who physically arrested the co-complainant prepared the supplemental report to document the arrest and listed the felony criminal threats charge in the booking section of the report. The named officer is listed on the supplemental report as the office-in-charge, who approved the charges.

The arresting officer stated he was on station duty detail at the police station when the complainants arrived at the station. He stated he notified the named officer that the suspect to an incident was present at the station and the named officer approved the arrest. This officer stated the probable cause to arrest the co-complainant was established from the initial incident report.

Another witness officer stated he was present during the initial incident as a back up officer. The following day, he was at the police station when the complainants arrived. He stated that he recognized the complainant and his wife from the prior incident. He denied having any contact with the complainants at the station.

The named officer stated he reviewed the initial incident report and relied on probable cause to arrest the co-complainant. He stated it is the policy of the SFPD that members shall make arrests in all domestic violence related incidents. The evidence established that the named officer had probable cause to approve the co-complainant's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 2 of 7

SUMMARY OF ALLEGATION #2: The officer failed to receive an OCC complaint.

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

FINDINGS OF FACT: The co-complainant stated he and his parents went to the police station to make a complaint against an officer who had been to their home the day before. Before they could make the complaint, the co-complainant was arrested for an incident that occurred the day before.

The named officer stated he was assigned to station duty at the police station. Prior to the co-complainant's arrest, he had been interpreting for the complainant and his wife. Once the co-complainant was arrested, the named officer stated he offered language line services to proceed with the complaint, but the complainant and his wife decided to take an OCC complaint form and fill it out at a later time. The named officer stated he provided the parties with an OCC complaint form and they left the station.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainants stated the officer made numerous inappropriate comments and engaged in inappropriate behavior during the incident.

The officer denied all the alleged comments and behavior attributed to him.

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: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 3 of 7

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

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

FINDINGS OF FACT: The complainants stated that on separate occasions, in separate parts of their home, the named officer made threatening comments to them.

The officer denied making the threatening comments.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION 5: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated the named officer demanded to be served some food while in their residence.

The complainant's wife corroborated that the officer ordered her to go upstairs and prepare him some tea, an omelet and some baratha (bread).

The named officer denied the allegation, denying that he demanded to be served some food as alleged.

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: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 4 of 7

SUMMARY OF ALLEGATION #6: The officer engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainants stated that when they went to the station to file a complaint against the named officer, the co-complainant was handcuffed and arrested. The complainants believed the arrest was in retaliation for coming to the station to make a complaint.

The named officer denied the allegation, stating that he was not at the station at the time of the arrest and was only informed of the arrest after the fact.

The station duty officer and the officer-in-charge stated that the arrest was based on the incident report filed the previous day and that they had no contact with the named officer at the time of the arrest.

The supplemental incident report established that the named officer was not involved in the arrest of the co-complainant.

The evidence proved that the act alleged 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: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 5 of 7

SUMMARY OF ALLEGATION #7: The officer failed to comply with Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated that initially, the named officer spoke to him in English but when he told the officer that he spoke Urdu, the named officer spoke to him in Urdu. The complainant stated the officer did not speak Urdu very well.

The complainant's wife stated she also spoke to the named officer in Urdu.

The named officer stated the complainants and the complainant's wife spoke English and Urdu. The officer stated he spoke to the family in Urdu. The named officer stated that Urdu is his native Pakistani language and he speaks the language very well. He stated that SFPD does not offer qualified bilingual certificates for the Urdu language.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove that the named officer was able to effectively communicate with the complainant and his wife.

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

SUMMARY OF ALLEGATION 8: The officer failed to write an incident report.

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

FINDINGS OF FACT: The co-complainant stated that after the officer responded to his 911 call, the officer left without taking a report despite repeated requests by the co-complainant that he do so.

The named officer stated he spoke to all the parties involved, who reported that everything was okay and that they were having a verbal family dispute. He determined that the situation did not involve a crime, but rather a civil dispute. He denied that he was asked to prepare an incident report.

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: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 6 of 7

SUMMARY OF ALLEGATION #9: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant and his wife stated the named officer entered their home without their consent and without a warrant.

The named officer stated the complainant met him at the door and gave him permission to enter.

A witness officer stated he responded as back up but did not enter the residence.

Another witness officer stated the named officer was already inside the house when he spoke to him through an open garage door.

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: 06/05/15 **DATE OF COMPLETION:** 06/03/16 **PAGE#** 7 of 7

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

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

FINDINGS OF FACT: The complainants stated that the named officer wrote an inaccurate incident report.

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION 11: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that after asking the named officer how he entered his residence, the named officer pushed him on his upper left chest/shoulder area.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 1 of 2

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: In her written complaint, the complainant stated that she told one of the named officers that she was struck by a MUNI bus while riding her bicycle. The complainant stated that the traffic collision report inaccurately indicated that she didn't recall being hit by the bus and that she simply fell.

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

One of the named officers, whom the complainant identified as the officer she spoke with, denied taking the complainant's statement and stated that he only obtained her identification.

The other named officer, who prepared the traffic collision report, stated he interviewed the complainant who told him that she was not sure if she was ahead of the bus, next to it or passing it. She stated she hit the curb to her right and fell onto the sidewalk. The officer stated the complainant told him that she was not sure if the bus hit her or not. The officer further stated the bus driver told him that there was no bicyclist in front of him or next to him when he pulled to the curb. He stated the bus driver told him that he thought the bicyclist might have been trying to pass him on the right. The officer stated that he did not find any physical evidence that the complainant made contact with the bus.

The MUNI bus video shows that the incident occurred at night. The complainant can be seen riding her bicycle across the crosswalk adjacent to the bus in the same southbound direction. The complainant then veers to the left and travels close to the curb in the bus zone area overtaking the bus on its right side. The bus is traveling several feet away from the curb. An impact sound can be heard near the right front of the bus. The complainant can be seen falling off her bicycle onto the sidewalk as the bus passes her. The bus comes to a stop and the complainant walks to the front door of the bus and tells the driver, "You just hit me. What do we do now?" The driver tells the passengers to exit the bus. The passengers were gone by the time police arrived.

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

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to prepare an incomplete and inaccurate traffic collision report.

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she told one of the named officers that she was struck by a MUNI bus while riding her bicycle. The complainant stated that the traffic collision report inaccurately indicated that she didn't recall being hit by the bus and that she simply fell.

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

The named officer stated the complainant told him that she was riding her bicycle, and she could feel the bus on her left side. She told him that she hit the sidewalk on her right side and fell onto the sidewalk. She did not tell him that she had contact with the bus. The named officer stated he inspected the bicycle and did not see any damage consistent with being hit by a bus in the manner described by the complainant.

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

No other witnesses were identified.

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

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

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

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

**San Francisco Police Department
Internal Affairs Division
1245 Third Street, 4th floor
San Francisco, CA 94158**

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/14/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant was driving through an intersection when a car hit his vehicle. The complainant stated he had made a complete stop at a stop sign and checked for traffic before crossing the intersection. The complainant stated he saw no vehicle approaching and said the other vehicle was traveling over the posted speed limit. He said he was improperly issued a citation for failing to yield right-of-way.

The driver of the other vehicle stated that the complainant suddenly appeared in front of him, giving him no time to stop. The driver stated the complainant failed to make a complete stop at a stop sign before entering the intersection. The driver stated he was driving within the posted speed limit.

The driver's wife, who was seated on the front passenger seat, stated that the complainant crossed the intersection at excessive speed, without stopping at a stop sign.

The evidence shows the street from where the complainant came is controlled by stop signs while the street on which the other vehicle was traveling is a through street.

The named officer stated she issued the complainant a citation for failing to yield right-of-way, stating that the complainant had a duty to stay clear of the intersection until it was clear, because the other vehicle had the right-of-way.

There was insufficient evidence to determine if the complainant failed to yield or make a complete stop before crossing the intersection.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/14/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The named officer wrote a Traffic Collision Report documenting a collision involving the complainant. The complainant stated that the report contained inaccuracies, beginning with listing his home address in Belmont instead of San Francisco. The complainant stated the report indicated he was issued a citation for violating 21800(a) of the California Vehicle Code, when he was in fact issued a citation for violating Section 21803(a) CVC. The complainant stated the report incorrectly estimated the damage to the vehicles, and erroneously stated he was the cause of the collision.

A review of the named officer's Traffic Collision Report also shows that the named officer applied the incorrect section to the collision involving the complainant and that the report did not include a diagram of the collision scene.

The named officer, assigned as a traffic unit, stated he wrote his report based on information provided to him by the investigating officer. The named officer stated the investigating officer documented her investigation on a card and he transferred the information to a Traffic Collision Report. The named officer acknowledged not being at the scene during the investigation, explaining that it is common practice for officers to write reports based on information obtained from other officers. The named officer stated that the wrong address could have come from the notes that he received from the investigating officer, or he may have obtained it when he ran the complainant's driver's license. The named officer stated a function that fills fields on the Traffic Collision Report could have caused him to commit the error. The investigating officer stated she wrote the complainant's address correctly. The citation issued to the complainant by the investigating officer correctly listed his address.

The named officer stated that his estimates of damage to both vehicles were based on the information of the investigating officer, and that the estimates were based on visual examination of the cars, which is limited in determining actual damage. The named officer stated that he based his estimates on protocols in the California Highway Patrol's Collision Investigation Manual that damage to a vehicle is minor if it affects less than three-fourths of the vehicle. He said he also applied his experience as a collision investigator and as a mechanic.

The named officer stated he wrote Section 21800(a) in his report instead of Section 21803(a), which the investigating officer provided, because he believed Section 21800(a) was more appropriate than Section 21803(a).

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/14/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #2 continued:

As to the absence in the Traffic Collision Report of a diagram, the named officer stated that he drew a diagram in the report he submitted to the Department. He could not say why the report obtained by the OCC from the Department's Records Management Service did not contain a diagram.

Department General Order 2.01, General Rules of Conduct, states in part that officers "shall maintain a working knowledge of all information required for the proper performance of their duties (see DGO 3.01, Written Communication System).

Additionally, Department General Order 9.02, Vehicle Accidents, states in part "[W]hen investigating an accident involving injuries, always complete an entire Traffic Collision Report, including a diagram of the accident scene."

The evidence showed that the named officer inaccurately recorded the complainant's address, applied an inaccurate Vehicle Code section to the collision he reported, and that he failed to include a diagram in a Traffic Collision Report.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/14/16 **PAGE#** 4 of 4

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer issued an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated that he was issued a citation after he was involved in a traffic collision, when he had violated no Vehicle Code section. He claimed that he made a complete stop at a stop sign, saw no cross traffic approaching, and proceeded into an intersection, where another vehicle struck his. He said the other driver caused the collision by speeding. He claimed he was found “not guilty” in traffic court.

A review of the citation issued by the named officer shows that she had issued a citation to the complainant for failing to adhere to a “Yield” sign, when she intended to cite the complainant for failing to yield right-of-way at a “Stop” sign.

The named officer acknowledged in her OCC interview that she had written a Vehicle Code section on the citation that was inappropriate for the collision involving the complainant.

Department General Order 2.01, General Rules of Conduct, states, in part that any neglect of duty shall be considered unofficer-like conduct subject to disciplinary action.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was attempting to board a MUNI bus and the driver shut the door in his face. The complainant stated that when the bus pulled away, the center of the bus contacted his torso. The complainant stated he took the next bus to the end of the line and engaged an officer in a coffee shop regarding the Muni incident. The complainant stated he followed the officer's advice to go to the emergency room and then call the SFPD non-emergency number. The complainant stated he went to the emergency room and was treated for contusions and given morphine. The complainant stated officers responded to his residence and questioned the complainant about the incident. He stated that although MUNI prepared a report, the police should have prepared a hit and run report.

Medical records did not support the complainant's claim of injuries. The medical report further established that no medication was prescribed to the complainant. The medical report had no evidence to support that the complainant sustained an injury from the Muni incident.

A witness officer who spoke with the complainant in a coffee shop stated the complainant wanted to complain primarily about Muni and being "brushed back" by a bus. The witness officer stated the complainant did not have any visible injuries, did not complain of injuries, refused medical attention and refused a police report of the incident.

The named officer stated he questioned the complainant with the intent of preparing a report. When he returned to the station, his supervisor instructed him to contact MUNI to see if they wanted to prepare the report. The named officer stated he contacted MUNI and was told that they would take the report.

The named officer's partner stated he did not speak to the complainant and was only present as back up for his partner.

The named officer's supervisor recalled telling the named officer he needed to check with a MUNI supervisor to confirm whether an accident had occurred. He stated that, based on the complainant's narrative, the incident should have been handled by MUNI.

Muni personnel acknowledged that an incident report had been prepared for this incident.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #1 continued:

A hit and run incident is defined as a crime when a driver of a vehicle who is involved in a collision with another vehicle, property or human being, who knowingly fails to stop to give his/her name, license number, and other information as required by statute to the injured party, a witness, or law enforcement officers.

Department General Order 9.02 states that minor non-injury accidents involving the Muni may be investigated by Muni personnel.

The named officer determined that the appropriate city agency would generate the report.

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: 06/05/15 **DATE OF COMPLETION:** 06/07/16 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that although MUNI prepared a report, the police should have prepared a hit and run report.

A witness officer who responded to the complainant's residence regarding the incident stated he had been with the Department for six months and was on probation. He stated that after speaking with the complainant, he asked the named officer what type of report he should prepare, and was told to contact MUNI to see if they wanted to make a report. The witness officer stated he called MUNI and was told MUNI would prepare a report regarding the incident.

The named officer stated he vaguely recalled his conversation with the investigating officer about the complainant. He stated he didn't think the officer said anything about the complainant's injuries. He recalled telling the officer he needed to check with a MUNI supervisor to confirm whether an accident had occurred. He stated that, based on the complainant's narrative, the incident should have gone to MUNI.

Muni personnel acknowledged that an incident report had been prepared for this incident.

A hit and run incident is defined as a crime when a driver of a vehicle who is involved in a collision with another vehicle, property or human being, who knowingly fails to stop to give his/her name, license number, and other information as required by statute to the injured party, a witness, or law enforcement officers.

Department General Order 9.02 states that minor non-injury accidents involving the Muni may be investigated by Muni personnel. Department General Order 9.02 states:

When investigating an accident involving a city-owned vehicle or property, attempt to notify the appropriate city department, e.g., Department of Electricity, Department of Public Works, etc. Minor non-injury accidents involving the Muni may be investigated by Muni personnel.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/15 **DATE OF COMPLETION:** 06/24/16 **PAGE #**1of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer stopped her for failure to stop at a stop sign. The complainant denied committing the violation and stated that she was driving slowly because she was teaching her daughter how to drive.

The complainant's daughter stated her mother did not run a stop sign.

The named officer stated that he saw the complainant fail to make a complete stop at a stop sign. He stated the complainant's vehicle stopped approximately seven feet beyond the limit line into the crosswalk.

The named officer's partner could not recall the incident.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant and her daughter stated the named officer stopped and cited the complainant for failing to stop at a stop sign, which the complainant and her daughter denied.

The named officer stated that he saw the complainant fail to make a complete stop at a stop sign. He stated the complainant's vehicle stopped approximately seven feet beyond the limit line into the crosswalk, prompting him to issue her a citation.

The named officer's partner could not recall the incident.

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: 10/08/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant and her daughter stated the named officer threatened to take the complainant to jail if she refused to sign the citation. Both stated the named officer was aggressive.

The named officer denied the alleged aggressive behavior. He stated the complainant was irate and uncooperative and, as the contact continued, he told the complainant to sign the citation or he would have to call his sergeant to the scene. He also stated she could go to jail if she refused to sign the citation.

The named officer's partner could not recall the incident.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: 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 racially profiled her. The complainant stated the officer followed her for eight or nine blocks and waited for her to commit a violation, because she is African American.

The complainant's daughter stated that the named officer followed them for about six or seven blocks before conducting a traffic stop.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation, stating that the complainant's race had nothing to do with the stop.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer issued an incomplete and inaccurate citation.

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

FINDINGS OF FACT: The complainant stated the named officer issued an incomplete and inaccurate citation. The complainant stated the citation's location of violation was incorrect and the named officer did not include other important information on the citation.

The named officer acknowledged he wrote the wrong location of the violation, stating that he was new to the District. He stated that he also left numerous required fields on the citation form blank.

The named officer stated he failed to complete the citation because he was distracted when the complainant began arguing with him. He said further that it began to rain as he and the complainant argued. He stated that he became frustrated, wanted the contact to end, and for the complainant to sign the citation. He stated that for safety reasons, he did not want to be out on the street under the rain much longer.

The named officer acknowledged that pursuant to Department policies, he should have completed the citation.

Department General Order 2.01 section 9 states that any neglect of duty shall be considered unknown officer- like conduct subject to disciplinary action.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was walking when a transgender person waving a cane over her head ran towards the complainant and chest bumped the complainant. Feeling that she had just been assaulted, the complainant flagged down the named officer and reported that she had been hit and wanted to make a complaint. The complainant stated that the named officer spoke to the suspect, who accused the complainant of selling drugs. The complainant stated that when the named officer told her that he was not going to write a police report, she told him that she was going to the station to file a report and to file a complaint against him. The complainant then went to the station and filed a police report.

The named officer stated the complainant approached and told him that a big person, possibly a transgender person, took a step towards her. The complainant felt threatened and wanted to make a citizen's arrest. He stated he spoke to the alleged suspect and two other transgender females, who all denied the complainant's allegation. When the named officer told the complainant that he could not make the arrest because nothing really happened, the complainant became upset and walked away, stating that she was going to the station to make a report and to file a complaint against him. He stated he could not prepare a report because the complainant walked away.

San Francisco Police DGO 5.04 section II.8., states:

“In all instances involving requests for a private person's arrest, an incident report shall be prepared.”

The named officer admitted that the complainant wanted to make a citizen's arrest. He stated he did not take the citizen's arrest because his investigation showed that no crime had occurred. Regardless, the named officer was required to prepare an incident report, pursuant to DGO 5.04 section II.8.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/26/16 **DATE OF COMPLETION:** 06/24/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he was cited for violating California Vehicle Code section 21950(a), Right of Way at Crosswalks. The complainant stated he did not recall anyone in the crosswalk when he proceeded into the intersection.

The named officer denied the allegation. The named officer stated the complainant drove unsafely through a crosswalk being used by a pedestrian. The named officer stated he had a clear and unobstructed view of the intersection.

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: 08/19/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he returned to his hotel after having been incarcerated. The complainant stated that the management refused to let him in the room and did not know what happened to his belongings. He stated he asked the named officers to take a report for his missing property, but the officers refused.

The named officers both stated they responded to a male threatening the staff but do not recall what the staff wanted them to do and did not recall their contact with the complainant. The named officers did not recall if the complainant mentioned that his property was missing and did not recall whether the complainant requested a report.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding the complainant threatening hotel staff.

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: 04/03/16 **DATE OF COMPLETION:** 06/24/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 8, 2016.

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

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

FINDINGS OF FACT: Part of this complaint raises matters outside OCC's jurisdiction. Part of this complaint was partially referred to the San Francisco Police Department Internal Affairs Division on June 16, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer misused police authority.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer threatened to arrest the complainant's mother-in-law.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/16 **DATE OF COMPLETION:** 06/24/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/16/15 **DATE OF COMPLETION:** 06/24/16 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/16 **DATE OF COMPLETION:** 06/26/16 **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: 12/15/15 **DATE OF COMPLETION:** 06/26/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer allowed unauthorized use of a Department vehicle.

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

FINDINGS OF FACT: An anonymous complainant stated that an unidentified officer allowed a civilian to ride his department issued motorcycle.

The OCC spoke to the civilian who rode the alleged department issued motorcycle. He stated that the motorcycle in question was a decommissioned police motorcycle. The owner of the motorcycle is not a member of the San Francisco Police Department.

The evidence proved that the act alleged in the complaint did not occur, or that a member of the San Francisco Police Department was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated that he has a city permit to put a movable traffic bollard in his driveway. The complainant stated that an officer parked his patrol vehicle next to the driveway, prompting the complainant to call the Department of Emergency Management (DEM) to have the officer move the patrol car. The complainant stated days later, he received a notice from the Department of Public Works (DPW) requiring him to prove that he had the proper permit for his traffic bollard. He believed that the San Francisco Police Department was retaliating against him for calling DEM regarding the parked police car and for having previously filed a complaint with the OCC.

The named officer denied retaliating against the complainant. He stated that his captain sent him an email from the complainant that included a picture of the complainant's bollard, prompting him to call DPW to inquire about the permit. He denied filing a complaint with DPW, stating that he was just inquiring about the complainant's bollard.

DPW corroborated the named officer's inquiry. DPW turned the inquiry to a formal complaint.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that he has a city permit to put a movable traffic bollard in his driveway. The complainant stated that an officer parked his patrol vehicle next to the driveway, prompting the complainant to call the Department of Emergency Management (DEM) to have the officer move the patrol car. The complainant stated days later, he received a notice from the Department of Public Works (DPW) requiring him to prove that he had the proper permit for his traffic bollard. He believed that the San Francisco Police Department was retaliating against him for calling DEM regarding the parked police car and for having previously filed a complaint with the OCC.

The named officer denied the allegation. He stated that he did not speak to anyone regarding the bollard. The named officer stated that he was not assigned to the district station where the complainant lives.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he called dispatch to have the named officer move his patrol vehicle, which was parked in a way that made it difficult for the complainant to get out of his driveway. The named officer who drove the vehicle did not move the vehicle and stood around, talked, pointed at the complainant's house for about 15 minutes with the car still in the way.

The named officer stated that he parked his car where he did because there was a mayoral press conference across the street and that was the best place in case there was an emergency. The named officer stated he did not know the complainant had called to have the car removed because he was on a different radio channel. The named officer stated he would have moved the vehicle had he known it was in the way.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer parked his patrol vehicle next to his driveway, making it difficult for the complainant to drive out of his driveway.

The named officer stated that he had parked his patrol vehicle next to, but not blocking, the complainant's driveway. The named officer stated that he did not believe the way he had parked would block the complainant's path to the street.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop the named officer commented on the size of her ring, which he advised her to hide when she feels unsafe. The complainant stated the officer's unsolicited advice made her feel uncomfortable. The complainant stated the officer assumed she did not take driving seriously based on her appearance.

The named officer denied treating the complainant like an irresponsible driver based on her appearance. The named officer admitted giving the complainant unsolicited advice about her jewelry. The named officer stated the ring was extravagant and caused him to feel concern for the complainant's safety.

A passenger in the complainant's car stated the named officer's unsolicited advice also made her uncomfortable.

Department General Order 2.01 requires officers to treat people with courtesy and respect. Although the complainant and her passenger felt uncomfortable, there was insufficient evidence to either prove or disprove that the named officer's comment to the complainant rose to the level of misconduct.

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: 07/27/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer should not have cited her for failing to yield to a pedestrian in a crosswalk. The complainant stated the pedestrian had barely stepped off the curb when she drove through the very wide crosswalk. The complainant denied putting the pedestrian in danger or even impeding him from crossing the street.

The named officer stated he observed the complainant failing to yield to a pedestrian who was halfway through a crosswalk. The named officer stated the complainant drove through the crosswalk without regard to the safety of the pedestrian.

A passenger in the complainant's car stated the pedestrian took one or two steps into the crosswalk, but was nowhere near the middle of the crosswalk.

California Vehicle Code § 21950 requires drivers to yield the right-of-way to pedestrians and to exercise "due care" when approaching pedestrians in crosswalks.

The evidence established that the complainant failed to yield the right-of-way to the pedestrian who was in the crosswalk.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/16 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he received an unwarranted parking citation for violation of Section 7.2.25 of the Municipal Transportation Code (Red Zone). The complainant stated that the named officer used bad judgment in failing to use his discretion because the curbside paint was fading.

The photographic evidence the complainant submitted of the curb against which his vehicle was parked established that, while there was fading and chipped paint present, the curb is clearly painted red.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/16 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATIONS #2-3: The officers detained the complaint without justification.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/19/16 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 2 of 2

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 1

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

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

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

Community Housing Partnership
20 Jones Street, Suite 200
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was involved in a family dispute with her daughter and son-in-law over a demonic drawing she saw hidden behind a framed photo of the couple. She stated that she confronted her son-in-law about the drawing. She stated she grabbed his shirt and pulled a necklace from around his neck. She stated her daughter held her down, while her son-in-law called the police. The complainant stated the police arrived and placed her in handcuffs for no reason.

The complainant's daughter stated that the complainant began acting strangely and exhibited disordered thinking, after the complainant's son-in-law lost jewelry that he thought the complainant might have stolen. The complainant's daughter stated she held the complainant to prevent her from physically attacking the daughter's husband. She stated police escorted her to another room when they arrived. She stated her husband spoke to the police and she did not know what he told them.

The complainant's son-in-law stated the complainant had a nervous breakdown and had struck him several times. He stated his wife restrained the complainant and instructed him to call SFPD.

The named officer stated when he arrived at the scene, the complainant was on her back, pinned down by her daughter. He stated the complainant was sweating profusely, agitated and physically struggling with her daughter. He stated it was necessary to place the complainant in handcuffs for the complainant's safety and to allow him to assess the situation. He stated that he determined the complainant was a danger to herself or others and that she should be examined in a psychiatric facility.

The named officer's partner corroborated the named officer's statement.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers threw her face-down on the floor, pulled her hands behind her back, bent her legs toward her buttocks, and pushed down on her back and her legs, causing bruising on her arms and back.

The named officer who acknowledged detaining and handcuffing the complainant denied using excessive force. He stated he used a reasonable level of force to restrain and handcuff the complainant without causing injury to him or the complainant.

The second named officer denied using excessive force or witnessing another officer use excessive force. He stated the complainant was moving her body and kicking her legs. He stated he used a SFPD academy-taught leg lock technique to restrain the complainant and prevent injury. The SFPD Police Academy confirmed that it teaches the leg-lock technique the officer stated he used.

The third named officer denied using excessive force or witnessing another officer use excessive force. She stated she assisted in handcuffing the complainant. She stated she held the complainant's arms down because the complainant thrashed her arms about.

The fourth named officer denied using excessive force or witnessing another officer use excessive force. He stated the complainant's daughter had the complainant pinned on the floor. He stated he asked the complainant's daughter to move so the complainant could be placed in handcuffs. He stated the complainant resisted and flailed her arms. He stated he helped turn the complainant over so another officer could place her in handcuffs.

Medical records showed the complainant described paranoid delusions to doctors, had to be placed in restraints, and was given anti-psychotic medication in the emergency room. The records also noted that the complainant had new bruises from restraints and old bruises on her back.

The complainant's daughter stated she sat on the complainant and held her down to keep her from attacking the daughter's husband. She stated when police arrived, they took over and escorted her to a separate room. She stated she did not see the contact between the complainant and the police. She stated her husband spoke to the police and she did not know what he told them.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 3 of 3

The complainant's son-in-law stated that the complainant was violent and physical. He stated that he heard the struggle between the complainant and SFPD, but he was in a separate room. He stated that he heard the officers tell the complainant to stop resisting. He stated he also heard the officers explain to the complainant that they were trying to take her to the ambulance.

No other witnesses came forward.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was arguing with a desk clerk at his hotel over a deposit. Officers arrived and the complainant asked for help. The complainant stated the named officer refused to help him, stating that it was a civil matter. The officer also told the desk clerk, "If he won't leave, give us a call and we'll take him away." The complainant left without his deposit.

The named officer could not recall the incident in question.

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 that the named officer engaged in biased policing, siding with the desk clerk, who is the same race as the named officer.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He could not recall the incident in question.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was arguing with a desk clerk at his hotel over a deposit. Officers arrived and the complainant asked for help. The complainant stated the named officer refused to help him, stating that it was a civil matter.

The named officer could not recall the incident in question.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/29/15 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #4: The officer engaged in selective enforcement.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/09/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 1

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

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

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

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: 08/21/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The named officer stopped the complainant for driving her vehicle without lighted headlamps and for not pulling over her vehicle promptly after he signaled a traffic stop. The complainant denied committing the violation. The complainant stated that her vehicle's lights automatically switch on in dark weather conditions. In her written complaint, she stated that her vehicle is equipped with daytime running lamps and stated the sky was already bright when the officer stopped her. The complainant stated she was not able to promptly pull over because she had difficulty changing lanes.

The named officer stated that when he observed the complainant's vehicle without lighted headlamps, it was too dark to be safe without them. He stated he drove to the side of the complainant and told her to switch on her headlamps, which the complainant refused to do. At an intersection, and while the complainant was waiting for the traffic light, the officer exited his vehicle and tapped the complainant's window, telling her to pull over. He stated that the complainant drove two more blocks before finally stopping her vehicle.

The named officer stated that while following the complainant, a total of about eight blocks, he was behind her with lights and siren activated. He stated the complainant remained watching him in her rearview mirror while driving. The officer recorded a consistent description of the event through comments in the dispatch record of the traffic stop at the time of the incident.

No witnesses were identified.

Meteorological records showed that the sun rose about nine minutes before the traffic stop was recorded. However, there was insufficient evidence to establish the weather or lighting conditions in the precise location of the traffic stop at the time it was initiated. Court records showed that the complainant pleaded no contest to the charges, and was found guilty. However the fine for the headlight violation was suspended.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The named officer issued the complainant a citation for driving her vehicle without lighted headlamps, section 22400(a) CVC, and for not pulling over her vehicle promptly, section 21806(a)(1) CVC.

The complainant denied the violations. She stated that there was no need for her to switch on her headlamps because the day was already bright and her vehicle had daytime running lights. She stated that she was not able to pull over promptly because she had difficulty changing lanes.

The named officer stated it was still dark when he saw the complainant's vehicle without lighted headlamps. He stated he did not observe any daytime running lights on the vehicle. He stated that while following the complainant, he had his lights and sirens on for about eight blocks and was noticeable directly behind the complainant. He stated that the complainant did not pull over despite the fact there were few vehicles on the road, and sufficient opportunities for the complainant to pull over.

Meteorological records showed that the sun rose about nine minutes before the traffic stop was recorded. However, there was insufficient evidence to establish the weather or lighting conditions in the precise location of the traffic stop at the time it was initiated. Court records showed that the complainant pleaded no contest to the charges, and was found guilty. However the fine for the headlight violation was suspended.

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: 08/21/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer was rude and treated her like a criminal. The complainant stated the named officer asked her if she was Chinese and if she understood what he was saying. She said that was unnecessary.

The named officer denied being rude to the complainant or treating her like a criminal. The officer stated he behaved professionally and spoke appropriately. The officer explained that he asked the complainant if she was Chinese and spoke English to determine if she could understand him without him calling a bilingual officer to the scene to assist in the investigation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer targeted her based on her race.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied that the complainant's race was a factor in the traffic stop, or in any decisions he made regarding enforcement.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was feeding birds on a public street when he was told to stop by police. When he told the police to give him a ticket, the complainant stated the officers exited their vehicle, grabbed him and threw him on the ground. He was then taken into custody. The complainant did not respond to OCC's request for an interview.

The named officers stated the complainant was in violation of 486 MPC for feeding birds on a public street or sidewalk. The named officers stated a records check of the complainant revealed that he had two outstanding traffic warrants. The named officer stated the complainant also resisted arrest.

No witnesses came forward.

While there was sufficient evidence to arrest the complainant for feeding birds and for his outstanding warrants, there was insufficient evidence to establish whether he resisted arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/16 **DATE OF COMPLETION:** 06/24/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officers used unnecessary force by twisting his arm and throwing him to the ground.

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

The named officers stated the complainant was combative, defiant, and not cooperative. The named officers stated the complainant attempted to pull away from them as they grabbed his arms to place him under arrest. The named officers further stated the complainant pushed away from them as they attempted to seat him. One of the named officers stated he used a leg sweep to guide the complainant to a seated position on the sidewalk.

No witnesses came forward.

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

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

SUMMARY OF ALLEGATION #5: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated he was placed in tight handcuffs.

The named officer denied the allegation. The named officer stated he placed his handcuffs on the complainant and checked for the proper degree of tightness. The named officer stated that the complainant never told him the handcuffs were tight. The named officer and three witness officers stated the complainant never complained or voiced any concerns to them regarding tight handcuffs.

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: 09/28/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant lived with her niece. She stated that she had a restraining against her niece, who had been harassing her for years. The complainant stated her niece had been ordered not to harass her and to stay three (3) yards away from the complainant. The complainant stated that on two separate occasions, she called the police because her niece was harassing her. During the first incident, the complainant stated her niece bothered her in the kitchen and threw the complainant's food out from the refrigerator. The complainant stated her niece also came close to her face. During the second incident, the complainant stated her niece threw a bag of garbage to the complainant's room. On both occasions, the complainant did not ask the officers to prepare a police report.

The named officers stated that both the complainant and her niece gave conflicting statements about what had occurred. The named officers stated that there were no independent witnesses and that they did not find any evidence that restraining order had been violated.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/29/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that her neighbor choked her. The complainant stated the named officer mishandled the investigation of this incident. The complainant stated the named officer minimized the severity of what the suspect did to her. The complainant stated the officer failed to consider her age, physical stature, her mental state and the evidence of the suspect's attempted strangulation. The complainant stated she told the officer that the suspect suffered from anger management issues and that she wanted him to stay away from her and not hurt her or anyone else. The complainant stated the officer failed to explain any other options available to her, including her right to obtain an emergency protective order or restraining order.

In addition, the complainant stated the officer kept asking her if she wanted to press charges when she was clearly in a panicked state. The complainant stated she did not affirmatively respond to the officer's option to press charges against the suspect. During this time, the complainant stated the officer discouraged her from making a citizen's arrest by minimizing the attempted strangulation to a mere disagreement between neighbors. The complainant stated the officer told her and a witness that pressing charges sometimes makes things worse. The complainant stated her attorney advised her later that the officer could have arrested the suspect without a citizen's arrest, based on the evidence of the crime.

A witness said she was present when the complainant told the officer that she wanted the suspect to be required to stay away from her. The witness corroborated the statements made by the named officer regarding a mere disagreement between neighbors and that pressing charges sometimes makes things worse. The witness stated the named officer might have deterred the complainant from pressing charges against the suspect, especially given the complainant's agitated state of mind.

The named officer stated the suspect acknowledged that he placed both hands by the complainant's shoulders and in the area of her collarbone and shook her. The officer stated that the complainant refused to sign a citizen's arrest against the suspect. She denied that she discouraged the complainant from making a citizen's arrest. The officer acknowledged that she might have made comments about frustration between neighbors and that pressing charges against neighbors can make matters worse. The officer acknowledged that she did not advise the complainant that she had the right to file an emergency protective order or how to obtain a restraining order because the crime did not fit the criteria of when a victim can request an EPO. 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: 07/09/15 **DATE OF COMPLETION:** 06/29/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to write a complete and accurate report.

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

FINDINGS OF FACT: The complainant stated she was dissatisfied with the report because it made the incident sound like a, “he-said-she-said” situation when clearly the suspect committed a battery. The complainant stated that the incident involved “violence against women” and believes that her age should have been a factor in the officer’s handling of this incident, particularly given her vulnerability as a petite, 67 year-old woman with a disability.

The named officer investigated and prepared the incident report. The incident report failed to identify the type of incident as “Elder Abuse” and the officer failed to check the “Elder Victim” box, as required when an incident involved a person 65 years or older. Furthermore, the incident report indicates that the complainant sustained “No Injuries,” yet the officer stated she observed two small red blemishes around the complainant’s collarbone area and took a photograph, which depicts the red areas. In addition, the named officer stated there were no witnesses to the incident and failed to state the investigatory steps taken to locate witnesses in the area. When in actuality, the two reporting witnesses who observed and heard related events post-incident were not reported as witnesses to the event.

SFPD Department Bulletin 14-181 requires that certain investigative steps be taken when the incident involves Elder Abuse, including titling the Incident Report as, “Elder Abuse – 15041,” investigating whether multiple calls for service had been made to the area, and that the victim is advised of her right to file an Emergency Protective Order. SFPD Report Writing Manual states in part that incident reports must be complete and to identify all involved persons and describe their actions prior to, during and after the incident. Officers “are responsible for interviewing all involved parties, and including their statements in the initial report and investigation.”

The named officer admitted that she failed to mark the appropriate box and failed to code the incident report with the proper incident code and her failure to do so was an oversight on her part. She denied that there were witnesses to the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/29/16 **PAGE#** 3 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer mishandled the investigation and minimized the severity of the suspect choking the complainant. The complainant stated the officer did not take the incident seriously. In addition, the complainant stated the officer made inappropriate comments during the investigation. The complainant stated the officer repeated comments related to the relationship between neighbors, such as, “It can be very frustrating when neighbors don’t get along” and “Neighbors don’t always get along, but pressing charges sometimes make it worse.”

A witness stated she heard the officer’s comments and believed the comments may have a deterrent affect on the complainant, preventing the complainant from taking any decisive action against the suspect.

The officer admitted that she may have made the alleged comments, but said she did not make the comments to condescend or diminish the significance of the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 06/29/16 **PAGE#** 4 of 2

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

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

FINDINGS OF FACT: The named officer was the reviewing officer and officer in charge who approved the incident report. The incident report reviewed by the named officer failed to identify the type of incident as “Elder Abuse.” In addition, the “Elder Victim” box was not checked, as required when an incident involved a person 65 years or older. The incident report indicates that the complainant sustained “No Injuries,” yet the reporting officer stated she observed two small red blemishes around the complainant’s collarbone area and took a photograph, which depicts the red areas. The event history detail establishes that two reporting parties called 911. The reporting officer stated there were no witnesses to the incident and failed to state the investigatory steps taken to locate witnesses and the reporting parties.

SFPD Department Bulletin 14-181 requires that certain investigative steps be taken when the incident involves Elder Abuse, including titling the Incident Report as, “Elder Abuse – 15041,” investigating whether multiple calls for service had been made to the area, and that the victim is advised of her right to file an Emergency Protective Order. SFPD Report Writing Manual states in part that incident reports must be complete and to identify all involved persons and describe their actions prior to, during and after the incident. Officers “are responsible for interviewing all involved parties, and including their statements in the initial report and investigation.”

The named officer stated an Emergency Protective Order would not have been an option in this incident. She stated that the “Elder Victim” box is not required to be checked because there was no “Great Bodily Injury” involved in this incident. She stated that the complainant did not wish to sign a citizen’s arrest and there was no evidence of a felony crime. She stated the reporting officer told her she observed two red marks on the complainant’s collarbone area. The named officer stated the reporting officer conducted a thorough investigation based on the information she was provided and that the incident report was complete.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/15 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant and several of his family members witnessed an on duty officer-involved-collision with a pedestrian. The complainant stated the named officers tried to influence their official statements by suggesting the pedestrian struck by the on-duty officer was intoxicated and crossing the street outside of a marked crosswalk. The complainant stated at least one named officer made comments about protecting the reputation of the officer involved in the collision. The complainant stated one named officer threatened to arrest his son for standing too close to his mother while she waited to make her statement.

The named officers denied trying to influence witness statements in any way. Both named officers denied suggesting that the pedestrian was intoxicated or at fault. One named officer stated he accurately documented several witness statements, which were read back to each witness for approval. The named officers also denied commenting about the reputations of the involved officer or threatening to arrest anyone.

A witness officer stated the complainant's wife wrote and signed her own witness statement.

The complainant's wife stated one named officer tried to manipulate her official witness statement by suggesting that the pedestrian seemed intoxicated and was crossing the street outside of the marked crosswalk when the collision occurred. The complainant's wife stated she felt pressured to write a statement that favored the on-duty officer involved in the collision.

No other witnesses came forward.

Department records indicated the named officers interviewed six witnesses and obtained four written statements. The witness statements offered differing accounts of the collision.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/15 **DATE OF COMPLETION:** 06/26/16 **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 the named officer did not interview all available witnesses to an on-duty officer-involved-collision. The complainant stated that, although his son witnessed the collision, the named officer did not interview him or ask him to make a written statement.

The named officer stated he interviewed all known witnesses to the collision.

Two witness officers stated they helped collect statements from all known witnesses.

Department records indicated the named officers interviewed six witnesses, four of whom also gave written statements.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/16/16 **DATE OF COMPLETION:** 06/26/16 **PAGE#** 1 of 1

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

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

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

University Police Department
San Francisco State University
1600 Holloway Boulevard
San Francisco, CA 94132

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 06/06/16 **PAGE #1 of 6**

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

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that an officer whom she identified by star number, used unnecessary force on her brother.

The complainant stated that her brother is mentally disabled and, therefore, unable to provide his account of what happened. The complainant stated that her elderly senior mother, who was present, was also unable to provide a statement. The complainant stated that both her mother and her brother were traumatized and therefore unable to talk about the incident.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding “a murder in progress” at the complainant’s residence, prompting numerous officers to respond to the complainant’s residence.

The officer that the complainant identified by star number denied being at the scene. Department records supported that the officer the complainant identified was not on the scene and was assigned to a different district station.

Numerous officers were interviewed by the OCC. The officers denied using any force on the complainant’s brother.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 06/06/16 **PAGE #2 of 6**

SUMMARY OF ALLEGATION #2: The officer pat-searched the co-complainant without justification.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that an officer, whom she identified by star number, searched her brother.

The complainant stated that her brother is mentally disabled and, therefore, unable to provide his account of what happened. The complainant stated that her elderly senior mother, who was present, was also unable to provided a statement. The complainant stated that both her mother and her brother were traumatized and therefore unable to talk about the incident.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding “a murder in progress” at the complainant’s residence, prompting numerous officers to respond to the complainant’s residence.

The officer that the complainant identified by star number denied being at the scene. Department records supported that the officer the complainant identified was not on the scene and was assigned to a different district station.

Numerous officers were interviewed by the OCC. The officers denied searching the complainant’s brother.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 06/06/16 **PAGE #3 of 6**

SUMMARY OF ALLEGATIONS #3-5: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that numerous officers entered her residence.

The complainant stated that her brother is mentally disabled and, therefore, unable to provide his account of what happened. The complainant stated that her elderly senior mother, who was present, was also unable to provide a statement. The complainant stated that both her mother and her brother were traumatized and therefore unable to talk about the incident.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding “a murder in progress” at the complainant’s residence, prompting numerous officers to respond to the complainant’s residence.

The exigency of the circumstances provided the officers the exception to the general requirement of a warrant under the Fourth Amendment searches and seizures.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 06/06/16 **PAGE #4 of 6**

SUMMARY OF ALLEGATIONS #6-8: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that numerous officers entered and searched her residence.

The complainant stated that her brother is mentally disabled and, therefore, unable to provide his account of what happened. The complainant stated that her elderly senior mother, who was present, was also unable to provide a statement. The complainant stated that both her mother and her brother were traumatized and therefore unable to talk about the incident.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding “a murder in progress” at the complainant’s residence, prompting numerous officers to respond to the complainant’s residence.

The exigency of the circumstances provided the officers the exception to the general requirement of a warrant under the Fourth Amendment searches and seizures.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 06/06/16 **PAGE #5 of 6**

SUMMARY OF ALLEGATIONS #9-10: The officers displayed a firearm without justification.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that numerous officers entered her residence with their guns drawn.

The complainant stated that her brother is mentally disabled and, therefore, unable to provide his account of what happened. The complainant stated that her elderly senior mother, who was present, was also unable to provide a statement. The complainant stated that both her mother and her brother were traumatized and therefore unable to talk about the incident.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding “a murder in progress” at the complainant’s residence, prompting numerous officers to respond to the complainant’s residence.

The exigency of the circumstances provided the officers the exception to the general requirement of a warrant under the Fourth Amendment searches and seizures. In addition, the nature of the call provided the officers justification to draw their weapons.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 06/06/16 **PAGE #**6 of 6

SUMMARY OF ALLEGATION #11: The officer detained the co-complainant without cause.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that an officer, whom she identified by star number, detained her brother.

The complainant stated that her brother is mentally disabled and, therefore, unable to provide his account of what happened. The complainant stated that her elderly senior mother, who was present, was also unable to provide a statement. The complainant stated that both her mother and her brother were traumatized and, therefore, unable to talk about the incident.

Records from the Department of Emergency Management (DEM) show that DEM received a call regarding “a murder in progress” at the complainant’s residence, prompting numerous officers to respond to the complainant’s residence.

The officer that the complainant identified by star number denied being at the scene.

Numerous officers were interviewed by the OCC. The officers denied detaining the complainant’s brother.

No other witnesses were identified.

The identity of the alleged officer has not been established.

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

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

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

FINDINGS OF FACT: This complaint partially raises matters outside OCC’s jurisdiction. Part of this complaint has been forwarded to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 06/06/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was the victim of a hit and run traffic collision and felt pain in his back, shoulders and neck, prompting him to call 911. The complainant stated that while being treated in the ambulance, the named officer attempted to dissuade him from filing a report and threatened to hold him at fault for the collision if he refused to exchange information with the other involved party.

The named officer denied the allegation. He stated he took the complainant's statement and completed a traffic collision report.

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 that he is African/Tunisia, has a Muslim name, and an Arabic accent. The complainant stated that the officer's behavior towards him led him to believe that the named officer engaged in biased policing while investigating the traffic collision.

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

Two involved witnesses denied witnessing any behavior that would lead them to believe that the named officer engaged in biased policing.

The Traffic Collision Report prepared by the named member came to no conclusion of fault.

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: 06/17/15 **DATE OF COMPLETION:** 06/06/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that while being treated in the ambulance, the named officer requested the complainant's proof of insurance, prompting the complainant to tell the officer where in his vehicle the officer could locate his insurance documents. The complainant stated that a couple of weeks after the collision, he received a citation in the mail for failure to provide proof of insurance.

The named officer stated the complainant told him that his insurance documents were in the glove compartment, but he was unable to locate it. The named officer stated he asked the complainant a second time of the whereabouts of his insurance documents. The named officer stated he also looked in the console and map box compartment in the driver's side door of the car, but was unable to find the documents, prompting him to prepare a citation for having no proof of insurance. The named officer stated he then mailed the citation to the complainant. The officer stated that he did not cite the complainant at the time of the collision because the complainant was taken by ambulance to the hospital.

The named officer's partner denied any knowledge of the search for proof of insurance documents in the complainant's car.

The complainant provided the OCC with a copy of his insurance policy, which documents that the complainant's insurance was valid and effective at the time of the incident.

The SFPD Traffic Collision Report documented that the officer mailed the complainant a citation for not having proof of insurance.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/15 **DATE OF COMPLETION:** 06/06/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to correctly document his identification as a driver's license and failed to take his statement thereby omitting factual information from the report. The complainant stated the report had misrepresentations of the incident and was inaccurate.

The named officer reported that the complainant gave him a California identification card, not a driver's license while at the scene. The officer stated that it is his practice to use the terms California identification card and driver's license interchangeably in his reports. However, identification cards and drivers' licenses are not interchangeable terms for purposes of driving a motor vehicle. An identification card does not authorize the holder to drive a motor vehicle. A preponderance exists that the complainant provided his driver's license to the named officer as evidenced by the officer having included the complainant's driver's license on the face page of the traffic collision report and on the citation he mailed to the complainant. Had the complainant not provided the officer with a valid driver's license, he would have been in violation of the law and the officer would have been obligated to issue the complainant a citation for not having his driver's license in his possession.

The named officer failed to include the complainant's information and pertinent details in the "Injured/Witnesses/Passengers" section of his report regarding the complainant's injuries and medical treatment. The named officer acknowledged that he should have included this information in the traffic collision report.

While the named officer included the required details of the other party's vehicle in the report, he failed to provide any details regarding the complainant's vehicle, such as where the vehicle was located upon the officer's arrival, the damage sustained and the disposition of the vehicle. The named officer responded that he did not know why the information of the complainant's vehicle was not in the report.

Department General Orders and the SFPD Report Writing require officers to prepare factual, accurate and thorough incident reports that include a clear description of the officer's preliminary investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #5: The officer failed to receive a private person's arrest.

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

FINDINGS OF FACT: The complainant stated that his vehicle was rear ended by a vehicle and that two women got out of their car, approached him, told him there was no damage, returned to their car and drove off. The complainant stated that he moved his car to the side of the road, called 911 and reported that he had been the victim of a hit-and-run collision and that he was in pain. The complainant stated that after approximately twenty minutes, he observed the passenger of the car that struck him return to the scene. He did not see the driver. The complainant stated that when the officer arrived, he told him that he had been the victim of a hit and run and wanted the woman charged. The complainant stated that instead of advising him of his right to make an arrest, the officer threatened to hold him at fault for the collision.

The named officer stated that initially he believed the incident to be a hit and run. However, shortly after his arrival, he was approached by the driver of the other vehicle who had moved her car to the corner. The officer interviewed both the driver and the passenger of the involved vehicle. The named officer determined that there was no merit to the hit and run collision and no basis for making a citizen's arrest.

The two occupants of the vehicle that struck the complainant's vehicle said they moved their vehicle after being ordered to do so by a traffic control person. The two occupants denied ever intending to flee the scene.

The Event History Detail documents the complainant reported being rear-ended, complained of pain, and reported that the vehicle that struck his car had left the scene. A later entry by the responding unit documents no merit to the hit and run.

The SFPD Traffic Collision Report documents that no party was found at fault.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/16 **DATE OF COMPLETION:** 06/06/16 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he had a psychotic episode due to his withdrawal from medication. The complainant stated he entered his neighbor's apartment, prompting two officers to respond to the scene. The complainant stated the officers told him they were going to handcuff him, so he turned around and allowed them to handcuff him. The complainant stated he then went to the ground on his stomach. While on the ground, the complainant stated the named officer put his knee on the complainant's back, causing him pain. The complainant stated that when he started screaming because of the pain, the named officer shoved the complainant's face into the carpet. While being escorted to the patrol car, the complainant stated the named officer twisted the complainant's wrists, causing him more pain.

The named officer stated that the complainant was uncooperative and failed to follow officers' orders to take his hands out of his pockets. The complainant started yelling and refused to follow any orders. The named officer and his partner went to handcuff the complainant and the complainant struggled. The named officer stated he used an arm-bar takedown and got the complainant on the ground without any further use of force. He placed his knee on the complainant's back and handcuffed the complainant. The named officer stated he never touched the complainant's head or neck area.

The named officer's partner is no longer with the Department.

Two witnesses stated that they saw the officers take the complainant to the ground after the complainant began yelling and struggling. Both witnesses stated the officers' actions were appropriate.

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

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: 06/23/16 **DATE OF COMPLETION:** 06/06/16 **PAGE #2 of 2**

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 towards him.

The named officer denied the allegation.

The named officer's partner is no longer with the Department.

One witness stated that he did not hear the officer use profanity.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments towards him.

The named officer denied the allegation.

The named officer's partner is no longer with the Department.

No independent witnesses were identified.

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