

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/14 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said the named officer failed to respond to him regarding his request for an incident report on a particular date. The complainant supplied the form he submitted requesting an incident report and mentioning two other reports by reference.

The named officer denied failing to provide the report the complainant requested.

A review of the Department records and the form provided by the complainant, which he presented as evidence of his request, showed that the complainant did not submit a request for the incident report he said was the subject of his request. The records showed that the complainant did receive a response to the request he made.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer crossed out and changed two items on the form he submitted requesting an incident report.

The named officer denied crossing out and changing the items.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer was rude.

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

FINDINGS OF FACT: In his written complaint, the complainant accused the officer of being rude. In his subsequent OCC interview, the complainant retracted the allegation and said that the officer was not rude and showed compassion towards the complainant.

Based on the complainant's own testimony, the evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated the named officer responded to a call that someone had broken into his apartment while he was sleeping. The complainant stated nothing was stolen. The complainant stated he believed he knew who the suspect was but did not see him. He stated the suspect entered his apartment through the bathroom window and exited through a sliding glass door. The complainant stated the officer walked through his apartment and onto his patio looking for evidence of a break-in. The complainant stated that the officer told him that CSI (Crime Scene Investigations) would be there within four hours, but CSI never arrived. When the complainant called the station the next day, he was told that CSI only responds when something is stolen.

The named officer stated there was no evidence of a break-in or fingerprints. She stated the complainant initially told her that drug dealers entered his apartment. That later changed to his landlord, then to his siblings. She stated she explained how CSI worked, but did not tell the complainant that CSI would respond. The officer prepared an incident report.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The anonymous complainant stated that he/she observed the named officer behave inappropriately at the scene of a domestic violence incident. The complainant stated that the named officer was flirtatious, joking, dancing around and lacked empathy for the victim.

The named officer denied the behavior alleged in the complaint. The Field Training Officer for the named officer and several other witness officers denied that the named officer behaved inappropriately as alleged. All of the officers stated that the named officer was professional during the incident.

There were no independent witnesses to this incident.

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

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SUMMARY OF ALLEGATION #1: The officer had a rude attitude and/or demeanor.

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

FINDINGS OF FACT: The complainant stated that the officer cited him for running a red light while riding his bicycle. The complainant stated that the officer was rude abrasive, had a condescending tone, and was disrespectful throughout the contact.

The named officer described her demeanor as calm and professional. She denied making a comment alleged by the complainant and described the complainant as dismissive and demeaning.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated was involved in a traffic collision. The complainant stated that one of the responding officers behaved inappropriately towards her.

Two witnesses to the incident stated they were not present during the contact between the complainant and the named officer. A third witness failed to come forward for an OCC interview.

The named officer stated that he acted “professionally.”

A witness officer, who was present at the scene, described the named officer’s demeanor as “fine.”

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was issued a citation for CVC 22350, as a result of the traffic collision. The complainant stated the citation was for speeding and she does not speed.

One witness stated an SUV stopped for him as he was in the crosswalk and the complainant’s vehicle behind the SUV did not stop. The other witness stated she was driving with her husband on a main thoroughfare when she saw somebody cross the street. The truck driving to her left slowed for the pedestrian in the crosswalk. The other witness said the complainant’s vehicle to their left did not slow down and struck the truck ahead. The other witness said the impact pushed the truck 3-4 feet out into the crosswalk.

The named officer stated he cited the complainant for driving at a speed that was unsafe for the road conditions. The officer stated he collected all of the evidence and issued the complainant a citation at a later date. The officer stated he relied upon special training that he received in accident investigations. The officer stated the complainant’s vehicle’s 16 feet of skid marks on the roadway, combined with the damage to the other vehicle and witness statements, demonstrated that the complainant did not slow down in time.

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

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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to the complainant's national origin and/or accent.

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

FINDINGS OF FACT: The complainant stated the officer requested her social security card and/or number because of her foreign accent. The complainant stated she did not have her social security card, so she verbally provided her social security number to the officer. Two witnesses to the incident stated they were not present during the contact between the complainant and the named officer.

The named officer was interviewed pursuant to the OCC Biased Policing Protocol. The officer denied that the complainant provided her social security number to him and denied that he wrote it down. The officer stated while investigating the traffic collision, the complainant had difficulty producing her identification. The officer stated he requested other forms of acceptable identification from the complainant, including a social security card. The named officer stated the complainant was a party to a traffic collision, was "upset" and the officer did not want to take her to the station for the sole purpose of confirming her identity. The officer said that the complainant was eventually able to produce her driver's license.

The officer perceived the complainant as being "a white female." The officer stated, "I don't look at people by race, I just look at people as being people. Race doesn't come into it at all." Furthermore, the officer said the complainant's accent had no bearing on the request for her social security number. He replied, "There's no merit," to the complainant's allegation that she was asked for her social security number because of her accent.

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

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

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

FINDINGS OF FACT: The complainant stated he was arrested by the named officers for failing to register as a transient and for failing to register as a sex offender. During his OCC interview, the complainant stated he knew he would have to register as a sex offender within five business days of his arrival to San Francisco.

Both the named officers stated they were notified by their supervisor that the complainant was out of compliance for failing to register as a sex offender. This information had been communicated to their supervisor from another supervisor of the Department's Sexual Victims Unit (SVU). The named officers made contact with the supervisor from the SVU and were instructed to book the complainant for 290.11(a) and 290.12(a) PC. The supervisor approved the charges.

Based on the evidence, the officers had reasonable cause to arrest the complainant for failing to register as a sex offender.

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

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

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

FINDINGS OF FACT: The complainant said the SFPD officers assigned to investigate the death of his family member failed to provide him information regarding the investigation and the facts surrounding the death.

The named member acknowledged that he was assigned to the homicide investigation involving the complainant's family member, and acknowledged that the complainant asked him for information. The named officer stated that Department regulations and procedures surrounding the release of information prevented him from releasing any more information than he did to the complainant. The named officer stated also that the complainant asked to meet the homicide inspectors assigned to the case at the scene of the incident, and the named officer said he declined to meet the complainant and his family at the incident scene in an abundance of caution for public and officer safety, but offered to meet the family members at the Hall of Justice, a meeting in which the family of the complainant declined to engage.

A review of Department regulations regarding the release of information indicates that the named officer followed the regulations.

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

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

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

FINDINGS OF FACT: The complainant said the named officers used unnecessary force by fatally shooting his brother while his brother tried to flee in a stolen car that was wanted after allegedly being used in two bank robberies. The complainant said his brother was diagnosed as having bipolar disorder, and had a history of fleeing police, but had never shown a tendency to be violent. The complainant filed the complaint more than 10 months after the shooting.

The OCC investigation indicated that the SFPD was initially notified by a contractor for BMW that a stolen car was located on the street in the city. The SFPD was then additionally informed by the FBI that the car had been used three weeks earlier in two bank robberies in Southern California. The FBI also told SFPD that a suspect driving the vehicle had successfully evaded several arrest attempts by driving away from law enforcement officers investigating the bank robberies. Records from SFPD dispatch indicate that the FBI reported that the suspect should be treated with extreme caution if he were found in the vehicle, due to his previous efforts to evade arrest.

The SFPD deployed a surveillance team on the vehicle but when the suspect did not return to the car after about four hours, the operation concluded at the end of the officers' shifts. Witness officers involved in the surveillance said they left the car on the street with an electronic Global Positioning System tracking device on it to send a signal if it was moved.

The sergeant in charge of the surveillance team on the date of this incident had retired before the complaint was investigated, and did not respond to interview requests.

The commanding officer of the unit that deployed the surveillance team said the retired sergeant had control of the operation and, though the commanding officer was informed of the surveillance at the time, he did not know all of the details of the operation and the precise reason for its conclusion. There was no report prepared by anyone involved in the surveillance operation that day, as it was concluded without the location of a suspect or an arrest. Officers involved in the operation said the stolen car was left on the street in the interest of arresting the bank robbery suspect. The named officers were involved on the periphery of the surveillance operation but did not have visual contact of the vehicle during the surveillance.

About two hours after the surveillance of the vehicle had been discontinued, the named officers drove past the stolen car to familiarize themselves with it in case it was moved while they were patrolling the district where it was located. As they identified and passed the stolen car in an unmarked police car, they saw

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movement and lights indicating the car was occupied. The named sergeant, who was in charge of the plainclothes unit, said that, with knowledge of the bank robberies – presumed violent felonies – and the reported attempts by the car’s driver to run down officers in Southern California, he decided to immediately conduct a felony stop on the occupant of the BMW. Exiting their car, the officers ordered the occupant, at gunpoint, to turn off the car, show his hands and exit the vehicle. According to the named and one witness officer, the suspect did not respond to any commands, although all three officers were convinced the suspect heard and understood their commands.

The named and one witness officer said when the driver of the car failed to respond to any verbal commands, they approached the car and the suspect began moving the car in reverse out of the parking place. The named officers, who said they were standing to the front and driver’s side of the vehicle when it started to move, said they both took evasive actions to remove themselves from the danger posed by the moving car. One of the named officers said he became trapped between the police car and the reversing stolen car and discharged his weapon at the driver to protect himself from being crushed. The other named officer said he initially was trapped between two cars when the reversing car pushed one next to it into another car. He said he discharged his weapon first as the suspect’s vehicle was reversing toward the named sergeant, to protect his partner, and then again to defend himself when the vehicle changed direction and began pulling forward toward him. A witness officer, who was present but did not discharge his weapon, testified he believed the BMW would have killed or seriously hurt both his partners if the driver had not been stopped. He did not discharge his weapon because his partner was in his line of fire. The suspect died from gunshot wounds.

The SFPD patrol units that first responded to the shooting and the Homicide Detail conducted an investigation of the shooting, eventually locating 10 witnesses in the apartment buildings across the street from where the suspect was shot. Interviews of the witnesses by Homicide inspectors in the hours and days following the shooting indicated that all of the witnesses heard shouting preceding the shooting, but accounts of what was shouted varied. Most of the witnesses, who were looking out the windows onto the scene of the incident before the shooting, said they saw the vehicle pulling out of the parking space in reverse while the officers were shouting at the driver, and said the car moved toward the officers before they heard the sound of gunshots. Significantly, none of the witnesses who reported hearing the officers shouting before the gunshots could recall hearing the officers identify themselves as police. More than one witness indicated they did not recognize the plainclothes officers as police when they looked to see what the shouting was about.

Following the shooting, the physical evidence at the scene was processed by the SFPD Crime Scene Investigations Unit. The Medical Examiner conducted an autopsy on the body of the man found in the stolen car. The results of these investigations in large part supported the accounts of the incident as given by the officers and the witnesses at the scene. The findings were that the man shot by the named officers died as a result of wounds from six bullets that entered the suspect’s vehicle through its windshield, as

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well as through the driver's side window. The suspect was positively identified by the medical examiner as the man who had robbed two banks in Irvine several weeks earlier. The examination of the vehicle indicated that it struck the car that had been parked next to it, and that it had eventually struck the door of the police vehicle as it drove first backward, and then forward. The incident was also investigated in the months that followed by the SFPD Internal Affairs Division, which recommended that the shooting be deemed within Department policy. The IAD concluded that the named officers were in fear of serious injury or death for themselves and/or their fellow officers when they discharged their weapons. The Department's Firearms Discharge Review Board declared the discharges by both named officers to be within Department policy.

The OCC investigation first focused on the initial report to SFPD dispatch that a stolen car had been found in the city, and the Department's response. A review of the records of the Department of Emergency Management (DEM) revealed that the initial call to report the stolen car came from a contractor that monitored the signals from Global Positioning System locators installed on BMW vehicles. The contractor had received a signal indicating the stolen BMW was parked in San Francisco and reported its location to dispatchers. The DEM then received a call from the FBI, which was investigating the bank robberies attributed to a man driving the stolen BMW. The FBI agent relayed the information about the car's involvement in the robberies, presented a suspect description and reported on four events in Southern California during which the suspect had eluded efforts to capture him by Orange County Sheriff's deputies. A dispatcher also passed along to San Francisco officers a warning to use extreme caution.

A review of the recorded telephone call by the FBI agent to DEM indicated he first asked that when the car was recovered, the SFPD preserve any evidence of the robberies that existed in the car. He said specifically that it was not necessary to subdue the subject, but gave dispatchers a warning to pass to officers on the street that if they encountered the suspect in the car, "he will try to flee." The FBI agent did not say the suspect had tried to strike or run down anyone in law enforcement. This point became significant in the shooting investigation, as practically every officer involved in the surveillance of the stolen BMW, including the officers who eventually shot the suspect, reported learning while they were watching the car that the suspect in the bank robberies had tried to run down law enforcement officers on more than one occasion. None could pinpoint the origin of this report. This assumption likely resulted in a heightened suspicion of danger, specifically because the officers believed, mistakenly, that the suspect had deliberately used the suspect vehicle to attempt to run down officers. The investigation of the incident by the Internal Affairs Division noted the existence of this mistaken notion, and reported that IAD was unable to determine the origin of the miscommunication. The OCC interviews of the named officers revealed that they suspected the man they encountered in the car to have engaged in bank robberies and car theft, both crimes that led them to believe he was likely to be violent or armed and desperate, regardless of whether he had tried to run officers down.

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OCC interviews of the numerous police officers, who were involved in the surveillance of the car after it was discovered, indicated that the Department's Criminal Investigations Unit expended significant resources to watch the stolen car for several hours and then abruptly removed all the officers from the surveillance, leaving the car on the street. It was the reported belief by officers involved in the surveillance that subduing the Southern California bank robbery suspect took precedence over merely recovering the stolen car and, thus, it was left where it had been parked, armed with a GPS locator to notify officers if the operator tried to move it. Again, because of the lack of documentation of the surveillance operation, there was no record of which officer placed the GPS tracker on the car, and none of the officers who were involved in the surveillance acknowledged doing so, nor could any specifically recall who was supposed to be monitoring the tracking device. Homicide inspectors removed a GPS tracker from the car after it was towed to the SFPD site for processing

The lack of any documentation of the surveillance operation left a significant hole in the OCC investigation because, with the retirement of the officer in charge of the operation, there was no authority available to establish the status of the operation at its conclusion, and which officers had been primarily responsible with the subduing of any suspect that got in the car. The officers from the Criminal Investigations Unit, which had run the surveillance for several hours and then placed the tracker on the car, said the surveillance of the stolen car had been turned over to the Park District plainclothes unit for further action.

However, the named sergeant and the officers from the Park District plainclothes unit said the CIU had retained primary responsibility for the stolen car, as they were monitoring the GPS tracker. During their interviews by the OCC, the Park District plainclothes officers said they were on routine plainclothes patrol after the surveillance of the BMW had been discontinued. The sergeant in charge of the plainclothes unit said he understood he was in a support role, to back up the CIU if the car should move. The named officers stated that, because they had not seen the car while on the perimeter of the surveillance, they wanted to locate it and familiarize themselves with its appearance in case they were later called on to stop the car or the suspect driver.

The named officers and the witness officer patrolling with them said they drove past the car, saw indications it was occupied, and eventually stopped and engaged the driver.

In an effort to determine if the named officers' approach to the vehicle was consistent with their training, the OCC interviewed the officer in charge of training SFPD members in the use of police vehicles, in how to conduct high-risk traffic stops and how to physically approach a car stopped in a "high-risk" situation. This officer indicated that a scenario such as this case presented – approaching a car parked with a suspected bank robber in the driver's seat – would be considered a "high-risk stop." He said the training given officers on such stops is to begin by putting themselves in a place of cover and safety, and then order the occupant out of the car at gunpoint. The trainer said one circumstance that would suggest

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officers approach the car would be if the suspect did not respond to verbal commands. The trainer said, however, that there was no training of SFPD officers that would preclude the use of a police car to physically block a suspect car's movement by parking it directly behind that car.

The OCC also interviewed the officer who has trained all officers in regular plainclothes assignments for the past 10 years. Department records indicated that the named officers were given this required training. The plainclothes trainer told the OCC that plainclothes officers entering a "high-risk" situation such as this must be concerned that the occupant be aware that they are police and call for a marked unit. He said the perception of plainclothes police officers by suspects is less predictable than when a marked car pulls up behind a suspect and a uniformed officer approaches the car. He said, ultimately, that each felony stop is different and plainclothes officers must adapt to what the situation facing them presents.

SFPD Department General Order 5.02, revised in 2011, reads in pertinent parts:

USE OF FIREARMS

This order establishes policies and reporting procedures regarding the use of firearms.

I. POLICY

A. GENERAL. Officers shall use their firearms in accordance with Department General Order 5.01, Use of Force, and this General Order.

...

5. MOVING VEHICLES. The following policies shall govern the discharge of firearms at or from a moving vehicle or at the operator or occupant of a moving vehicle:

...

c. At the Operator or Occupant of a Moving Vehicle. Discharging a firearm at the operator or occupant of a moving vehicle is inherently dangerous to officers and the public. Disabling the operator will not necessarily eliminate an imminent danger of death or serious bodily injury. Further, a moving vehicle with a disabled, operator may crash and cause injury to innocent members of the public or officers.

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Accordingly, it is the policy of the Department that **officers are prohibited from discharging their firearm at the operator or occupant of a moving vehicle except in the narrow circumstances set in this subsection (c).** An officer shall not discharge a firearm at the operator or occupant of a moving vehicle except under the following circumstances:

...

- (2) If the operator of the moving vehicle is threatening the officer with imminent danger of death or serious bodily injury by means of the vehicle, and the officer has no reasonable and apparent way to retreat or otherwise move to a place of safety.
- (3) In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury.
- (4) To apprehend a person when both of the following circumstances exist:
 - (a) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
 - (b) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

In a detailed letter declining to bring criminal charges against the involved officers, the district attorney concluded that in the shooting of the complainant's brother, the named officers "acted lawfully in self-defense and in defense of others." While the district attorney's office indicated that it had not examined the police policies and procedures, the district attorney presented a thorough recounting of the facts of the case and determined that the evidence in the case, both physical and testimonial, was consistent with the accounts given by the officers. The district attorney concluded that the evidence proved the officers who shot the man in the car believed they were - and were in fact - in danger of being crushed by the car he was driving. The district attorney concluded that the officers had fired their weapons to stop that threat, as they were authorized to do under the law.

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The evidence shows that the named officers received the applicable Department training. The evidence indicates that while the officers entered the situation with significant misinformation – i.e. their belief that the subject had intentionally tried to run down officers in the subject car – their actions as described at the scene of their attempt to arrest the subject fall within the bounds of that training. According to the officers, they attempted to get the subject to turn off the car and exit, and when he did not respond, they approached, with the intent of taking him into custody. The subject, by all accounts, moved the car backward, toward the police car. The officers testified that they attempted to get out of the way of the moving vehicle and discharged their weapons when they felt they were in danger.

The available evidence, which is significant, is consistent with the account given by the officers. Witnesses, who were in good vantage points across the street and above the scene, said they saw the car backing up slowly, and some describe it hitting vehicles behind and to its left, the rough locations the officers placed themselves. The examination by the Department's CSI Unit of the bullet trajectory is consistent with the locations the officers put themselves when they were firing at the subject.

The actions described by the named officers indicate that they were attempting to subdue a violent felon. The evidence and the testimony of the involved officers and many civilian witnesses indicate that when the officers discharged their weapons, they were facing life-threatening behavior on the part of the suspect. The evidence indicates that the officers responded to the threat to their safety as they were taught: First, they ordered the suspect to stop, and turn off the car. Then, when he refused, they approached to quell the threat directly. As they were doing that, the suspect moved a vehicle in a manner that put the officers in danger. The officers attempted to flee the threat posed by the car, and when they were no longer able to escape, they discharged their weapons in defense. Their actions in the final minutes of the incident were consistent with their training and the Department's regulation regarding use of force. While the named officers' actions did fall within the Department's training and use of force guidelines, there was insufficient evidence to establish that the level of force used by the named officers was minimally necessary to accomplish their task.

As such, there was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to follow procedures regarding investigation of an officer-involved shooting.

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

FINDINGS OF FACT: During the investigation, the OCC alleged that the named officer failed to follow regulations and procedures set out for the investigation of officer-involved shootings, to wit: The officer failed to separate two of the officers involved in the shooting during transport from the scene of the shooting.

The named officer said that he had decided to and then transported the officers in one car to the station because all except one other unit on the scene were conducting essential duties from which he could not remove them. The named officer said that he ensured that the shooting-involved officers did not talk to one another during the transport and then separated them at the station immediately after their arrival.

During the investigation, the OCC was unable to reach several of the officers in charge of the shooting scene at the time of the shooting investigation, due to the fact that they had retired. The investigation indicated that there were numerous units on the scene after the shooting investigation was started; however, there was no indication exactly when the involved officers were transported to the station, and so it could not be established which units were present and which were essential at the time of transport.

The third officer involved in the shooting case was transported by a separate unit, which had been called from another district.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #1: The officer used uncivil language.

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

FINDINGS OF FACT: The complainant said that an officer used uncivil language towards her while driving a police vehicle. The vehicle the complainant identified by number was assigned to the named officer.

The named officer could not recall any specific communication with citizens on the day in question.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used a sexual slur.

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

FINDINGS OF FACT: The complainant said that the officer directed a sexual slur towards her.

The named officer could not recall any specific communication with citizens on the day in question.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and/or 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 June 26, 2014.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 26, 2014

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 26, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/14 **DATE OF COMPLETION:** 07/11/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that he has been harassed by members of the San Francisco Police Department in the last “ten years” in “San Francisco.”

The complainant has not responded to OCC’s multiple requests for an interview.

The complainant failed to provide additional requested information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/23/14 **DATE OF COMPLETION:** 07/18/14 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/14 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated that the officer yelled at her and was discourteous.

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: 04/29/14 **DATE OF COMPLETION:** 07/18/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant said two officers who transported her after a DUI arrest failed to check her handcuffs or loosen the handcuffs after hearing her complain that the handcuffs were too tight, causing her pain and permanent numbness.

The named officers both acknowledged that they transported the complainant to the station after her DUI arrest, but neither one could recall who handcuffed the complainant.

One named officer said he did not recall if the complainant complained at the time of the incident that her handcuffs were too tight.

The other named officer said the complainant's description of the officers ignoring the complaint of tight handcuffs was inaccurate.

Department records showed that the complainant filed the complaint 18 months after the incident.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/14 **DATE OF COMPLETION:** 07/03/14 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he dropped his keys into a sewer grate and called his local police station for assistance. The complainant stated that the unknown male who answered the phone was dismissive, unhelpful and said the police would not respond to this type of call. The complainant did not have any information regarding the identity of the person he spoke with.

OCC sent an Officer Identification Poll to the commanding officer at station. The commanding officer polled his officers and could not establish the identity of the alleged officer.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/14 **DATE OF COMPLETION:** 07/07/14 **PAGE #1 of 2**

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 19, 2014.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 19, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/14 **DATE OF COMPLETION:** 07/07/14 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to politely provide his name and badge number when requested.

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 19, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was pulled over for no apparent reason.

The named officer stated that he watched the complainant run through a stop sign without making a complete stop and almost collide with another vehicle. The named officer stopped and cited the complainant for the stop sign violation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was pulled over for no apparent reason. The complainant stated the officer threatened him.

The named officer stated the complainant was hostile towards him and that he handled the situation professionally. When the complainant almost tore up the citation, the named officer told the complainant that he would have to arrest the complainant if he did not sign the ticket. The named officer denied threatening the complainant as alleged.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/13 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant, who is African American, stated that the named officer used racial words towards him and did not stop another driver who was Caucasian.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied the allegation. He stated that he did not know the race of the complainant before pulling him over. The named officer denied saying any racial comments. The officer stated that the complainant's race had nothing to do with the way he handled the encounter.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/22/14 **DATE OF COMPLETION:** 07/11/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant, who is deaf and cannot verbally communicate, indicated he got into his vehicle, which was legally parked, and intended to exit a parking space on a public street. However, parked vehicles in front, to the rear and to the side of the complainant's vehicle, prevented him from exiting the parking space. The vehicles parked in front and in back of the complainant's vehicle were also legally parked. An unoccupied delivery truck was illegally double-parked to the side of the complainant.

The complainant saw an unoccupied patrol car that was parked diagonally across the street from where the complainant was parked. Since the complainant was late for an appointment, he pressed the car alarm button on his car key. He did this to alert the officer that he needed assistance in exiting the parking space. The complainant indicated that no officer came to his assistance. He viewed the officer's failure to respond as a failure to protect and serve handicapped individuals. However, the truck driver subsequently arrived and moved the truck, despite the truck driver's unwillingness to do so.

The complainant stated he did not obtain the patrol car number/license plate, officer's name, star number, or any other information to identify the officer.

Officer Identification polls were sent to the two district stations nearest to this location. The involved officer could not be identified.

A request to SFPD legal to identify officers in the immediate area at the time of the complaint returned with negative results.

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: 06/02/14 **DATE OF COMPLETION:** 07/08/14 **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 said he was cited for making a left turn at an intersection where turns were permitted.

OCC's investigation established there are three posted signs prohibiting any turn at the intersection where the complainant made his left turn. The complainant was lawfully cited for making an illegal turn in violation of California Vehicle Code section 22101(d).

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: 06/09/14 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated two officers detained and transported her to a hospital for a mental health evaluation. The complainant initially stated she could not identify the involved officers; however, she later provided the names of two individuals. The names provided by the complainant did not match the names of any members of the SFPD. The complainant did not provide any information or hospital records regarding her alleged mental health detention. The complainant refused to sign a Medical Release Form that would have allowed the OCC to obtain her medical records.

A records request was sent to SFPD legal in an attempt to locate this incident. SFPD legal responded and stated that they could find any information regarding the alleged incident.

OCC sent a Captain's Poll to the district station. The station Captain polled his officers and reported that his officers were not involved in this incident. The SFPD personnel roster was checked and there were no names that matched the names provided by the complainant.

No witnesses were identified. The identity of the alleged officers has not been established.

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

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

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

FINDINGS OF FACT: The complainant stated she was handcuffed.

As previously stated, the identity of the alleged officers has not been established.

No witnesses were identified. The identity of the alleged officers has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #3: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: As previously stated, the identity of the alleged officers has not been established.

No witnesses were identified. The identity of the alleged officers has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/13 **DATE OF COMPLETION:** 07/22/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was walking up the street with one or two unidentified friends when a police car stopped nearby. The complainant followed his friends as they ran away. The complainant ran into an alley where he stopped and placed his hands above his head to surrender. An officer, who was chasing the complainant on foot, pulled the complainant's hands behind his back and shoved him to the ground, causing the side of the complainant's face to strike the ground. The second officer, who had been chasing the complainant in a patrol car, stopped, exited his car and kicked the complainant in the face.

Both named officers denied the complainant was kicked or struck. The first named officer stated he and his partner were on uniformed patrol when he saw the complainant and two other men standing next to a parked car whose window appeared to have recently been shattered. When the officers stopped their car next to the men to investigate, the men walked away. The officer told them to stop. The complainant yelled for them to flee, and the complainant and one of his companions ran in one direction while the third man walked in the opposite direction. The officer chased the complainant on foot, while his partner followed in their patrol car. He chased the complainant into an alley, while his partner drove past the complainant and stopped. The complainant reversed direction and ran towards the named officer, who grabbed him by his outer clothing and pulled him to the ground. The complainant landed face down with his hands under his body and kept them there as the officers tried to pry them out. They finally pulled the complainant's arms behind his back and handcuffed him.

The second named officer confirmed his partner's account of the initial contact with the complainant and the pursuit into the alley. He stated he was exiting his car as his partner took the complainant to the ground and, therefore, didn't see how this was accomplished or how the complainant struck the ground. He confirmed his partner's description of the complainant's resistance to being handcuffed. He stated that after the complainant was handcuffed, he lifted the complainant to his feet and walked him towards his patrol car several feet away. The complainant "lunged forward," but the officer didn't know whether this was intentional or whether the complainant stumbled and fell. The complainant fell forward, striking his head or chest against the rear bumper of the patrol car. After placing the complainant inside the patrol car, this officer saw blood on his hands and on the pavement where the complainant had been taken to the ground. He shone his flashlight on the complainant's face and saw that he was bleeding from his mouth and nose.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/13 **DATE OF COMPLETION:** 07/22/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #1-2 Continued:

The first named officer confirmed his partner's description of the complainant falling and hitting his face or head against the car's rear bumper.

The complainant stated that as the officers were raising him to his feet, he lost his balance and almost fell, and that the officers pushed him onto the trunk of the car. The complainant stated that he doesn't know whether he struck the car bumper because he was almost losing consciousness.

The complainant's medical records and photographs of him taken on the day of this incident, documented abrasions to his face and head and a swollen lip. The attending physician who treated the complainant stated that these injuries were blunt force injuries that could have a variety of causes, including a punch, a kick or a fall.

A canvass of the area for video camera footage yielded negative results. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was walking up the street with one or two unidentified friends when a police car stopped nearby. The complainant followed his friends as they ran away. The complainant ran into an alley where he stopped and placed his hands above his head to surrender, but was forcibly taken to the ground and arrested.

The named officer stated he and his partner were on uniformed patrol when he saw the complainant and two other men standing next to a parked car whose window appeared to have recently been shattered. When the officers stopped their car next to the men, the men walked away. The named officer's partner exited the patrol car and ordered the men to stop. The complainant and another man fled on foot. The named officer and his partner chased the complainant into an alley where the complainant resisted being arrested by failing to remove his hands from underneath his body. The named officer arrested the complainant for resisting arrest. The named officer's partner confirmed his account of the incident.

The evidence established the named officer and his partner had reasonable suspicion to detain the complainant to investigate a possible auto break-in and that the complainant resisted by fleeing on foot. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

CATEGORY OF CONDUCT: NA **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: 07/02/14 **DATE OF COMPLETION:** 07/18/14 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING :** IO1 **DEPT. ACTION:**

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

UCSF – Internal Affairs
654 Minnesota Street
San Francisco, CA 94143

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/14 **DATE OF COMPLETION:** 07/28/14 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/13 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 & 2: The officers towed several cars without justification.

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

FINDINGS OF FACT: The complainants stated their cars were towed from legal parking spaces without proper notification of posted restricted parking signs for a marathon event.

The complainants stated they parked their cars the evening before the marathon and saw no restricted parking signs. When the complainants returned to their parking spots fewer than 24 hours later, their cars had been towed. Three complainants stated there were still no restricted parking signs when they returned to their cars the following morning. A fourth complainant, who was parked a few blocks away, stated he returned to his car in the morning to find visible restricted parking signs, which had apparently been installed overnight.

The named officers stated special event restricted parking signs were posted along the entire marathon route at the time the complainants' vehicles were towed. The supervising officer stated the signs were posted and remained in place for at least 72 hours prior to the marathon. The same officer stated the Department does not require that the sign installation be documented. However, the supervising officer stated he could verify that the signs were installed because he certified that the officers performed their duty. Furthermore, the supervising officer stated it is customary that officers remove the signs as the race progresses.

There was no documentary evidence from either the complainants or the officers to prove the signs were ever installed or remained in place until the time of the vehicle tows the morning of the half marathon. The records indicated that the marathon event began at 0700 hours. The location of the complainants' vehicles was within the first mile of the marathon event, which only establishes the possibility that the posted signs could have been removed by officers at an early hour on the date of incident.

One of the involved members was unavailable for an OCC interview because he is no longer a member of the Department.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/29/13 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer towed several cars without justification.

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

FINDINGS OF FACT: The complainant stated their cars were towed from legal parking spaces without proper notification of posted restricted parking signs for a marathon event.

The named officer has retired and is no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **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: 07/10/14 **DATE OF COMPLETION:** 07/16/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated her son was being targeted by the named officer.

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

FINDINGS OF FACT: The complainant stated that the named officer was targeting her son, arresting her son in 2013.

Department records indicated that the named officer was not involved in the arrest of the complainant's son.

The evidence proved that the act alleged in the complaint did not occur, nor that the named officer was involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/14 **DATE OF COMPLETION:** 07/11/14 **PAGE#** 1 of 1

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

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

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

SFMTA
Director Edward D. Riskin
1 South Van Ness Avenue
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/14 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 1 of 1

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 engaged in biased policing due to race.

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: 07/11/14 **DATE OF COMPLETION:** 07/15/14 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/14 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an unknown officer looked at him up and down and then placed his hand on his holster. The complainant did not have any contact or conversation with the officer. The complainant did not get the officer's name and/or star number and provided a general description of the alleged officer.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/13 **DATE OF COMPLETION:** 07/18/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: Pending resolution of criminal charges against him, the complainant declined to provide a statement to the OCC detailing the dates and nature of force used against him. Meanwhile, the complainant is reported to be a fugitive at large.

The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: Pending resolution of criminal charges against him, the complainant declined to provide a statement to the OCC detailing the dates and nature of his allegations against members of the San Francisco Police Department. Meanwhile, the complainant is reported to be a fugitive at large.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/14 **DATE OF COMPLETION:** 07/30/14 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer cited 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 ALLEGATION #2: The officer made inappropriate, intimidating comments and acted in an inappropriate manner.

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: 07/17/14 **DATE OF COMPLETION:** 07/28/14 **PAGE #1** of 1

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

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

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

California Department of Corrections and Rehabilitation
Office of Internal Affairs
P.O. Box 3009
Sacramento, CA 95812

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/13 **DATE OF COMPLETION:** 07/08/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violating California Vehicle Code section 22450(a), which states, in part:

The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

The complainant denied the alleged violation, stating that he stopped before the crosswalk before entering the intersection.

No witnesses were identified pertaining to this allegation.

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

SUMMARY OF ALLEGATIONS #2 & 3: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers yelled and screamed at him to throw out his cigarette. The complainant stated that one of the officers was aggressive towards him.

The officers denied the allegation. The officers said the complainant was upset and yelling at the officers to incite bystanders in the area. The officers said the complainant was told to go back to his car while the citation was being issued. The officers did not recall if the complainant was smoking or had a cigarette.

The complainant's witness stated he did not hear the initial conversation between the complainant and the officers. The witness' description of one of the officers' behavior towards the complainant was not consistent the complainant's account of what happened.

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: 07/29/13 **DATE OF COMPLETION:** 07/08/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4 & 5: The officers engaged in biased policing.

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

FINDINGS OF FACT: The complainant was cited for violating California Vehicle Code section 22450(a), which states, in part:

The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver shall stop at the entrance to the intersecting roadway.

The complainant denied the alleged violation, stating that he stopped before the crosswalk before entering the intersection. The complainant alleged that the officers engaged in biased policing due to his race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They both denied the allegation and denied that they knew the complainant's race, color, or ethnicity before making the traffic stop.

The complainant's witness stated that he thought the officers stopped the complainant because of the make/model and condition of the complainant's vehicle. This witness refused to provide the contact information of another witness to the incident.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/28/14 **DATE OF COMPLETION:** 07/30/14 **PAGE#** 1 of 1

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

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

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

San Francisco Superior Court
Comprehensive Collections Unit
850 Bryant Street
Hall of Justice, Room 101
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/13 **DATE OF COMPLETION:** 07/15/14 **PAGE #** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that upon exiting a store, he saw several officers had detained a man directly in front of the complainant's bike, which was leaned against the storefront. When the complainant attempted to retrieve his bike, he was told by officers to wait while they conducted their investigation. The complainant disagreed that he should have to wait and stated that one of the officers got in his face, telling him to calm down. The officer had his hands up in the complainant's face and the complainant swatted his own hand in front of his face, which then made contact with the officer's hand. The complainant said that the officer then kicked his leg out from under him and threw him to the ground. He was transported to the station where he was cited for delaying, resisting and obstructing a peace officer, and he was released. The complainant denied that he was resisting.

The named officer stated he responded as backup and encountered the complainant face to face with another officer. He stepped in to try and diffuse the situation. He stated the complainant was complying with his request to back up, but continued to verbally confront the initial officers. The named officer stated he had his hands up in front of his chest and was making "calm down" gestures when the complainant twice pushed his hands away. He warned the complainant not to do that. He stated the complainant then pushed him in the chest, so he performed a leg sweep to take the complainant down to the ground. He struggled with the complainant in an effort to make an arrest, but the complainant remained combative until a wagon arrived to transport him to the station.

Four witness officers stated they saw the complainant push and/or slap the hands of the named officer before he was taken to the ground and arrested.

No other witnesses were identified.

Video evidence shows the complainant arguing with officers, but the named officer and the complainant moved out of view of the camera prior to the complainant being arrested.

The complainant admitted arguing with the officers and swatting the air in front of him, making physical contact with the named officer's hands. Multiple officers also stated that they saw the complainant slap or swat the named officer's hands.

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

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SUMMARY OF ALLEGATIONS #2 & 3: The named officer and other unknown officer(s) used unnecessary force against the complainant.

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

FINDINGS OF FACT: The complainant admitted making physical contact with the named officer. Multiple witness officers also confirmed seeing and/or hearing the complainant slap/swat the named officer's hands. The complainant stated that, as a result of his physical contact with the officer's hands, the officer kicked his leg out from under him and took him to the ground. He stated that 6 or 7 officers were then on top of him, punching him in the back and head. He stated that an unknown officer twisted his ankle until it broke, and that he needed to have his ankle surgically repaired as a result of the injury.

The named officer admitted using a leg sweep to take the complainant to the ground, which was documented in the Department's Use of Force Log. He stated that once on the ground, the complainant struggled and would not release his hands to be handcuffed. The named officer denied trying to gain control of the complainant's feet or twisting his ankle. He also denied punching the complainant or seeing any other officer punch the complainant.

A witness officer stated the named officer used a leg sweep to take the complainant to the ground after he swatted his hands and physically pushed the named officer. He described the complainant as resisting on the ground, squirming and refusing to show his hands. The witness officer stated he applied pressure to the complainant's mastoid and clavicle in an effort to gain compliance, but he denied punching or seeing anyone else punch the complainant. He denied trying to gain control of the complainant's legs or twisting his ankle.

Two other witness officers stated the only force they saw being used was the leg sweep by the arresting officer to get the complainant onto the ground. They both denied using any force against the complainant, seeing any officer punch the complainant, or seeing anyone controlling the complainant's legs or twisting his ankle.

Several other witness officers denied using or seeing any force used against the complainant. A civilian witness denied seeing the incident as he had his back turned to the complainant while he was being detained. He did state that he heard officers telling the complainant to stop resisting.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #4: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that after being placed in handcuffs, he was thrown facedown into a wagon, which took off at an accelerated speed causing him to slide forward and hit his head.

The named officer stated that the complainant was placed into the wagon on his side because he was in handcuffs. He stated that the complainant was placed in the middle of the wagon, and that when he arrived at the station, the complainant was in the same position.

A witness officer stated that he and another officer placed the complainant into the vehicle by laying him on his side on the floor of the wagon because the complainant was trying to kick them. He denied that it was driven away at a high rate of speed and denied that the complainant was thrown into the wagon face-first.

Two other witness officers denied that the vehicle was driven improperly.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that he rode his bike to the store and leaned it up against the storefront as he went inside. After being released at the station following his arrest, he asked where his bike was and stated that an officer told him it was "still down there." When he went to store to get it, the bike was gone. The complainant did not report it stolen. He denied that it was a shared bike and stated that it was his only mode of transportation.

Multiple witness officers acknowledged that the complainant exited the store and stated that he wanted his bike. One alleged that it was a pool bike that multiple people in the neighborhood use. Another officer stated that a different person, who was detained at the time, was known to ride a mountain bike and that it was his assumption that the complainant thought the detainee was being arrested and was trying to retrieve the bike on his behalf. A third officer confirmed seeing the bike in front of the store, but stated that he wasn't sure it was the complainant's bicycle.

The video evidence shows a bike parked in front of the store, and the complainant approaching it as officers have a man detained nearby. It does not show the complainant ever being in possession of the bicycle and does not establish ownership. Throughout the video, nobody ever touches the bike, and the video ends with the officers dispersing and the bike still parked in front of the store.

The named officer was the arresting officer. He stated that when he approached the complainant, the complainant told him that he wanted his bicycle. The officer said he informed the complainant that he would help get the bicycle back but that the complainant would need to wait. During his OCC interview, the named officer stated that although the complainant mentioned wanting to get the bike, he does not believe it was the complainant's bike. He stated that the guys who hang out in front of the store use it to get around. The named officer never questioned the ownership of the bicycle at the time of the incident and, therefore, had a duty to at least secure the property for safekeeping upon arresting the complainant and transporting him to the station without the bike.

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

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DATE OF COMPLAINT: 08/07/13 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was at a bus stop when a female stole her purse containing her phone and wallet and fled into a nearby housing complex. She alleged the officers did not investigate the crime she had reported.

The officers denied the allegation. The officers stated that they conducted a search of the area, including a dumpster, and the peripheral area, but conflicted on what was reportedly stolen. Both denied the complainant had reported the theft of a phone. The complainant pointed out a suspect fitting the suspect's description and the officers detained the suspect, spoke to her and searched for the stolen items with negative results. The officers then left the area. The complainant subsequently searched a nearby dumpster and found her purse.

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

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

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

FINDINGS OF FACT: The complainant stated a female stole her purse at a bus stop, then fled into a nearby housing complex. She stated the responding officers laughed at the incident.

The named officers denied the allegation. They did not think the incident was humorous.

The witnesses did not see the entire incident.

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

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SUMMARY OF ALLEGATION #5: The officer failed to write an incident report.

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

FINDINGS OF FACT: The named officer and his partner responded to an “A” priority call regarding a “488” (petty theft). The officers met with the complainant (the victim) and detained and questioned the suspect that the complainant identified as the suspect who had taken her purse. In addition, the officers searched the area in an effort to locate the complainant’s purse.

Department General Order DGO 1.03 requires members to “make written reports on crimes observed or brought to their attention that have not been previously reported. DGO 2.01 section 25 states, “While on duty, members shall make all required written reports of crimes or incidents requiring police attention.” One officer stated he offered to write a report, but the complainant refused. This officer stated the complainant did not want any further police action. The other officer stated that he was not sure if a crime was committed. He stated that he and his partner were unable to get sufficient information from the complainant to write a report. This officer stated that the complainant was “unbelievably uncooperative.”

The Event History Detail associated to this Call for Service has the complainant’s name. The officers also had the suspect’s name, a person who had previously been arrested by one of the named officers. After interviewing the complainant, both officers had enough information about the crime reported to them. The officer violated DGO 1.03 and 2.01 when as the senior officer responsible for the proper completion of all assignments, the officer failed to write an incident report regarding this crime.

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

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

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

FINDINGS OF FACT: The officer stated that there was insufficient information and cooperation from the complainant to determine if a crime had occurred.

OCC’s investigation established that an incident report should be prepared. OCC determined that the named officer’s partner was the senior officer at the scene, responsible for ensuring that an incident report was prepared. The named officer was on probation at the time of this incident.

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

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

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

FINDINGS OF FACT: The complainant stated he was working as a youth counselor on a field trip. He and three eight-year old children were in a children's playground at a busy park when the complainant heard someone yell, "Put your hands up! Get on the ground!" The complainant saw an officer emerge from a crowd of people with his gun drawn and pointed at him. The officer came straight at the complainant and the complainant put his hands up and told the officer that he was just watching the kids on a field trip. The children confirmed to the officer that the complainant was their counselor. The officer then holstered his firearm and tried to apologize to the complainant. The complainant stated that he would not accept the officer's apology.

The named officer stated he was alone and searching for a suspect that had been involved in a police chase and several hit-and-run collisions. The officer had no information that the suspect was armed. When he saw the complainant, he believed he was the suspect and drew his firearm because he feared that the suspect would do anything to get away. The officer stated the complainant was carrying several backpacks that the officer believed could have come from auto burglaries. The officer stated the complainant also looked at him and then away from him several times. Once he learned that the complainant was not the suspect, he holstered his firearm. The incident lasted approximately one minute.

Department General Order 5.02 permits an officer to draw his firearm when the officer has reasonable cause to believe that either his safety or the safety of others is at risk. The evidence shows that at the time this incident occurred, the named officer did not have a reasonable belief that his safety or the safety of others was at risk that would have permitted him to draw his weapon.

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

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

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

FINDINGS OF FACT: The complainant stated he was working as a youth counselor and was with three eight-year old children in a busy playground when the he heard someone yell, “Put your hands up! Get on the ground!” The complainant saw an officer emerge from a crowd of people with his gun drawn and pointed at him. The officer came straight at the complainant and the complainant put his hands up and told the officer that he was just watching the kids on a field trip. The officer asked the children if they knew the complainant. They all said that the complainant was watching them and the officer let the complainant go.

The named officer stated he was searching for a suspected auto burglar that had been involved in a police vehicle pursuit and hit and run collisions. The information broadcast was that the suspect was a black male wearing a black hoodie. The officer stated that when he saw the complainant, he believed he was the suspect because he was a black male who looked in his 20’s and who was looking around suspiciously and carrying backpacks that could have been stolen. The officer could not remember what the complainant was wearing.

SFPD DGO 5.03, Investigative Detention, states, in part:

It is the policy of the SFPD that every person has the right to use public streets and public places so long as he/she does not engage in criminal activity. Factor’s such as the person’s race, sex, sexual orientation, gender, gender identity, gender presentation, age, dress...do not alone justify even a brief detention....

A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person’s behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or “hunch” is not sufficient cause to detain a person or request identification.

There is no dispute that the complainant’s behavior was not related to criminal activity. The officer admitted he had his gun displayed and pointed towards the complainant. The officer stated that at the time he had the complainant at gunpoint, the complainant was not free to leave. Case law holds that when a person is not free to leave, they are detained.

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

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

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

FINDINGS OF FACT: The complainant stated he was watching children on a field trip at a playground when an officer came up to him with his gun drawn. The complainant explained he was only watching the kids and the officer apologized. The officer put his arm around the complainant and put his fist out as to do a “fist bump” with the complainant. The complainant refused to fist bump the officer. The officer asked, “My bad, I was looking for someone. Are we cool?” The complainant responded that they were not cool. The officer then walked away.

The named officer stated he believed the complainant was an outstanding suspect and he briefly detained him to determine his identity. After he realized he had the wrong person, he attempted to apologize to the complainant and the complainant did not accept the apology. The officer denied saying, “Are we cool?” He also denied that he put out his fist for a fist bump.

There were no identified witnesses to this incident. 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 co-complainant stated that his son was detained at gunpoint at a busy park while his son was watching three children. The co-complainant believes that because his son was African American and in an area where there are not many black people around, that the named officer targeted his son due to his race.

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. The officer stated he was looking for an outstanding suspect who was described as a black male in his 20’s. The officer saw a black male who appeared to be in his 20’s. The male was also holding three bags and was looking around suspiciously, as if looking for an escape route. The officer denied that the complainant’s race was the only factor that led to his actions.

There were no identified witnesses to this contact. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was working as a youth counselor in a busy park when he heard someone yell, "Put your hands up! Get on the ground!" The complainant saw an officer emerge from a crowd of people with his gun drawn and pointed at him. The officer came straight at the complainant and the complainant put his hands up and told the officer that he was just watching the kids on a field trip. The officer asked the children if they knew the complainant. They all said that the complainant was watching them and the officer let the complainant go. The officer did not provide any documentation to the complainant.

The named officer stated he was searching for a suspect that had been involved in a police chase and hit-and-run crashes. When he saw the complainant, he believed he was the suspect. The officer pulled his firearm and ordered the complainant to show his hands. The officer stated he did not consider this brief encounter to be enough to warrant a certificate of release. When asked if the complainant was free to leave when he had his gun drawn, the officer stated that he was not. Case law holds that when a person is not free to leave, they are detained.

SFPD DGO 5.03, Investigative Detention, states, in part:

It is the policy of the SFPD that every person has the right to use public streets and public places so long as he/she does not engage in criminal activity. Factor's such as the person's race, sex, sexual orientation, gender, gender identity, gender presentation, age, dress...do not alone justify even a brief detention....

A police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity. The officer, however, must have specific and articulable facts to support his/her actions; a mere suspicion or "hunch" is not sufficient cause to detain a person or request identification.

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

The evidence showed that the officer displayed his firearm and used it in a physically threatening manner to detain the complainant. The display of a firearm to conduct a detention is a physical restraint. The complainant stated he saw the firearm and complied with the officer's orders to show his hands. The officer stated that he had his firearm displayed and that the complainant was not free to leave.

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

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SUMMARY OF OCC-ADDED ALLEGATION #2: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The complainant, who was 14 years old at the time of the contact, stated that he was working as a youth counselor in a busy park when the he heard someone yell, “Put your hands up! Get on the ground!” The complainant saw an officer emerge from a crowd of people with his gun drawn and pointed at him. The officer came straight at the complainant and the complainant put his hands up and told the officer that he was just watching the kids on a field trip. The officer asked the children if they knew the complainant. They all said that the complainant was watching them and the officer let the complainant go. The officer did not provide any documentation to the complainant.

The officer stated that he thought the complainant was in his early 20’s. The fact that he was watching young children reinforced his belief. If he knew that the complainant was a minor, he would have notified a parent or guardian. The contact lasted approximately one minute before the officer left the area to continue searching for a suspect in a vehicle pursuit and several hit and run collisions in the immediate area.

There were no identified witnesses to this contact.

There was insufficient evidence to either prove or disprove the allegation

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SUMMARY OF ALLEGATIONS #1-3: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainants stated that police failed to conduct a proper investigation of a traffic collision that resulted in the death of a 24 year-old bicyclist. They stated that one week after the traffic collision, a San Francisco Bicycle Coalition staffer canvassed the area and located a video of the traffic collision that police had failed to find.

The SFBC staffer told the OCC that, following a bicycle safety event held at the intersection where the traffic collision occurred, he canvassed the area for video and located a video of the collision taken by a muffler shop located in the intersection. The manager of the muffler shop told the OCC that, on the day of the collision, believing his video camera might have captured the incident, he asked an officer if he wanted to check the shop's video camera. He stated the officer replied, "Nah, we're good." The manager was unable to identify this officer.

The first named officer stated he canvassed the area for video immediately after the accident occurred. He stated he did not document his canvassing efforts because no evidence was found. He stated he did not leave his contact information at any of the businesses he visited. He stated an employee at the above-referenced muffler shop told him the shop's camera did not face the intersection. The officer stated he did not obtain this employee's name nor did he make any attempts to contact the owner or manager of the shop to confirm this information.

The second named officer, who prepared the Traffic Collision Report, stated he was an experienced traffic collision investigator and was in charge of the scene for approximately one hour until the assigned inspector arrived. He stated he spoke briefly to the truck driver involved in the collision but did not interview any witnesses at the scene. He stated he did not ask the truck driver if he activated his turn signal, if he checked his mirrors before turning or other significant questions that could assist him in determining fault. He stated he determined fault based on just two factors: the truck driver's brief statement to him and the position of the bicyclist in the roadway.

The third named member stated she was the assigned inspector in this case. She stated she arrived at the scene approximately one hour after the accident occurred. She stated she relied upon officers at the scene to canvass the area for video and interview witnesses. She stated she did not interview any witnesses at the scene and did not direct other officers to do so. She stated she did not request the officer who canvassed for video to document the locations he visited or identify the persons with whom he spoke.

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FINDINGS OF FACT (continued): Her recorded interview of the truck driver established that she failed to ask the truck driver significant questions that could have helped determine fault. The officer also stated she did not collect key physical evidence at the scene.

The evidence established that key witnesses were not identified or interviewed, the truck driver was not properly interviewed and had to be interviewed a second time by a different inspector, video evidence was not discovered due to poor canvassing techniques, other physical evidence was discovered but not collected or photographed and the initial determination of fault was based on inadequate and unreliable evidence.

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

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

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

FINDINGS OF FACT: The complainant stated her organization, the San Francisco Bicycle Coalition (SFBC), held an outreach event to promote bike safety and to honor the memory of a bicyclist recently killed in a traffic collision. She stated the named officer arrived at the event, parked his patrol car in the bike lane in rush hour traffic and refused her repeated requests to move his patrol vehicle into an adjacent parking space. The complainant stated the officer refused to leave until the complainant understood that the accident was the bicyclist's fault. She stated the officer also made additional inappropriate comments to her. Six individuals, who learned of the officer's behavior in the media, also filed complaints with the OCC.

Six witnesses, also employees of the SFBC, supported the complainant's version of events. They stated the officer parked his patrol car in a bike lane and made inappropriate comments to the complainant.

The named officer stated he parked his patrol car in the bike lane to demonstrate that vehicles turning right should enter the bike lane before turning, and bicyclists needed to move to the left of the those vehicles. He stated he wanted the complainant to understand this traffic law and his intent was to prevent future accidents. He denied making inappropriate comments to the complainant.

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

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SUMMARY OF ALLEGATION #5: The officer failed to prepare a complete and accurate Traffic Collision Report.

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

FINDINGS OF FACT: The complainant stated the officers failed to conduct a proper investigation of a traffic collision resulting in the death of a bicyclist. Further investigation by the OCC revealed that the Traffic Collision Report was incomplete, inaccurate and did not meet the minimum standards set by the California Highway Patrol for traffic investigation reports.

The named officer stated he did not document the exact location of evidence at the scene because there was no requirement to do so. He stated he did not determine the bicycle's initial point of rest and did not document the fact that the bicycle was moved prior to his arrival. The officer acknowledged his report did not include descriptions of the bicyclist's injuries, her clothing, or the extent of damage to her bicycle. The officer acknowledged he did not interview any witnesses or include any witness statements in his report. He stated he did not list all the identified witnesses in his report. He stated he did not include in the report all of the information provided by the truck driver to police. He stated he made no recommendations for further action in his report. He stated he determined that the bicyclist was the primary cause of the collision based on just two factors: the truck driver's very brief statement to him, and the bicyclist's position in the roadway when he arrived at the scene. He stated that the inaccurate dates and pages numbers on the supplemental reports were due to a problem with the reporting software.

The evidence established that the Traffic Collision Report failed to list all the witnesses at the scene, failed to include information the truck driver provided to the assigned inspector, failed to include witness statements, failed to describe the bicyclist's injuries or the damage to her bicycle, failed to list all of the evidence at the scene, failed to document canvassing efforts for video evidence, failed to contain any recommendations for further investigation and failed to adequately articulate the basis for the initial determination of fault.

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

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

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

FINDINGS OF FACT: The named officer approved a Traffic Collision Report that was inaccurate and incomplete.

The officer stated he reviewed and approved the Traffic Collision Report. He stated the witnesses who observed pre-impact or post-impact events did not need to be listed in the report. He stated the items listed as “physical evidence” in the report were simply items to be booked into property, not evidence of a crime. He further stated he was not concerned that the report’s summary consisted of just two sentences. He stated that the reporting officer’s initial determination of fault conclusion was “not articulated well.” He stated it would have been inappropriate for the officer to make recommendations in the report because it would seem as if the officer was telling the assigned inspector how to do their job.

The named officer further stated that the majority of SFPD traffic collision reports do not list any “associated factors” that may have caused the collision. The officer acknowledged that the dates on the three supplemental reports were incorrect, and that two separate supplemental reports were both identified as “S1”. He stated that a second “S1” was prepared because the assistant district attorney deemed it too brief. He further acknowledged that the author of one of the supplemental reports was incorrectly identified. The officer also stated that the date of the truck’s inspection was not documented.

The CHP Collision Investigation Manual defines a witness as any person who can provide information relevant to the collision, including persons who observed pertinent details before or after a collision. Witnesses at the scene, who observed pre-impact and post-impact events, should have been, at minimum, listed in the Traffic Collision Report. Department General Order 6.02 defines a major crime scene as “a location at which there is death, great bodily injury or a potential for a major investigation.” This traffic collision resulted in the death of a bicyclist and, was therefore, a crime scene and the physical items at the scene were evidence of a crime, not simply property to be booked.

The investigation proved that the named officer approved a Traffic Collision Report that was inaccurate, incomplete and did not meet the minimum standards set by the California Highway Patrol for traffic collision reports.

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

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DATE OF COMPLAINT: 08/28/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was driving in the Tenderloin with his employee driving another vehicle behind him. The two vehicles entered and turned into an intersection when the light was yellow. Soon afterwards, he was pulled over and given a ticket for not stopping at a stop sign.

The named officer stated that he witnessed two vehicles driving at a high speed during a time of day when many children were getting out of school and there was high pedestrian traffic. He followed the vehicles and witnessed them fail to stop for a school bus that had a stop sign deployed and red lights flashing. He stopped the vehicles and cited them for the violation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he and his employee were pulled over in separate vehicles. The officer asked them where they were from and the complainant told him they were from Yemen. The officer then cited the two. The complainant believes that they were cited because of their nationality and race.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied that the drivers' race or nationality played a role in his enforcement action. He stated that the complainant and his colleague were pulled over for failing to stop for a school bus.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he and his employee were pulled over in separate vehicles. The officer said something to the effect of, "Where are you from," which the complainant thought was inappropriate. The officer also threatened the complainant with another ticket and arrest.

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 #4: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated that he was driving in the Tenderloin with his employee driving another vehicle behind him. The two vehicles entered and turned into an intersection when the light was yellow. Soon afterwards, he was pulled over and given a ticket for not stopping at a stop sign. The complainant believes the officer wrote an inaccurate citation because there are no stop signs on the street on which he was cited.

The named officer stated that he witnessed the complainant and his employee fail to stop for a school bus that had its stop sign out and red lights flashing. The citations were for that particular infraction. There was insufficient evidence to either prove or disprove that the complainant and his employee failed to stop for a school bus 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: 09/03/13 **DATE OF COMPLETION:** 07/03/14 **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 and the named officer engaged in an argument using a social networking website. The complainant stated the named officer made inappropriate comments regarding undocumented immigrants that were related to the performance of her duties.

The officer admitted to making the comments, which she stated were unrelated to the performance of her duties. The officer stated she was expressing personal political opinions during what she believed to be a private conversation with a friend. The officer stated she took efforts to make her comments private, including setting her social media account to private mode.

No 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 and national origin.

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

FINDINGS OF FACT: The complainant and the named officer engaged in a personal argument using a social networking website. The complainant stated the officer revealed her prejudice against undocumented immigrants during the argument. The complainant stated the officer's prejudice indicated the officer was actively discriminating against Latinos while patrolling the Mission District.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. She denied engaging in any form of discrimination.

Department records showed the officer was employed in a clerical capacity and did not patrol the Mission District during or around the time of the argument.

No incident involving alleged discrimination was identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/13 **DATE OF COMPLETION:** 07/03/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the named officer used the term “illegal” in a derogatory manner when referring to an undocumented person of Latin descent.

The officer admitted to using the term “illegal” to reference a person’s immigration status, but denied using the term “illegal” in a derogatory manner.

No witnesses were identified

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

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer misused Department computer equipment and Internet access.

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

FINDINGS OF FACT: The named officer used a Department computer and Department Internet access to visit a social networking website for personal purposes.

The officer admitted to accessing the social networking website and stated she most likely used a Department computer.

Department records indicated the officer accessed the social networking website while on duty.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/13 **DATE OF COMPLETION:** 07/15/14 **PAGE#** 1 of 2

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

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

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

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

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

FINDINGS OF FACT: The complainant stated she went to a police station to file an incident report regarding an assault that had occurred 3 days prior. She stated after filing the report, no one from the station ever contacted her or followed up.

The officer, who took the report, confirmed that he took the complainant's report and submitted it to his supervisor for approval. He proceeded to send the original to the Hall of Justice and made copies for the Station Investigative Team and the station file. The reporting officer has since retired and could not be questioned further about what actions he took after receiving the report from the complainant.

The Lieutenant-in-Charge of the Station Investigation Team denied any recollection of having ever seen the report. After reviewing the report, he stated that it would have been memorable to him and that he would have likely assigned it to an investigator due to the alleged injuries and potential for identification of a suspect. However, he also noted the seriousness of the case would have been questionable considering that the complainant waited three days to report the alleged incident. Nonetheless, the Lieutenant-in-Charge of the Station Investigation Team said he would likely have assigned the case for a follow-up contact with the victim, but he could not recall seeing the incident report prior to being questioned by the OCC.

The identity of the alleged officer who failed to take the required action has not been identified.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/13 **DATE OF COMPLETION:** 07/15/14 **PAGE# 2 of 2**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an incomplete and/or inaccurate report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/15/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and/or made threatening comments.

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

FINDINGS OF FACT: The complainant stated that he was assaulted during a pay dispute with his employer. The complainant stated that the named officer told him that if he pressed charges, the complainant and the other party involved in the physical altercation would be arrested. In addition, the complainant stated that the named officer implied that the complainant could be deported.

The named officer denied the allegation.

There were no identified witnesses to the complainant's conversation with the named officer.

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

SUMMARY OF ALLEGATION #2: The officers failed to properly investigate.

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

FINDINGS OF FACT: A preponderance of the evidence establishes that the named officer did not gather basic information from the complainant that is necessary when investigating an assault or physical fight. The officer obtained information from one of the involved parties about his injuries and his account, but the officer did not obtain information from the complainant about his injuries and his account. Without accounts from both parties, the officer could not compare their accounts, assess their credibility, and determine whether their accounts were consistent with the physical evidence and injuries. The named officer discussed one of the involved parties' account in the narrative and his written statement was booked into evidence. In contrast, the officer did not include the complainant's account of what had happened in the incident report. Nor was any written statement obtained from the complainant. Additionally, the officer failed to include in the incident report that the complainant is Spanish-speaking and that a Spanish-speaking officer acted as an interpreter at the scene. By failing to obtain the complainant's account of the incident, omitting his statement from the incident report, and neglecting to document that an officer interpreted for the Spanish-speaking complainant, the named officer did not properly investigate and document the incident.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/15/14 **PAGE# 2 of 3**

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

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

FINDINGS OF FACT: The complainant stated he was assaulted by his employers during a pay dispute. The named officer was not the lead officer. According to the named officer, his role was limited to looking for witnesses, checking for the presence of any video cameras, and booking evidence. No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/15/14 **PAGE# 3 of 3**

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: A preponderance of the evidence establishes that the named officer did not gather basic information from the complainant that is necessary when investigating an assault or physical fight. The officer obtained information from one of the involved parties about his injuries and his account, but the officer did not obtain information from the complainant about his injuries and his account. Without accounts from both parties, the officer could not compare their accounts, assess their credibility, and determine whether their accounts were consistent with the physical evidence and injuries. The named officer discussed one of the involved parties' account in the narrative and his written statement was booked into evidence. In contrast, the officer did not include the complainant's account of what had happened in the incident report. Nor was any written statement obtained from the complainant. Additionally, the officer failed to include in the incident report that the complainant is Spanish-speaking and that a Spanish-speaking officer acted as an interpreter at the scene. By failing to obtain the complainant's account of the incident, omitting his statement from the incident report, and neglecting to document that an officer interpreted for the Spanish-speaking complainant, the named officer violated Department General Orders 5.20 and 2.01, Rule (9).

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

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DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/09/14 **PAGE#** 1 of 6

SUMMARY OF ALLEGATIONS #1-4: The officers detained the complainant and his companion without justification.

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

FINDINGS OF FACT: The complainant stated he was driving to his home with a friend in his car. When he parked in front of his home, plainclothes officers approached his car, ordered him to shut off his engine and detained him and his passenger. The officers ordered the complainant and his passenger to exit his car. The complainant provided the officers with his driver's license and registration and consented to requests by the officers to search him and his car. The complainant stated he felt coerced into giving consent to the search of his person and his vehicle but did not describe any improper statements or actions by the officers that caused him to feel coerced. An officer searched the complainant and removed the contents of his pockets. As the officers were searching his car, the complainant told them he had a small amount of marijuana in a visible location on the center console. The officers did not cite the complainant and did not explain the reason for the stop.

Communications records established that one of the named officers ran a check with dispatch on the complainant's license plate number. The dispatch operator ran the check on the wrong license plate number and informed the named officer that the license plate belonged to car with an expired registration, of a different make and model than the complainant's car. This officer had the dispatch run the license plate number a second time and determined it belonged to the car the complainant was driving, which was currently registered in the complainant's name. This officer then had the dispatch run criminal checks on the complainant and his passenger, and ran a check on the passenger's identification card number. The first named officer did not report to dispatch that he was stopping and contacting the complainant and reported this only after he had initiated the contact, which he described to the dispatch as a traffic stop.

The passenger in the complainant's car stated that an officer approached his side of the car and requested his identification, which he provided. He told this officer that a backpack inside the car was his and contained a small amount of marijuana. The passenger was ordered to exit the car. As he was exiting the car, he heard an officer running his name over the radio. An officer searched the passenger and removed the contents of his pockets. An officer told the passenger that the officers were not interested in the marijuana but were looking for weapons.

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DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/09/14 **PAGE #** 2 of 6

SUMMARY OF ALLEGATIONS #1-4 continued:

The named officer who contacted dispatch stated that he had no recollection of this incident and did not recall why he contacted the complainant. After reviewing a transcript of the communications audio, he stated that it appeared he initiated the contact because he may have suspected the complainant was driving a stolen car and/or a car with a stolen license plate.

The other named officers stated that they had no recollection of being present at the time of this incident.

The named officers are members of a specialized unit focused on crimes occurring on and around public transit busses and streetcars and bus stops. They usually work in plainclothes. The named officers stated that they never work alone and typically travel with two, three or four plainclothes officers in an unmarked vehicle. Department records established that the four named officers were the only male members of their unit working at the time of this incident. The unit history of the first named officer documented his contact with the complainant. The unit histories of the other three named officers do not indicate any activity at the time of this incident, but their unit histories indicated that two of them were working with the first named officer two and one-half hours after the contact with the complainant.

The unit history of the first named officer indicated that twenty-two minutes before his contact with the complainant, he contacted and cited another motorist less than one mile from where he contacted the complainant, for having expired registration tabs and no proof of insurance. This motorist told the OCC that four plainclothes officers traveling in an unmarked car were present when he was stopped and cited. A relative of this motorist's girlfriend, who was present when he was cited, stated that three or four plainclothes officers were present and that one of them was bald. Only one of the four officers from this unit who were working on the day of this incident was bald. The complainant stated that one of the plainclothes officers who contacted him was bald.

A preponderance of the evidence established that all four named officers were present at the time of the contact with the complainant.

Because none of the named officers recalled this incident, there was insufficient evidence to establish the justification for the initial detention of the complainant and his passenger. Therefore, there was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/09/14 **PAGE #** 3 of 6

SUMMARY OF ALLEGATIONS # 5-8: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated officers searched him and his passenger without cause. The complainant stated that when he parked in front of his home, plainclothes officers approached his car, ordered him to shut off his engine and ordered the complainant and his passenger to exit his car. The complainant provided the officers with his driver's license and registration and consented to requests by the officers to search him and his car. The complainant stated that he felt coerced into giving consent to the search of his person and his vehicle but did not describe any improper statements or actions by the officers that caused him to feel coerced. An officer searched the complainant and removed the contents of his pockets and officers searched his car. As the officers were searching his car, the complainant told them he had a small amount of marijuana in a visible location on the center console. An officer also searched the complainant's passenger.

The passenger in the complainant's car stated an officer approached his side of the car and requested his identification, which he provided. He told this officer that a backpack inside the car was his and contained a small amount of marijuana. The passenger was ordered to exit the car and an officer searched the passenger and removed the contents of his pockets.

Communications records established that one of the named officers informed the dispatch that he had conducted a traffic stop on the complainant's car and ran checks on the complainant and his passenger. This officer stated that he had no recollection of this incident. The other named officers stated that they had no recollection of being present at the time of this incident.

The complainant acknowledged that he consented to the searches of his person and vehicle. Although the complainant stated that he felt coerced into consenting to the search of his person and vehicle, he did not describe any specific inappropriate behavior that caused him to feel coerced. Therefore, the searches of the complainant and his vehicle were justified. The complainant's passenger acknowledged that before he exited the complainant's car, he told the officer he had marijuana in his backpack. This admission gave the officers cause to search the passenger and his backpack.

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

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DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/09/14 **PAGE#** 4 of 6

SUMMARY OF ALLEGATIONS # 9-12: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that he believes the officers stopped him in retaliation for a complaint he had previously filed against uniformed officers at Bayview Station.

The named officers, who were members of a specialized unit working in plainclothes, stated that they had no recollection of any contact with the complainant or of contact with any officers at Bayview Station about the complainant.

The communications audio indicated that one of the named officers asked dispatch to run a check on the license plate number of the complainant's car. Dispatch ran the license plate number incorrectly and reported results related to another make and model vehicle. After reviewing a transcript of the recording, one of the named officers stated that based on this, he assumes he stopped the complainant because his license plate was reported as matching another vehicle, which may have made him suspect the vehicle was stolen. Department records indicated that a uniformed officer from Bayview Station ran a check on the complainant's license plate number sixteen minutes before the complainant was contacted by the named officers.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS # 13-16: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he believes the officers treated him as they did in part because of his race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They had no recollection of any contact with the complainant.

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Communications records established that one of the named officers asked dispatch to run a check on the license plate number of the complainant's car. Dispatch ran the license plate number incorrectly, and reported results related to another make and model vehicle. After reviewing a transcript of the communications audio recording, one of the named officers stated that based on this he assumes he stopped the complainant because his license plate was reported as matching another vehicle, which may have made him suspect the vehicle was stolen. This named officer stated that he is permitted to run checks on the license plate numbers of vehicles, and denied that his decisions to run specific license plates are based on the race, ethnicity or nationality of the vehicle's occupants. All of the named officers denied that their decisions to stop and detain occupants of vehicles or their treatment of vehicle occupants during detentions were based on race, ethnicity or national origin.

An examination of the Unit Histories and Traffic Stop Data Collection entries by the named officers in the two months immediately prior to their contact with the complainant indicated they made a total of forty-two vehicle stops or contacts. Twenty-two of these contacts took place in the Bayview/Hunter's Point neighborhoods, which have predominantly African-American populations. The named officers stated that they patrol throughout the city focusing on crimes occurring on public transit vehicles or in the vicinity of public transit vehicle stops. Two of the named officers who were questioned about this issue denied that they focused their attention on or spent more time in any specific neighborhood, including the Bayview/Hunter's Point areas, during this two-month period.

The examination of the Unit Histories and Traffic Stop Data Collection entries also indicated that during these forty-two vehicle contacts, the named officers ran wants and warrants/criminal history checks on sixty-four individuals. 35 of those individuals were African-American males, 35 were Hispanic males, 7 were white males, 5 were "other male," 5 were Asian males, 4 were white females, 3 were black females, 2 were Asian females, 1 was an Hispanic female and 1 was an "other female."

Traffic Stop Data Collection Program entries were not made for 74% of these vehicle contacts and there is no documentation concerning most of these contacts other than the Event History Details (CADs) and the named officers' Unit Histories. The OCC was therefore unable to determine the circumstances surrounding most of these contacts, including the reason for the stop or contact, whether the vehicle was searched (and the justification for the search), the race of the driver and the result of the contact or stop.

The failure of the named officers to make Traffic Stop Data Collection Program entries for the majority of their vehicle stops prevented the OCC from effectively analyzing this data to determine a possible pattern of biased policing in connection with traffic stops of African-Americans. The OCC, therefore, lacked accurate and complete data to make a valid statistical analysis of vehicle stops and contacts by the named officers to determine whether they treated individuals differently due to race or ethnicity.

Therefore, there was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/06/13 **DATE OF COMPLETION:** 07/09/14 **PAGE#** 6 of 6

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

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

FINDINGS OF FACT: The named officer made a Traffic Stop Data Collection Program (E585) entry regarding his contact with the complainant during the traffic stop. The named officer entered data to indicate that a search had been done as a result of a probation or parole condition, where in fact the complainant consented to the search. Neither the complainant nor his passenger was on probation or parole.

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 07/28/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant entered a bar and noticed a leather jacket hanging underneath an empty table. He waited for about ten minutes and, when nobody came for the jacket, he grabbed it and quickly walked outside.

The named officer, who was off-duty at that time, was at another table with three retired officers from different police departments. They followed the complainant outside. The named officer identified himself as a police officer and told the complainant that he was under arrest for stealing the jacket. The named officer stated the complainant threw the jacket and ran. The named officer and the three retired officers pursued the complainant and placed him under arrest.

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

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

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

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

The named officer denied the allegation.

No independent witnesses came forward.

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

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DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 07/28/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the named officer repeatedly called him a thief.

The named officer denied the allegation.

No independent witnesses came forward.

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

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

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

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

Moraga Police Department
329 Rheem Blvd
Moraga, CA 94556

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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 has been referred to:

East Bay Regional Park District Police
17930 Lake Chabot Road
Castro Valley, CA 94546-1950

SUMMARY OF ALLEGATION #6: This complaint raises matters outside OCC's jurisdiction.

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

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

San Jose Police Department
Internal Affairs Unit
777 N. First Street, Suite 666
San Jose, CA 95112-6341

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/13 **DATE OF COMPLETION:** 07/07/14 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that she called the police to her home to enforce a temporary restraining order against her family members who live above her unit. The complainant said when the officers arrived they were rude to her, talked down to her and the male officer raised his voice towards her.

The witness, who is one of the defendants named on the temporary restraining order, overheard some of the conversation between the complainant and the named officers. The witness stated he did not hear the officers make any inappropriate comments.

The named officers denied allegation. No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated she called the police to her home to enforce a temporary restraining order. The complainant said when the officers arrived they refused to take any action.

One of the named officers stated that no enforcement action was taken because there was no proof that the restraining order was served. In addition, the named officers stated there was no basis to the complainant's noise complaint, stating that the only noise they heard was of the type one would expect to hear in a downstairs apartment coming from the apartment above.

The evidence established that the complainant presented the officers with a "Proposed Order to Show Cause/Temporary Restraining Order" filed with the Superior Court. However, the complainant had no proof that the order had been served on the defendant. In addition, the Event History Detail of the incident showed that dispatch ran the court order and advised the officers there was no restraining order on record to enforce.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/12 **DATE OF COMPLETION:** 07/08/14 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer used deadly force without justification.

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

FINDINGS OF FACT: The complainant stated he was walking near a patrol car where police officers were in the process of towing a vehicle. As he approached the patrol car, he heard over the police radio a verbal description of a subject, who wore clothing that matched what the complainant was wearing. The complainant stated the named officer yelled for him to stop, but he refused. Instead, he ran because he knew he was wanted for a parole violation, and he also had methamphetamine on his person.

The complainant stated he continued running from the officer and ran around the corner of a building. It was this last building where the officer shot him in the back. The complainant stated he fell to the ground and attempted to get up but could not. He tried to push himself up but he felt his legs going numb. He stated the officer then stepped to the side of him and shot him two more times, one shot striking him in the leg and the other shot striking him in the foot. The complainant heard the officer say, "Move again!" The complainant denied having a firearm. He stated he had a cell phone in his hand.

Police dispatch records indicated that approximately one and a half hours prior to this incident, the Department of Emergency Management (DEM) received a 9-1-1 call from a female caller who stated her child's father, later identified as the complainant, was presently at her house, banging on the door and was threatening to beat up her current boyfriend who was also at the house. The female caller described the complainant and stated she did not know whether he had any weapons. Other officers responded to the call but upon their arrival, the officers found that no one was in front of the housing unit and no one answered the door. The officers then left.

Approximately one and a half hours later, DEM received a 9-1-1 transfer call from the California Highway Patrol. This second call was from an unidentified caller having a different telephone number. The caller described that a male, later identified as the complainant, was outside of the same residence, and was possibly armed with a gun. The complainant reportedly walked into the residence and then walked out. DEM broadcast the call for service while the named officer, along with his partner, were engaged in towing two stolen vehicles near the location described in the call for service. The named officer, who was in his patrol car, heard the broadcast, looked up and saw the complainant walking parallel to the patrol car. The officer saw that the complainant matched the description of the suspect that was broadcast in the call for service.

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The officer stated he got out of the patrol car and told the complainant to stop. The officer stated the complainant failed to stop and heed repeated commands from the officer to come towards him. The complainant then turned and ran from the officer. The officer stated he gave chase, and the officer reported his foot pursuit of the suspect over the police radio. The officer drew his firearm while running after the complainant because the call for service indicated the subject possessed a firearm, and the incident was taking place in a high-crime area of the city. The officer described the complainant clutching his waistband while running from the officer.

The officer stated he saw the complainant fall to the ground while the complainant was running. The officer also stated he saw the complainant remove a handgun from his waistband. The officer stated he feared the complainant would shoot him with the handgun, and the officer fired multiple shots from his firearm, striking the complainant.

The complainant's former girlfriend, who the complainant also referred to as his wife, stated she was near the complainant who ran when officers approached him, and she heard officers tell the complainant to stop. The complainant's former girlfriend stated the complainant ran from officers because the complainant was "high, intoxicated." She also stated she did not see a gun on the complainant. She stated the complainant was running while carrying a cell phone in his hand. She stated she did not see the officer shoot the complainant, but she surmised the officer shot the complainant while the complainant was running because the officer saw the complainant with a cell phone, and the officer felt his life was threatened.

The complainant's former girlfriend denied making any other telephone calls to the police that day advising them of any altercation between the complainant and her current boyfriend, whom she said was visiting her at her house. After the complainant had been shot, other officers also responded and recovered a loaded semi-automatic handgun laying a few feet away from the complainant.

Laboratory analyses were performed on the handgun. The complainant's fingerprints were not found on the gun, and the DNA analysis was inconclusive for the presence of the complainant's DNA.

The San Francisco District Attorney's Office conducted an investigation into the incident and determined that the officer actions were lawful. The evidence showed that the officer fired three rounds at the complainant. The complainant was medically treated for gunshot wounds to his lower back, right calf and left foot.

No other witnesses were identified.

There was insufficient evidence to either prove or disprove that the named officer's use of deadly force was excessive and/or unnecessary.

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

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

FINDINGS OF FACT: Police dispatch records indicated that approximately one and a half hours prior to the officer-involved shooting, the Department of Emergency Management (DEM) received a 9-1-1 emergency call from a female caller who stated her child's father (complainant) was presently at the caller's house, banging on the door and threatening to beat up her current boyfriend who was also present at her house. She described the complainant and told dispatch that she did not know whether the complainant had any weapons.

Other officers responded to the call but upon their arrival, the officers found that no one was in front of the housing unit and no one answered the door. The officers then left. Subsequently, DEM received another 9-1-1 emergency transfer call from the California Highway Patrol. This second call was from an unidentified caller having a different telephone number. The caller described that a male, later identified as the complainant, was outside of the same residence and possibly armed with a gun. The complainant reportedly walked into the residence and then walked out.

DEM broadcast the call for service while the named officer, along with his partner, were engaged in towing two stolen vehicles near the location described in the call for service. The named officer, who was in his patrol car, heard the broadcast, looked up and saw the subject (complainant) walking parallel to the patrol car. The officer saw that the complainant matched the description of the subject that was broadcast in the call for service. The officer stated he got out of the patrol car and told the complainant to stop. The officer stated the complainant failed to stop and heed repeated commands from the officer to come towards him. The complainant then turned and ran from the officer.

The officer stated he gave chase, and the officer reported his foot pursuit over the police radio. The officer had his firearm drawn while running after the complainant because the call for service indicated the subject possessed a firearm, and the incident was taking place in a high-crime area of the city. The officer described the complainant clutching his waistband while running from the officer. The officer stated he saw the complainant remove a handgun from his waistband. The officer stated he feared the complainant would shoot him with the handgun, and the officer fired multiple shots from his firearm, thereby striking the complainant.

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The complainant admitted running from the named officer who told him to stop. The complainant stated he ran because he was in possession of methamphetamine, had a parole warrant being held against him, and feared being incarcerated. The complainant, however, denied being in possession of a firearm.

Other officers arrived and recovered a semi-automatic handgun laying a few feet from the complainant. Another officer also recovered a substance, later determined to be methamphetamine, from the complainant's hand.

The complainant's former girlfriend, who was at the scene, stated that the complainant ran from the officer because the complainant was "high" and intoxicated.

Records indicated that the complainant was charged with aggravated assault on a police officer, possession of a firearm, and for resisting arrest. While there was evidence that the complainant ran from the named officer, there was insufficient evidence that the complainant was in possession of a firearm.

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

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

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

FINDINGS OF FACT: The complainant said officers were disrespectful to his wife and his daughter. The complainant was injured from gunshots fired by a police officer. The complainant was also arrested. He stated that after he was shot and, while he was lying on the ground, an unknown officer used profanity and pushed his wife. The officer allegedly yelled at her to get away from the scene.

After the complainant was shot, the named officer and other officers attempted to cordon off the area as a crime scene. The named officer remembered a woman and her daughter approaching the crime scene. The named officer told them to get back. He refused to allow any of the several on-lookers entry because of the Department policy not to disturb the evidence. He stated he may have used a stern, command voice to inform them they could not enter, but he denied using any profanity or being disrespectful.

The woman the complainant referred to as his wife was interviewed. She stated she was not the complainant's wife, but a former girlfriend. She acknowledged that she and the complainant were the parents of a nine-year old daughter at the time of this incident. She saw part of the incident unfold and heard gunshots. She and her daughter ran to the location of where the complainant had been shot and saw the complainant lying on the ground. She stated she attempted to comfort the complainant as he was lying on the ground; however, the named officer pushed her back by her upper arms and told her to move away. She did not remember specifically whether the officer used any profanity.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: A video taken by a witness at the scene of an Officer-Involved-Shooting showed an unidentified male dressed in civilian clothing restraining a woman believed to be the complainant's former girlfriend. The complainant also referred to this woman as his wife. Due to allegations made by the complainant, it was believed this unidentified male, believed to be a plainclothes officer, may have violated Department protocol in dealing with close family members.

It was subsequently determined the named officer was not involved in this act. As such, the evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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DATE OF COMPLAINT: 09/24/13 **DATE OF COMPLETION:** 07/31/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant was detained by the named officers for a mental health evaluation, pursuant to Welfare and Institutions Code section 5150. The complainant stated that the officers took her purse, but failed to include it with her property when she was transported to the San Francisco General Hospital. The complainant stated that when she called the officers about her purse, they told her that they could not find it.

The officers stated they forgot about the purse by mistake. The officers stated that after receiving the OCC complaint and discussing the case with other officers, they were informed that the purse was in a police garage on a shelf. The officers then located the purse and booked it for safekeeping – four months later after the complainant’s detention.

SFPD General Order 6.15, Property Processing, states that the officer who first receives or takes property is responsible for it until the item is processed as property for identification and is received at the district station or at the Property Control Section.

The named officers violated DGO 6.15 when they forgot about the complainant’s purse and booked it for safekeeping three (3) months later after the complainant’s detention.

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

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DATE OF COMPLAINT: 09/25/13 **DATE OF COMPLETION:** 07/24/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that officers arrested him at his home, but he had done nothing wrong. The officers told him they were investigating him for vandalizing a neighbor's vehicle. The complainant denied vandalizing the vehicle. He eventually pleaded guilty in court to the charge.

The officers stated that they had a video that showed the complainant vandalizing a neighbor's vehicle. The video showed the complainant wearing short pants that the complainant was also wearing at the time of his arrest. One officer spoke with the reporting party and neighbors who confirmed that the complainant was the person in the video. The neighbors also confirmed that they had their vehicles vandalized in the past but did not know who the suspect was. Based on that evidence, the officers had probable cause to arrest the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that two officers investigated him for vandalism of his neighbor's vehicle. The complainant believes that what really happened is that he was set up by his neighbors, who he has had problems with for a long time. He believes the officers did not do a good enough job investigating because they did not interview neighbors to determine if anyone else had a motive to frame the complainant.

The officers obtained and reviewed a video that showed a person vandalizing a vehicle. The officers spoke to the reporting party and two neighbors who explained that cars had been vandalized in their neighborhood but they did not know who the suspect was. The reporting party and two neighbors viewed the video and identified the complainant as the person in the video. When the complainant was arrested, one officer seized the pants that the complainant was wearing because it was the same pants that the complainant was wearing in the video when the car was vandalized. Based on the investigation, the District Attorney booked the complainant for the vandalism charge. The complainant pleaded guilty to the charge.

The evidence proved that the officers' actions were justified, lawful, and proper.

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DATE OF COMPLAINT: 09/30/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant said he was riding a bicycle home from a medical appointment and was ordered to stop while officers investigated whether he was involved in a burglary.

The first named officer said he was told by a man reporting a burglary that he had “just seen” the suspect in a location and described him as a black male on a bicycle. The named officer confirmed that he repeated that description over the air, prompting the second named officer and a witness officer to detain the complainant, who matched the description provided and the suspect’s location.

Department records showed that the Department of Emergency Management received an “A” priority call regarding a person breaking in. The victim provided the first named officer with the suspect’s race, sex, mode of transport, as well as the location of the suspect. Relying on the information provided by the first named officer, the second named officer detained the complainant, who matched the suspect’s description and location.

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

After the complainant was detained, he was issued a Certificate of Release and the second named officer prepared an incident report describing the circumstances leading to the complainant’s detention.

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

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

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

FINDINGS OF FACT: The complainant said the named officer told him that he had been stopped only because he was a black man on a bicycle, which the complainant said indicated, "racial profiling." The complainant confirmed that the named officer and his partner told him that he fit the description of a suspect in a burglary or robbery.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied that he engaged in biased policing, explaining that he told the complainant what the description he had been given and the reported location.

A review of the Department records of the incident confirmed that just before the complainant's detention, a description was broadcast that matched the appearance and location of the complainant.

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

SUMMARY OF ALLEGATIONS #4-5: The officers spoke and behaved inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant said the named officers, after detaining him, told him he was lying about where he had been, about his criminal record, and about whether there was a warrant issued for him. The complainant acknowledged that there was an arrest 30 years before, but said he argued with the officers that it had been removed from his record. The complainant said further the officers incorrectly recorded the time he was detained.

The named officers denied speaking inappropriately, denied or did not recall telling the complainant he was lying, and denied erroneously recording the amount of time the complainant was detained.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainants stated they observed a bicycle accident with severe injuries. The complainants stated they were Good Samaritans who called 911 to report the incident and to obtain medical treatment at the scene of an injury accident. The complainants admitted drinking prior to the incident and having just left a bar. The complainant stated that an officer told him to leave the area, but he responded that he wanted to “grab” his friend (co-complainant) who was nearby before he left the area. The complainant stated that officers then physically detained him. Both complainants admitted they failed to leave when ordered but stated they had reasons for staying that included retrieving their cell phone from one of the injured parties.

The named officers and witness officers denied the allegation. The officers stated the complainants were repeatedly told to leave because they were interfering with the ability of the medics and the police officers to properly do their jobs. When the complainants did not leave as ordered, the officers detained them for further investigation.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #4: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated he was a Good Samaritan at the scene of an injury accident and called 911 for the injured parties. The complainant stated an officer ordered him to leave the area. The complainant stated he told the officer that before he left he wanted to “grab” his friend and leave with him.

The named officer denied the allegation and said that he told the complainant to stop approaching the area where medics were treating the accident victims.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5 - 7: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he and the co-complainant had consumed a couple of beers and were walking home from a bar. They came upon a bicycle accident and called 911 on behalf of two people injured in the accident. First responders arrived to assist and the complainant stated the police wrongfully ordered him to leave the area. He stated he told officers he wanted to “grab his friend” and then he would leave. The complainant stated that he was arrested for no reason. The complainant was charged with being under the influence of alcohol in a public place and, resisting, delaying or obstructing peace officer duties.

The named officers and witness officers denied the allegation. They stated they gave the complainant multiple orders to leave the area where medics were tending to the accident victim, but the complainant was belligerent, uncooperative, attempted to enter the treatment area, and failed to comply with police orders to leave. The officers also stated the complainant exhibited signs of being under the influence of alcohol.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #8 - 11: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that several officers tackled him to the ground and that one officer stomped on his hands after he was handcuffed.

The named officers and witness officers denied the allegation of unnecessary force. The named officers stated the complainants were under the influence of alcohol, were interfering with the paramedic's treatment of the injured parties and the officer investigation, and that the complainants were not obeying the officer's lawful orders.

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

SUMMARY OF ALLEGATIONS #12 - 14: The officers made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainants stated the officers acted in an inappropriate manner and made inappropriate comments either at the scene or at County Jail.

The officers denied the allegation.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #15: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainants stated the officer improperly ordered him from taking photos of the complainant's arrest process.

The officer denied the allegation. She stated the co-complainant was too close to her, was waving his phone in the officer's face which presented an officer safety issue.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #16 - 17: The officers wrote an inaccurate/incomplete incident report/statement.

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

FINDINGS OF FACT: The complainants stated the officers mischaracterized their roles and actions following an injury accident.

The officers denied the allegation.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that when a patient went missing from San Francisco General Hospital, the San Francisco Police Department was grossly negligent in failing to locate the patient.

Department General Order 6.10 requires members to immediately make an incident report when a concerned individual reports a person missing. Prior to preparing the report, officers are instructed to check with County Jail #1, SFGH and the Medical Examiner's Office to determine if any of these facilities have knowledge of the missing person. If these checks are negative, the officer shall prepare an incident report.

Department records showed that the patient's daughter called Mission Station and filed a report with a Public Service Aide (PSA) stating that her mother "walked out of SFGH". With the assistance of a sergeant, the PSA confirmed that the patient was being discharged from SFGH and had walked out during the process. The PSA then contacted SFGH, the Medical Examiner's Office, and County Jail #1 and all stated that they did not have anyone under the name of the missing woman. The PSA spoke to the reportee again, who confirmed that she had still not heard from her mother. The PSA contacted the Department Operations Center (DOC), and a Teletype was issued before the case was assigned to the Special Victim's Unit of the SFPD.

OCC's investigation established that the Mission Persons protocol was followed.

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

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SUMMARY OF ALLEGATION #2: The inspector failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that a patient went missing from SFGH and was located 19 days later, deceased in a hospital stairwell. The complainant felt that the SFPD Missing Persons Unit was negligent, having failed to locate the missing person.

A Public Service Aide (PSA) took the missing person report and followed the steps required by Department General Order regarding follow up and notifications of a missing person before forwarding the case to the SFPD Special Victim's Unit.

On the day that the assigned inspector received the case, she spoke to the daughter of the missing patient and contacted SFGH Institutional Police about potential video surveillance footage. She also reached out to the Homeless Outreach Team, spoke to several friends of the missing person and spoke to the Charge Nurse with SFGH 5D Nursing unit. She spoke to SFGH Risk Management, contacted the Medical Examiner's Office (ME) and ran CAD histories to see if there were any police contacts with the missing person. She called the missing person's boyfriend for more information and followed up with a potential witness who may have seen the woman earlier that week. Throughout the week, she met with SFGH Sheriff's Department and discussed video footage, which turned out to be unavailable. She proceeded to search the outer perimeter of the hospital including homeless encampments nearby. The inspector responded to numerous emails regarding the missing person and followed up with the ME and numerous hospitals. She also went to a nightclub to follow up on potential sighting. The inspector continued contact with the missing person's friends, and reviewed video footage at a nightclub due to possible sighting. She stopped by a soup kitchen to provide a flyer and notified Kaiser since the missing person had sought treatment there in the past. She met with SFGH staff and was informed of 2 grounds searches conducted by the Sheriff's Department. The SFGH Risk Management advised that they had met with a SFSD Sergeant the previous day and requested a more extensive search.

It should be noted that SFGH security operations are carried out by the San Francisco Sheriff's Department (SFSD). The Institutional Patrol Unit (IPU) is responsible for general law enforcement services at San Francisco General Hospital, Laguna Honda Hospital and the nine San Francisco neighborhood medical clinics.

While the investigation by the assigned inspector appears to have been proper, she retired before the OCC was able to conduct an interview.

The named officer has retired and is no longer subject to Department discipline.

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SUMMARY OF ALLEGATIONS #1 & 2: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant said he was performing in the “free area” (i.e. unpaid area) of a station when the named officers ordered him to leave.

The named officers stated they asked the complainant to cease the use of sound amplification equipment in a public area.

BART regulations allow expressive activities in free areas but require a permit and prohibit the use of sound amplification equipment.

The complainant admitted he did not have a BART permit. It is undisputed that he used sound amplification equipment.

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

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

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

FINDINGS OF FACT: The named officer denied the allegation.

The statements obtained by the OCC from witnesses were inconclusive and insufficient to either prove or disprove the allegation.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #4: The officer's intimidating, threatening behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officers issued an invalid order by ordering him to leave the area where he was performing.

The named officer denied the allegation.

The statements obtained by the OCC from witnesses were inconclusive and insufficient to either prove or disprove the allegation.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The named officer denied the allegation.

The statements obtained by the OCC from witnesses were inconclusive and insufficient to either prove or disprove the allegation.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 10/23/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant was arrested and cited for violation of Health and Safety Code section 11550(a), Under the Influence of a Controlled Substance, which states, in part:

No person shall use, or be under the influence of any controlled substance...except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances.

The complainant stated he admitted to the named officer that he was under the influence of prescription drugs. However, the complainant stated he had valid prescriptions for all of the drugs he was taking.

Department records showed that the Department of Emergency Management received a 9-1-1 call at 4:46 a.m. regarding an “intoxicated patrol specialist” threatening the reportee and his friends. The responding officers interviewed the victims and the patrol specialist, later identified as the complainant, and documented their investigation in an incident report. The named officer also responded to assist the initial responding officers in evaluating the complainant for possibly being under the influence of drugs in a public place.

The named officer, a certified Drug Recognition Examiner (DRE), stated based on his evaluation, he concluded that the complainant was under the combined influence of alcohol, CNS depressants, CNS stimulants, and narcotic analgesics.

The Report of Forensic Toxicology Analysis confirmed the presence of alcohol and prescription drugs in the complainant’s blood at the time of his 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
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DATE OF COMPLAINT: 10/23/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated the named officer told him he was going to damage the complainant's credibility, impeach and frame him in court.

The named officer denied the allegation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that while at the station, the named officer searched the complainant's wallet.

The named officer stated he conducted an arrest and booking search of the complainant while at the station. As previously stated, the complainant was arrested and cited for violation of Health and Safety Code section 11550(a), Under the Influence of a Controlled Substance.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper. As such, the named officer had probable cause to search the complainant's property incident to the 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: 10/23/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #4: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer retaliated against him due to prior complaints he made against the named officer.

The named officer denied the allegation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer ignored his request for his medication while the complainant was in custody. The complainant stated his chest felt tight and he was sweating and hyperventilating while at the station.

Department records showed that the named officer called for an ambulance after the complainant complained of chest pain. The paramedics responded and transported the complainant to SFGH for medical evaluation.

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: 10/25/13 **DATE OF COMPLETION:** 07/10/14 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer searched the complainant's juvenile son without cause.

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

FINDINGS OF FACT: The complainant stated that her juvenile son was cited for a Muni fare evasion violation. The complainant was not present at the scene. The complainant did not make her son available for an interview.

The officer denied the allegation. He stated he detained the complainant's son, but did not specifically recall the details of the incident.

Department records indicated the complainant's son was detained for approximately 10 minutes, cited and released.

No additional witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer handcuffed the complainant's juvenile son without justification.

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

FINDINGS OF FACT: The complainant stated that her juvenile son was cited for a Muni fare evasion violation. The complainant alleged that her son was handcuffed. The complainant was not present at the scene. The complainant did not make her son available for an interview.

The officer denied the allegation. He stated he detained the complainant's son, but did not specifically recall the details of the incident.

Department records indicated the complainant's son was detained for approximately 10 minutes, cited and released.

No additional witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/13 **DATE OF COMPLETION:** 07/10/14 **PAGE# 2 of 4**

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

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

FINDINGS OF FACT: The complainant stated the officer hurt her son when the officer pulled on her son's arms while handcuffing him. The complainant did not provide any medical records or sign a medical release for her son. In addition, the complainant did not make her son available for an interview.

The officer denied the allegation. He stated that he detained the complainant's son, but he did not specifically recall the details of the incident.

No additional witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated her son wanted to call home when he was being detained. She stated the officer told her son that the son could call the complainant when the officer was "done" with her son.

The complainant did not make her son available for a detailed OCC interview.

The named officer could not recall the details of the incident.

No additional witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/25/13 **DATE OF COMPLETION:** 07/10/14 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #5: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the officer engaged in biased policing due to her juvenile son's race.

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

The complainant did not make her son available for a detailed OCC interview.

No additional witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer failed to contact her regarding the detention and release of her juvenile son. The officer denied the allegation, stating he only detained the complainant's son for a brief period, citing and releasing him at the scene.

Department records indicate the complainant's son was detained for approximately ten minutes.

The complainant did not make her son available for a detailed OCC interview.

No additional witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/25/13 **DATE OF COMPLETION:** 07/10/14 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION #7: The officer searched the property of the complainant's juvenile son without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued her son a citation for a MUNI fare evasion violation. The complainant stated that the officer improperly searched her son's belongings.

The officer denied the allegation. He stated he detained the complainant's son, but did not recall the incident.

The complainant did not make her son available for a detailed OCC interview.

No additional witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/25/13 **DATE OF COMPLETION:** 07/24/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant, who wished to remain anonymous, stated that officers assaulted a female inside a patrol car and pulled her out of the car, violently throwing her onto the ground while she was handcuffed.

The named officers denied the allegation and stated the female prisoner was banging her head inside the patrol car window so they took her out to prevent her from hurting herself. Because she was flailing her legs, they placed her on the ground in a prone position until the transport unit arrived.

One officer stated the female was intoxicated and yelling.

The patrol special stated he did not witness the officers use excessive force against the female.

The female and witnesses did not respond for an interview.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/13 **DATE OF COMPLETION:** 07/10/14 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without justification.

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

FINDINGS OF FACT: The complainant stated a motorcycle officer pulled him over for the use of a hand-held phone. The complainant denied using his cell phone while driving.

The officer denied the allegation. He stated he observed the complainant holding a phone attached to a cord while driving and pulled him over.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated a motorcycle officer pulled him over and cited him for the use of a hand-held phone. The complainant denied using his cell phone while driving.

The officer denied the allegation. He stated he observed the complainant holding a phone attached to a cord while driving and pulled him over. The complainant was then cited for the violation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/14/13 **DATE OF COMPLETION:** 07/10/14 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated a motorcycle officer told him that the officer saw the complainant holding a hand-held telephone to his face while driving. The complainant stated he was offended because he had not committed the violation and felt this was inappropriate for the officer to make a comment when this absolutely did not happen.

The officer stated he said this to the complainant because he observed the complainant holding a cell phone to his face while driving. He denied acting in an inappropriate manner or speaking to the complainant in an inappropriate tone of voice.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated the officer engaged in biased policing due to the complainant's race.

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

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 07/24/14 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated she told the named officer that she was driving and made a left turn into a private parking lot. At the time she was making her turn, she saw a bicyclist coming from the opposite direction and riding towards her vehicle; however, she saw that the bicyclist was a good distance away from her. She determined she could safely turn her vehicle into the parking lot.

After she had completed the left turn, the complainant stated she parked and then exited her vehicle in front of the parking lot entrance. She walked to the keypad near the front gate and entered the code to the parking lot. While at the parking lot gate, the complainant looked over her shoulder and saw the bicyclist riding his bicycle at a fast rate of speed. The complainant saw the bicyclist fall off his bicycle in order to avoid hitting her stopped vehicle. The bicyclist flipped over his bicycle and hit his head on the pavement. The complainant stated the bicyclist did not run into her vehicle.

The complainant further stated that DMV charged her two points for this accident. She stated that even if the accident was found to have been her fault, her driving record should only reflect a point.

The bicyclist stated he was riding his bicycle in a lane designated for bicycle traffic, at a rate of 10-15 MPH. He stated the complainant was driving in the opposite direction. Suddenly, the complainant made a left turn directly in front of him. The bicyclist stated he had to apply his brakes very hard in order to avoid colliding with the complainant's vehicle. By doing so, he flipped head first over his bicycle, landing on his face and hands. He did not collide with the complainant's vehicle. The bicyclist emphasized the complainant was actively in the process of turning left and had not exited her vehicle when he (bicyclist) almost collided with her vehicle. He stated traffic conditions were very light at the time of this accident.

An independent witness stated the complainant "cut off" the bicyclist. The witness, who was driving an automobile, stated he was proceeding in the same direction as the bicyclist who was in the bicycle lane next to him. The witness stated that the car in front of him stopped. The witness believed the complainant probably mistook that the stopped vehicle was allowing the complainant to complete her turn. However, the witness stated the bicyclist traveling in the bicycle lanes continued forward, riding past him and towards the car that was stopped in front of him (witness). As the complainant was completing her left turn to go into the parking lot, she cut off the bicyclist in the bike lane who was proceeding forward. The witness saw the bicyclist fall off his bicycle and sustain injuries. The officer stated he investigated this accident and talked to both parties involved. The officer's report was of the incident consistent with what the complainant stated in her OCC interview. The officer did not issue any citations to either the complainant or the bicyclist. The officer stated he did assign responsibility for the accident to the complainant. The officer stated that determining the primary cause for the accident was part of any traffic collision report. The officer stated he investigated the accident and prepared the report. He does not know why the complainant's driving record was charged twice for the same accident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 07/24/14 **PAGE #2** of 2

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

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

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

Department of Motor Vehicles
Mandatory Actions Unit, J-233
P. O. Box 942890
Sacramento, CA 94290-0001
Telephone No. (916) 657-6525

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 07/22/14 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant described an incident whereby he was talking to a female friend inside her parked vehicle when two officers riding in a patrol car pulled up. One of the officers gave a verbal warning to the complainant and the female occupant about being parked at the location.

The complainant stated a verbal argument ensued because he believed the vehicle was legally parked at the time. He also stated the officer made an offensive remark concerning suspected sexual behavior the officer thought the complainant was having with the female occupant. The complainant admitted to using profanity while talking to one of the officers. The complainant stated the officers got out of the patrol car, and the complainant got out of the vehicle he had been sitting in. The officer did not order the complainant to get out of the car. The complainant stated the verbal argument he was having with one of the officers continued.

The complainant stated the officers did not cite or arrest him or the female occupant. He stated the officers simply walked away after the verbal argument he was having with one of the officers escalated to the point where the complainant dialed 911. The complainant dialed 911 fearing the officer was about to physically assault him. The complainant wanted police dispatch to hear what was taking place.

The named officers stated they were on patrol when they came upon the complainant who was sitting with a female in a parked vehicle. The vehicle was parked in a location known for its high crime rate. One of the officers informed the complainant and the female occupant that the officers would be enforcing the No Parking ordinance scheduled to begin in a few minutes. The officers stated the complainant became verbally upset and exited the vehicle. For reasons of officer safety, the officers exited the patrol car.

The officers stated they stood by while the complainant used profanity and continued to express himself about the incident. The officers stated they did not cite or arrest the complainant or the female occupant. The officers stated the complainant eventually walked away and left the area.

Based on the complainant's own testimony, no detention occurred.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 07/22/14 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant described an incident whereby he was talking to a female friend inside her parked vehicle when two officers pulled up. The complainant stated that one of the officers made an offensive remark concerning suspected sexual behavior the officer thought the complainant was having with the female occupant.

The complainant's friend remained in the vehicle, while the complainant and the named officer yelled at each other. The complainant's friend did not specifically state what was said during the argument.

The named officer denied making an inappropriate comment about the sexual behavior he suspected the complainant was having.

The named officer's partner could not hear most of the conversation between the complainant and the named officer.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant and his friend said the named officer used profanity during the argument.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 07/22/14 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the contact.

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

FINDINGS OF FACT: The complainant and his friend stated that the named officer pushed him during an argument.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer used a racially derogatory comment.

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

FINDINGS OF FACT: The complainant and his friend stated that the named officer used a racially derogatory comment during an argument.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 07/22/14 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant described an incident whereby he was talking to a female friend inside her parked vehicle when two officers riding in a patrol car pulled up. The complainant stated an argument ensued between him and one of the officers. The complainant faulted the named officer, who was present, for not intervening to calm his partner.

The named officer and his partner stated they merely stood by while the complainant used profanity and continued to belligerently express himself. The officers stated the complainant eventually walked away and left the area.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/13 **DATE OF COMPLETION:** 07/18/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was cited for violating California Vehicle Code section 21950(a), which, states, in part:

The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection....

The complainant and his wife admitted that there was a pedestrian in the crosswalk when the complainant proceeded into the intersection. However, the complainant and his wife noted that the pedestrian motioned for the complainant to proceed, which he did.

Based on the complainant's own testimony, the citation was lawfully issued.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately, yelling at the complainant. The complainant's wife stated that the officer became argumentative and angry and did not want to hear any explanation from her husband.

The officer denied the allegation, stating that he was calm and professional during his contact with the complainant.

No independent witnesses were identified.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/13 **DATE OF COMPLETION:** 07/08/14 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant said an officer who detained him punched him in the side and the arm while he was down on the ground.

The named officers confirmed they detained the complainant and were next to one another during the detention, but denied striking the complainant.

Two witness officers said they were not present at the initial detention, and saw no use of force while at the scene.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3 & 4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant said he was detained by two officers who handcuffed him for no reason, but he acknowledged that he yelled at their approach to him and moved his hands and feet in response to their attempts to take him into custody.

The named officers said they detained the complainant for a simple red-light violation, and the complainant's reaction was to start screaming for help and trying to evade their efforts to detain him, so they handcuffed him for their and his safety, as they thought there may have been an altered mental status and the complainant had resisted their efforts to detain him. The named officers did not recall which officer handcuffed 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: 12/04/13 **DATE OF COMPLETION:** 07/08/14 **PAGE #** 2 of 3

SUMMARY OF ALLEGATIONS #5 & 6: The officers searched the complainant's belongings without cause.

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

FINDINGS OF FACT: The complainant said the named officers searched his backpack without cause and over his verbal objections.

One named officer said when he asked for ID of the complainant, the complainant said his ID was in his backpack. The named officer said he asked the complainant if he could search the complainant's backpack for identification and the complainant gave the officer permission.

The other named officer said the complainant told the named officers he had no identification, and the officers "conducted a transportation search," to rule out having to take the complainant to a station to identify him, and so they could release him with a citation.

The two witness officers did not see an officer search the complainant's backpack. No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #7-8: The officers spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the named officers spoke to him continuously about use of drugs, asked him where he was carrying the drugs, told him they were going to push him into a pool of vomit on the sidewalk, and told him he was insane and going to go to a mental hospital.

The named officers denied taking the inappropriate actions or making or hearing an officer make the alleged inappropriate comments. The named officers acknowledged they asked the complainant if he had taken any drugs, to assist in a medical evaluation, when the complainant began acting irrationally.

Two witness officers denied hearing any officer make the alleged comments.

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

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/13 **DATE OF COMPLETION:** 07/08/14 **PAGE #** 3 of 3

SUMMARY OF ALLEGATIONS #9 & 10: The officers used profanity.

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

FINDINGS OF FACT: The complainant said the named officers used profanity, but declined to provide additional requested evidence regarding the identification of the officers.

The named officers acknowledged speaking to the complainant but denied the alleged use of profanity.

Two witness officers said they did not hear the alleged profanity.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated he was leaving a store when two officers stopped and asked him about a bicycle he had. The complainant stated he was buying the bike from a friend and that he was making payments. He stated the officers requested the seller's contact information, but he refused to provide it to them. The complainant also refused to provide the seller's contact information to the OCC.

One of the officers stated he detained the complainant because he was walking a bike that matched a crime alert for a stolen bike. The second officer stated the complainant was detained because he was in possession of a bicycle that matched the one from a crime alert that his partner had seen. The complainant was detained while they conducted an investigation regarding a stolen bicycle.

The incident report states the officers were on foot patrol when they saw the complainant walking a Surly Cross Check bike down the sidewalk. It appeared to be a bike described in an SFPD crime alert flyer, so the officers stopped the complainant to ask where he got the bike.

No witnesses were identified and the named officers were unable to produce a copy of the crime alert flyer.

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

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

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

FINDINGS OF FACT: The complainant stated that, when he was told to sit on the curb, he informed the officers that he had defecated in his pants. He stated the officers told him to "sit in it." The complainant also stated that one of the officers told him, "You can have it (the bike) back if you can prove it's yours, which you can't." They also told him that he was ruining the city.

Both named officers denied making the alleged statements and denied hearing their partner make the alleged statements.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/13 **DATE OF COMPLETION:** 07/07/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #5: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated he was using a friend's bike, which he intended to purchase, and that he was making payments for it. He stated that, when the officers questioned him about the bike, he was unable to prove ownership and refused to provide the contact information for the friend whom he said owned the bike. He stated the officers confiscated the bike and issued him a property receipt.

The named officer stated the complainant was walking a bike that matched a crime alert for a stolen bike, and that the complainant could not provide any information to the officers to prove ownership of the bike. The named officer was unable to locate the crime alert from this incident. He was unable to produce a copy of the crime alert flyer.

The named officer's partner stated the officer said he believed the bike matched one he had seen in a recent crime alert flyer. He stated the named officer retained the bicycle, which the complainant said was not his own.

The incident report states that when asked about the bicycle, the complainant told them, "I'm borrowing it from a friend because I'm thinking about buying it." The complainant refused to tell the officer who the alleged seller was, where he lived, or give a contact number so the officers could confirm the complainant's story. The officer conducted a criminal history check on the complainant, which came back with prior burglary arrests. The named officer seized the bike, issued a property receipt to the complainant and booked the bike as property for safekeeping.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers detained an individual without justification.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officers conducted a search without probable cause.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/13 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/20/13 **DATE OF COMPLETION:** 07/18/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated she was cited for running a stop sign, driving in a bus lane, driving without a license, not having proof of insurance, and not having proof of registration. The complainant did not deny running the stop sign or driving in the diamond bus lane. However, she acknowledged not having her driver's license with her and having her roommate bring it to her during the stop. The complainant failed to respond to OCC's request for an interview.

The named officer stated he observed the complainant run two stop signs and drive in the diamond lane for three blocks. He stated she could not produce a driver's license, proof of insurance or proof of registration. He stated she initially provided him with an inaccurate name. He identified her with a CDL that someone provided to the complainant while the officer was in his patrol car. She was cited for driving without a CDL, no registration, no proof of insurance, running a stop sign and driving in the bus lane. She was admonished for running the first stop sign and having illegally tinted windows.

No witnesses were identified.

A preponderance of the evidence supports a proper conduct finding.

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to cite her for reckless driving. She also stated he "reprimanded and belittled" her.

The complainant failed to respond to OCC's request for an interview.

The officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/13 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer detained a person without justification.

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

FINDINGS OF FACT: The complainant stated he saw a man being detained for no apparent reason.

The named officer stated he detained the subject because the subject fit the description of the suspect in a theft reported to the police. The victim positively identified the subject that the named officer had detained and was subsequently booked on theft charges.

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

SUMMARY OF ALLEGATION #2: The officer arrested a person without justification.

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

FINDINGS OF FACT: The complainant stated he saw a man being detained and arrested for no apparent reason.

The named officer stated he detained the subject because the subject fit the description of the suspect in a theft reported to the police. The victim positively identified the subject that the named officer had detained and was subsequently booked on theft charges.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/13 **DATE OF COMPLETION:** 07/17/14 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer behaved in an aggressive manner towards a detainee.

The named officer denied the allegation.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer searched a subject without cause.

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

FINDINGS OF FACT: The complainant stated he witnessed a subject being detained and subsequently arrested for no apparent reason. The complainant also stated that the subject was unnecessarily searched by the named officer.

The evidence showed that the subject identified by the complainant was arrested on theft charges. The search was conducted incident to the arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/14 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 1 of 2

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 detained for public intoxication. He stated he drank two alcoholic drinks several hours before being detained and was not intoxicated. The complainant's friend also denied that the complainant was intoxicated.

The named officer and his partner both stated the complainant disobeyed orders to stay on the sidewalk. They stated the complainant had to be pulled onto the sidewalk after walking into traffic against a red light. Both officers stated the complainant was verbally abusive. The named officer stated the complainant had unsteady gait, watery eyes and slurred speech. The named officer's partner stated the complainant had watery eyes and a flushed complexion.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer who detained him made several inappropriate comments. The complainant's friend stated he was too far away to hear what the officer said to the complainant.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/12/14 **DATE OF COMPLETION:** 07/07/14 **PAGE#** 2 of 2

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1/SFSD **DEPT. ACTION:**

FINDINGS OF FACT: Part of the complainant's complaint raises matters outside OCC's jurisdiction. This complaint has been partially referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/14 **DATE OF COMPLETION:** 07/03/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said she was stopped at a Bay Bridge off-ramp when three officers on motorcycles passed her. She stated that one of the officers' motorcycle made contact with the left rear bumper of her vehicle and caused two parallel scrapes in her paint. She stated that the officer looked at her, which indicated to her that the officer had struck her car. The officers did not stop and all three officers rode past her, moving rapidly down the street. She stated that she did not have a star number, name, or description because the officers were wearing black and white helmets. The complainant stated that the lead motorcycle officer was wearing a red jacket while the other two officers were wearing black jackets.

Department records showed that there were no VIP Motorcade officers working on the day of the incident. In addition, SFPD legal searched Department records for any motorcycle damage or repair reports but none were located. SFPD officers wear specific uniforms for their assigned duties. No motorcycle detail permits officers to wear red jackets.

Based on the information and evidence provided, the OCC was unable to identify the officer or determine if the alleged officer was a member of the SFPD.

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: 02/26/14 **DATE of COMPLETION:** 07/07/14 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officers detained the complainant's son without justification

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

FINDINGS OF FACT: The complainant stated that unknown officers detained and pat searched his son. He stated that when he asked them why they were searching his son, one of the officers said that his son had looked at them "weird" and that only criminals look at police in a "weird" manner. The complainant stated that when he told the officers that his son was autistic, they stopped their search. The complainant did not get the names or star numbers of the officers.

The manager of the business establishment where the complainant's son was detained told the OCC that they did not have cameras where the police contact occurred.

In an attempt to establish the identity of the alleged officers, the OCC asked the district station's captain to poll his officers. The poll came back with negative results, where the identity of the alleged officers could not be established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that he observed unknown officers searching his autistic son.

As previously stated, the identity of the alleged officers has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/14 **DATE OF COMPLETION:** 07/08/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he called the police after witnessing a hit and run collision. The complainant stated he waited for the police to arrive, greeted the named officer and told him that he had called. The complainant stated that he felt as if he was being detained.

The officer denied the allegation. The officer stated that the complainant was not detained. The officer stated the complainant was a credible witness and “was free to leave at any time.”

The investigation determined that the complainant voluntarily remained at the scene to assist the police with their investigation. In addition, the complainant put his personal belongings in his residence and returned to the scene on his own accord. According to the traffic collision report, the officer gathered all of the relevant information from the complainant and his statement of the incident.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was “demeaning and condescending.” Furthermore, the complainant stated the officer should have addressed him as “Sir” and should have thanked him for calling the police.

The named officer denied the allegation, stating he treated the complainant with “respect” and acted in a professional manner. The officer stated he did not recall whether he addressed the complainant as “Sir” or whether he thanked him for calling the police.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/14 **DATE OF COMPLETION:** 07/31/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 16, 2014.

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 July 16, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/14 **DATE OF COMPLETION:** 07/03/14 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated his wife, who is an employee at the airport, was cited for a registration violation in an airport employee parking lot. The complainant admitted the violation.

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

SUMMARY OF ALLEGATION #2: The San Francisco Police Department behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department is targeting employees by issuing citations on minor violations in order to raise revenue.

There is no evidence to suggest that the Department selectively enforces parking regulations against airport employees.

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