

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/16 **DATE OF COMPLETION:** 07/01/16 **PAGE #1** of 1

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

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

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

San Francisco Police Department
1245 3rd Street, Room 6 East
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/16 **DATE OF COMPLETION:** 07/01/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 28, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/15 **DATE OF COMPLETION:** 07/01/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: 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 April 8, 2016.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he saw an unoccupied patrol car parked in the traffic lane in front of the Main Public Library. He stated he did not see any specific officer exit or enter the patrol vehicle that was blocking the lane of traffic. The complainant alleged “cop privilege” in that officers appear to be exempt from enforcement of vehicle laws, whereas action would be taken against the ordinary citizen committing the same violation.

Records from the Department of Emergency Management (DEM) show that several officers were dispatched to the library regarding a stabbing incident that occurred in the first floor bathroom. A male victim was stabbed in the eye and to the side of his head. Records further indicate the suspect was still present inside the library when the call was broadcast over the police radio.

The California Vehicle Code exempts emergency vehicles from certain traffic laws when the operator of the vehicle is responding to an emergency.

While the identity of the alleged officer was not established, the evidence established that the officer’s action was proper given the nature of the call.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/16 **DATE OF COMPLETION:** 07/05/16 **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 June 23, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer seized property without justification.

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

FINDINGS OF FACT: The complainant stated that her sister's vehicle was impounded and placed on a vehicle hold. She stated her sister's boyfriend was driving the vehicle when he was arrested. She stated the criminal case against her sister's boyfriend was dismissed, but her sister's vehicle was still held as evidence seven days after the arrest.

DGO 9.01 states, in part, that it is the policy of the Department that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is needed for evidence. Additionally, officers may place a hold on a vehicle whenever the Department needs to retain the vehicle for investigative purposes.

The named officer stated the complainant's sister's vehicle was being held as evidence in a criminal investigation and the vehicle was towed for evidentiary purposes.

Department records showed that the identified vehicle was towed and impounded in a criminal investigation. The records showed that the complainant's sister's vehicle was positively identified in at least one ongoing criminal investigation other than the one in which the complainant's sister's car had been seized. Records also showed that her sister's boyfriend's charges were dismissed pending further investigation, but that the named officer was told by a deputy district attorney to maintain the hold on the vehicle. The records showed that the named officer reported releasing the hold on the vehicle and leaving a message on the vehicle owner's phone the day he received word that the pending case was closed.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was rude and disrespectful to her and her sister. She stated the named officer called her sister a liar and threatened to keep her sister's vehicle if she did not provide information about her boyfriend. The complainant stated also that after the named officer interviewed her sister, he ignored their request to remove the tow hold on her sister's vehicle.

The named officer denied that he was rude or disrespectful to the complainant or her sister. He denied threatening or calling the complainant's sister a liar. The named officer stated he informed the complainant's sister that he would consult with prosecutors regarding the vehicle hold. He stated that following the disposition on the criminal case against the complainant's sister's boyfriend, he released the vehicle and left the complainant's sister a message that the vehicle was released.

The complainant's sister did not come forward.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated she called a district police station regarding the release of her sister's vehicle. She stated she spoke to the named officer who intentionally hung up on her.

The named officer stated the complainant called the station and requested that her sister's vehicle be released. He stated another unit placed a hold on the vehicle and he was not authorized to release it. He stated the complainant was irate, would not accept his response and yelled at him. The named officer stated he hung up the phone when the complainant started yelling at him.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer told her that the assigned investigator to her sister's boyfriend's criminal case was a "star detective" and that he firmly supported the actions taken by the investigator. She stated the named officer ended their telephone conversation by hanging up on her.

The named officer stated he overheard a phone call another officer was engaged in with the complainant, discussing the vehicle hold placed on her sister's vehicle. He stated he intervened after hearing the officer explain the hold and release procedures numerous times to the complainant. He acknowledged that he informed the complainant that the assigned investigator was a decorated, thorough and hardworking investigator. He stated that he explained to the complainant numerous times why her sister's vehicle remained in police custody, but she repeatedly voiced her objections. He stated that he informed her that he needed to continue with his other duties and that if she didn't have additional complaints, he would disconnect the phone call. He stated the complainant did not voice a new complaint and he disconnected the phone call.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 07/05/16 **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 he was from out of state and had been living, working and attending school here in San Francisco for the past year. He admitted not having a California driver's license. He stated he was double-parked while waiting to deliver packages for his summer delivery job. He stated an officer ordered him at least seven times to surrender his car keys and he refused each time. He stated he also refused orders to exit his vehicle.

The co-complainant, who was not present during the traffic stop, stated that her son, the complainant, was wrongfully arrested for resisting arrest.

The named officer and his partner stated the complainant was double-parked and his side mirror was broken. During the traffic stop, they learned he did not have a California driver's license. They stated the complainant refused orders to hand over his car keys and step out of the vehicle, prompting the officers to remove him from the vehicle by pulling on his arms. The officers stated the complainant further resisted being handcuffed and a struggle ensued with the complainant. The named officer stated he and his partner took the complainant to the ground and was able to handcuff him with the assistance of an unknown bystander. The named officer charged the complainant for resisting arrest.

A witness stated the complainant was already in handcuffs when he witnessed the incident. The witness stated he saw two officers trying to get the complainant into their patrol car, but the complainant refused. After being "asked nicely" numerous times, the complainant finally complied.

The citation issued to the complainant shows that he was cited for resisting arrest and for not having a California driver's license.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 07/05/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that he was from out of state and had been living, working and attending school here in San Francisco for the past year. He admitted not having a California driver's license. He stated he was double-parked while waiting to deliver packages for his summer delivery job. He stated an officer ordered him at least seven times to surrender his car keys and he refused each time. He stated he also refused orders to exit his vehicle. He stated he was cited for double parking, not having a valid California driver's license and resisting arrest.

The co-complainant, who was not present during the traffic stop, stated that her son, the complainant, was wrongfully arrested for resisting arrest.

The named officer and his partner stated they observed the complainant double-parked. They stated the complainant told them he had been living and working in California for one year. He did not have a California driver's license. The named officer stated he cited the complainant for double parking and not having a valid California driver's license. The named officer and his partner further stated that the complainant refused to surrender his car keys and refused to exit his vehicle when ordered to do so. They also stated the complainant resisted being handcuffed, prompting the named officer to cite the complainant for resisting arrest.

The evidence established that the named officer had probable cause to issue the citation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 07/05/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated an officer ordered him to surrender his car keys at least seven times and he refused each time. He stated he also refused orders to exit his vehicle. He stated that when one of the named officers grabbed the keys, he turned away so the officer couldn't get them. The complainant stated the named officers pulled him out of the car. He stated the officers were wrestling with him, grabbing his legs. The complainant stated that one of the named officers put him in a chokehold and brought him to his knees. He stated the officers were telling him to put his hands behind his back and stop resisting. The complainant stated he could not put his hands behind his back because his hands were on his head, and one of the named officers had his knee on the complainant's temple. The complainant stated that when a civilian came over to help the officers, the complainant put his hands behind his back and they handcuffed him.

The named officers stated the complainant refused their orders to surrender his car keys and step out of the car. The officers stated they removed the complainant from the vehicle by pulling on his arms. They stated that once out of the car, the complainant actively resisted the officers' attempts to place him in handcuffs. One of the named officers stated he wrapped his arm around the complainant's head and used his weight to bring the complainant forward onto the ground. He denied using a "chokehold." This officer stated he fell on the ground first and broke the complainant's fall. He stated the complainant's head did not make contact with the pavement. He stated he placed his knee on the complainant's back or shoulder, not on the complainant's head. Both officers stated that while attempting to handcuff the complainant, a passerby stopped and assisted them. The officers stated that the civilian left the scene before they could identify him.

A witness stated the complainant was already in handcuffs when he witnessed the incident. The witness stated he saw two officers trying to get the complainant into their patrol car, but the complainant refused. After being "asked nicely" numerous times, the complainant finally complied.

No other witnesses were identified.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 07/05/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #5: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated he had been residing in California for one year, going to school and working as a courier. He stated he had a valid out of state driver's license but not a California driver's license. The complainant stated he was provided twenty minutes to find a licensed driver to avoid the tow, but was unable to do so.

The named officer stated the complainant's vehicle was towed because the complainant didn't have a valid California driver's license.

Department General Order 9.01 states that officers may tow a vehicle driven by an arrested person if the vehicle cannot be secured, and cannot be released immediately to a person at the scene who is authorized by the arrestee.

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

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

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

FINDINGS OF FACT: The complainant stated he believed he was stopped because he is African American.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainants, who are husband and wife, had an altercation in their house. During the altercation, the complainant left in his car. As he was leaving the co-complainant and his wife got in the back seat. The complainant stated he sped away from his home continuing to argue. The complainant said the co-complainant grabbed him by his shoulders, ordering him to slow down. The complainant then drove back to their home. The co-complainant's brother, who lived in the same building, had called police and reported that he heard the complainants fighting and throwing things.

Numerous officers responded to the scene. The complainant said he told the named officers that the co-complainant grabbed him by the shoulders and pushed him back and forth. The complainant stated he was not wearing a shirt while talking to the officers. He stated that the officers noticed a mark on his body and thought that the co-complainant did it. He stated the officers overreacted and arrested the co-complainant.

The co-complainant acknowledged telling the officers she shook the complainant's shoulders but denied that her actions caused any injury.

The co-complainant's brother stated that he did not see the contact between the complainants.

The named officers stated the complainant told them that his wife placed both of her hands around his neck and squeezed it, an action that caused visible injury on his shoulder. The named officers stated they observed injuries consistent with the complainant's account of what the co-complainant did to him.

Department General Order 6.09, Domestic Violence, section III.A.1. states, "Members shall make an arrest whenever reasonable cause exists to believe a felony has occurred."

The evidence established that the officers had reasonable cause to believe a felony had occurred, prompting them to arrest the co-complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer behaved inappropriately by securing an Emergency Protective Order without his consent.

Department records showed that the named officer applied for an Emergency Protective Order against the co-complainant and that it was granted by a commissioner.

Department General Order 6.09, Domestic Violence, section III.J.3. states, in part:

3. EMERGENCY PROTECTIVE ORDERS. An Emergency Protective Order (EPO) is a type of Civil Court Protective Order. Members may obtain an EPO any time reasonable cause exists for a member to believe that an adult or child is in immediate and present danger of domestic violence, child abuse, stalking, child abduction, family violence or elder abuse (not including financial abuse) by a family or household member....
 - a. EPO PROCEDURES. Members shall determine if the circumstances surrounding the incident warrant application for an EPO. Members shall not base their decision on whether or not the victim wants an EPO. ...

The evidence established that the arresting officers had reasonable cause to believe a felony had occurred, prompting them to arrest the co-complainant. In addition, the evidence established that the named officer had reasonable cause to believe that the complainant was in immediate and present danger of domestic violence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The co-complainant stated that while in custody at a police station, she told officers that she needed important medicine to prevent the rejection of a recently transplanted organ, but the officers refused to assist her. The co-complainant stated she told the officers she needed the medication within 48 hours.

Department records showed that the named officer completed a required Medical Screening Form at the police station while the co-complainant was being booked. The form, signed by the co-complainant, indicates that the co-complainant told the named officer that she needed medication within four hours.

The named officer stated that when he was in contact with the co-complainant during booking, the co-complainant was alert, able to understand his questions and answer them. The officer stated he did not see visible injuries and the co-complainant did not complain of pain. The officer stated the co-complainant did not ask for assistance in obtaining her medicine. He stated that she did say she was on medication but he did not recall what kind. He said she told him she did not need the medication immediately. The named officer said as to the medication she indicated, he did not know if it was supplied to her within four hours, as he was not with her that long.

Four other officers who were present during the co-complainant's arrest said she did not talk to them about medication.

The co-complainant's medical screening card shows that the co-complainant was at the station for less than an hour before being transferred to the county jail.

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: 08/07/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The co-complainant stated that an Asian or Filipino officer lied to her by saying to her that her husband said he did not want to see her again and that her husband had filed a restraining order against her.

Department records indicated that the named officer served the co-complainant with the restraining order in the case, read it to her, and received the co-complainant's confirmation that she understood the terms of the order.

The named officer denied lying to the co-complainant, specifically making the comment that her husband did not want to see her again.

Four other officers stated that they neither heard the alleged remarks nor made them to the co-complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he and his wife were home when they were detained at gunpoint for no apparent reason.

Records from the Department Emergency Management show that the complainant's wife's brother ("brother") called 911 and reported that the brother had been receiving text messages from the complainant's wife stating that the complainant had just come home with a gun and was going crazy. In addition, the complainant's wife told the brother that the complainant was just in the psychiatric hospital in another state. After receiving the text messages, the brother told dispatcher that the brother "cannot communicate with the sister any more." Records indicate that the named officer and other officers were dispatched to the complainant's home to investigate the 911 call.

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

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

SUMMARY OF ALLEGATIONS #3-4: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated he and his wife were detained at gunpoint.

The named officers stated that they had their weapons drawn given the nature of the 911 call.

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

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: 09/15/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5-8: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the responding officers behaved inappropriately and made inappropriate comments while at the scene.

The named officers denied the allegation.

No witnesses came forward.

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

SUMMARY OF ALLEGATIONS #9-10: The officers applied handcuffs too tightly.

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

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

The named officers denied the allegation, stating they applied the handcuffs according to Department policy. The named officers also stated the complainant never complained about the handcuffs being too tight.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #11: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant stated that when he was taken to the hospital for a mental health detention, he was never told that he could gather some of his belongings to take with him.

The named officer stated he transported the complainant to the hospital. He stated he could not recall whether he told the complainant he could gather some of his belongings to take with him to the hospital.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 1 of 5

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 he was lying in the grass resting at a park when he heard someone yell, "Police are coming." The complainant stated he felt a foot on his hand and opened his eyes to find four police officers standing next to him. The complainant stated the officers were all wearing uniforms. The complainant stated the officers began to question him without any explanation and prevented him from leaving. The complainant did not get the names or star numbers of the officers.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

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

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

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

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated that while being unlawfully detained, he was ordered to remove his shoes and socks, pull out his pocket linings and drop his pants. The complainant stated he complied with the unlawful orders, exposing his underwear in a public park.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

Unknown Officer

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

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

FINDINGS OF FACT: The complainant stated the officer thought he swallowed something illegal and ordered him to regurgitate the unknown substance.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #5: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated officers took his money (\$96) and his binder.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated that while being unlawfully detained, an officer told him to open his mouth. The officer grabbed the complainant's neck and tapped hard on the complainant's head. The complainant stated the officer stuck his finger in the complainant's mouth and poked the complainant in the eye. The complainant stated he asked the officer what he was doing and the officer replied that he was just doing his job.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #7: The officers made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers threatened to arrest him for loitering.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #8: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated that one of the officers made a racially derogatory comment toward him.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/15 **DATE OF COMPLETION:** 07/01/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #9: The officers failed to take required action

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

FINDINGS OF FACT: The complainant stated that the officers failed to document his detention and failed to stop an officer from using excessive force.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 07/05/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was parked in front of a drugstore and was sitting in his car talking on the phone while clipping his fingernails when the named officer approached him. The complainant stated the officer came to his window and asked him what he was doing and if there was any reason why someone would say that he was loading a gun in his car. The complainant stated the officer asked him if he were to search his car, would he find any illegal substances to which he replied no. The complainant stated the officer told him his car smelled like marijuana to which he responded that he carries a cannabis card, uses marijuana for medicinal purposes and keeps the marijuana in his car. The officer then asked the complainant for his driver's license.

The named officer stated he was at another incident nearby when a woman flagged him down and reported that she thought she saw a man in a car loading a silver handgun, pointing to the complainant's car. He stated he advised dispatch of the report of a "person with a gun" and approached the vehicle. The officer stated he detained the complainant to investigate the possible gun call and consequently searched the complainant and the vehicle. The officer stated the woman left the scene before he could get her contact information.

Several witness officers corroborated that the named officer received a report of a person with a gun.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 07/05/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was asked to step out of his car and was then searched by the named officer.

The named officer stated he conducted a pat search of the complainant for weapons. The officer stated that the basis for the pat search was for public safety reasons after a citizen reported the complainant was loading a gun.

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

SUMMARY OF ALLEGATIONS #3 - 4: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated his vehicle was searched without his permission.

While conducting the gun call investigation, the officers smelled marijuana from within the complainant's vehicle. The officers stated they conducted the vehicle search for weapons and for additional marijuana. The officers stated that they did not find any weapon or any additional marijuana other than the amount that the complainant already had.

The named officers supervisor stated that the search was necessary for the investigation of the gun call and investigation of additional marijuana.

The nature of the call and the smell of marijuana coming from the complainant's vehicle, coupled with the complainant's admission that he had marijuana in his car, provided the officers the probable cause to search his vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/15 **DATE OF COMPLETION:** 07/05/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #5 - 6: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that after the officers left the scene, he saw that his hat had been stepped on and the panels in the trunk were damaged during the search.

The named officers denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/15 **DATE OF COMPLETION:** 07/11/16 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainants stated that numerous officers entered their residence by forcing open the door and coming through a bathroom window.

The named officers stated they received reports from neighbors who said they heard sounds of shots fired and saw flashes of light coming from the complainants' residence. The named officers further stated these reports, combined with the co-complainant's history of calls-for-service from the Veterans Administration Police Department wherein the complainant threatened to shoot and kill people; numerous weapons registered to the co-complainant; the co-complainant's prior 5150; a CAD call that documented the reporting party hearing two loud booms (possibly fireworks) the night before; a neighbor stating they had not seen the complainants that morning (the morning after the shots/bangs were heard) and the officers' inability to contact any one inside the complainants' residence either by phone (dispatch calling) or by knocking on doors and windows, provided the officers reasonable cause to believe that someone inside the residence may need assistance, providing the probable cause to enter the residence to check on the well being of persons inside the residence.

Given the nature of the call and the known history of the co-complainant, exigent circumstances existed providing the officers the right to enter the complainants' residence without a warrant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/15 **DATE OF COMPLETION:** 07/11/16 **PAGE #2** of 4

SUMMARY OF ALLEGATIONS #4-6: The named officers detained the complainants at gunpoint without justification.

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

FINDINGS OF FACT: The complainants stated the named officers entered their residence and detained them at gunpoint without justification. The complainant stated she and her husband heard the police announce themselves. The complainant stated that her husband instructed her not to answer the door and that perhaps the police would go away. However, the named officers entered through a bathroom window with guns drawn and detained the complainants briefly at gunpoint.

Two of the named officers cited the complainant's history of police calls for service, his history of weapons possession, his reported wish to kill and shoot people as reasons to have officer safety concerns to draw their firearms until the complainants could be checked and a protective sweep could be conducted. One of the named officers denied detaining the complainants at gunpoint, stating that he entered the residence late.

Department General Order 5.02, Use of Firearms, section I.B.2 states, in part:

An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

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

Given the nature of the call and the known history of the co-complainant, exigent circumstances existed providing the officers the right to enter the complainants' residence without a warrant and to detain them. In addition, the named officers had reasonable cause to believe it was necessary for them to draw their firearms for their own safety or for the safety of others.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/15 **DATE OF COMPLETION:** 07/11/16 **PAGE #3 of 4**

SUMMARY OF ALLEGATIONS #7-8: The officers failed to take required action.

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

FINDINGS OF FACT: The complainants stated they were not issued any paperwork following their detention at gunpoint.

The named officers stated that the complainants were not handcuffed. The named officers stated that they both had their firearms displayed when they encountered the complainants inside the residence. Both named officers stated that the complainants were briefly detained.

Department records indicate that the complainants were not issued Certificate of Releases.

Department General Order 5.03, Investigative Detentions, section II.A. states in part:

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

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

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5. QUESTIONABLE SITUATIONS. If there is doubt as to whether you should issue a Certificate of Release, always resolve the doubt by issuing the form.

- b. FORM PREPARATION AND FILING. Complete the Certificate of Release form in duplicate. Give the original to the person being released and forward a copy to the Records Section, Room 475, Hall of justice.

While the complainants were not handcuffed, the named officers used the threat of lethal force to restrain the complainants by having their firearms drawn. The threat of lethal force is certainly a greater restraint than handcuffs. As such, the complainants should have been issued a Certificate of Release, pursuant to DGO 5.03. A preponderance of the evidence proved the conduct complained of did occur, and using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/15 **DATE OF COMPLETION:** 07/11/16 **PAGE #4 of 4**

SUMMARY OF ALLEGATION #9: The officer failed to take required action.

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

FINDINGS OF FACT: The complainants stated they were not issued any paperwork following their detention at gunpoint.

The named officer denied drawing his firearm.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainants stated that the named officer's report was inaccurate because it did not state they were detained at gunpoint.

The named officer denied writing an inaccurate report. He stated while the complainants were briefly detained, he entered late and did not observe the officers who initially contacted the complainants having their weapons drawn.

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: 06/28/16 **DATE OF COMPLETION:** 07/13/16 **PAGE#** 1 of 1

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

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

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

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

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

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

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

U.S. Department of Justice, Federal Bureau of Investigation
450 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/02/16 **DATE OF COMPLETION:** 07/15/16 **PAGE #1 of 1**

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

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 July 8, 2016.

SUMMARY OF ALLEGATION #2: The officer acted 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 July 8, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/16 **DATE OF COMPLETION:** 07/15/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: In an on-line complaint, the complainant stated he was driving when he stopped for a traffic signal. The complainant stated the named officer walked up to him and used profanity. The complainant did not respond to OCC's request for an interview.

The named officer stated that he did not recall any contact with the complainant.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: In an on-line complaint, the complainant stated he was driving when he stopped for a traffic signal. The complainant stated the named officer walked up to him and made inappropriate comments. The complainant did not respond to OCC's request for an interview.

The named officer stated that he did not recall any contact with the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/16 **DATE OF COMPLETION:** 07/15/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he received a notice in the mail of a red light camera violation committed by someone driving his car. The citation included basic information about the vehicle's registered owner. The complainant stated he was not driving the car and, therefore the name, driver's license number, birth date, sex, and hair color listed on the citation were incorrect. Although the complainant received a dismissal of the citation, he felt that the named officer's conduct reflected discredit on the Department.

The named officer stated she has been the sole officer responsible for the Red Light Camera program for the past two years. She explained that each citation issued by the red light cameras shows the photos taken by the camera, as well as data regarding the timing of the red light and the speed of the vehicle. The citation also lists basic information about the registered owner, including date of birth, gender, hair and eye color. She stated the presumption is the driver in the photo is the vehicle's registered owner. She looks at the photo and the owner's information and, if there are no glaring discrepancies, issues the citation. In this case, the officer said, she considered the registered owner's description, the photo of the driver, and made the decision to accept the citation.

The named officer stated a secondary review process is outlined on the back of the citation, in the event that the driver is not the registered owner. She stated this process was initiated about a year ago to save drivers from having to appear in court to contest tickets. She also stated that when she receives a request for a secondary review, she calls up the driver's license photo of the registered owner and compares it to the image captured by the camera, to allow her to resolve any issues of mistaken identification.

Documents provided by the complainant to the OCC indicated that the photo included with his citation was not a clear depiction of the driver, as the photo is blurry and the image of the driver is obscured by glare on the windshield. These documents also indicated the complainant did not follow the instructions clearly printed on the citation for what steps to take in the event that the registered owner was not the driver. The citation has the following disclaimer: "Violation was not committed in my presence. The above is declared on information and belief and is based on photographic evidence." The documents also indicated that the named officer ultimately dismissed the citation based on misidentification of the driver.

Given the facts of the case and the sequence of events, the evidence established that the named officer actions were proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/15 **DATE OF COMPLETION:** 07/04/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to him and behaved in an inappropriate manner. The complainant stated the officer’s conduct occurred near a park while the complainant was walking home with his caregiver.

The complainant’s caregiver stated he accompanied the complainant home but was not with him near the park. The caregiver stated he saw the officer “smirking maliciously” at the complainant as the police van followed the complainant home. He stated the complainant told the named officer to leave him alone. The caregiver stated he did not hear the named officer say anything to the complainant.

The named officer denied the allegation. He stated the complainant was following him around in an “unprovoked tirade” while the officer was carrying out his duties at a park. The officer stated he ignored the complainant, and this upset the complainant. He stated that as the complainant continued to follow him, he told the complainant to move on or go about his business.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that when the officer made contact with him near a park, the officer said, “Keep walking or I’m going to give you a citation.”

The named officer denied threatening the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/15 **DATE OF COMPLETION:** 07/04/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer repeatedly used profanity during his contact with the officer near a park.

The named officer denied using profanity.

The complainant's caregiver stated he was not with the complainant near the park.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was near a park when he asked the named officer for his star number. The complainant stated the officer replied, "My star number is whatever the fuck you want it to be."

The named officer stated that he did not recall the complainant asking him for his star number. He denied using any profanity.

The complainant's caregiver stated he was not with the complainant near the park.

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: 08/26/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully detained.

Department records show that the complainant was detained pursuant to California Welfare Institutions Code section 5150, which states:

When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, professional person in charge of a facility designated by the county for evaluation and treatment, member of the attending staff, as defined by regulation, of a facility designated by the county for evaluation and treatment, designated members of a mobile crisis team, or professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment in a facility designated by the county for evaluation and treatment and approved by the State Department of Health Care Services.

The named officer stated the complainant was detained based on the complainant's own statement and statements from witnesses.

Three witnesses stated the complainant was out of control and caused damage to property and injured himself. One witness stated the complainant came into the job site behaving in a dangerous manner by swinging a hammer and acting very crazy.

The complainant admitted to using a hammer to create holes in the ceiling and wall. He also admitted shoving his arm through a glass window, causing severe injuries to his arm. The complainant stated that when the police asked him how he injured his arm, the complainant told police he did not recall.

A preponderance of the evidence established that the named officer had justification to detain the complainant.

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

OFFICE OF CITIZEN COMPLAINTS

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to actively participate in the investigation, did not participate in his interview, and left the inexperienced officer to complete an inaccurate and incomplete report. The complainant stated the officer failed to identify the contractor who assaulted him in the incident report. The complainant admitted that when questioned by the trainee officer regarding what had happened and how he had cut his hand, he told the officer that he did not recall.

The named officer was the Field Training Officer (FTO) during the incident. The officer denied the allegation. He stated that although he allowed the trainee officer to take primary responsibility for the investigation, the named officer stated he oversaw the trainee's actions throughout the investigation. The named officer stated he reviewed the trainee's incident report for comprehension and accuracy.

The named officer's trainee had no recollection of the incident.

Witnesses were complimentary of the officers' investigation, given the complainant's bizarre and hostile behavior toward everyone at the scene, including the officers. The officers and witnesses could not identify a second contractor at the scene during the investigation. Witnesses stated that the contractors had left the scene at some point during the incident and that they had to be called back to the scene to complete the demolition work.

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: 08/26/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 3 of 2

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

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

FINDINGS OF FACT: The complainant stated that his right to prompt medical care and treatment was violated. The complainant said he lay in the ambulance for an unreasonable amount of time waiting, while the officers conducted their investigation. The complainant stated he called 911 for medical assistance. The complainant stated that the EMT unit arrived, put him on the gurney and placed him in the ambulance and began his medical treatment.

The named officer denied the allegation. He stated he did not recall any delay in transporting the complainant to the hospital. He recalled having to call for a back-up unit to assist with the investigation so that he and his trainee could escort the complainant to the hospital. The named officer stated that his trainee rode in the ambulance with the complainant and he followed in the patrol car.

The complainant refused to provide a medical release form, preventing the OCC from obtaining his medical records.

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: 08/05/15 **DATE OF COMPLETION:** 07/14/16 **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 stated that his front tire had a blowout, causing his vehicle to go on the sidewalk and collide with a light pole. When he parked his car, the complainant stated a police car pulled up. The complainant was ordered back to his car until other officers arrived. The complainant stated he was then detained pending DUI investigation. The complainant denied consuming alcohol but admitted driving erratically, stating that he mistook his brake and accelerator pedals.

The named officers stated they were responding to a 911 call regarding a vehicle driving in an erratic manner. The first named officer stated he saw the vehicle parked near where it was first reported and the driver was standing in the street. He stated he ordered the complainant to return to his car until the primary officers could take over the investigation.

The second named officer stated he detained the complainant because the complainant displayed objective symptoms of intoxication, failing two field sobriety tests during the course of his DUI investigation. The officer stated he administered a Trombetta advisement, which the complainant understood and agreed to and transported the complainant to a district police station for further investigation. After the investigation was concluded, the complainant was released and issued a Certificate of Release. An incident report was also prepared documenting the sequent of events.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/15 **DATE OF COMPLETION:** 07/14/16 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the named officer and other officers at the scene laughed at him when he asked for help to change his tire.

The named officer denied laughing at the complainant. He stated the complainant was belligerent when the complainant returned to his vehicle and demanded that he and his partner help him change his flat tire. The named officer stated that for liability reasons, he could not assist the complainant and instructed him to contact his insurance carrier or a roadside assistance company.

No independent witnesses were identified.

The identity of the other officers has not been established.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer did not properly secure his car when he was detained and investigated for driving under the influence. He further stated that a cellular phone was missing when he returned, and that his car's interior was damaged.

The named officer denied the allegation. He stated he encourages suspects who are being detained for driving under the influence to take their phones with them because they will need them. The named officer stated he did not recall the complainant saying anything about the interior of his car being damaged at any time.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/15 **DATE OF COMPLETION:** 07/14/16 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated he was being followed and wanted it documented in a police report. In addition, the complainant stated he reported a vandalism, and that the named officers refused to prepare a report.

The named officers denied that the complainant requested a police report. The officers stated they questioned the merit of the complainant's report of having been followed by an unknown individual in a truck. One officer reported that the complainant observed an unknown truck following him for three blocks and turn in another direction. At this point, the complainant proceeded to follow the unknown truck for approximately 30 blocks, took a photo of the vehicle, and at one point, the complainant confronted the driver of the unknown truck. The officers stated the complainant admitted that he was not certain that the vehicle had been following him.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the named officers behaved inappropriately, describing one of the officers as being angry and hostile.

The officers denied engaging in the alleged behavior.

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: 07/20/15 **DATE OF COMPLETION:** 07/14/16 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the named officers engaged in biased policing, based on race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation. The officers denied the complainant's 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: 09/15/15 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/16 **DATE OF COMPLETION:** 07/18/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant, who resides in Aurora, Colorado, sent a letter stating she wanted to make a complaint about an unidentified woman who was shot twenty times by police. The complainant stated the unidentified woman had a knife though she did not rush towards the police. She stated she learned of this incident on CNN. The complainant was unable to provide a date, location or any other information.

A search was conducted for a matching incident, to no avail.

The complainant failed to provide additional requested information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/15 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that he was at the San Francisco International Airport when the named officer yelled and screamed at him, accusing the complainant of being intoxicated.

The named officer denied the allegation. He stated he asked the complainant to move from an area to make room for an ambulance for a medical emergency. The named officer stated that the complainant would not cooperate with his order and was possibly intoxicated, so he called a sergeant for assistance.

No witnesses were identified to the named officer's initial contact with the complainant.

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

SUMMARY OF ALLEGATION #2: The officer detained the complainant justification.

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

FINDINGS OF FACT: The complainant stated he was detained after being accused of being intoxicated, which the complainant denied.

The named officer stated he called a supervisor to the scene because he had a medical emergency and could not control the complainant, who was interfering with his duties.

The named officer's sergeant stated he could smell alcohol on the complainant's breath. He stated that the complainant was slightly intoxicated but was able to care for himself. The named officer's sergeant stated the complainant was briefly detained.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/15 **DATE OF COMPLETION:** 07/16/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that while her son was being arrested for violation of a restraining order, the named officer pushed her several times.

The named officer and witness officers denied the allegation. The named officer stated the complainant was walking directly ahead of her and came to a halt. The named officer stated that when the complainant stopped walking ahead of her, the named officer's left hand contacted the complainant's back area without any force or striking motion. The named officer stated she did not push, shove or strike the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/15 **DATE OF COMPLETION:** 07/18/16 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that she called police because someone had parked his/her car too close to the complainant's car. The complainant stated that the named officer, who responded to her call, was rude and laughed at her.

The named officer denied the allegation, denying that he was rude or laughed at the complainant.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that she is disabled and needs room to access the back of her vehicle. A neighbor parked too close to the complainant's vehicle, prompting her to call police.

The named officer stated that he responded to the call and determined the other car was not parked illegally and there was nothing he could do.

There was insufficient evidence to establish whether or not the neighbor's vehicle was legally parked.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/15 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was detained after his client, who was in the complainant's apartment, called police. The complainant stated that his client lied to the police so that the complainant could be detained and taken to a psychiatric unit.

The named officers stated they detained the complainant in response to a call-for-service about a male who had a knife and was threatening to hurt himself.

In his interview, the complainant's client acknowledged making the call and reporting that the complainant was experiencing paranoid delusions due to drug use, was a danger to himself and to the friend, exhibiting destructive behavior.

Records from the Department of Emergency Management show the complainant's client calling the police, stating that the complainant was suffering from stimulant psychosis and that the complainant needed to be "5150'd."

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/15 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #6 - 10: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant stated the officers assaulted him, causing injuries to his face and ears. The complainant stated he also suffered trauma to his neck.

The named officers stated the complainant refused to comply with orders and wrestled with them while they detained him. One of the named officers, who said he saw the complainant attempt to strike the officers with his hands and struggle violently, stated that he felt some action had to be taken to stop the complainant's resistance. The officer stated he punched the complainant in the torso because the complainant refused to stop resisting. The officer's use of force was documented in the incident report and in the use of force log.

The complainant's client stated the officers tackled the complainant to the ground and piled up on top of him. He stated that the force used by the officers was unnecessary, as he had called officers to facilitate a mental evaluation.

No independent witnesses came forward.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/13/15 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #11 - 12: The officers searched the complainant's apartment without cause.

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

FINDINGS OF FACT: The complainant stated that responding officers searched his apartment without cause. The complainant stated the officers searched his apartment because his client told them that the complainant was using drugs.

The complainant's client stated that officers searched the complainant's apartment without consent, looking for a knife or evidence of drug use.

The named officers stated that, after responding to a call about a mentally unstable man with a knife, they conducted a protective sweep for other people in danger or victims inside the apartment. The named officers also stated that the complainant's friend wanted to show them the window the complainant broke and the bathroom where the complainant had used drugs.

The officers were permitted under applicable laws and Department regulations to conduct a cursory search of the complainant's apartment.

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: 06/02/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing based on language/ethnicity.

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

FINDINGS OF FACT: The complainant stated her primary language is Russian and believes that the named officer may have discriminated against her because she is Ukrainian and speaks Russian.

Department records showed that the named officer and other officers responded to the complainant's boyfriend's apartment regarding a landlord/tenant dispute. Records indicated that the complainant was arrested for resisting arrest.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation. The named officer denied the allegation, stating that the complainant spoke English to him.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #2 - 5: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the transporting officers delayed her and her boyfriend's transport to county jail. In addition, the complainant stated that officers mishandled some currency found in the complainant's boyfriend's apartment.

The complainant's boyfriend stated he gave police the currency he found while removing his roommates' belongings, and that the police returned the currency to its owner.

The transporting officers denied the allegation. The officers involved in the arrest denied ever having possession of any currency.

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: 06/02/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #6: The officer behaved in an inappropriate manner.

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

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

SUMMARY OF ALLEGATIONS #7 - 8: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that after her arrest, officers re-entered her boyfriend's apartment without permission.

One of the named officers stated she may have entered the apartment during the standby while the roommates returned their belongings to the apartment. She stated that if she did enter the apartment, the entry was made with the permission of the roommates.

The other named officer stated that after the arrested parties had been transported to jail, he entered the apartment with the tenants during the standby while they returned their property to the apartment. He stated that the occupants gave him permission to enter the apartment.

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: 06/02/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #9: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that she and her boyfriend locked her boyfriend's roommates out of their apartment, which resulted in her and her boyfriend's arrest. The complainant stated that when she was asked for her name, she gave the officers a false name, prompting the officers to take her to jail.

The named officer stated that while taking the complainant's boyfriend into custody, the complainant came out of the apartment and began yelling and cursing at them. She was ordered back into the apartment, but she refused and instead moved closer, creating an officer safety issue for the named officer. The named officer stated the complainant was then arrested for delaying and obstructing a peace officer. The named officer stated the complainant refused to provide her name.

A preponderance of the evidence established that the named officer had probable cause to arrest the complainant.

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

SUMMARY OF ALLEGATIONS #10 - 11: The officers arrested the complainant's boyfriend without cause.

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

FINDINGS OF FACT: The complainant stated that her boyfriend was arrested after he had locked his roommates out of their apartment.

Department records show that the complainant's boyfriend was arrested pursuant to a private person's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #12: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated that her primary language is Russian, which none of the officers spoke. The complainant stated she did not request an interpreter and she was not asked if she wanted one.

The named officer stated that the complainant was fluent in English and spoke to her in English. He denied there was any language issue.

Witness officers stated that the parties spoke English and denied that there was any language issue.

Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, section I, states, in part:

When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services.

While none of the parties specifically requested language assistance services, there was insufficient evidence to either prove or disprove that all of the parties involved were able to effectively communicate with the officers.

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: 06/02/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #13: The officer failed to provide his name and star number upon request.

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

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

The named officer denied the allegation.

Witness officers denied hearing the complainant make the request.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #14: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that the police took her boyfriend's key and failed to return it.

The complainant's boyfriend did not recall the police having his key.

Officers at the scene denied having a key to the complainant's boyfriend's apartment at any time during the incident.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #15: The officer filed an inaccurate incident report.

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

FINDINGS OF FACT: The complainant stated that the named officer's incident report was inaccurate.

The named officer and witness officers denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #16: The officer used unnecessary force during an arrest.

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

FINDINGS OF FACT: The complainant stated that after opening the apartment door, an officer entered and ordered her out. The complainant stated that when she refused to leave the apartment, the officer grabbed her and twisted her hands behind her back, causing her pain.

The named officer and witness officers denied the alleged use of force and denied hearing the complainant complaining of pain.

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: 05/09/16 **DATE OF COMPLETION:** 07/16/16 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated that he got into a fight on social media with someone he used to know who now lives across the country. The fight escalated into the other party making a threatening video and posting it online. The complainant called the police but stated that when they came, the named officer said, “If we don’t see something, then there’s nothing for us to do.” The complainant tried to show the officers the video on his phone, but while he was attempting to load the video on his phone, the named officer walked off. The complainant asked for an incident report “just in case something happens,” but the officer refused. The named officer said that if it would make the complainant happy, he would “write a couple of funny numbers on it” and “rip it up into pieces and let it flow in the wind.”

The named officer stated that the complainant became increasingly argumentative during their interaction because the named officer informed him that the video and online posts were not criminal in nature but rather an expression of free speech. He denied making any statements regarding writing numbers on a report, or tearing it into pieces.

The named officer’s partner has resigned from the department and was not available for an OCC interview.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/16 **DATE OF COMPLETION:** 07/16/16 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that when the police arrived at his house, he showed the officers the threatening posts and videos and asked for a report “in case something happens.” He stated that the officer refused.

The named officer stated that he repeatedly offered to write the complainant a courtesy report, but the complainant refused and requested that the officer leave. He stated that the complainant requested no further action but instead slammed the front gate shut and walked into the building.

The named officer’s partner has resigned from the department and was not available for an OCC interview.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/15 **DATE OF COMPLETION:** 07/15/16 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer failed to provide his name and star number upon request.

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

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

The named officer denied having any direct contact with the complainant.

No witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer refused to answer her questions.

The named officer denied having any direct contact with the complainant.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/15 **DATE OF COMPLETION:** 07/15/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that her cousin was placed in tight handcuffs and dragged on the ground to a police car.

The complainant's cousin did not respond to multiple requests from the OCC for an interview.

Officers interviewed by the OCC denied the allegation.

The identity of the alleged officer has not been established.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that her cousin was arrested without cause.

The complainant's cousin did not respond to multiple requests from the OCC for an interview.

The named officer stated he was called to the scene regarding an assault. He stated that when he arrived, the complainant's cousin and daughter attempted to walk away. When the officer attempted to detain the complainant's cousin, he resisted, prompting the named officer to place him into custody. The officer stated that after conducting a domestic violence investigation, he determined the complainant's daughter to be the dominant aggressor.

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: 05/17/15 **DATE OF COMPLETION:** 07/15/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that her daughter should not have been arrested for domestic violation because there was no victim.

The complainant's daughter and cousin did not respond to OCC's multiple requests for an interview.

The named officer stated that after conducting a domestic violence investigation, he determined the complainant's daughter to be the dominant aggressor. The named officer documented his investigation in his incident report.

No independent witnesses were identified.

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

Officers Stephen Coleman #4184 and Alvaro Mora #2349

SUMMARY OF ALLEGATIONS #6-7: The officers acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officers told her that her behavior was being recorded.

The named officers denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/15 **DATE OF COMPLETION:** 07/15/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #8: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer was asking inappropriate questions such as, “Are you handicapped? Are you disabled? Did you come from running a marathon?”

The named officer stated that he was speaking with the complainant and trying to build a rapport. She had a medal around her neck and he asked if she had been running in the Bay to Breakers, which took place earlier in the day. Later, the named officer overheard the complainant talking about a disability and he asked her about it to see if she was okay.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #9-11: The officers failed to take a required action.

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

FINDINGS OF FACT: The complainant stated that three officers she talked to refused to call a lieutenant to the scene at her request. She called 911 to specifically request a lieutenant and one came out and was professional in dealing with the complainant.

Two of the named officers stated the complainant never requested a lieutenant to respond to the scene. One named officer stated that the complainant requested a lieutenant and that he made the request.

Records indicate that the complainant called to request a lieutenant and that a lieutenant responded to the scene.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was double-parked when he saw the named officer on his motorcycle with his firearm aimed at the complainant.

The named officer stated he initially observed the complainant drive erratically and recklessly in traffic without using his turn signals in violation of 22107 CVC. The named officer stated he turned on his motorcycle's lights and sirens in order to conduct a traffic stop on the complainant. The named officer stated the complainant failed to stop his car. The named officer stated he drove up to the complainant's car and ordered the complainant to unroll his car window in order to tell the complainant to pull over. The named officer stated the complainant became upset, yelled and swore at him. The named officer stated that his guard was up when the complainant failed to initially stop his car. He stated the complainant was aggressive, upset, and irate and immediately got out of his car when he came to a stop. The named officer stated he briefly pulled out his service weapon and pointed in the complainant's direction due to officer safety as a solo motorcycle officer. The named officer stated that once he identified that the complainant did not have anything in his hands, the officer returned his service weapon into his holster. The named officer stated he ordered the complainant to get back into his car, but the complainant continued to yell.

Department General Order 5.02, Use of Firearms, section I.B.2 states:

An officer may draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. When an officer determines that the threat is over, the officer shall holster his or her firearm or hold the shoulder weapon in port arms position pointed or slung in a manner consistent with Department-approved firearms training. If an officer points a firearm at a person and the person is not arrested, and if the circumstances permit, the officer should tell the individual the reason the officer drew the firearm.

The complainant's account of what happened is different than that of the named officer's.

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: 07/30/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 2of 3

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

The named officer denied the allegation, denying that he used profanity.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer screamed and yelled at him during a traffic stop.

The named officer denied the allegation, stating that he was courteous and professional during 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: 07/30/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 3 of 3

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

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

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

The named officer stated he observed the complainant driving erratically and recklessly in traffic without using his turn signals in violation of 22107 CVC, prompting the named officer to issue him a citation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/16 **DATE OF COMPLETION:** 07/22/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/14/16 **DATE OF COMPLETION:** 07/22/16 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/16 **DATE OF COMPLETION:** 07/22/16 **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 that he double-parked his vehicle to make a delivery. He then opened his car door and another car struck the complainant's driver side door. The complainant stated the named officer issued him a citation for being double-parked.

Based on the complainant's own statement, the citation was properly issued.

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 made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated he was involved in a non-injury traffic collision. The complainant stated that when he asked the named officer for a report, the named officer told him that he if were to prepare a report, the named officer would find the complainant to be at fault for the collision.

Department General Order 9.02, Vehicle Accidents, section I.B. states, in part, "Members need not investigate or report non-injury (property damage) vehicle accidents...."

Given the complainant's own statement, he would be found at fault if the named officer were to prepare a report, making the named officer statement to the complainant to be an accurate statement.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/2016

DATE OF COMPLETION:

PAGE # 1 of 3

Officer Martin Kilgariff #1459

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 he was involved in a traffic collision where he was found to be at fault and was cited. The complainant stated he was turning left when another vehicle struck his vehicle, hitting the right hand side of the complainant's vehicle.

The named officer stated that the complainant failed to yield, in violation of California Vehicle Code section 21801(a), which states:

The driver of a vehicle intending to turn to the left or to complete a U-turn (a) upon a highway, or to turn left into public or private property, or an alley, shall yield the right-of-way to all vehicles approaching from the opposite direction which are close enough to constitute a hazard at any time during the turning movement, and shall continue to yield the right-of-way to the approaching vehicles until the left turn or U-turn can be made with reasonable safety.

Based on the complainant's own statement, the evidence established that the named officer had cause to issue the complainant a citation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/17/2016

DATE OF COMPLETION:

PAGE # 2 of 3

Officer Martin Kilgariff #1459

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

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

FINDINGS OF FACT: The complainant stated he was involved in a traffic collision. He stated that the other driver's passenger involved in the collision threatened him with a knife and was intoxicated. The complainant stated that the named officer failed to search and arrest the other driver's passenger for being intoxicated.

The complainant's passenger, who refused to provide a recorded interview, told the OCC that he assumed that the other driver's passenger had a knife and was drunk. The complainant's passenger stated that the other driver's passenger did not threaten him with a knife.

The named officer stated that the complainant told him that the other driver's passenger had a knife and threatened to pop his tires. The named officer stated spoke to the other driver's passenger, who denied having a knife and denied threatening to pop the complainant's vehicle's tires. The named officer stated he also searched the passenger and was unable to locate the knife.

The named officer's partner stated that man who was alleged to have a knife was searched and no weapons were found.

The other driver involved in the collision did not come forward. Her passenger was not identified in the traffic collision report.

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: 03/17/2016

DATE OF COMPLETION:

PAGE # 3 of 3

Officer Martin Kilgariff #1459

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an incomplete Traffic Collision Report.

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

FINDINGS OF FACT: The named officer responded to a traffic collision resulting in injury. The named officer's Traffic Collision Report failed to list the complainant's passenger as a witness.

The named officer stated he was aware that there was a passenger in the complainant's vehicle at the time of the collision. The named officer stated not listing the complainant's passenger in his Traffic Collision Report was an oversight, stating that the night of the collision was a busy night and that he was going from one call to another.

San Francisco Department General Order 2.01 section 9, states:

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: The complainant stated that the officer issued her a citation for a traffic violation in a vehicle in which she was the passenger and not the driver or the registered owner.

The named officer denied the allegation, stating that the complainant was the driver of the vehicle.

A witness officer did not recall the traffic stop.

The individual alleged to be the actual driver of the vehicle failed to come forward.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer issued her a citation for a traffic violation in a vehicle in which she was the passenger and not the driver or registered owner.

The named officer denied the allegation, stating that the complainant was the driver of the vehicle.

A witness officer did not recall the traffic stop.

The individual alleged to be the actual driver of the vehicle failed to come forward.

SFPD Traffic Stop Data Collection program requires that officers provide the data of the driver of a vehicle stopped for a traffic stop. The traffic stop data collection report contains the complainant's data.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer searched her home without cause.

The evidence established that the named officer searched the complainant's home pursuant to a search warrant.

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

SUMMARY OF ALLEGATIONS #2 - 3: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that officers who searched her home damaged her front gate and two doors. The complainant confirmed that no one was home at the time the officers made entry.

The named officers stated that they went to the complainant's home to serve a search warrant and forced entry after giving a knock-notice and receiving no response.

The evidence established that the officers damaged the gate and two doors at the complainant's home while gaining entry pursuant to a search warrant, and that they documented the damaged property in conformance with Department procedures.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer misused police authority.

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

FINDINGS OF FACT: The complainant stated the officer arrested her son for possession of drugs for sale following a traffic stop. The charges against her son were dismissed. Two months later, the named officer served a search warrant at her home and arrested her son for possession of drugs. The complainant believes the officer obtained the search warrant in retaliation because the charges against her son were dismissed.

The named officer stated that he and other officers arrested the complainant's son after finding 82 narcotic pills in his possession during a traffic stop. He stated that he decided to seek a search warrant of the complainant's son's residence as a follow up investigation in order to find more evidence related to pill sales. He stated that he was not sure of the date he decided to seek the search warrant. He stated that during the execution of the search warrant, he seized several hundred suspected narcotic pills.

The named officer's supervisor stated that based on the arrest of the complainant's son during the traffic stop, he believed the complainant's son might possess additional evidence related to narcotics sales at his residence, and that he told the named officer there was sufficient probable cause to obtain a search warrant for the complainant's son's residence.

There was insufficient evidence to establish whether the named officer misused police authority by seeking the search warrant. Therefore, there was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 07/22/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated the officer told her, “You think you’re above the law.”

The complainant’s son stated that the named officer told him and his mother that they act “like we’re above the law.”

A witness officer who was present at the time stated that he did not remember whether the named officer made the alleged comment.

The named officer stated that in response to a statement by the complainant about how much money her family made, he asked if she thought her son should not be arrested due to the amount of money the household makes.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/16 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 3: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he was sitting in his parked car when officers approached him and informed him that his car did not have a license plate on the back. The complainant stated he was threatened and searched, though he was not on probation. The complainant stated he was “parked on my phone being Black.”

The named officers were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. They all stated that they did not know the ethnicity of the complainant prior to his detention. They further all stated that the complainant’s ethnicity was not a factor in his detention at all. They stated that the reasonable suspicion that led to the complainant’s detention was that he was sitting in a car without license plates affixed to the bumpers, in violation of 5200 CVC. Additionally, the officers all stated that they smelled marijuana coming from the complainant’s car, and saw a marijuana cigar in the front console.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4 - 6: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he had come out of the “Green Cross” cannabis club and was sitting, parked in his car, a few doors down. The car was off and the keys were in the complainant’s pocket. He was browsing the Internet on his phone when a plainclothes officer walked up and knocked on his window. The complainant rolled it down and asked, “What do you want?” The officer said, “You have dealer’s plates on the back of your car.” The complainant said, “What, I’m not allowed to have dealer’s plates on the back of my car? You pull a car over every time you see a dealer’s plate?”

The named officers all stated that the reasonable suspicion that led to the complainant’s detention was that he was sitting in a car without license plates affixed to the bumpers, in violation of 5200 CVC.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/16 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

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

The named officer and other officers denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that after the named officer returned his driver's license and insurance papers, he asked the complainant to step out of the car to be searched. The complainant protested he had a medical marijuana card and that he did not consent to a search, and that furthermore he was not on probation. The officer then pat searched the complainant, who again stated that he did not consent to the search.

The named officer stated that while he was speaking to the complainant, he recognized the smell of marijuana coming from the car. He also saw an item tightly rolled in brown paper that looked similar to a "marijuana cigarette." He stated that these two facts gave him probable cause to search the complainant. He asked the complainant if he had marijuana in the car and the complainant answered that he had a medical marijuana card and it did not matter if he had it in the car.

Another officer stated that he, too, smelled marijuana coming from inside the complainant's car and saw the marijuana cigarette. He also stated that under California case law, possession of a medical marijuana card in itself does not give a person immunity from being subject to search. Officers are still entitled to do a probable cause search to rule out the possibility of possession for marijuana sales.

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: 03/21/16 **DATE OF COMPLETION:** 07/18/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #9: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he recognized the named officer from growing up in the same neighborhood. He said that after he had been searched, he cursed out the named officer for not doing anything to stop it. He said that the named officer then stood behind another officer mouthing the words “Do something,” trying to incite the complainant to fight so they could arrest him. After the parties got in their respective cars, the named officer again mouthed, “Do something” out the window.

The named officer stated that he recognized the complainant from the neighborhood where they both grew up. He denied mouthing the words “Do something.” Rather, he said, “Go and do something,” out loud. He states that he did not mean this as a challenge to fight the complainant, but rather that he was literally telling him to go and do something besides yell at the officers, because this was all that he was doing. The named officer stated that when he realized that the person in the car was his childhood friend, he tried to explain why the officers were speaking to him, but the complainant was not interested in hearing what he had to say. The officer stated that he attempted to build a rapport with the complainant. When he said, “Go and do something,” he saw the complainant’s reaction and walked up to him to try and explain any misunderstanding. The named officer knew that the complainant likely thought he was being targeted because he is African American, and he wanted to build a rapport and communicate that race had nothing to do with the situation. The complainant did not want to hear what he had to say, so the officer walked away.

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: 08/10/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer has harassed him several times in the past two or three months.

The named officer denied the allegation, stating that his prior contacts with the complainant were for legitimate law enforcement purposes.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated the officer made a racially derogatory comment.

The named officer denied the allegation.

A witness officer denied hearing the officer make a derogatory comment toward the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/15 **DATE OF COMPLETION:** 07/14/16 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer threatened him and made an inappropriate comment to his wife.

The named officer denied making the alleged comments to the complainant or the complainant's wife.

A witness officer denied hearing the officer make the alleged comments.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/15 **DATE OF COMPLETION:** 07/19/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was at the San Francisco International Airport waiting for a flight when the named officer contacted him for no reason and asked what his business was at the airport. The complainant stated he told the officer he was waiting for his flight, but as they continued talking, the officer became rude and yelled at him. The complainant stated the officer further lied to her supervisor, saying that she did not yell at him. The complainant could not produce a travel confirmation.

The named officer stated that she contacted the complainant to check on his well being. The named officer stated that she found the complainant sleeping on the floor behind a workstation cubicle often used by homeless persons lodging at the airport. The named officer denied yelling at the complainant and stated that she informed her supervisor about the complainant accusing her of yelling, which she did not.

The named officer's supervisor has retired and was not available to be interviewed.

One of the officers at the scene stated that he did not witness the named officer yell at the complainant.

The other officers who responded to the scene stated they did not recall the incident or did not witness the alleged behavior on the part of the named officer.

An airport manager who was at the scene stated that she could not recall the incident or the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/15 **DATE OF COMPLETION:** 07/19/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the officer yelled at him and became aggressive. The complainant stated the officer also taunted and ridiculed him and repeatedly pointed his finger at him while the complainant claimed his property at the airport's Lost and Found office.

The named officer acknowledged speaking to the complainant, recalling that the complainant consistently cut him off as he tried to explain the airport's policies. The officer stated that he may have raised his voice to be heard by the complainant, who was speaking loudly. The named officer denied being aggressive but acknowledged walking closer to the complainant so neither of them would have to raise his voice.

One of the officers present at the scene stated that the named officer neither yelled nor became aggressive to the complainant.

The other officers questioned stated that they either did not recall the incident or witness the alleged behavior.

The airport manager who was at the scene stated that she could not recall the incident or the complainant.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/15 **DATE OF COMPLETION:** 07/19/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the named officer broke his cellular phone and guitar. He stated that he observed the damage when he claimed the items at the airport Lost and Found office.

The named officer stated that he turned in the property in the condition that it was found.

The other officers questioned stated that they could not recall the incident or witness the alleged behavior.

The on-duty manager who was at the scene stated that she could not recall the incident or the complainant.

No other witnesses came forward.

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