

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/11/15 **DATE OF COMPLETION:** 08/19/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officers laughed and joked with her male roommate during an investigation.

One named officer stated that neither he nor his partner laughed with the complainant's roommate. The other named officer said he did not recall laughing and did not recall his partner doing so.

The complainant's roommate stated the officers were at the residence for ninety minutes while the complainant contemplated whether to stay or leave the residence. He stated at one point, the officers laughed at his vintage poster of a band and the fact that despite his young age, he was a big fan of the band and used to run their fan magazine.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that she got into a fight with her roommate and he hit her feet, legs, back and head with his hands. She stated she suffered back pain. She stated the officers offered medical assistance, which she declined. She stated the officers should have arrested her roommate. The complainant did not provide a medical consent form to the OCC. Attempts to contact the complainant for additional information were unsuccessful.

The complainant's roommate denied hitting the complainant. He stated the complainant tried to leave the residence with his property, including his wallet and cell phone. He stated he grabbed his property from her hands. He stated that when the officers arrived, the complainant falsely told the officers he hurt her wrist and back. He stated he did not recall whether the officers discussed citizen's arrest.

One named officer stated the complainant's roommate had scratches on his hands and arm. The officer stated he did not see any evidence that the complainant had been attacked. He stated the complainant denied medical assistance. He stated a witness stated that the complainant had not been assaulted. The complainant's roommate told police that the complainant grabbed his hand and attempted to take his keys, resulting in several scratch marks on his hand and arm. The complainant's roommate denied hitting the complainant.

The second named officer stated both parties' version of events was inconsistent. He stated he explained to the parties that since the altercation outside of police presence, they would have to sign citizen arrest forms if they wanted to press charges, but both parties declined to do so. He stated that neither party had visible injuries and both parties declined medical assistance. The officer stated he determined this event was mutual combat based on the statements by both parties.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #1: The officer failed to write an accurate incident report.

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

FINDINGS OF FACT: The complainant stated the incident report was inaccurate, stating that her verbal statement to the named officer did not match the statement attributed to her in the incident report.

The named officer stated the complainant verbally shared with him the events that transpired and he verbally repeated her statement back to her many times. The named officer stated the complainant agreed that the statements she provided to him were correct. The officer stated he wrote an accurate and complete incident report as reported to him by the complainant.

The incident report established that the named officer recorded the complainant's statement and booked the recorded statement into evidence. The audio recording of the complainant's statement is consistent with the complainant's statement in the incident report.

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

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the named officer lied, telling her that the suspect had a bench warrant.

Department records showed that the suspect did have an arrest warrant.

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

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

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

FINDINGS OF FACT: The complainant stated she sought to file a police report at the scene of a demonstration after the manager of a business establishment allegedly assaulted her. The complainant and the co-complainant stated that the named officer initially refused to take a report but eventually did.

The named officer denied the allegation. He stated he gave the complainant the option of responding to a station because he was one of two officers monitoring a crowd of 50-75 demonstrators and it would have been an officer safety risk for him to break away from his assignment. Nonetheless, the named officer prepared an incident report and interviewed the alleged suspect and witnesses.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer incorrectly described the charges and facts in his report.

The named officer denied the allegation. He stated, "What is in the report is a direct reflection of what I was told during the course of my investigation."

No independent witnesses were identified.

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

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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 asked the officers for their names and star numbers, the officers refused to provide the requested information.

The named officers stated they did provide the complainant with their names and stars numbers. One of the officers said the complainant was even given a pen and paper upon which to write the information.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer behaved inappropriately during a traffic stop, raising his (the officer) voice and making accusations.

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.

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

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

FINDINGS OF FACT: The named officer said the complainant was stopped and cited for driving 45 MPH in a 25 MPH zone. The named officer stated that he paced the complainant's speed by traveling in the #3 lane, while the complainant was traveling in the #1 lane.

The complainant admitted that he did not know how fast he was driving at the time of the traffic stop. The complainant stated the officer repeatedly asked him if he wanted a ticket, "as if to provoke him," and then issued him the citation.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary force by discharging their firearms.

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

FINDINGS OF FACT: The complainants learned of the officer-involved shooting where officers used deadly force against an individual (“decedent”), who was armed only with a Taser. The complainants alleged the named officers shot and killed the decedent while he was at a park and that he had planned on reporting to work after eating his meal at the park. The complainants stated that the decedent was lawfully allowed to carry and use a Taser for his job as a security guard. The complainants stated the officers used excessive force and improper tactics on the decedent.

Records from the Department of Emergency Management (DEM)

Records from the San Francisco Department of Emergency Management (DEM) show that at 7:11 p.m., a male called 9-1-1 to report that he had encountered a suspect [decedent], a Latin male adult, at a neighborhood park on the north side of the hill with a black handgun on his hip. The caller provided a description of the suspect and the suspect’s clothing. He reported the suspect was pacing back and forth by a chain link fence near a bench and eating food but resting his hand on the gun. The first unit on scene, at 7:18 p.m., located the suspect and stated, “I got a guy right here.” Approximately 22 seconds later, the first unit broadcast a “Code 33” to clear the channel for an emergency. Two seconds later, the first unit broadcast that shots had been fired and requested a code 33. The first unit reported at 7:19 p.m., that there had been an officer-involved shooting and requested that an ambulance respond immediately. The unit advised that none of the officers had been injured; however, the suspect was down and had been shot.

A second caller called 9-1-1 at approximately 7:19 p.m., stating shots were being fired and he was running from the location. The second caller reported that about five minutes prior, he had passed a suspect at the top of the hill in the park who was wearing a red 49er jacket, a 49er hat, and had a gun in a holster. The caller described the suspect as Hispanic in his mid-twenties. The caller stated there were other people at the park who were concerned about the suspect in the park.

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Civilian Witnesses

Witness #1 stated he was walking with his partner, Witness #2, and their dogs on the west portion of the hill when they observed a man [decedent] that was acting erratic, pacing back and forth, and talking to himself. As they got closer to the man, they noticed he had a gun on his hip. The witness stated the man made a point to pull up his red jacket and show them the holstered gun on his hip. The man never pulled the gun out but kept putting his hand on the gun several times moving it back and forth and resting his hand on top of the gun. The witness stated the man's actions were alarming enough to call 9-1-1. Witness #1 stated his partner dialed 9-1-1 and relayed what they had seen to the dispatcher, while the man continued to pace back and forth, talking to himself and "shadow boxing." He did not recall what the man was saying. The witness stated the dispatcher encouraged his partner to remain on the line. At one point, several people who had passed them on the hill asked if they had seen the man with the gun. The witness stated they finally got down the hill and it looked like the man was now walking towards them so they headed toward their car. The witness stated he then heard gunfire, although he did not know how many rounds were fired. The witness stated the fact that the man made it a point to flash his holstered gun at them and the fact that he was pacing back and forth, shadow boxing, and talking to himself while there was nobody around him, seemed alarming. The witness stated that if he had to do it again, he would call 9-1-1 again, although he did regret that the man was shot and killed.

Witness #2 stated he and his partner, Witness #1, were walking with their dogs down the hill and passed a guy [decedent]. His partner turned to him and asked him if he had seen that the guy had a gun and was acting oddly. The witness stated his partner told him the guy was acting "really weird," that he definitely had a gun on his hip, and that the guy kept putting his hands on the gun and touching it. Witness #2 stated his partner assured him that the guy had a "black pistol" on his hip. Witness #2 stated they decided to call 9-1-1 and he walked off to the side of the path to make the call. He stated that as they walked down the hill, his partner was warning people not to go up the hill because there was a guy with a gun who was acting weird "shadow boxing" and acting strangely.

The dispatcher had a difficult time trying to understand his location and wanted Witness #2 to keep a visual on the man they were calling about. Witness #2 was about 100 yards from the man. He stood nearby but felt uncomfortable not knowing the situation or what was going to happen. The dispatcher kept him on the line asking him questions about the man such as the man's height and clothing. At that point, the man started to walk toward Witnesses #1 and #2, and Witness #2 became nervous about being there so he went further down the hill. The dispatcher told him that police were arriving, asked him to flag them down, and to maintain visual contact of the man so the officers could make sure of the man's whereabouts. Witness #2 then started to walk back up the hill a little but was fearful, wondering if the man had seen him looking at him for nearly two minutes while on the phone.

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When Witness #2 started to walk back up the hill to see where the man was located, he heard gunshots. Witness #2 stated the rounds were coming above their heads and hitting the trees above him. He ran down the hill toward the street and behind a car and eventually disconnected the 9-1-1 call. Once the situation ended, he and Witness #1 drove off in their car, returned to the entrance of the park where most of the police cars were located, and walked over to the officers at the scene.

Witness #2 added that when he looked at the man while on the phone with 9-1-1, he kept thinking that the man could clearly see him on the phone reporting him. The witness thought if this man did have a gun and planned on doing something, "this guy is coming after me." Witness #2 stated, "He started to walk down the hill towards where I was standing, um and then I couldn't tell if he was coming at me or just down the hill." The witness stated that the path is approximately 25 feet wide but the guy was definitely moving in his direction to about 10 yards closer, and that was when he moved further down the hill, out of the man's sight.

With respect to the man's behavior, Witness #2 stated, "So, when I was on the phone with the dispatcher, I was looking at the guy and it was clear that he was acting weird and he was kind of pacing back and forth, not in one spot, and it wasn't like he was just sitting there enjoying the sunset, or waiting for somebody, it looked like there was something wrong, kind of mentally, um, you know he was acting very strangely like someone who is about to do something." Witness #2 stated he had not observed the man's behavior prior to calling 9-1-1.

Witness #3 stated he and his financial advisor were headed to the neighborhood park on the hill to walk his dogs when a female neighbor told them that there was a man on the hill with a gun. Witness #3 stated he decided to change his route and headed towards another nearby park. At approximately 7:06 p.m. witness #3 decided to stop at a vantage point with other neighbors to see if they could see what was going on in the park on the hill.

Witness #3 saw a police car racing up the road, that is accessed by a gate on the north side of the hill, and come to a stop about two-thirds of the way up the road. Witness #3 stated approximately 90 seconds later, he heard a lot of gunfire, which sounded like multiple guns and sounded like all the same caliber. "There was no preceding fire - no return fire."

Witness #3 stated that from his distant vantage point, he did not see any details of the interaction between the officers and the person who was shot. Witness #3 said he could see the patrol car stop and saw car doors open, but no officers get out of the car. The witness said he was not sure where the gunfire came from. He could not see if the person shot drew a weapon and saw no light from a laser or any other light. He just heard the gunfire and saw about a dozen officers on foot swarm up the hill into the area. Witness #3 stated he also saw an ambulance respond to the incident.

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Witness #3 noted 20-30 shots and guessed that the shots were from a 9-mm weapon. There was still good lighting at the time of the incident. The distance from his vantage point and where the incident occurred was about 500 yards

Witness #4 stated that on the date of the incident, he was walking his dog in the evening around 7:00 p.m. He described the day as cold and brisk, but there was still light out. He was walking down the slope on the north side of the park. There was no one out at the time until he came down the slope and saw one person whom he now knows was the decedent. The man was standing by the benches eating a burrito looking out at the city view. Witness #4 stated his dog smelled the man's food and started walking towards him. As his dog became interested in the man's food, he noticed that the man had what he thought to be a gun on his belt in a holster. Witness #4 immediately started calling out to his dog. He grabbed his dog and walked away.

Witness #4 stated he did not have any interaction with the man and did not exchange words with him. He walked quickly down the hill and came across two 30-year-old Caucasian men squatting down with their dogs. He said one of them asked, "Did you see the guy with the gun?" Witness #4 told them he had seen the guy and the men said, "We called the cops." Witness #4 said the men seemed really concerned and were kind of hiding behind the trees. The witness continued on his way walking down the street when he heard the gunshots in rapid-fire succession. He looked up the hill and could see one of the men he had spoken to running, and assumed that the man with the gun was shooting at people. Witness #4 ran around the corner out of the line of fire and called 9-1-1 to report the shooting. He provided dispatch with a description of the suspect and the dispatcher told him that officers were already on the scene. The witness stated that he remembered hearing 2 volleys of shots and echoes.

Witness #5 stated that on the day of the incident, he was walking his dog at the park. His dog is a Siberian Husky and he lets her run off-leash because she is friendly. On this day, he noticed the suspect walking up the path while eating potato chips. His dog thinks that everyone has dog treats and is accustomed to getting treats from people at the park, so she went up to the man to beg for treats. The man became very agitated and upset by the dog, so the witness called his dog back as quickly as possible. The witness stated that from his experience of going to an East Bay high school, the man's appearance, wearing a red windbreaker and a black hat, was similar to that of an East Bay gang, and seemed like someone the witness would not want to approach. Witness #5 became momentarily distracted by a passing female jogging but when he returned his attention back to his dog, his dog was following the suspect down the paved trail, near a set of benches for more treats.

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At that point, the man became more aggressive and defensive towards his dog and his behavior became manic and erratic. The man jumped on top of a bench and was waving his hands around. He stated his dog was now barking because she was scared and he kept calling his dog back as he approached their location. The witness stated that the man associated him with his dog, turned towards him from on top of the bench, lifted his windbreaker and exposed the butt end of what appeared to be a semi-automatic pistol. Witness #5 stated the suspect then drew the pistol from his belt, and pointed it straight at him. The witness stated he is a registered gun owner and knows what pistols look like. "At this point, I feared for my life and I started to back away and he did turn towards my dog and I could see the object in profile. That is the only time that I was able to ascertain that it was a stun gun, only based on the size of the muzzle area. There were no lights and no colors on the object, it was all black." The witness stated the man was approximately 15-20 feet from him and within two feet from his dog. He was somewhat relieved but the man was still pointing his stun gun at his dog and threatening to shoot him and his dog.

The witness retrieved his dog and leashed him, then descended the stairs. "I could still hear him yelling at me, "Come on muthafucker! Come on bitch! Let's go! You don't want any of this!" The witness stated he has no idea why he called the non-emergency line, but he did and could not get through. The following morning he read the news that the man had been shot by police a few minutes after. The witness reiterated that the suspect was very erratic and aggressive. "I feared for my life when he exposed the butt of what turns out to be a stun gun, I thought he had a gun. When he pointed it at me I thought he was going to shoot... The things he said to me as I was descending the staircase, he was clearly looking for a fight with somebody."

Statement of the Named Sergeant

The named sergeant stated he was working as a field-training sergeant conducting a ride-a-long with a recruit officer when they heard the broadcast of a "man with a gun" up on the hill by the radio tower, prompting them to respond. The sergeant stated dispatch provided a distinctive clothing description of a male suspect who was armed with "a gun on his hip." He found that specific information of the suspect having "a gun on his hip" rather peculiar, because it implied that the suspect had a holster. While driving up towards the location, the sergeant stated he brainstormed with his recruit officer of various scenarios that they may encounter and of their tactical training. They spotted the suspect who matched the description and there were no other people present. The recruit officer stopped the patrol car approximately 25-30 yards away from the suspect. The sergeant stated he could immediately see a bulge on the right side of the suspect's hip. He got out of his patrol car on the passenger side behind the A-pillar.¹ The sergeant said they drew their weapons and was yelling for the suspect to show them his hands. He remembered specifically saying, "Show me your hands, show me your hands!" The suspect dropped the bag in his hands and kept walking forward and down the hill towards them. Without even

¹ Foremost vertical bar which holds the windshield

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stopping, the suspect lifted his sweatshirt, pulled out a gun, pointed it right at the officers and said, “You show me your hands.”

The sergeant stated that when the suspect’s gun came out, he could see a red laser sight on it. He described the laser as “very clear to see and they’re very easy to pick up.” The sergeant said that once the suspect’s gun was out, the suspect stopped walking and got into a “weaver stance²” where the suspect squared off his shoulders, legs shoulder-width apart, and brought the gun up pointing it right at the officers. At that point, the sergeant thought he and his partner were going to be shot, so he fired his weapon. The sergeant stated they were at a distance of 30 yards from the suspect and he could clearly see the laser coming from the front of the gun. He was yelling the whole time, “Drop your gun! Show me your hands! Keep it up!” The sergeant stated he fired his weapon, expecting the suspect to drop the gun and go down, but there was no response from the suspect, who was still upright and pointing the gun at the officers. The sergeant stated he continued to fire his weapon. At some point, the suspect went down to one knee, then to a prone position with his head toward the officers and his feet behind him. The suspect’s gun came back up at the officers and his head was up the entire time. The sergeant stated he could still see the suspect and continued to fire his weapon while screaming commands for the suspect to drop the gun. The sergeant said he continued to fire until he saw the suspect’s head drop down and the gun in the suspect’s hand drop down to the side. The sergeant stated he yelled, “Cease fire!” to the officers, and coordinated a plan to approach and handcuff the suspect.

The sergeant stated that he knew that he and his partner had fired their weapons at the suspect. However, during the incident, two other officers had arrived and parked behind the sergeant’s unit, so he was unaware whether the two officers in the second unit had fired their weapons. The sergeant stated he formed a skirmish line with the other three officers and approached the suspect with their guns still drawn and pointed at the suspect while giving commands. One of the officers kicked the gun out of the suspect’s hand. The sergeant directed the officers to handcuff the suspect and to start CPR on him.

The sergeant stated that he did not see any markings on the suspect’s weapon because he had pulled the gun straight out and the laser came on, which meant to him that the suspect was going to shoot. As soon as the sergeant saw the red laser, he fired his weapon because he believed he and his partner were going to get shot. The sergeant stated that from 25-30 yards, he could not see any obvious signs of injury on the suspect and did not know if the suspect had been hit with any rounds. The sergeant stated that during the shooting, he did pause to reload his weapon.

² The shooter stands slightly bladed in a classic “boxer’s stance” and pushes the gun toward the target using the strong hand, while at the same time pulling back the gun hand with the weak hand.

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Statement of the Named Officer #1

Officer #1 stated during his interviews with Homicide, Internal Affairs, and with the OCC, that he was in the Field Training Program doing a ride-a-long with the named sergeant. They received a high priority call of a man with a firearm in a holster on his right hip, wearing a red shirt on the northern side of a hill. While responding to the call, Officer #1 and his sergeant had an opportunity to discuss the type of call, as well as officer safety issues and tactics, prior to arriving at the scene.

Upon arrival at the scene, Officer #1 observed a person about 50 yards ahead walking steadily towards their patrol car who matched the description of the suspect provided by dispatch. Officer #1 stated he drove closer to within 30 yards from the suspect, parked the patrol car, and exited with his firearm drawn. Officer #1 and his sergeant gave the suspect orders to show his hands. The suspect immediately stopped, took a bladed stance, looked towards them and responded, "Show me your hands."

Officer #1 stated the suspect lifted his shirt and "exposed on his right hip what appeared to be a firearm." The suspect then drew his firearm with both hands pointed in their direction. He could see what appeared to be a red light emitting from it. He described the weapon as a black semi automatic firearm with a red laser. He immediately recognized the laser, which is used on firearms to make them more accurate to shoot at a greater distance. Officer #1 engaged the suspect. Officer #1 stated, "I began exchanging fire with him and believed that he was returning fire at that time. I believed that my life was in jeopardy, the life of my sergeant could have been in jeopardy and the lives of anyone else standing around in that area could have been in jeopardy if we did not stop that threat."

After several volley of shots, the suspect remained in the standing position with the bladed stance and continued to hold the weapon up and pointed at the officers' direction, so he continued to engage the suspect. Officer #1 stated it appeared that the suspect tried to go into a prone position and he could see the light the entire time, so he continued to engage the suspect, until he heard his sergeant yell, "cease fire." Officer #1 immediately stopped firing and could see that the suspect's head had gone down.

At that point, Officer #1 realized that two other officers had arrived at the scene. They all tactically moved up toward the suspect. As they moved in closer, Officer #1 could see that the weapon was on the ground and recognized it to possibly be a Taser. One of the officers kicked the gun out of the suspect's hand. Officer #1 and another officer placed the suspect in handcuffs and searched him to make sure he was not a threat to anyone else. Officer #1 began to render medical aid to the suspect. He had already heard that an ambulance had been called for the suspect and knew that medical assistance was on the way. He assessed the suspect's pulse and was preparing to render aid, when other officers took over his medical tasks and told him that he needed to be separated from the incident.

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Officer #1 said he thought he could be killed if he did not respond with fire. The firefight was very loud especially with multiple firearms being used, and it was difficult to distinguish exactly where the fired rounds were coming from. He saw what appeared to be an explosion from the suspect's weapon and found out later it could have been the prongs being emitted from the Taser. He did not see any markings, stripes or colors on the suspect's weapon, but he could see the red laser the entire time. He could not tell from that distance if the suspect was injured. Officer #1 stated, "He [suspect] stayed in an aggressive stance and his intention seemed to be to engage us." During the engagement, the suspect went to a prone position, which made the officer believe that the suspect had military training as the prone position affords the suspect more protection by becoming a smaller, more difficult target.

Statement of the Named Officer #2

Officer #2 stated during his interviews with Homicide, Internal Affairs, and with the OCC, that he was responding to the call with Officer #3 as back up. He said that when Officer #3 parked their vehicle behind the primary unit's vehicle, he saw the named sergeant with his weapon out and saw the suspect in a prone position with his hands extended, with his head up, and his hands holding a gun with a red laser. Officer #2 said the red laser swept across his face and he aimed at the suspect. He moved to take cover behind the vehicle, drew his weapon and fired at the suspect for his own safety. Officer #2 stated he was afraid that the suspect had fired at him or at his partner. He did not know how many shots he fired but said he continued to engage with fire, then paused briefly to assess. Officer #2 stated he stopped firing when he saw the suspect's head drop and he heard the sergeant yell, "Cease Fire!"

Statement of the Named Officer #3

Officer #3 stated during the interviews with Homicide, Internal Affairs, and with the OCC, that he and Officer #2 came on scene and parked their vehicle to the right rear of the first vehicle. He then saw the passenger officer of the primary unit kneeling down, returning fire to the suspect that was prone out with a gun in his hand. Officer #3 said he saw flashes and dust and believed that the suspect was firing at them. He could not see the driver of the primary unit and thought the threat was still active. Officer #3 went over to the primary unit's driver's side to see if the officer was okay while still looking at the suspect who was prone out on the ground. Officer #3 saw flashes and he engaged the suspect with his firearm. He stopped firing when he heard the sergeant yell to stop firing.

Officer #3 stated that during the incident, he did not recall observing a red laser. He stated that he fired his weapon because he believed that the suspect was shooting at the first responding officers to harm or kill them and was still a threat. He stated he had no other weapon choice for this type of call because a call of a "man with a gun" trumps other options of force.

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Physical and Forensic Evidence

Physical evidence, including shell casings collected at the scene and examination of the named officers' handguns, established that the named officers fired 59 rounds from their Department-issued handguns.

The Department's Crime Scene Unit (CSI) found several items around the body of the decedent. Namely, two "Taser pins" were located in an easterly direction towards the two involved patrol vehicles. The Taser pins were attached to wires that led to the Taser, which was further northwest of the decedent. The CSI reported that on the right hip of the decedent attached to his belt was a black Taser holster.

Photographs of the Taser taken by the SFPD indicate that it was black in color with several yellow stripes on the sides along the lower left and right frame sections. The stripes are not visible when the Taser is in the holster or when viewed from the front.

The suspect's Taser was examined and tested by a Taser manufacturer. The report describes the Taser as an Advanced Taser M26C electronic control device equipped with a red laser, which automatically activates when the device is turned on and assists with aiming. The examination of the internal memory of the Taser indicates that the Taser was powered on and the trigger had been pulled during the incident. The examination further establishes that three trigger pulls were made on the date of the incident at or around the same time of the incident. The Taser and laser were tested for functionality and were found to be fully functional.

The San Francisco Chief Medical Examiner (ME) performed the autopsy of the decedent. The ME concluded that the decedent died as the result of multiple gunshot wounds. The sequence of the shots was not determined. The ME was able to determine that the gunshot wounds were taken from a distance because there was no soot, gunpowder particles or stippling visible on the skin on the entrance of the gunshot wounds to the decedent. The ME reported that there were 14 or 15 "distant gunshot wounds." The report included the toxicology testing of the decedent's postmortem blood, which detected the presence of cannabinoids (marijuana).

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SFPD Use of Force Training

SFPD provides use of force training at the Academy for incoming officers. The Department utilizes the Firearm Training Simulator (FATS) training, which covers the use of force options in real life scenarios via simulation. Officers also receive updated use of force training during their Advanced Officer Training sessions. The Department's use of force training focuses on the different levels of force options and trains officers to stop the threat. On this subject, shortly after the shooting, the Chief of Police spoke on a local radio talk show and stated:

Officers are trained to engage the threat until there is no longer a threat. Officers are permitted by our policies and procedures to fire until there is no longer a threat.

The Department requires officers to qualify at the range with department weapons and to adhere to qualification requirements.

The named sergeant stated that his use of force training taught him to stop the threat. They are not trained to shoot at a suspect's specific body part to disable the threat. He had received training in tactical operations and as a specialist in the special operations group for over 17 years. He had received additional training in critical incidents, crowd control, water, dignitary protection, water-borne tactics, command posts, driving, etc. He stated he fired his weapon to defend himself when the red laser weapon was pointed at him and his partner.

Officer #1 stated he had no other option for another weapon for this call. He stated he received his use of force training from the academy including FATS training and the range. He stated that he was trained to stop the threat when recognized. He was not trained to disable persons.

Officer #2 stated he had no other option for a weapon to use besides his handgun for this type of incident. His was trained to stop firing his weapon when the threat had been neutralized and once he felt it was safe to stop firing. He said the use of force training does not teach officers to shoot at specific body parts in order to disable a suspect.

Officer #3 stated that he received training at the Academy, which included FATS training and Advanced Officer Training. He said officers are taught to shoot at the center mass of a suspect and to fire until the threat is no longer a threat. He stated they are not trained to disable people.

Department training records documented that the named officers met the training requirements.

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Analysis and Conclusion

California Penal Code §835(a) states:

Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance.

A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

San Francisco Police Department General Order 5.01, Use of Force, revised on October 14, 1995, states, in part:

I. POLICY

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for the dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
- C. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

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D. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
 - a. Verbal Persuasion
 - b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)
 - c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
 - d. Carotid Restraint
 - e. Department-issued Baton
 - f. Firearm
2. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

E. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.

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F. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself.
 - c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or in the defense of another person.
2. Before using force, the officer should consider these questions:
 - a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

San Francisco Police Department General Order 5.02, USE OF FIREARMS, revised on May 16, 2011, states in pertinent part:

I. POLICY

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

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C. DISCHARGE OF FIREARMS

1. **PERMISSIBLE CIRCUMSTANCES.** Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
 - a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.

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- b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.

- c. To apprehend a person when both of the following circumstances exist:
 - (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened use of deadly force; AND
 - (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

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- 2. **VERBAL WARNING.** If feasible, and if doing so would not increase the danger to the officer or others, an officer shall give a verbal warning to submit to the authority of the officer before discharging a firearm.

- 3. **REASONABLE CARE.** To the extent practical, an officer shall take reasonable care when discharging his or her firearm so as not to jeopardize the safety of innocent members of the public.

- 4. **GENERALLY PROHIBITED CIRCUMSTANCE.** As a warning.

The evidence established that the suspect had a weapon on his person according to the witnesses prior to the incident with police. The statements from witnesses described the suspect's behavior as erratic, agitated and aggressive. One witness had an actual encounter where the suspect drew his weapon, a Taser, and aimed the Taser at the witness and at his dog. Two witnesses believed that the decedent's behavior and exposure of the holstered weapon, which they believed was a gun, merited reporting and called 9-1-1. Dispatch broadcast the call as a man with a gun and gave the description of a Latin male approximately 6'1", 200 pounds, wearing a bright red jacket and black pants with a black gun on his hip.

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The evidence established that at the time the named officers discharged their firearms at the suspect, they had received several reports of a man with a gun in the park and had reasonable belief that the suspect was armed with a weapon. Upon contact with the suspect, the sergeant and his partner stated that the suspect continued to walk towards them at a steady fast pace and failed to comply with their numerous commands. The sergeant and his partner stated that the suspect lifted his jacket on his right side, pulled out a weapon and aimed the weapon at the officers. The sergeant and his partner stated that the suspect's weapon emitted a red laser in their direction. Physical evidence established that the suspect had in his possession an armed functional Taser, which would have emitted its equipped laser light in the aimed direction. The officers reasonably perceived the suspect's weapon to be a lethal weapon. At that moment, the named officers had reasonable cause to believe that they were in imminent danger of death or serious bodily injury from the suspect, prompting them to discharge their firearms.

The evidence established that all of the officers had the required training per the Department records at the time of the incident. The officers did not recognize the suspect's weapon as a Taser at the approximate distance of about 93.6 feet, because the Taser was black in color, the size and shape of a gun with a laser sight. When aimed straight forward, the yellow markings on the sides of the Taser were not visible.

The physical and forensic evidence established that the Taser was out of the holster and located approximately 5 feet from the suspect's right hand. It established that the suspect's Taser had discharged two Taser pins and the safety switch was on the armed position. The Taser examination documented that it was triggered three times during the time of the incident. The named officers discharged their weapons when the suspect was approximately 30 yards from their location. The medical examiner autopsy reported the decedent sustained 14 to 15 distance gunshot wounds

A preponderance of the evidence established that the officers gave repeated verbal commands to the suspect to show his hands before discharging their firearms. A preponderance of the evidence also established that the suspect drew his Taser and pulled the trigger three times toward the officers, which discharged the Taser pins in a forward direction. The evidence established that the named officers discharged their firearms in conformance with SFPD policy and procedures, as described in Department General Order 5.01, Use of Force, and Department General Order, 5.02, Use of Firearms.

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

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SUMMARY OF ALLEGATIONS #5-8: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainants stated that the officers did not investigate the call prior to shooting the decedent.

The named officers stated that when responding to calls, their intention is always to investigate the incident. However, the officers stated that when they receive a call of a person with a gun, their priority changes and they must immediately respond to handle the call and secure the weapon for the public's safety. The officers stated once the scene is safe, the investigation would begin to determine more details about the incident. The officers stated that they did not have the opportunity to investigate upon their arrival, as the suspect did not comply with commands to show his hands and immediately drew his weapon toward the officers.

Due to the high priority call and security risk, it was reasonable for the officers to respond to the scene immediately for public safety. Upon the officers' arrival, they were faced with what they perceived to be an imminent danger of death or serious bodily injury when the suspect drew his weapon at the officers, prompting the officers to discharge their firearms.

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

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SUMMARY OF ALLEGATIONS #9-12: The officers failed to take required action.

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

FINDINGS OF FACT: The complainants stated the officers failed to recognize the decedent's weapon as a Taser. The complainants stated the officers did not issue verbal warnings prior to shooting their weapons.

The officers stated they did not see any markings on the suspect's weapon from their location to indicate it was anything other than a lethal weapon. The officers stated that when the suspect pulled the weapon out of the holster, they believed it was a real gun. The officers stated the weapon was black and resembled a real gun with a laser point.

The sergeant stated he did not see any markings on the suspect's weapon. He stated the suspect pulled the gun straight out and the laser came on, which meant to him that the suspect was going to shoot. The sergeant stated that the suspect's arms were fully extended, which prompted the officers to yell commands for the suspect to drop his weapon. The sergeant stated there was no time for a warning prior to firing his weapon because it happened very fast.

Officer #1 stated he did not have experience or training on Tasers but knows the visual difference that a common person would have, if seen within a close range. The officer stated that laser weapons were discussed at the academy and he is aware that the laser is utilized to pick up sights to shoot at someone.

Officer #2 described the suspect's weapon as a black handgun and did not see any markings or color on the suspect's weapon during the shooting. He realized that the suspect had a Taser once they approached the suspect's location and after Officer #3 had kicked it out of the suspect's hands. He described the Taser as boxy with a wider front. Officer #3 stated the Taser had been fired because he saw the extended wires.

Officer #3 described the suspect's weapon as a semi-automatic black handgun and stated that he did not see any markings on the gun at the time of the shooting.

Photographs of the Advanced Taser M26 documented that it is black in color, has yellow markings on the sides and is similar in size to a gun such as the Sig Sauer P226.

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The physical evidence established that the Taser is black with yellow markings on the side. When pointed at the officers with a laser point, the markings were not visible. It should be noted that the Taser's operating manual warns users, "Do not point the Taser ECD at any law enforcement officer or do anything that would cause a law enforcement officer to feel threatened by your use of the Taser ECD. Because the Taser ECD is able to incapacitate a person, law enforcement officers may be justified to use lethal force to protect themselves."

The evidence established the named officers were approximately 93 feet east of the suspect's location. It was not reasonably possible for the officers to visually see the yellow striping alongside the suspect's weapon when the weapon was pointed and aimed directly at them. Furthermore, a preponderance of the evidence established that the suspect drew his weapon at the officers with the laser on and aimed at the officers.

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 #13: Members of the San Francisco Police Department behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainants stated the Police Department covered up the fatal shooting and may have falsified official reports to cover up misconduct. The complainants said the Department has been very "cagey" about disclosing information to the public and misrepresenting the facts to taint the case in the public's mind about the decedent's character, his mental health status, and stating he was armed with a gun.

The Police Department organized a community meeting that was held shortly after the incident. At the meeting, a member described the incident based on the information he said he had at the time. Some friends and family of the decedent and some community members who attended the meeting were visibly upset and expressed anger and dismay about some of the statements the member made about the decedent. However, there was insufficient evidence to prove or disprove that the behavior and comments were inappropriate.

There was insufficient evidence to either prove or disprove that members of the SFPD engaged in an appropriate behavior as alleged by the complainants. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the San Francisco Police Department delayed the notification to the next of kin regarding the death of the decedent.

The named officer stated that the SFPD does not provide notification to the next of kin and that the Medical Examiner's Office is the agency that makes the notification to the family. He stated that on occasion, they might assist the Medical Examiner's Office when they have problems identifying the deceased person. In this case, the inspector stated that the Medical Examiner was having difficulties in identifying the decedent. The named officer stated another officer located information that could possibly identify the suspect. They responded to the suspect's home to conduct an investigation and to attempt to identify the suspect.

The inspector stated that based on the set of circumstances surrounding the shooting of the suspect, it was important to visit the suspect's residence and perform a safety check of the family members. The inspector stated the investigation began by asking the parents basic questions about their son as to his whereabouts, employment, clothing last worn, friends and associates, whether or not he had problems with anyone, and if he had any medical or mental health conditions. The inspector stated that when it became clear that the suspect was their son, he gave them the next of kin notification.

The crime scene report documented there was no identification for the suspect located at the scene.

The Homicide Division Chronological Report corroborated that the medical examiner unit did not have positive identification of the suspect. The named officer collected some of the suspect's personal belongings and obtained possible suspect information. The report corroborated that the inspector responded to the suspect's home two hours later.

The **Medical Examiner Investigator's Report** documents that the named officer's unit positively identified the suspect within an hour after responding to the suspect's residence.

The evidence established there was no delay in notification to the family of the suspect. Once the named officer became aware of the suspect's identification and was able to confirm his identity, the parents of the suspect were notified within two hours of confirmation. The SFPD does not have a duty to notify the next-of-kin. That duty falls within the parameters of the Medical Examiner. In this particular instance, the inspectors assisted the Medical Examiner in notifying the next-of-kin. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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SUMMARY OF ALLEGATION #15: The officer searched the decedent's room.

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

FINDINGS OF FACT: The complainants stated the police searched the decedent's room without permission or a search warrant.

The named officer denied the allegation. He stated he went to the suspect's home with a Spanish-speaking officer and asked if they could enter the residence to speak with the family, which the family permitted. The named officer stated they walked up a staircase and came to a hallway and into a living room/dining room area. He stated that the suspect's parents were nice, never asked them to leave and were not adversarial. He stated he asked if they could look around to see if they could find a note or anything that might be of evidentiary value as to what might have occurred on the date of the incident. The named officer stated the suspect's parents did not give them permission.

The audio-recorded interview documented the conversation between the named officer and the suspect's family. The recorded interview documented that the inspector asked permission to search, that it was denied and that they left the residence without searching.

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

SUMMARY OF ALLEGATION #16: The officer towed the decedent's car without cause.

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

FINDINGS OF FACT: The complainants stated that the police towed the decedent's car without cause.

The named officer stated he towed the suspect's car because he had probable cause to believe there was evidence related to the shooting incident and also related to the suspect's assault against another individual.

Pursuant to California Vehicle Code §22655.5 and DGO 9.06, the named officer had the authority to tow the suspect's vehicle.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated two officers responded to his home regarding a noise complaint. The complainant stated that at the conclusion of the contact with the officers, he closed his door. The complainant stated that while closing his door, the named officer cocked her leg back, which led him to believe that the named officer intended on either preventing him from closing his door or to kick his door.

The named officer denied the allegation. The named officer stated that the complainant slammed the door in her face. The officer stated she was standing directly in front of the doorway and lifted her foot to take a step back in case the complainant attempted an aggressive move towards her while slamming the door. The named officer stated she did not intend to kick the complainant's door nor did she ever intend to prevent him from closing the door.

The witness officer corroborated the statement of the named member. The witness officer stated the complainant ended the conversation so abruptly with the door slam that the named officer was startled by the slam and took a step back.

The reporting party stated she was not present to observe the contact between the officers and the complainant.

No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he observed an officer drive a patrol vehicle in an unsafe manner by making an unlawful U-turn and not use any signal devices or lights or siren. The complainant provided a vehicle identification number but had no direct contact with the officer.

The named officer denied the allegation. The named officer admitted that he was driving the vehicle and made the u-turn. The named officer stated that he felt that his driving was not dangerous or unsafe. He stated he was responding to a report of a stolen vehicle.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement.

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 August 12, 2015.

SUMMARY OF ALLEGATION #2: 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 August 12, 2015.

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SUMMARY OF ALLEGATION #1: A member of the San Francisco Police Department (SFPD) made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2015.

SUMMARY OF ALLEGATION #2: A member of the San Francisco Police Department (SFPD) searched a vehicle without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative from the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2015.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 12, 2015.

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

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

FINDINGS OF FACT: The complainant stated that she was walking near a parking lot when the named officer drove up to her and started asking her questions. The complainant stated she felt harassed because the named officer had contacted her several times in the past asking her the same questions.

The named officer denied the allegation. He stated he was driving down an alley at the Hall of Justice when he noticed an unknown female walking along the alley. When he said "Hi," the unknown female rudely said, "You can't say hi to me, what are you doing, following me?" The named officer stated he then told the female that he worked there and drove off. The named officer stated, "I frequently greet people that I come into contact with on the street and most people respond in a positive way but some responses are very negative."

No witnesses were identified.

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

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DATE OF COMPLAINT: 04/22/15 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 1 of 2

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer entered the complainant's residence without cause.

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

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

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

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

FINDINGS OF FACT: The complainant stated she was on a Muni bus and was about to disembark when a female passenger punched her at least four times in the face and dragged or pushed her outside. The complainant stated the named officer arrived and investigated the incident and issued her a citation for battery. The complainant stated the citation was without cause because she did not hit anyone and was the one who was attacked.

The named officer stated that his investigation, which occurred after the physical altercation was over, revealed that the complainant spit phlegm or saliva from her mouth toward another passenger, the discharge landing on that passenger. The named officer stated that the parties to the incident both reported striking each other following a verbal altercation.

An officer, who spoke with the complainant in Cantonese, stated that the complainant admitted spitting phlegm on the female passenger who was standing next to the complainant. The officer stated the complainant said she was not feeling well, and that her phlegm landed on the passenger's jacket and she then became involved in a physical altercation with the other party.

Other officers whom OCC questioned had no personal knowledge why the named officer cited the complainant. The officers based their responses on the incident report that the named officer prepared.

Department records showed that the complainant and the other party signed citizen's arrest forms naming each other for battery, prompting the named officer to cite both parties.

The evidence established that the named officer's action was proper pursuant to DGO 5.04, Arrests by Private Persons.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/15 **DATE OF COMPLETION:** 08/31/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to promptly provide medical assistance.

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

FINDINGS OF FACT: The complainant stated she asked the named officer for medical assistance, and it took the named officer a long time to call an ambulance to the scene.

The named officer denied the allegation. The named officer stated he immediately called an ambulance upon contacting the complainant and seeing her holding an ice to her eye.

Two other officers with whom the complainant was in contact with stated that when they arrived, the ambulance was already at the scene and paramedics were giving aid to the complainant.

Several other officers who were at the scene did not know if there was a delay on the part of the named officer in calling an ambulance, or a delay in the ambulance's response.

The incident's CAD (Computer Assisted Dispatch) shows the named officer arrived at 8:10, two witness officers arrived at 8:25 and the ambulance arrived at 8:37.

A witness to the incident stated that he had no idea how long it took the ambulance to arrive.

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: 04/28/15 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he heard gunshots outside his house, prompting him to go outside. The complainant stated that he was looking at the damage to his mother's car that had been struck by a bullet when two officers detained him.

Records from the Department of Emergency Management (DEM) showed that DEM received a call regarding shots being fired on the street where the complainant lived. Records also showed that the complainant matched the description of the suspect reported to DEM.

The named officer stated he ordered two officers to detain the complainant because the complainant matched the suspect's description. He stated the complainant was detained for less than five minutes.

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.

SFPD records showed that after the complainant was detained, he was issued a Certificate of Release as required. In addition, the complainant's detention was documented in an incident report.

The evidence established that the named officer had reasonable suspicion to briefly detain 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: 04/28/15 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated he was standing in front of his house when two officers grabbed his hands. The complainant stated he told the officers he had just come out of the house and asked the officers what they were doing. The complainant stated the named officer flung him up against a fence and, holding onto the complainant's wrists, flung him in a circular motion and slammed him on the ground. The complainant stated he sustained a scrape on his arm. He stated he never tried to pull away from the officers. The complainant stated he was placed in a patrol car for 3-5 minutes. When asked why he was placed in a patrol car, the complainant stated, "I guess I was resisting and I was, uh, they believed I was belligerent and posed a threat, I guess."

In his interview, the complainant's father stated an officer pinned his son against a wall. He stated his son was telling the officer to stop pushing him. The officer slammed the complainant on the ground face first. The officer landed on top of the complainant, still holding onto the complainant's arms. The complainant's stepmother stated that while she was telling a female officer that her stepson was the person who called 911, she noticed that another officer had put her stepson on the ground and handcuffed him. She stated that her husband was very upset and yelling "not very nice things" and she had to hold him back with the assistance of another officer and a friend of her husband. She stated that her husband came within six feet of her stepson and the officer.

A witness stated that he heard a female officer tell the complainant to put his hands behind his back. He stated the complainant put his hands up. He stated a male officer grabbed the complainant and both officers took the complainant to the ground. He stated the complainant hit his arm pretty hard and there was blood everywhere. The witness stated the complainant "resisted based on he was unclear as to what he was being asked to put his hands behind his back for." He stated the complainant tensed up and did not willfully put his hands behind his back.

A second witness stated she lived nearby and heard a lot of shouting and commotion. She stated that she looked out her window and saw two officers "throw" a man on the ground. She then stated that the word "throw" was "too aggressive" and stated, "But it wasn't gentle." She stated she normally wears glasses and was not wearing her glasses. She could not describe the officers or the man.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 3 of 4

FINDINGS OF FACT: (continued from page 2.)

A witness officer stated that the complainant refused to place his hands behind his back when ordered to do so. She stated she grabbed his wrist and the complainant pulled his hand away and backed away from her. The named officer then grabbed the complainant's arms. She stated she then assisted another officer in keeping the complainant's father away from the complainant. She stated she did not see the named officer take the complainant to the ground. She stated she heard a lot of defiant yelling from the complainant, e.g., "Get off me, what are you doing?"

A second witness officer stated that while the named officer detained the complainant, the complainant's father became combative and he did not see what occurred between the complainant and the named officer. This officer stated that the named officer reported his use of force. As the senior officer, this witness officer conducted a use of force investigation and found no wrongdoing.

The named officer stated that when he and a female officer attempted to put the complainant's hands behind his back, the complainant resisted and told the officers they weren't going to detain him. He stated the complainant pulled away, twisted and broke free of the named officer's grip. The named officer stated he placed the complainant against a wall and told the complainant to relax. The named officer stated the complainant was very upset and said, "You're not going to apprehend me." The named officer stated the complainant continued to pull away from him. He stated that when the complainant used his body to swing away from the named officer, he conducted a leg sweep. Both the named officer and the complainant went to the ground. He stated he handcuffed the complainant with the assistance of another officer and placed the complainant in a patrol car.

No other witnesses were identified

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity several times during the complainant's detention.

The complainant's father stated he heard the officer use profanity one time.

The complainant's mother and a witness stated they did not hear the officer use profanity.

The named officer denied using profanity. Two witness officers stated they did not hear the named officer use profanity.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated he asked the named officer for another officer's name and star number. The named officer told the complainant it would be in the report. The complainant asked her, "What if it's not in the report?" He stated the named officer rolled her eyes and provided the officer's information.

The named officer stated the complainant asked her for another officer's identification. She stated she told the complainant the officer's name would be in the report. The complainant asked, "What if it's not?" The named officer stated she then provided the complainant with the officer's name and star number. She denied rolling her eyes at 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: 04/28/15 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate incident report.

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

FINDINGS OF FACT: The complainant stated she was battered by a former roommate following an argument at a bus stop. The complainant stated she reported the assault to two officers who were nearby. The complainant stated the officers asked her for details but she was unable to provide any details because she was traumatized. She stated she told the named officer that she wanted to press charges against her assailant. The complainant stated the officer took a report but the report stated that the complainant did not want her assailant arrested.

The named officer stated that the complainant wanted him to prepare a report and requested a case number. He stated the complainant did not ask him to arrest her assailant. He stated the complainant was unable to provide her assailant's last name or current address.

The named officer's partner stated he didn't recall the complainant say she wanted her assailant arrested. He stated the named officer asked the complainant if she wanted her assailant arrested, and the complainant said she only wanted the incident documented. He stated the complainant identified her assailant only by a first name.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated she was battered by a former roommate following an argument at a bus stop. The complainant stated the officers asked her for details but she was unable to provide any details because she was traumatized. The complainant stated the named officers failed to arrest her assailant.

The first named officer stated the complainant wanted him to prepare a report and requested a case number and he did so. He stated she did not ask him to arrest her assailant. He stated the complainant was unable to provide her assailant's last name or current address. The named officer stated he broadcast a description of the complainant's assailant and checked the area on foot and in his patrol car with negative results.

The second named officer stated he didn't recall the complainant saying she wanted her assailant arrested.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 08/26/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainants stated the co-complainant made a left turn onto Geary Street from northbound Powell Street. They stated the co-complainant parked the car and then jumped out to do a quick errand. The complainant moved into the driver's seat. The complainant stated the named officer walked over and cited her for making an illegal left turn. While the named officer was still at the scene, the co-complainant returned and told the named officer that he – not the complainant – made the left turn. The named officer did not believe the co-complainant, and cited the complainant.

The named officer stated he was on foot on the southeast corner of Geary and Powell Streets when he saw the complainant make an illegal left turn onto Geary Street. He acknowledged that he did not maintain continuous eye contact with the vehicle between the time of the violation and the time he approached the vehicle. He stated he did not see anyone exit the vehicle after it stopped. He stated he cited the complainant because when he approached the vehicle, the complainant was sitting in the driver's seat.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/15 **DATE OF COMPLETION:** 08/26/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainants stated that the co-complainant made a left turn onto Geary from northbound Powell Street. They stated the co-complainant parked the car and then jumped out to do an errand. The complainant moved into the driver's seat. The complainant stated the named officer walked over and began citing the complainant for making an illegal left turn. The co-complainant returned and told the named officer that he – not the complainant – made the left turn. The named officer told the co-complainant, "If you think you were driving that car, you're tweaking." The complainants stated they were insulted by the officer's remark.

The named officer stated that when the co-complainant told him that he – not the complainant – had been driving the vehicle when an illegal left turn was made, he said to the co-complainant, "If you think you were driving that car, you're tweaking!" The officer stated that when he used the word "tweaking", he meant, "You've got to be kidding me!" The officer stated, "It was never meant to be derogatory." The officer acknowledged that his comment was inappropriate.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 08/25/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she complained that her son was detained without justification. The complainant did not respond to OCC requests for an interview.

The named officer stated that the complainant's son was detained pursuant to a search warrant.

Department records confirmed the existence of the 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 ALLEGATION #2: The officer handcuffed the complainant's son without justification.

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

FINDINGS OF FACT: The complainant stated in a written complaint that her son was handcuffed without justification. The complainant did not respond to OCC requests for an interview. The complainant's son did not respond to OCC requests for an interview.

The named officer stated that the complainant's son was detained and handcuffed 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 08/25/15 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she stated that her son was pat-searched without cause during his detention. Neither the complainant, nor her son, responded to OCC requests for an interview.

The named officer acknowledged that at his direction and pursuant to a search warrant, officers detained and pat-searched the complainant's son.

Department records confirmed the existence of the 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 ALLEGATION #4: The officer seized property from the complainant's son without cause.

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she stated that officers seized the house keys of her son during his detention without cause. However, the complainant did not respond to OCC requests for an interview, and neither did her son.

The named officer said that it is a common practice to seize the keys to the residence of the subject who is the focus of a search warrant rather than damage the door of the residence. At the named officer's direction and pursuant to a search warrant, other officers seized the keys to the residence in order to avoid possible damage to the front door of the residence during service of the search 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: 05/01/14 **DATE OF COMPLETION:** 08/25/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-9: The officers entered and searched a residence without cause.

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she complained that the named officers entered and searched the residence she shares with her son and daughter without cause. Neither the complainant nor her daughter responded to OCC requests for an interview.

The named officers stated that they entered and searched the residence pursuant to a duly authorized search warrant.

Department records confirmed the existence of the 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 ALLEGATION #10: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she detailed locations within her residence and property items that she complained officers intentionally damaged. The complainant also submitted nearly 100 pictures of the inside of her residence, some of which showed damaged furniture. The complainant, however, submitted no evidence to establish the condition of the furniture before the search, and did not respond to OCC requests for an interview.

All officers and their supervisor who acknowledged they were inside the residence denied damaging any property. They said if they had, they would have documented it in the incident report prepared as required by department regulations.

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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 08/25/15 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #11-12: The officers behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she complained that the two named officers inappropriately questioned her daughter and other son outside the residence. The complainant also wrote that the named officers were rude, sarcastic, and condescending to her. Neither the complainant nor her daughter responded to OCC requests for an interview.

The named officers denied they were condescending, rude or sarcastic to the complainant. They also denied that any conversation with the complainant's children was intimidating, threatening or inappropriate.

Witness officers outside the residence either did not witness the alleged conversations or had no recollection of them.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATION #13: The officer harassed the complainant and/or her son.

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

FINDINGS OF FACT: The complainant submitted a written complaint in which she wrote that the attitudes and threats of the named officer toward her and her son constituted harassment. The complainant wrote further that the named officer was entranced with her and her son. The complainant and her son did not respond to OCC requests for an interview, and provided no further evidence of harassment.

The named officer denied that he harassed or intended to harass the complainant's son or his family. The named officer stated he only attempted to take firearms off the street and the complainant's son was displaying firearms on social media, which prompted the officer to obtain court authorization to detain him in order to search his vehicle and residence for evidence of firearms possession in relation to his criminal street gang affiliation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/14/15 **DATE OF COMPLETION:** 08/17/15 **PAGE #1** of 1

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

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

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

San Francisco Police Department
1245 Third Street,
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/15 **DATE OF COMPLETION:** 08/24/15 **PAGE #1** of 1

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

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 August 7, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/15 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer exhibited a rude attitude and demeanor.

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

FINDINGS OF FACT: The complainant stated an officer she spoke with over the phone was “cheeky” and had a smug attitude.

An Officer Identification Poll was sent to the district station where the phone call was made. The poll came back with negative results.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he accidentally drove the wrong way down a one-way street. He stated that once he realized his mistake, he stopped to turn around. He stated the named officer cited him.

The named officer and his partner stated they observed the complainant drive the wrong way down a one-way street. The named officer stated he cited the complainant for this infraction.

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 inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer would not let him retrieve his wallet from the trunk of his car. The complainant stated that when he refused to sign the citation, the officer threatened to take him to jail. The complainant stated that when he refused to leave the scene, the officer told him his car was going to be towed. The complainant further stated that while he was at the station talking to a senior officer, the named officer walked into the station. The complainant stated the named officer laughed with and winked at the other officer.

The named officer denied making the comments or behaving inappropriately as alleged. The named officer's partner denied observing any of the alleged inappropriate behavior. Both officers stated the complainant was not allowed to retrieve his wallet from the trunk of his car due to officer safety reasons. The other officer stated she did not wink at or laugh with the named officer.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated he was speaking to the named officer when the officer who cited him earlier walked into the station. The complainant told the named officer that the citing officer had followed him. The named officer replied, "So? It's a police station." The complainant stated the officer and the named officer were laughing and winking at each other. The complainant further stated that when he told the named officer he was afraid the citing officer would follow him to the OCC, the named officer replied, "Too bad."

The named officer stated that while she was speaking with the complainant, the citing officer and his partner walked into the station. The named officer stated she did not wink at or laugh with the officers. She denied saying, "Too bad" when the complainant told her he was afraid of being followed by the citing officer.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer failed to comply with Department General Order 2.04, Citizen Complaints Against Officers.

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

FINDINGS OF FACT: The complainant stated that when he went to a district station to complain about a moving violation, the named officer did not offer to take his OCC complaint.

The named officer stated she offered numerous times to take a citizen complaint from the complainant but he refused, saying the named officer was in a "gang" and she would just "cover it up." She stated she provided him with an OCC complaint form.

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

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 19, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/15 **DATE OF COMPLETION:** 08/10/15 **PAGE #** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 08/24/15 **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 August 19, 2015.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 19, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 08/12/15 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 11, 2015.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior.

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 August 11, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/15 **DATE OF COMPLETION:** 08/19/15 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant said she went to a police station to report a burglary and an unidentified female officer made her wait inside the station for more than an hour, ostensibly to allow an interpreter to respond. The complainant said the same officer told her to go home, that an officer would be sent to her residence, but none came.

Department records included no evidence of a call for service to the complainant's residence.

An OCC poll of all female officers working at the police station failed to establish the identity of the alleged officer.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/15 **DATE OF COMPLETION:** 08/13/15 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/13/15 **DATE OF COMPLETION:** 08/28/15 **PAGE #1** of 1

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

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

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 08/24/15 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that all his neighbors were playing music for people in the street during a city event. He stated that he was playing music and two officers opened the door to his house and, without permission, entered his house.

The named officer stated that she was assigned to the city event, which consisted of 50,000 people in attendance. The named officer stated she was directed to investigate the cause of a public safety hazard whereby the parade route had become clogged in one particular area and prevented the parade from flowing freely. The named officer stated she located the cause of the clogged traffic – nightclub loud music coming from the complainant's house. She stated that people were drinking and partying on the street and on the stairs leading to the complainant's apartment. The officer stated that the complainant's front door was open and a female inside the complainant's apartment told her to step inside when she asked who was in charge of the party.

The other named officer stated the complainant's amplified music attracted hundreds of onlookers, which prevented the parade and foot traffic from moving. The officer stated that he saw DJ mixers and several large speakers with amplified music in the complainant's front window. He stated that at the front door, a white female stated, "Oh you're here about the music" and motioned he and his partner inside the residence.

The complainant's video faced the street and did not capture the officers enter the residence. The video established that a very large and crowded street party was taking place in front of and near the complainant's residence. The video captures the loud amplified music coming from the complainant's home.

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: 08/19/14 **DATE OF COMPLETION:** 08/24/15 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him to turn his music down, or he would be cited. The complainant complied and was not cited.

The named officer stated that she ordered the complainant to turn down his music because it was a public safety hazard. She stated that she advised the complainant that his equipment could be confiscated if he did not turn down his music. She stated the complainant's music caused a large crowd to interfere with a permitted parade and permitted parade route. She stated that she wanted to alleviate the problem quickly and civilly, so she did not cite the complainant.

Video evidence established that hundreds of people were listening, standing and dancing to the complainant's music in the street and on the sidewalk. The microphone captured the named officer tell the complainant to turn his music off because it created a public hazard, nuisance and disrupted the parade.

San Francisco Police Code Section 2900, regulation of noise, states, in part, that in order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise and to reduce noise levels.

California Penal Code Section 370, states, in part, that anything which is injurious to health, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood, or by any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any public park, square, street, or highway, is a public nuisance.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/14 **DATE OF COMPLETION:** 08/24/15 **PAGE #3** of 3

SUMMARY OF ALLEGATION #3: The San Francisco Police Department engaged in threatening and intimidating behavior.

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

FINDINGS OF FACT: The complainant stated that he complied with SFPD officers' order to turn down his music and stopped playing the music all together at 7:30 p.m. The complainant stated that two to three weeks later, he received a threatening letter from the San Francisco Office of the City Attorney stating he was a hazard to public safety and a nuisance to the public. He stated that the letter also had an unrelated dropped criminal case, which was worded in a way to negatively portray him.

The letter received by the complainant was actually addressed to the owners of the residence, prepared by the Office Of The City Attorney.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/27/15 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was walking with the green light in the crosswalk and saw a San Francisco Police Department SUV stop at the red light. She stated that the named officer with whom she has had prior contacts, called her by her name and said, "Do you remember me? You need to keep on walking." He then drove off. The complainant stated she considered this contact a detention.

The contact described by the complainant did not constitute a detention. The complainant was free to go at all times and she was not handcuffed, moved or questioned.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #1 of 9**

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

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

FINDINGS OF FACT: The named officer has resigned from the Department and is no longer available and subject to discipline.

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

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

FINDINGS OF FACT: The complainant and co-complainant stated that the named officer arrested the complainant without cause.

The named officer denied the allegation. He stated that a witness saw the complainant drawing on a piece of wood belonging to the reporting party. The named officer stated the drawing on the wood matched the color and designs of other graffiti found on the reporting party's property. The named officer stated that the information he received from the witness gave him probable cause to arrest the complainant, who was 13-years-old at the time of the felony arrest.

The named officer stated he had his recruit call the Community Assessment Referral Center (CARC). The named officer stated that Juvenile Probation authorities instructed him to transport the complainant to CARC. The named officer further stated he called two supervisors for approval, discussed the damages with them and they approved his use of the landlord's assessment of the monetary damages.

The named officer's partner has resigned from the Department.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #2 of 9**

SUMMARY OF ALLEGATION #3: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The officer resigned from the Department and is no longer available and subject to discipline.

SUMMARY OF ALLEGATION #4: The officer failed to comply with Department General Order 5.20, Language Access.

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

FINDINGS OF FACT: The complainant stated that when she was arrested, a neighbor provided translation to the co-complainant about what happened.

The co-complainant stated that her juvenile daughter was arrested. The co-complainant stated that she only speaks Spanish. The co-complainant stated the named officer spoke to her in English and she did not understand him. She stated she told the officer in Spanish her daughter had done nothing wrong and that she yelled at the officer in Spanish. The co-complainant stated that she called 911 in the presence of the officer, his recruit and a number of witnesses. She stated that she and a witness spoke to dispatch in Spanish and requested that a Spanish-speaking officer be sent to the scene. The co-complainant stated that no Spanish language assistance was provided to her at any time despite her repeated requests.

The named officer denied the allegation. He stated the co-complainant stood next to him while he issued the Miranda advisement in English to the complainant. He stated the co-complainant did not ask him any questions. The named officer stated that he did not speak to the co-complainant.

All of the witnesses interviewed at the scene recalled the co-complainant had limited English proficiency. Three witnesses stated a neighbor translated for the co-complainant. Department records confirmed that a 911 dispatcher used Language Line services while the named officer was at the scene.

The evidence showed that the named officer did not summon a certified Spanish speaking officer or otherwise comply with DGO 5.20 to provide language assistance for the co-complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #3** of 9

SUMMARY OF ALLEGATION #5: The officer failed to comply with Department General Order 5.20, Language Access.

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

FINDINGS OF FACT: The officer resigned from the Department and is no longer available and subject to discipline.

SUMMARY OF ALLEGATION #6: The officer failed to comply with DGO 7.01, Juvenile Policies and Procedures.

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

FINDINGS OF FACT: The complainant, a 13 year-old juvenile, was arrested for the vandalism. The named officer Mirandized the complainant who declined to make a statement. The named officer took the complainant into custody, handcuffed and transported her to CARC.

The named officer stated he did not speak to the co-complainant as she stood next to him while the complainant was being arrested. He stated that since the co-complainant was standing next to him, she was aware of what had occurred. The co-complainant did not ask him any questions.

DGO 7.01 requires that officers notify parents of arrested juveniles of the arrest of their children, that the Miranda advisement has been given, the proposed disposition of the juvenile, and where the officers are transporting the juvenile.

The named officer violated DGO 7.01 when he failed to perform effective parental notifications to the co-complainant in her primary language and failed to explain what was happening. He also improperly transported the complainant to CARC, failed to summon a female officer to the scene, failed to insure that the starting and ending mileage for the juvenile transport was properly logged with DEM, failed to explain to the parent that the Miranda advisement was provided to the juvenile, and that the disposition of the case was that he was transporting the complainant to CARC or provide information to the parent regarding CARC.

As a Field Training Officer, the named officer was responsible for the actions of his recruit as well as himself.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #4 of 9**

SUMMARY OF ALLEGATION #7: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The officer resigned from the Department and is no longer available and subject to discipline.

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The officer arrested the complainant for felony vandalism. The co-complainant stated the officer failed to properly investigate and his report was inaccurate. Both complainants and other parties on scene stated that a woman said she had information regarding the vandalism, but the officer failed to obtain information from her or her contact information.

The officer denied the allegation. He stated that in his opinion, the graffiti written on the property looked the same as what was on the board and provided enough evidence to detain the complainant. The officer did not quantify, describe or measure the graffiti in the incident report, prepared by his recruit. He denied the existence of any additional witnesses.

The evidence showed the officer failed to properly investigate. He failed to speak to all known witnesses. The officer also failed to obtain written statements from witnesses or a statement from a witness at the scene, whose statement tended to cast reasonable doubt regarding the complainant's involvement. The officer did not speak to the complainant's mother to learn of her daughter's whereabouts and habits. The officer failed to grasp that his witness was not an eyewitness to actual damage to the property.

The officer failed to assure the collection and documentation of corroborating evidence, such as clear photographs, video and reliable witness statements. The officer failed to understand the underlying nature of the call was a longstanding dispute between landlord and tenant with an extensive history of calls at the address. He failed to run the parties for wants and warrants through CLETS. The officer did not use alternative sources (contacting the SFPD graffiti officer or his cell phone) to explore a reasonable cost of repair to the property.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #5 of 9**

SUMMARY OF ALLEGATION#9: The officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The officer resigned from the Department and is no longer available and subject to discipline.

SUMMARY OF ALLEGATION #10: The officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer grabbed the co-complainant's wrist and twisted it behind her back, causing her to nearly lose her balance.

The co-complainant stated she asked the named officer in Spanish what he was doing to her daughter and put her arms out as she spoke. She stated the officer grabbed her wrist and twisted it.

Witnesses stated that the co-complainant stood in front of the officers as they attempted to arrest her daughter. Two witnesses stated the officer moved the family aside in order to arrest the complainant. One witness did not recall specifics regarding this aspect of the incident.

The named officer denied touching the co-complainant.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #**6 of 9

SUMMARY OF ALLEGATION#11: The officer wrote an inaccurate and incomplete incident report.

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

FINDINGS OF FACT: The officer resigned from the Department and is no longer available and subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #7** of 9

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

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

FINDINGS OF FACT: The named officer was a Field Training Officer (FTO) and responsible for the supervision of his assigned recruit. The recruit officer neglected his duty to properly investigate a juvenile vandalism case and failed to comply with numerous SFPD policies and procedures. The recruit wrote an inaccurate and incomplete incident report, containing numerous deficiencies. The deficiencies included failure to document language issues and juvenile notifications to the co-complainant.

As the recruit's FTO, the named officer did not address the recruit's deficiencies for this case and incident report to insure that the recruit's actions conformed with SFPD policies and procedures. The named officer thereby failed to properly complete his assignment as the senior officer and FTO in violation of DGO 2.01 and the FTO manual. The named officer also failed to set a professional example for his recruit at all times by not conforming his own actions to Department policies and procedures in violation of DGO's 3.01, 5.20, 7.01 and the FTO Manual.

The named officer denied the allegation. In his OCC interview, it was clear that the named officer lacked working knowledge of SFPD policies and procedures. The named officer sought to blame his recruit during his OCC interview for the deficiencies. As an example of the named officer's lack of knowledge, he was asked about his knowledge regarding the DB for providing a Know Your Rights for Youth brochure to juveniles. His response was he was now aware of it, implying that the OCC interview brought this to his attention. He further insisted there were no additional witnesses to the incident although there were numerous parties on scene including one who stated that she told the officer she had knowledge of the crime. This witness was not listed in the incident report and no verbal or written statement was taken from this witness. The witness who had exculpatory information stated she was told by the officer to go back in her house. Another witness stated the officer told the exculpatory witness to mind her own business.

The OCC interviewed an SFPD Subject Matter Expert (SME) regarding Field Training. The SME stated the FTO is responsible for all of their recruit's actions and deficiencies. The FTO's responsibility is to flag all of his recruit's deficiencies, bring the recruit into compliance and lead by example.

The SFPD Field Training Manual states FTOs should be willing to bear responsibility for the progress of the trainee or lack of it, until he or she is sure that other factors are the cause of the trainee's performance.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #8 of 9**

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

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

FINDINGS OF FACT: The named officer was a supervisor charged with reviewing an incident report submitted to him by a recruit officer. The incident reviewed by the named officer documented the arrest of a 13-year-old female juvenile for graffiti vandalism. The OCC 's review of the incident report showed that the report was lacking in many details required by Department procedures. The elements of the crime were not articulated to support the charges against the juvenile. The report indicated there was no clear proof that the juvenile committed the act.

The report also failed to document DGO 7.01 policies, including parental notifications regarding the arrest, proper Miranda advisements, disposition of the juvenile or subsequent contact by the CARC probation officers or that the Know your Rights for Youth Brochure was provided to the arrested juvenile. The named officer failed to return the report and direct his subordinates to take action to correct the incident report to conform to Department policies and procedures.

The named officer acknowledged his errors regarding DGO 7.01.

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/18/15 **PAGE #9** of 9

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

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

FINDINGS OF FACT: The investigating officer stated that he consulted with the named officer regarding the reportee's assessment of the value of the property damage. The investigating officer stated that the named officer approved accepting the reportee's assessment of the cost of repair for damages.

The named officer stated that he did not recall the specifics of the conversation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/12/15 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant stated that he was outside of a gym where a fight had just broken out. The complainant's camera had just been broken and he was yelling about it. A man nearby told him to be quiet and the two started arguing, but there was never any physical contact. Without warning, the complainant stated he was grabbed from behind and taken into custody.

The named officer stated the complainant was shouting at an elderly man and started pushing the man. The named officer's supervisor told the named officer to get the complainant out of the area. The complainant ignored several orders to leave the area. The named officer touched the complainant to escort him from the area and the complainant began being aggressive towards the officer. The named officer then detained the complainant for threats and resisting arrest.

The named officer's supervisor stated that she pointed out the complainant and told the named officer to escort the complainant away from the victim.

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

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

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

FINDINGS OF FACT: The complainant stated he was verbally arguing with another man when an officer grabbed him and threw him to the ground face first.

The named officer stated he gave several orders to the complainant to leave the area, but the complainant ignored him. The named officer stated that when he attempted to guide the complainant away from the area, the complainant tensed up and resisted, prompting the named officer to perform a leg sweep. The complainant was then taken into custody. He stated the complainant did not complain of pain.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/12/15 **PAGE #2 of 3**

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

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

FINDINGS OF FACT: The complainant stated that during his arrest, the named officer said something to the effect of, "Shut your effin' mouth."

The named officer denied making the comment.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was arrested for no apparent reason. The complainant believes that the named officer reacted the way the officer acted because the officer is white and the complainant is black. The complainant lives in a predominately black neighborhood and believes police use biased policing due to race on a regular basis.

The named officer was interviewed pursuant to OCC Biased Policing Investigation Protocol. The named officer denied the allegation, stating that race played no role in how he treated the complainant.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/04/14 **DATE OF COMPLETION:** 08/12/15 **PAGE #3 of 3**

SUMMARY OF ALLEGATION #5: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated that he was at a basketball game when a fight broke out. During the chaos, an officer knocked the complainant's camera out of his hand from behind. The complainant could not identify the officer and could only provide a brief description.

All of the officers questioned by the OCC either denied the allegation or denied having any direct contact with the complainant.

The identity of the alleged officer has not been established.

No independent witnesses came forward.

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

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer who knocked the complainant's camera out of his hand used profanity.

All of the officers questioned by the OCC either denied the allegation or denied having any direct contact with the complainant.

The identity of the alleged officer has not been established.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer used unnecessary force while taking her into custody. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation. He stated that the complainant resisted, requiring additional units to place the complainant in handcuffs.

Witness officers, including the named officer's supervisor, denied any use of unnecessary force. The named officer's supervisor stated that the complainant had no injuries and did not complain of pain when he spoke to her.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that officers made fun of her while inside the patrol car. The complainant did not respond to OCC's request for an interview.

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: 09/15/14 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that two of her friends were sitting inside her parked car when officers arrived and told her friends to exit the vehicle. The complainant stated she and her friends were then placed in handcuffs. The complainant stated that her vehicle was subsequently searched, locating a loaded handgun and some marijuana wrapped in a napkin that was left in the center console of her car.

The named officer denied the allegation. He stated that he and other officers observed the complainant's friends seated in the front seats of the car while the complainant stood next to the car. The named officer stated he observed napkins and empty liquor bottles in the street directly next to the driver's side door of the car. The named officer stated that due to the close proximity of the garbage to the vehicle, it appeared the garbage was discarded from the occupants in the vehicle. The named officer stated he approached the driver's side of the car and smelled alcohol and marijuana emanating from the interior. The named officer and his partners detained the complainant and her friends. The named officer stated one of the complainant's friends, who sat in the driver's seat of the car, admitted she was on probation. The named officer saw what appeared to be marijuana inside the car. The named officer stated he conducted an evidence search and probation search on the car and discovered a loaded firearm concealed under a seat. The named officer stated the complainant was cited from the station for possession of a loaded firearm in the vehicle.

The complainant's friends did not come forward.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/14 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated an officer searched her vehicle without cause and seized her concealed loaded firearm. The complainant stated her firearm was registered and that she had a permit for the firearm.

The named officer stated he and other officers observed the complainant's friends seated in the front seats of the car while the complainant stood next to the car. The named officer stated he observed napkins and empty liquor bottles in the street directly next to the driver's side door of the car. The named officer stated that due to the close proximity of the garbage to the vehicle, it appeared the garbage was discarded from the occupants in the vehicle. The named officer stated he approached the driver's side of the car and smelled alcohol and marijuana emanating from the interior. The named officer and his partners detained the complainant and her friends. The named officer stated one of the complainant's friends, who sat in the driver's seat of the car, admitted she was on probation. The named officer saw what appeared to be marijuana inside the car. The named officer stated he conducted an evidence search and probation search on the car and discovered a loaded firearm concealed under a seat. The named officer stated the firearm was under the driver's seat concealed and loaded, which is in violation of 25400(a)(1) PC. The named officer stated the complainant was cited for possession of a loaded firearm in the vehicle.

The complainant's friends did not come forward.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer failed to properly process property.

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

FINDINGS OF FACT: The named officer arrested the complainant with the assistance of two other officers. The complainant stated the named officer brought him to a district station and collected his cash and personal property, including two diamond earrings. The complainant stated that, when his property was returned, one earring was missing. The complainant stated his property receipt was unsigned and the carbon copies were still attached. The complainant brought the property receipt and property envelopes to the OCC. The property receipt listed several items of personal property, but was not signed by an officer. The cash inventory form was not filled out.

The named officer stated he was not responsible for processing the complainant's property because he and the other arresting officers booked the complainant directly at the county jail. The named officer stated he did not fill out the property receipt and did not seal the envelope containing the complainant's property. The named officer stated he did not direct any officer to complete the property receipt or to seal the envelope containing the complainant's property. The named officer stated he did not inventory the complainant's cash or direct any officer to inventory the complainant's cash.

The other two arresting officers stated they were present when the complainant's property was collected and inventoried at a district station. Neither officer could recall who collected or inventoried the property.

DGO 6.15 states that the officer who "first receives or takes" an arrested person's property is responsible for properly processing that property until booking is complete. DGO 6.15 requires officers to prepare and sign a property receipt and to place property into an envelope marked with the officer's initials and sealed with clear tape. Cash must be described in a separate inventory and placed in a separate envelope.

The officers who arrested the complainant failed to comply with DGO 6.15. The officers prepared a property receipt, but did not sign it. They placed the complainant's property into an envelope, which they did not seal with clear tape or mark with their initials. They did not inventory the complainant's cash. As the senior officer, the named officer was responsible for processing the complainant's property.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2-3: The officers failed to properly process property.

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

FINDINGS OF FACT: The named officers arrested the complainant and brought him to a district station. The complainant stated the named officers collected his cash and personal property, including two diamond earrings. The complainant stated that, when his property was returned, one earring was missing. The complainant stated his property receipt was unsigned and the carbon copies were still attached. The complainant brought the property receipt and property envelopes to the OCC. The property receipt listed several items of personal property, but was not signed by an officer. The cash inventory form was not filled out.

The named officers each denied collecting the complainant's property or filling out a property receipt. The named officers stated they could not recall who collected the complainant's property or who filled out the receipt.

A witness officer could not recall who collected the complainant's property or who filled out the property receipt.

DGO 6.15 states that the officer who "first receives or takes" an arrested person's property is responsible for properly processing that property until booking is complete. DGO 6.15 requires officers to prepare and sign a property receipt and to place property into an envelope marked with the officer's initials and sealed with clear tape. Cash must be described in a separate inventory and placed in a separate envelope.

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: 09/19/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officers arrested him, even though he had already paid a bail bond. The complainant stated the named officers falsely claimed to have a new warrant for his arrest. The complainant stated the arrest warrant did not exist.

The named officers stated they arrested the complainant based on an outstanding arrest warrant.

Court records showed the complainant had an outstanding arrest warrant at the time of his arrest.

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

SUMMARY OF ALLEGATIONS #7-9: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the named officers arrested him at a courthouse, even after the complainant informed the officers he was on his way to court. The complainant stated the officers should have waited for the court proceedings to finish before arresting him.

The named officers denied harassing the complainant or making rude comments. The named officers stated they arrested the complainant because he had an outstanding arrest warrant. The named officers stated they chose to arrest the complainant inside a courthouse for officer safety reasons only. The named officers stated the complainant was known to carry weapons and they wanted to approach him after he passed through the metal detector at the courthouse entrance. The named officers stated they notified the court that the complainant would be absent and did not intend to prevent him from attending court.

Court records indicated the complainant's appearance was rescheduled.

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: 10/01/14 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he and his partner were physically assaulted while they were walking through a crowd of people at a popular LGBT event. He stated that he later came across the named officer and reported the incident to her. The complainant stated he became frustrated with the officer's actions concerning her initial investigation of the incident and questioned why she failed to take certain action. The complainant stated the officer told him that she did not have time for this and walked away.

The named officer denied making the statement or walking away.

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: 10/01/14 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take the required action.

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

FINDINGS OF FACT: The complainant stated he and his partner were physically assaulted while they were walking through a crowd of people at a popular LGBT event. He stated that he later came across the named officers and reported the incident to them. The complainant stated that the officers failed to make an arrest and failed to prepare an incident report.

The named officers denied the allegation. The named female officer stated she was alone when she came across a male (complainant's partner) and an unknown female scuffling, which she thought was horseplay. The female officer separated the two and asked if the female was all right. The unknown female said she was all right and walked away. The male subject had already left, but the officer encountered him again when she later came across the complainant and the other named officer. Both officers stated the complainant's partner told his partner that he just wanted to leave. The named officers denied that either the complainant or the complainant's partner requested an incident report.

The OCC interviewed a witness who the complainant stated saw the assault. The witness stated he saw the end of this incident where complainant and the complainant's partner were on the ground. The incident ended very quickly and people just walked away. The witness stated that he did not see or hear the complainant's contact with the officers as he was at least 40 feet away.

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: 10/01/14 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated he requested the name and star number of the named officer. He stated the named officer either mumbled the information or simply walked away without clearly providing the information.

The named officer denied failing to provide her name and star number to the complainant.

No witnesses to this interaction were identified.

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

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

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

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

San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 1 of 6

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 6.09, Domestic Violence.

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

FINDINGS OF FACT: The complainant stated the named officer arrested him on a domestic violence charge, even though he was the victim. The complainant stated his ex-girlfriend was harassing him because she wanted to pick up their children on a day that conflicted with their verbal custody agreement. The complainant stated his ex-girlfriend yelled at him, broke his window with a rock, and then called for police assistance. The complainant stated the named officer arrived and immediately assumed his ex-girlfriend was the victim. The complainant stated the named officer did not ask for his side of the story and ignored him when he tried to explain what had happened.

The named officer stated he met with the complainant's ex-girlfriend upon arrival because she was standing outside. The named officer stated the ex-girlfriend told officers she was scared for her children's well-being because the complainant threatened her with a knife in front of the children the previous day and said he could "end it all" with a gun. The named officer stated he asked the complainant for his side of the story, but the complainant was intoxicated and refused to explain what had happened.

A witness officer stated the complainant was belligerent and seemed incoherent during the arrest.

The complainant's ex-girlfriend stated she told the named officer she wanted to pick up her children because the complainant threatened her with a knife and gun in front of the children the previous day. The complainant's ex-girlfriend stated she did not hear any conversation between the complainant and the named officer.

DGO 6.09 requires an officer to interview all parties to a domestic violence incident in order to identify the victim and the aggressor. If there is reasonable cause to believe a felony was committed, DGO 6.09 requires the officer to arrest the suspected aggressor. The named officer had reasonable cause to believe the complainant made felony threats against his ex-girlfriend the previous day based on the ex-girlfriend's statements. However, it is unknown whether or not the named officer interviewed the complainant to determine if he was also a victim of domestic violence.

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: 10/08/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 6.09, Domestic Violence.

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

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

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 7.04, Children of Arrested Parents.

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

FINDINGS OF FACT: The complainant stated the named officer arrested him on domestic violence charges in front of his children.

The named officer stated he asked another officer to move the children around a corner so they would not see their father's arrest. The named officer stated the children were not present during the complainant's arrest. A witness officer stated the children were not present during the complainant's arrest.

The children's mother stated her children did not see the complainant being handcuffed or arrested.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 7.04, Children of Arrested Parents.

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

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

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

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

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

The named officer stated he promptly identified himself to 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: 10/08/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #6: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that, while he was under arrest, the named officer used the complainant's house keys to enter his home three separate times to retrieve property. The complainant stated the named officer did not have permission to use his keys or enter his home.

The named officer stated he used the complainant's keys to lock the complainant's front door. The named officer denied entering the complainant's home after his arrest.

A witness officer did not see the named officer enter the complainant's home.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #7: The officer entered a residence without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #8: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated the named officer took items from his home and gave them to his children and ex-girlfriend without the complainant's permission. The complainant stated the officers gave his ex-girlfriend a backpack containing cash, DVDs, and a game console.

The named officer denied taking any property from the complainant's home. The named officer stated he watched the complainant's children pack their own belongings, which included school uniforms and a small child's backpack.

The complainant's ex-girlfriend stated the only items she saw removed from the complainant's home were her children's school uniforms, a school backpack, and a knife. The complainant's ex-girlfriend stated the children needed their uniforms and backpack to attend school the next day.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #9: The officer seized property without cause.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #10: The officer behaved inappropriately and made inappropriate comments.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant said he crossed the street legally before two officers detained him for crossing against the light.

The named officers said they detained the complainant because he crossed the intersection in question when the red hand signal was being displayed in violation of California Vehicle Code section 21456(b).

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3 - 5: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers threatened to shoot him if he did not stop.

The named officers denied threatening 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: 10/10/14 **DATE OF COMPLETION:** 08/10/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6: The officer issued the complainant a citation without justification.

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

FINDINGS OF FACT: The complainant said he crossed the street legally.

The named officer said he did not recall the incident but stated he must have seen the violation in order to issue the complainant a citation for violating section 21456(b) of the California Vehicle Code.

A witness officer said he saw the complainant walk against the red hand signal displayed when the complainant crossed the street in question.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/14 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 1 of 5

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 pepper sprayed two men who threw food at him and refused to leave a restaurant where he was working as a security guard. The complainant stated that, even though he called for police assistance, the named officer detained him and one of the trespassers. The complainant stated the named officer should have only detained the two trespassers.

The named officer stated she detained one of the trespassers and never detained the complainant. The named officer stated she had minimal contact with the complainant and only asked him a few questions while gathering information for a police report. The named officer stated she also confiscated the complainant's pepper spray.

A witness officer stated the complainant was never detained. The witness officer stated the complainant was never handcuffed or directed to stay at the scene.

A witness stated he could not see what happened because the complainant attacked him without warning by spraying his face with pepper spray. The witness stated he requested a private person arrest of the complainant for battery.

The incident report showed that the two men signed Citizen's Arrest Forms, placing the complainant under private person's arrest.

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

A preponderance of the evidence established that the named officer's alleged action was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/14 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 2 of 5

SUMMARY OF ALLEGATION #2: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant stated he pepper sprayed two men who threw food at him and refused to leave a restaurant where he worked as a security guard. The complainant called for police assistance and the named officer responded. The complainant stated that, after the incident, the named officer reported him and caused his license to work as a private security guard to be reviewed by a state agency.

The named officer denied reporting the complainant to a state agency.

A witness officer stated he reported the complainant to a state agency because he believed the complainant was incompetent and dangerous based on actions he observed during the incident and during numerous prior incidents.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/14 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated that, as part of his duties as a security guard, he was forced to pepper spray two trespassers who attacked him by throwing food. The complainant stated the named officer seized his pepper spray, even though he was licensed to carry the pepper spray and used it in self-defense.

The named officer stated she confiscated the complainant's pepper spray at the direction of a supervising officer. The named officer stated she provided the complainant with a receipt for the pepper spray.

A witness officer stated a supervising officer ordered the named officer to confiscate the complainant's pepper spray.

A witness stated the complainant attacked him and a friend without warning by spraying their faces with pepper spray. The witness stated he requested a private person's arrest of the complainant.

The evidence indicated the pepper spray was evidence in a battery investigation.

No other witnesses came forward.

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: 11/13/14 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 4 of 5

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

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

FINDINGS OF FACT: The complainant stated he pepper sprayed two men who threw food at him and refused to leave a restaurant where he worked as a security guard. The complainant stated the named officer should have arrested the two men. The complainant stated he declined to sign a private person's arrest forms accusing the men of committing any crimes.

The named officer stated she did not arrest the two men because the complainant did not wish to press charges.

A witness officer stated the complainant declined to press charges against the two men. The witness officer stated he was unable to determine the primary aggressor in the incident and there was not enough evidence to arrest anyone involved.

A witness stated the complainant never asked him to leave the restaurant and instead pepper sprayed him and a friend without warning.

Video surveillance inside the restaurant did not capture the incident.

The incident report showed that the two men signed Citizen's Arrest Forms, placing the complainant under 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: 11/13/14 **DATE OF COMPLETION:** 08/28/15 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer rudely demanded to see his identification by stating, "Give me any fucking thing you have."

The named officer stated she asked the complainant for his identification, but denied using profanity or acting rudely.

A witness officer stated the named officer acted appropriately and did not use profanity.

Another witness officer was present during part of the incident and stated she did not hear the named officer use profanity.

A witness, who was present during part of the incident, stated he did not hear the named officer use profanity.

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: 12/04/14 **DATE OF COMPLETION:** 08/25/15 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The complainant was involved in a road rage incident with another motorist, prompting both parties to call 911. When the police arrived, the complainant stated he was detained by the female officer even though the other motorist threw water on him.

Records from the Department of Emergency Management (DEM) showed that the named officer and her partner responded to the complainant's location regarding an "A" priority 240 (Assault/Battery) call. It was also reported that the call was a road rage incident where the suspect, later identified as the complainant, was reported to have been punching the motorist's vehicle.

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 established that the named officer had reasonable suspicion to detain 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 #2-3: The officers searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was repeatedly searched by the officers.

The named officers denied the allegation. One of the named officers stated the complainant was pat searched after the complainant was handcuffed. The other named officer did not recall searching 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: 12/04/14 **DATE OF COMPLETION:** 08/25/15 **PAGE #2** of 4

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

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

FINDINGS OF FACT: The complainant was involved in a road rage incident with another motorist. The complainant stated that one of the named officers told him to shut up. The complainant stated the other officer had her hand resting on her holster.

The named officers denied the allegation.

An involved witness did not observe the entire incident.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant stated the female officer unsecured her weapon and began to draw it during the course of an investigation.

The named officer denied the allegation. She stated she never handled her firearm during the incident.

An involved witness did not observe the entire incident.

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: 12/04/14 **DATE OF COMPLETION:** 08/25/15 **PAGE #3 of 4**

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he wanted to press charges against a motorist after she threw water on him.

The named officer stated that both parties declined to go forward with a citizen's arrest.

DGO 5.04 II.8., Arrests by Private Persons, states that in all instances involving requests for a private person's arrest, an incident report shall be prepared.

OCC's investigation established that the named officer, who was the senior officer, failed to prepare an incident report, in violation of DGO 5.04.

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

SUMMARY OF ALLEGATION #8: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated he was placed in handcuffs and was not given any paper after he was released.

The named officer stated the complainant was briefly handcuffed and, therefore, an incident report was not required.

DGO 5.03 II.A.3., Investigative Detention, states that if an officer physically restrained a person, a Certificate of Release must be issued.

OCC's investigation established that the named officer, who was the senior officer, failed to issue the complainant a Certificate of Release in violation of 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: 12/04/14 **DATE OF COMPLETION:** 08/25/15 **PAGE #4 of 4**

SUMMARY OF ALLEGATION #8: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officer tackled him to the ground, tried to do a leg sweep and bent his wrist during the handcuffing.

The named officer and his partner denied the allegation. The named officer stated that he never tackled the complainant to the ground or attempted a leg sweep. The officer stated he used a wristlock hold to handcuff 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: 12/12/14 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was arrested and cited for fare evasion and for resisting arrest. While the complainant admitted that he did not have proof of payment, he denied resisting arrest.

The named officer stated that he was working a MUNI detail that included fare evasion inspections when he encountered the complainant. The named officer stated that the complainant was uncooperative and attempted to leave the area.

A witness officer stated he did not recall the incident. The witness officer's partner stated they arrived as back up officers and were both not at the scene when the complainant evaded and resisted arrest.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

The named officer did not recall the incident in question.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/14 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer used unnecessary force, grabbing and pushing him.

The named officers denied the allegation. One of the named officers stated the complainant refused his verbal orders to stop. This officer stated he used his body and pinned the complainant against a wall to prevent the complainant from resisting and fleeing the scene. The other named officer could not recall the incident in question.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #5 - 6: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers made inappropriate comments toward him.

One of the named officers denied the allegation. The other named officer could not recall his contact with the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/14 **DATE OF COMPLETION:** 08/06/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that a few weeks after the incident, he went to the station to file a complaint. The complainant stated that the named officer told him that he could not help him.

The named officer denied the allegation. He stated the complainant came into the station and wanted to talk to a supervisor. The named officer stated he listened to the complainant and provided OCC's information on how to file a complaint, but the complainant declined.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/11/14 **DATE OF COMPLETION:** 08/04/15 **PAGE#** 1 of 1

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

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

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

Department records showed that the complainant was arrested on a warrant.

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

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

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

FINDINGS OF FACT: The complainant stated he was preaching the word of Jesus on a public sidewalk when the named officers approached him and told him to move along. The complainant stated that the officers then grabbed his neck and hands and threw him on the sidewalk.

The named officers denied the allegation. The named officers stated the complainant was angry and yelling obscenities through his megaphone. One of the named officers smelled the odor of marijuana emanating from the complainant. This officer stated he was concerned about the complainant's possible altered mental state and wellbeing. The named officers stated that one officer approached the complainant from behind and touched the complainant's shoulder to get his attention. The named officers stated the complainant became angry and yelled at the officers while in a fighting stance with raised clinched fists. One of the named officers stated each of the officers grabbed one of the complainant's arms to prevent him from swinging or punching the officers. The named officers stated the complainant fell backwards onto the ground. The named officers stated the complainant was physically restrained with no use of force. The named officers stated there were no injuries, complaints of pain, or requests for medical aid from the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/14 **DATE OF COMPLETION:** 08/25/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he made a joke to an airport security officer about his bag being full of national security information. He stated the airport security officer tried to stop him, but he walked away. He stated that SFPD officers found him in a café and asked him to go with them. The complainant stated he told the officers there was no need for any discussion. He stated that, without anything else said, an officer knocked the complainant's feet out from under him and detained him. The complainant stated he was screaming something about President Bush, Vice President Cheney and Homeland Security. The complainant stated he was involuntarily detained in a hospital for 72 hours.

Airport dispatch records showed that a white male acting strangely dropped a plastic bag at a security checkpoint and told security that it contained "top secret stuff." He then walked to a café where police detained him for a mental health evaluation.

Three officers stated they responded to a call from airport security about a suspicious person who had left a bag at a security checkpoint. The officers stated the complainant was located in a café where he was screaming bizarre and profane statements, including "I want to die."

The named officer and another officer stated the complainant refused orders to stay seated and then lunged at the officer. The named officer stated that due to his actions, the complainant was deemed to be a danger to himself and others.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/16/14 **DATE OF COMPLETION:** 08/25/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that an officer knocked the complainant's feet out from under him, causing the complainant to fall to the ground. The complainant stated that his head hit the metal part of a door, causing a cut above his right eye.

The named officers stated the complainant refused to remain seated after being detained and suddenly lunged at one of the named officers. Both named officers stated they conducted a leg sweep and guided the complainant to the ground while holding his arms. The officers stated the complainant hit his head on a table or a chair, causing a one-inch cut on his forehead. Once on the ground, the complainant began kicking and spitting at the officers. The officers stated they held down his legs until another officer arrived with leg restraints. The named officers said paramedics were called to treat the complainant and they sedated the complainant and placed a spit mask on his face. One of the named officers stated he notified the day shift sergeant of the use of force and the sergeant made an entry into the Use of Force Log. Department records confirmed that the appropriate entry was made in the Use of Force log.

One witness officer stated he did not recall whether any physical controls or force were employed on the complainant. He stated leg restraints were applied because the complainant was kicking and combative. A second witness officer stated the complainant jumped up towards the officers screaming and yelling, despite orders to stay seated. The officer stated the named officers used a physical control to take the complainant to the ground. This officer stated the complainant was kicking aggressively and leg restraints were used to protect the public and the officers. A third witness officer stated the complainant refused orders to stay seated and was screaming bizarre comments. He stated the complainant "faced off" one of the named officers and then he saw the complainant on the ground. He stated a table obscured his vision. This officer stated leg restraints were applied because the complainant was kicking. He further stated the complainant had a small cut on his forehead but did not see how the complainant sustained the injury. A fourth witness officer stated he responded to the scene with hobbles and assisted in placing them on the legs of the complainant.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/14 **DATE OF COMPLETION:** 08/12/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was walking out of a smoke shop on Market Street when he was stopped by the named officer, who asked for the complainant's identification. The complainant stated he was then asked if he was on probation, and he said yes. The complainant stated that the named officer then asked him if he was selling weed. The complainant said no. The complainant stated that during the detention, the named officer searched the complainant's cell phone and destroyed the complainant's marijuana by tossing it on the ground and stomping on it.

The named officer was interviewed and could not recall the incident in question. His partner also could not recall the incident.

No independent witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer took the complainant's phone and asked for the password. The complainant gave the password and the officer started looking through his phone. The officer then searched the complainant's pockets and took marijuana out of the complainant's pocket even though the complainant had a prescription for it.

The named officer was interviewed and could not recall the incident in question. His partner also could not recall the incident.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/14 **DATE OF COMPLETION:** 08/12/15 **PAGE#** 2 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 that an officer took marijuana out of the complainant's pocket even though the complainant had a prescription for it. The officer then tossed the marijuana on the ground and stomped on it. The complainant stated that the officer ruined about \$25 worth of medical marijuana.

The named officer was interviewed and could not recall the incident in question. His partner also could not recall the incident.

No independent witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to take him to jail.

The named officer was interviewed and could not recall the incident in question. His partner also could not recall the incident.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/14 **DATE OF COMPLETION:** 08/12/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was not given any paper work after he was detained for more than 45 minutes.

The named officer was interviewed and could not recall the incident in question. His partner also could not recall the incident.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/23/14 **DATE OF COMPLETION:** 08/19/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she met with the named officer regarding possible child abuse by the father of her child. The complainant stated that the named officer made inappropriate and threatening comments during the meeting.

The named officer denied the allegation. The named officer stated that she has spoken to and met with the complainant regarding the child's safety. She stated that the complainant had 19 prior reports made to CPS that were all found unfounded by CPS. The named officer also stated that prior reports to the SFPD were also found not to have any criminal issues.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/14 **DATE OF COMPLETION:** 08/11/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was getting on a MUNI train when a fare inspector contacted him and asked for his proof of payment. The complainant stated he showed the inspector a valid transfer but the inspector refused to honor it. The complainant stated he threw his transfer to the floor and told the inspector that he paid for his fare. The complainant stated that he was then detained by the named officer.

The named officer stated a fare inspector asked for his assistance concerning the complainant, who was irate and walked away from the inspector. The named officer stated the complainant could not provide proof of payment. The named officer stated he detained the complainant and ordered him to sit on a bench, so he could issue him a citation.

Other officers present at the scene could not recall the contact.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer was firm, agitated and aggressive. In addition, the complainant stated that the named officer threatened to take him to jail. The complainant acknowledged yelling and using profanity in speaking to the officer.

The named officer denied speaking inappropriately. The named officer stated he spoke in a loud and clear voice and gave the complainant stern orders because the complainant refused to sit down and kept walking around.

Other officers present at the scene could not recall the contact.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/31/14 **DATE OF COMPLETION:** 08/11/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant was getting on a MUNI train when a fare inspector contacted him and asked for his proof of payment. The complainant stated he showed the inspector a valid transfer but the inspector refused to honor it. The complainant stated he threw his transfer to the floor and told the inspector that he paid for his fare. The complainant stated that he was then detained by the named officer and cited for fare evasion.

The named officer stated the complainant could provide no proof of payment or valid transfer.

Other officers who were at the scene could not recall the contact.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 08/17/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she witnessed a traffic collision and that the responding officers did not handle the incident with professionalism. The complainant stated that one of the responding officers was inattentive, lacked empathy, and did not render first aid to a victim.

The named officers denied the allegation. The named officers stated they were calm and professional. One of the named officers stated his role was to ensure that the ambulance was en route and that there was traffic control at the scene. The other named officer stated he secured the scene, rendered aid by requesting an ambulance, and located all parties involved in the incident.

Witnesses corroborated that the officers were calm and professional. Witnesses stated an ambulance arrived quickly and victims were attended to quickly.

Department records showed that the party at fault was cited at the scene.

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

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

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

FINDINGS OF FACT: The complainant stated the police did not properly handle the incident. The complainant stated the scene appeared to be chaotic and lacked leadership.

The named officers denied the allegation. One of the named officers stated he obtained all the necessary information from all parties and witnesses on scene. He stated he handled traffic control, requested an ambulance and a Spanish-speaking officer to assist an injured victim.

Witnesses denied the scene was chaotic and lacked leadership. One of the witnesses stated the officers collected information from people on scene. Another witness stated the police did their jobs. Another witness stated the officers were calm, professional and controlled the situation.

Department records showed that the party at fault was cited at the scene.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/15 **DATE OF COMPLETION:** 08/12/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said a monolingual Spanish-speaking domestic violence victim went to a police station to report a domestic violence incident that occurred in 2011. The complainant stated an unidentified Spanish-speaking officer did not take a police report, telling the victim her medical records were too old.

The complainant was not present during the incident, but said he would ask the victim to contact the OCC. The OCC obtained the contact information of the victim and made numerous attempts by telephone, mail and in person to contact the victim, who did not respond to requests for an interview.

A poll of officers at the identified station conducted by its commanding officer failed to establish the identity of the Spanish-speaking officer in question.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/03/15 **DATE OF COMPLETION:** 08/13/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant's mother.

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

FINDINGS OF FACT: The complainant stated the named officer has been harassing her mother by stopping by her mother's home at odd hours of the night looking for her niece. The complainant stated that her niece does not live with the complainant's mother. The complainant stated her niece does not have any warrants and she does not understand why the police are harassing her 65-year old mother.

The named officer denied the allegation. The named officer stated he went to the complainant's mother's home to exercise an active arrest warrant for the complainant's niece. He stated that when he knocked on the door, an older woman answered and told him that she was the grandmother and that she and her granddaughter share the exact same name. The named officer stated the complainant's mother told him that her granddaughter was at the store and would return later. The officer stated that he returned to the address in a second attempt to exercise the active arrest warrant for the complainant's niece. The named officer stated on the second attempt, an older man answered and stated he did not know the whereabouts of the complainant's niece or when she would return. The officer stated he has not had any contact with the complainant's mother beyond his first visit.

SFPD records listed the complainant's mother's address as the niece's address.

Criminal records established that the complainant's niece has a valid arrest warrant.

The evidence established that the named officer responded to the complainant's mother's house to exercise an arrest warrant for the complainant's niece.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/15 **DATE OF COMPLETION:** 08/14/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she and her son's father have a family court order where exchange of custody/visitation of their 8-year-old son occurs at a local police station. The complainant stated that on the day of the incident, the father drove to the station intoxicated and officers at the station failed to arrest him.

The father was interviewed by the OCC and he denied being intoxicated. He stated he arrived early at the police station to pick up his son, parked his car and fell asleep while waiting. The complainant entered the police station and reported to unknown officers that he was in violation of the order. He stated two unidentified uniformed officers administered a Field Sobriety Test at the scene but did not take any criminal enforcement action against him.

The OCC reviewed department records for the day of the incident and was unable to establish the identity of the alleged officers. In addition, the OCC sent an officer identification poll to the Officer-in-Charge (OIC) of the station. The OIC was also unable to establish the identity of the alleged officers.

No other witnesses came forward.

The identity of the alleged officers has not been established.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/15 **DATE OF COMPLETION:** 08/14/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer made inappropriate, intimidating comments and behaved badly.

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

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

The identity of the alleged officers has not been established.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/15 **DATE OF COMPLETION:** 08/27/15 **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 that she consumed four of five alcoholic drinks in a two to three hour period at a bar. She stated she called a taxi to take her home. She stated she must have passed out in the taxi because the next thing she recalled was waking up naked in a jail cell on a urine-soaked mat. She recalled being told she was a threat to herself.

Six officers, including the two named officers, stated the complainant was extremely intoxicated and unable to care for herself. They each stated that her objective signs of intoxication included slurred speech, inability to maintain balance, and inability to follow simple commands. Two officers stated the complainant fell into a bush while trying to get to her front door. The named officer stated she could not produce a house key and no one was home to care for her. The named officers stated they detained the complainant pursuant to Penal Code 647(f) because she was unable to care for herself.

Records from the Department of Emergency Management (DEM) showed that a cab driver called 911 to report a passenger refusing to pay. Six officers responded, including the two named officers.

According to the complainant's jail medical records, the complainant was combative and physically aggressive at jail triage and threw herself against the counter and onto the floor. She told medical personnel that she smoked methamphetamine every couple of days. She was placed in a safety cell. She later reported that she "blacked out" and attributed it to alcohol consumption.

A preponderance of the evidence established that the complainant was unable to care for herself.

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: 03/10/15 **DATE OF COMPLETION:** 08/27/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated that after consuming four or five alcoholic drinks in a two to three-hour period in a bar, she called a taxi to take her home. The complainant stated she recalled being dropped off her at her house and that "an angry white man" was on top of her and she was yelling, "You're hurting me!" She stated she woke up in a jail safety cell with bruises all over her body. She could not recall anything else.

Six officers acknowledged responding to the report of a pay dispute between a taxi driver and the complainant. The officers stated the complainant was extremely intoxicated. Two officers stated the complainant fell into a bush due to her inability to walk on her own. The officers denied using unnecessary force.

According to the complainant's jail medical records, the complainant entered the County Jail with abrasions to both elbows and to her left knee. She was combative and physically aggressive at the entrance to the jail. The complainant was reported as screaming and uncooperative at triage and she was described as repeatedly throwing herself against the counter and onto the floor. She later reported that she "blacked out," which she attributed it to alcohol consumption.

One officer stated that while being transported, and once at the County Jail, the complainant was yelling obscenities, screaming and crying. He stated that while deputies were processing her, she became violent and began kicking the deputies. This officer's partner stated that while being booked at County Jail, the complainant was uncooperative and kicked, punched and spit on several deputies. He stated the deputies used physical force to overcome the complainant's resistance.

No independent witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/10/15 **DATE OF COMPLETION:** 08/27/15 **PAGE#** 3 of 3

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

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

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

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