

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/15 **DATE OF COMPLETION:** 08/02/16 **PAGE #** 1 of 3

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

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/15 **DATE OF COMPLETION:** 08/02/16 **PAGE #** 2 of 3

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

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

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

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

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

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

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

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/15 **DATE OF COMPLETION:** 08/02/16 **PAGE #** 3 of 3

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

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

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

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

San Francisco Department General Order 2.01 section 9, states:

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/15 **DATE OF COMPLETION:** 08/01/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers made an arrest without cause.

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

FINDINGS OF FACT: The complainant stated officers arrested her boyfriend on charges of battery and making terrorist threats without any proof that he had committed a crime. The complainant stated her neighbor requested police assistance during an argument and fabricated a story about being pushed off a ladder and threatened. The complainant told the named officers that the argument was really about noise and that her neighbor was lying about being pushed and threatened.

The named officers stated they arrested the complainant's boyfriend because his neighbor accused him of committing a felony and requested a private person arrest. The neighbor accused the complainant's boyfriend of pushing him off a ladder and threatening to kill him. The named officers stated they observed partially installed curtains, a toppled over ladder, and nails strewn all over the floor. The named officers stated they were required to accept the private person arrest because there was probable cause to believe that a battery occurred based on the physical evidence and because making terrorist threats is a felony.

The complainant's boyfriend denied pushing his neighbor or threatening to kill him.

Department General Order 5.04, Private Person Arrests, requires officers to accept a private person arrest when there is probable cause to believe a crime occurred.

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: 08/28/15 **DATE OF COMPLETION:** 08/01/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated her boyfriend yelled at their neighbor for making too much noise and for leaving nails all over the floor of their common space. Both men called for police assistance. The neighbor accused the complainant's boyfriend of pushing him off a ladder and threatening to kill him. The complainant's boyfriend denied touching or threatening his neighbor. The complainant stated the named officers immediately favored her neighbor, who is educated, speaks English, and has no criminal history. The complainant stated the named officers believed her neighbor's story, without any proof that a crime was committed. The complainant stated the named officers arrested her boyfriend because he could not advocate for himself in English and had a criminal record.

The named officers denied showing favoritism toward the complainant's neighbor. The named officers stated they took statements from both parties and the complainant, who was a witness. The named officers stated they observed a toppled over ladder in the common space, which gave them probable cause to believe that the complainant's boyfriend pushed his neighbor off a ladder. The named officers stated they were required to arrest the complainant's boyfriend because the neighbor accused him of making felony threats and requested a private person arrest. The named officers stated they were unaware of the boyfriend's criminal record at the time of the arrest.

The complainant's boyfriend stated the named officers handcuffed him almost immediately upon arrival. He stated that he spoke with one named officer in Cantonese and had no problems communicating with her.

Department of Emergency Management records showed that the officers did not query the criminal history of any of the involved parties during the incident.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/15 **DATE OF COMPLETION:** 08/01/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to comply with Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated her boyfriend got into an argument with their neighbor for making too much noise and for leaving nails all over the floor of their common space. The neighbor announced that he was calling the police. The complainant called 911 and requested a Cantonese-speaking officer. Two officers responded to the call. The named officer interviewed the complainant and her boyfriend exclusively in Cantonese. The complainant stated she had no problems communicating with the named officer, but felt that her boyfriend was disadvantaged by his inability to speak English. The complainant stated the named officer did not ask her boyfriend many questions and eventually arrested him based on lies told by her neighbor.

The named officer stated she interviewed the complainant and her boyfriend in Cantonese and had no problems communicating with either of them. The named officer denied that the boyfriend was disadvantaged by his inability to speak English and stated she was required to arrest him based on other factors. The named officer admitted preparing an incomplete incident report documenting the arrest. The named officer stated that, when an incident report is prepared, officers are required to document the involvement of any persons of limited English proficiency and to describe any translation services provided. The named officer admitted neglecting to note that the arrestee and a witness were monolingual Cantonese speakers and that she interviewed them in Cantonese.

Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, states, "Whenever an incident report is prepared regarding an incident involving an LEP person, the incident report shall identify the primary language spoken by the LEP individual, the person who provided the interpretation, and the manner in which interpretation services were provided."

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: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant is a nurse at a hospital emergency room. She stated that a patient was recovering from an overdose. There were signs that the patient was involved in domestic violence involving the patient's girlfriend, who accompanied the patient to the emergency room. A paramedic had told the complainant there was an old injury visible on the girlfriend and that there were threats involving a gun. An officer arrived to investigate the incident. The complainant stated the officer interviewed the patient's girlfriend while the patient was in a nearby bathroom where he could hear the whole interview. The complainant stated that the officer completed his interview with the girlfriend but did not interview the patient. The officer then made brief comments and left the hospital.

The named officer stated that he was dispatched to the hospital for reports of a domestic violence threat being made. Prior to arriving at the hospital, the officer checked the boyfriend's criminal history in San Francisco and found none. The named officer then spoke to paramedics who said that during the transport, the girlfriend confided that the boyfriend had threatened to shoot her for calling paramedics and he had a gun in his residence. The named officer stated he spoke with the girlfriend in an area where he thought the boyfriend could not overhear them. The girlfriend told the named officer that she made up the story about being threatened with a gun in order to get her boyfriend medical treatment. The named officer stated he did not interview the patient or anyone else regarding the alleged threat or the gun because he believed the girlfriend and therefore there was no merit to the call. The officer did not write an incident report because he did not think it was necessary.

The evidence shows that the named officer had information going into this contact that this was a Domestic Violence threat regarding an incident between a boyfriend and girlfriend. The CAD indicated that the suspect threatened to shoot the victim and that the suspect had a firearm. With this knowledge, the named officer had sufficient information that, in order to conduct a thorough and proper investigation, he should interview both parties, the paramedics and the complainant to determine the full truth of the matter. He then should have documented his investigation into an Incident Report as either a Domestic Violence incident or at the very least, a suspicious occurrence if he had determined that no crime had been committed. He also should have interviewed the victim in a more private setting and provided the hospital personnel who called 911 with the CAD number pursuant to DGO 6.09.

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: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 2 of 2

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 is a nurse at an emergency room and was dealing with a possible domestic violence situation. The complainant stated that the officer who arrived to investigate the matter was rude and made several inappropriate comments. The complainant stated that the officer refused to accept illegal drugs that had been seized by the complainant. The complainant stated the officer argued with the complainant and told her not to tell him how to do his job. Another officer arrived and pulled the officer away from the complainant to calm him down.

The named officer denied making any inappropriate comments or being rude. He stated the complainant was upset about something and was yelling at him about what to do about a situation. The other officer arrived and they both left. The named officer denied that the other officer pulled him away from the complainant.

The witness officer stated that he arrived and saw the complainant and the named officer in a “heated” argument but he could not remember anything that was being said.

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

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant is a nurse at an emergency room and was dealing with a possible domestic violence situation. The complainant stated that an officer arrived and used profanity multiple times in the complainant’s presence.

The named officer denied using profanity. A witness officer stated he did not hear any profanity.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 1 of 8

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

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

FINDINGS OF FACT: The complainant stated the named officer did not have any reason to handcuff him when the officer responded to a call-for-service regarding a well-being check on the complainant.

The named officer stated he handcuffed the complainant out of a concern for his (the officer's) safety because the officer was the only officer present to handle the call. The named officer also stated that the call involved a possibly mentally disturbed individual, who had threatened to commit suicide on a previous occasion. In addition, the named officer stated the complainant was larger in size than the officer.

The OCC investigation found that no one in the apartment building where the complainant resided, including the apartment manager, complained of any strange, bizarre, threatening or violent behavior by the complainant. The officer responded twice to the complainant's address and did not observe anything unusual either time before establishing contact with the complainant. When he did establish contact with the complainant, the witness and the complainant stated that the complainant was compliant with the officer. The officer failed to articulate his reasonable suspicion that the complainant was armed and dangerous and needed to be handcuffed for officer safety.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 2 of 8

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

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

FINDINGS OF FACT: The complainant stated the officer did not have any reason to enter the complainant's apartment when the officer responded to a call-for-service regarding a well-being check on the complainant. The complainant stated he told the officer he did not want the officer inside the apartment. The complainant stated that he exited his apartment and closed the door behind him.

The named officer stated the complainant voluntarily opened the door to the apartment. The named officer stated he asked the complainant whether he could go inside and search the complainant's apartment and the complainant said it was okay for the officer to search the apartment. The named officer stated he looked to see whether there were any weapons in plain view. The named officer stated he looked inside because the call involved a possibly mentally disturbed individual and dispatch information indicated the complainant had threatened to commit suicide on a previous occasion.

The OCC investigation found that no one in the apartment building where the complainant resided, including the apartment manager (witness), complained of any strange, bizarre, threatening or violent behavior by the complainant. The named officer responded twice to the complainant's address and did not observe anything unusual either time before establishing contact with the complainant. The evidence shows that the named officer violated the United States and State of California Constitutions when he entered the complainant's residence without consent, exigency or a warrant.

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: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 3 of 8

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

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

FINDINGS OF FACT: The complainant stated the named officer did not have any reason to search his apartment when the officer responded to a call-for-service regarding a well-being check on the complainant.

The named officer stated he did not go into the complainant's apartment. The named officer stated that the complainant left the apartment door open and the officer only looked inside from the open door. The named officer stated he looked from outside the open door to see whether there were any weapons in plain view. The named officer looked inside because the call involved a possibly mentally disturbed individual and dispatch information indicated the complainant had threatened to commit suicide on a previous occasion.

The OCC investigation found that no one in the apartment building where the complainant resided, including the apartment manager, complained of any strange, bizarre, threatening or violent behavior by the complainant. The officer responded twice to the complainant's address and did not observe anything unusual either time before establishing contact with the complainant. The evidence shows that the named officer violated the United States and State of California Constitutions when he searched complainant's residence without consent, exigency or a warrant.

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: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 4 of 8

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

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

FINDINGS OF FACT: The complainant stated the officer applied handcuffs too tightly on the complainant. Additionally, the complainant stated the officer yanked on his (complainant's) arms, which caused the complainant pain.

The named officer denied the allegation. The named officer stated the complainant did not express any type of problem when handcuffed. The named officer also stated the complainant did not complain that the handcuffs were too tight, or that the complainant was in any pain. The named officer denied applying any unnecessary force to the complainant, and stated he only used minimal contact to control the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 5 of 8

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately when the officer visited a witness to the initial incident after the complainant filed the complaint. The complainant viewed the officer's actions as tantamount to witness tampering. The complainant voiced concern that he would not receive a fair and impartial investigation into his complaint as a result of the officer's actions.

The named officer admitted to visiting the witness but only for the purpose of seeking video recording of the initial contact as evidence of the officer's actions during the interaction with the complainant. The named officer denied that he attempted to influence the witness in any way.

The witness stated the officer returned to see him months after the initial incident took place. To the best of the witness' recollection, the officer only wanted to find out if there were any new developments with regard to the initial incident. The witness did not believe the officer was attempting to influence what the witness had told OCC investigator. The witness never mentioned the officer attempting to obtain a video recording of this incident.

No other witnesses were identified.

Pursuant to San Francisco Police Commission Resolution 1159-88, the officer had an obligation to not threaten, intimidate, mislead or harass potential or actual OCC complainants, witnesses, or staff members. Additionally, the resolution states that members who are the subject of a complaint filed with the OCC shall not contact the complainant or witnesses regarding the issues of the complaint.

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: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 6 of 8

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

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

FINDINGS OF FACT: In his typewritten complaint, the complainant stated the officer's actions of handcuffing him, handling him roughly and threatening the complainant in order to gain access to the complainant's apartment were in retaliation for a series of Public Records Act (PRA) Requests the complainant had filed with various agencies and a complaint he had filed with the California Department of Public Health as a result of law enforcement abuses committed against the complainant. The complainant failed to provide any evidence to show how the officer was associated with this allegation.

The named officer denied the allegation. The named officer stated he responded to the complainant's address for well-being checks of the complainant as a result of two dispatched calls-for-service from the Department of Emergency Management. The named officer stated he did not recall having any contact with the complainant prior to the subject incidents. The named officer stated that he did not contact the complainant as a result of the complainant making a Public Records Act request.

DEM dispatch records show that the officer responded to a dispatched call.

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 #7: 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 partially referred to:

San Francisco Police Department Headquarters
1245 Third Street
Attn: Internal Affairs Unit
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 7 of 8

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

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

FINDINGS OF FACT: The named officer handcuffed the complainant. The officer did not issue the complainant a Certificate of Release after removing the complainant's handcuffs. The named officer stated he did not complete a Certificate of Release (form 849B) because he was not required to complete one. The officer's reasoning for not completing a Certificate of Release was that he did not move the complainant from one location to another, and he did not detain the complainant for more than ten minutes.

SFPD General Order 5.03, Section II. A. 3., Investigative Detentions, dated November 17, 2003 states in part:

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

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

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: 09/01/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 8 of 8

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

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

FINDINGS OF FACT: The officer failed to take the required action by failing to obtain consent to search the complainant’s residence in writing or by making an audio recording of the consent, and failing to prepare an Incident Report documenting how the consent was obtained in violation of DGO 6.15, dated 7/27/94, titled “PROPERTY PROCESSING” and SFPD Bulletin 15-136, dated 06/04/15, titled “Consent Searches of Private Residences.”

SFPD Bulletin 15-136 states in pertinent part, “To sustain this burden of proof, members are required to obtain explicit consent (permission) in writing by having the person sign the Permission to Search form (SFPD 468) or orally via audio recording (digital recorder) before conducting the search of a suspect’s residence. Evidence of written or oral/recorded consent to search shall be handled in accordance with Department General Order 6.02, Physical Evidence and Crime Scenes, and Department General Order 6.15, Property Processing.”

SFPD General Order 6.15, Section III. A. 10., labeled INCIDENT REPORT: states in pertinent part, “Write an incident report each time when booking Property for Identification and indicate its sub-classification, e.g., (E) evidence, (F) found, (P) property for safekeeping.”

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: 11/25/15 **DATE OF COMPLETION:** 08/12/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the named officers arrested her without cause for attempting to cash a fraudulent check at a bank. The complainant stated that her fiancée, who lives in Missouri, sent her a check in the amount of \$2,175.00 as a birthday present. The complainant stated she went into the bank to open an account and deposit the check. Two SFPD officers showed up and arrested her.

The complainant declined to provide her fiancé's name and contact information to the OCC.

Both of the officers stated that they responded to a bank on a call of fraud. They arrested the complainant because she was in possession and attempted to cash a fraudulent check in violation of California Penal Code section 475(c) which states:

Every person who possesses any completed check, money order, traveler's check, warrant or county order, whether real or fictitious, with the intent to utter or pass or facilitate the utterance or passage of the same, in order to defraud any person, is guilty of forgery.

A signed statement was obtained from the bank employee who stated he contacted the credit union to verify the funds and was advised the check was fraudulent and not to cash it. He then notified SFPD.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 4

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, a civil rights law group, alleged that several weeks after its client filed a request for information under the Freedom of Information Act (FOIA), the named officer and a federal agent unexpectedly showed up at the client's place of work. The officer told the client he was there to follow up on the FOIA request but began questioning the client about his travels to Pakistan and other activities not related to the FOIA request. The client repeatedly told the named officer he did not want to answer his questions and directed him to contact his attorney (the complainant). However, the officer continued to question the client. The complainant stated that the officer's conduct violated his duty to treat members of the public with courtesy and respect.

The named officer acknowledged questioning the complainant's client. He stated that the client brought up the issue of the FOIA request but that was not the reason for the interview. He stated the conversation was brief, discreet, casual and not confrontational. He stated that once the complainant's client asserted his right to contact his attorney, he ended the interview. He denied being discourteous to the complainant's client at any time.

He stated that beyond the information he had provided, he was constrained under penalty of criminal punishment under Federal authority of U.S. Code Title 18 (Crimes and Criminal Procedure, Part I – Crimes) Sections 793 (Gathering, transmitting or losing defense information) and/or 1924 (Unauthorized removal and retention of classified documents or material) and Title 50 (Subversive Activities and Control Act) Section 783, from giving any information that is classified.

The named officer's position was supported by legal opinions from the San Francisco City Attorney and from the Chief of the Criminal Division of the US Attorney's Office.

No witnesses came forward. On the basis of the foregoing, there was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer singled out their client for questioning solely because of the client's perceived Pakistani national origin and/or Muslim faith.

SFPD Department General Order 5.17 [Policy Prohibiting Biased Policing] states that members may not use, to any extent or degree, actual or perceived race, color ethnicity, national origin, religion, gender, age, sexual orientation, or gender identity in conducting stops or detentions, or activities following stops or detentions except when engaging in the investigation of appropriate suspect specific activity to identify a particular person or group. Members seeking one or more specific persons who have been identified or described in part by any of the above listed characteristics may rely on them in part only in combination with other appropriate identifying factors.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer stated his contact with the complainant's client was in compliance with Department General Order 5.17. He denied that the complainant's client was targeted because of his ethnicity or religion. The named officer stated that at the time of this incident, he was a member of the SFPD's Joint Terrorist Task Force, working as a sworn Federal agent assigned to the FBI's International Terrorism Squad. He stated the complainant was interviewed in connection with a Federal criminal case involving terrorism.

The named officer stated he made sure he was always in compliance with all SFPD general orders. He stated that DGO 8.10 [Guidelines for First Amendment Activities] didn't apply to this investigation because the investigation had a criminal basis with a terrorism nexus. He stated that although the investigation did contain elements of First Amendment activity, that was not the reason for the investigation. He stated the FBI is in possession of the case file as with all cases the JTTF works on. He also stated that, due to a Classified Information Nondisclosure Agreement with the Federal government, he was unable to provide details of the criminal case.

He stated that beyond the information he had provided, he was constrained under penalty of criminal punishment under Federal authority U.S. Code Title 18 (Crimes and Criminal Procedure, Part I – Crimes) Sections 793 (Gathering, transmitting or losing defense information) and/or 1924 (Unauthorized removal and retention of classified documents or material) and Title 50 (Subversive Activities and Control Act) Section 783 (Offenses), from giving any information that is classified.

The named officer's position was supported by legal opinions from the San Francisco City Attorney and from the Chief of the Criminal Division of the US Attorney's Office.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department policies and procedures.

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

FINDINGS OF FACT: The complainant stated that the named member violated Department General Order 8.10 and Bureau Order 2011-07 by engaging in an interview that targeted their client's First Amendment activity, and by failing to obtain written authorization to conduct that interview.

Department General Order 8.10 states that investigations of criminal activities that involve First Amendment activities are permitted, provided that investigation is justified and documented.

SFPD Bureau Order 2011-07 states that SFPD officers shall work with the Joint Terrorism Task Force (JTTF) only on investigations of suspected terrorism that have a criminal nexus. It further states that SFPD officers who work with the JTTF remain in the chain of command and under the supervision of SFPD and must comply with Department policies at all times.

The named officer stated that, at the time of his contact with the complainant's client, he was a member of the JTTF, working as sworn Federal agent assigned to the FBI's International Terrorism Squad. The named officer stated he made sure he was always in compliance with all SFPD general orders. He stated that he believed DGO 8.10 [Guidelines for First Amendment Activities] did not apply to this investigation because the investigation had a criminal basis with a terrorism nexus. He stated that although the investigation did contain elements of First Amendment activity, that was not the reason for the investigation.

The named officer stated that beyond the information he had provided, he was constrained under penalty of criminal punishment under Federal authority from giving any information that is classified. The named officer's position with respect to classified information was supported by legal opinions from the San Francisco City Attorney and from the Chief of the Criminal Division of the US Attorney's Office.

The named officer was unaware that any time his investigation involves any element of First Amendment activity, he must first obtain SFPD supervisor approval for the activity, which must be justified and documented.

The evidence proved that the actions complained of were the result of inadequate or inappropriate training; or an absence of training when viewed in light of Departmental policy and procedure.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated that the named officer failed to adequately review the activities and records of a member of the Joint Terrorism Task Force to ensure that Department policies and procedures were not violated.

The Memorandum of Understanding between the SFPD and the FBI states that JTTF personnel are not permitted to discuss official JTTF business with supervisors who are not members of the JTTF unless the supervisor possesses the appropriate security clearance and the dissemination or discussion is specifically approved by the FBI JTTF Supervisor.

The named officer stated the FBI directly supervises members of the Joint Terrorism Task Force (JTTF) including the one SFPD sergeant that is assigned to the JTTF. The assigned sergeant has a higher security clearance than the named officer, and notifies him of any cases that have a nexus to criminal or terrorist activity, by providing him with a general synopsis of the type of cases s/he is assigned. The named officer's oversight of that sergeant consists of quarterly reviews of the synopses.

Cases that involve First Amendment activity require supervisory approval and a reporting process that ultimately reaches the Chief of Police. The named officer stated he was unaware of any cases the JTTF had investigated, that involved First Amended activity.

The named officer stated he did not have any knowledge, prior to the OCC complaint, of the SFPD sergeant's visit to the complainant's client.

He could not speak more specifically to the details of any investigation, without subjecting himself to violation of statutory prohibitions and therefore to potential criminal penalties for disclosing classified information.

The named officer's position was supported by legal opinions from the San Francisco City Attorney and from the Chief of the Criminal Division of the US Attorney's Office.

Given the foregoing, there was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 08/12/16 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated a plainclothes officer cited him for impeding the flow of traffic on a congested street. The complainant stated he was driving slowly due to heavy traffic, but that he was traveling the same speed as other drivers and was not impeding traffic.

The named officer stated he cited the complainant for impeding the flow of traffic because the complainant was double parked in an already congested lane of traffic.

Two witness officers stated the complainant was double parked in a lane of traffic for no apparent reason. The witness officers stated other drivers were forced to merge into the next lane in order to pass the complainant's car, causing additional delays in an already congested area.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the named officer recklessly attempted to bypass traffic by driving an unmarked car in a bicycle lane along a congested street, and that when the bicycle lane narrowed, he swerved and tried to merge in front of the complainant. The complainant stated he did not allow the named officer, whom he believed to be a reckless civilian driver, to merge in front of him.

The named officer denied driving recklessly or swerving. He denied driving in the bicycle lane.

Two witness officers stated the named officer drove in a safe and professional manner, and that they never observed the named officer drive in a bicycle lane or swerve.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 08/12/16 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer failed to comply with Department General Orders 9.01 and 5.08.

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

FINDINGS OF FACT: The complainant stated he was pulled over on a congested street when he heard a siren and saw emergency lights through his rear window. He was expecting to see a uniformed officer approach his driver side window and was startled when a man in civilian clothes walked toward him instead. The complainant did not understand that the man approaching his car was an officer until the man reached his window and held out a badge. The complainant stated plainclothes officers should not conduct traffic stops because it is alarming to see a non-uniformed person approaching your driver side window when you think you have been pulled over by a police officer.

The named officer denied conducting a traffic stop. The named officer stated the complainant created an “aggravated situation” by double parking in a congested lane of traffic, causing other drivers to make unsafe lane changes to pass him. The named officer stated his contact with the complainant began as a wellbeing check because he suspected the complainant was either intoxicated or experiencing a medical emergency. The named officer stated that, even though he did not stop the complainant, he issued a citation because the complainant created a dangerous road hazard by double parking. The named officer stated he did not call for backup because he did not initiate a traffic stop and because a marked unit drove by as he approached the complainant’s car.

Two witness officers stated they contacted the complainant because he was double parked in a lane of traffic for a prolonged period of time, which constituted an “aggravated situation” requiring them to take immediate action to protect life or property. The named officers explained that the situation was “aggravated” because they suspected the complainant was probably intoxicated or needed help. The officers stated that a drunk driving investigation falls under the “aggravated situation” exception to the rule prohibiting plainclothes officers from conducting traffic enforcement. The officers stated they did not call for uniformed backup officers because the complainant was already stopped or parked, which meant they did not initiate a traffic stop.

With limited exceptions, DGOs 9.01 and 5.08 prohibit plainclothes officers from conducting traffic enforcement activity. Department General Order 9.01 states that “moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers.” Department General Order 5.08 states that “non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except...[w]hen witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.” Additionally, when non-uniformed officers initiate traffic stops, they are required by DGO 5.08 to call for the assistance of a marked backup unit.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 08/12/16 **PAGE #3 of 2**

FINDINGS OF FACT (Continued): By detaining and citing the complainant, the named officer conducted traffic enforcement in violation of Department General Orders 5.08 and 9.01. A stopped or double-parked car does not pose the same threat to public safety as a drunk driver and is not “an aggravated situation requiring immediate action.” In fact, the streets of San Francisco, and especially busy traffic areas such as where this incident took place, are frequently in a stage of gridlock, and double parked vehicles are often the cause.

Additionally, the named officer failed to request uniformed officers to back him up as required by DGO 5.08. The named officer stated he was not required to request backup because he did not initiate a traffic stop. However, a traffic stop occurs any time a driver is detained for traffic enforcement purposes, even if the car is stopped or parked.

As a plainclothes officer who engaged in traffic enforcement activity when no exigency existed, the named officer violated DGOs 5.08 and 9.01.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 08/12/16 **PAGE #4 of 2**

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officer pulled him over for impeding traffic as a pretense. The complainant stated the named officer pulled him over due to road rage because the complainant did not allow the named officer, who was wearing plainclothes and driving an unmarked car, to merge in front of him on a congested road. The complainant stated the named officer harassed him by repeatedly asking the same questions and implying that the complainant was intoxicated. The complainant stated the named officer seemed to be fishing for a reason to justify an inappropriate traffic stop. The complainant stated the named officer was extremely rude and disrespectful throughout the traffic stop.

The named officer denied making inappropriate statements. The named officer stated he was polite and concerned for the complainant's safety. The named officer stated he repeatedly questioned the complainant about his sobriety because double parking on a congested road indicated either impaired or poor judgment.

Two witness officers stated they could hear the named officer speaking with the complainant, but could not hear the complainant's responses due to the ambient noise. The two witness officers stated the named officer acted in a professional manner and asked standard questions related to a drunk driving investigation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/15 **DATE OF COMPLETION:** 08/12/16 **PAGE #5 of 2**

SUMMARY OF ALLEGATION #7: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the named officer pulled him over for impeding traffic as a pretense. The complainant stated the named officer really stopped him because he is African American.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation. He stated he contacted the complainant only because he was double parked for a prolonged time in a congested area. The named officer stated he approached the complainant to investigate if he was intoxicated or needed help. The named officer stated he was unaware of the complainant's ethnicity until he walked up to his driver side window. The named officer denied that the complainant's ethnicity influenced his decision to detain or cite him. The named officer stated he ordered the complainant to turn off his car engine as a safety measure and before investigating the complainant's sobriety. The named officer denied ordering the complainant to surrender his keys.

Two witness officers denied engaging in biased policing. The officers stated they were unaware of the complainant's ethnicity until they walked up to his window. The named officers denied that the complainant's ethnicity influenced their treatment of him.

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: 05/18/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant and her uncle stated they met with the named officer regarding her brother's death. They stated that the named officer was rude and unprofessional; comparing the death of her brother with other cases the named officer had worked on in the past.

The named officer denied the complainant's allegation, stating that he was courteous and professional.

The OCC recommends that investigator training involving communication with family members of homicide and suicide victims be reviewed to determine whether the training and curriculum adequately addresses how to communicate effectively with family members and enhanced, if appropriate.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/16 **DATE OF COMPLETION:** 08/12/16 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/16 **DATE OF COMPLETION:** 08/12/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The SFPD failed to promptly respond to the scene.

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

FINDINGS OF FACT: By mutual agreement of the complainant and a member of the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on July 21, 2016.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a member of the SFPD, the complaint was mediated and resolved in a non-disciplinary manner on July 21, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/13/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer cited him for failing to stop for the red light, which the complainant denied.

The named officer and his partner stated they both observed the violation, prompting the named officer to issue the complainant a citation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated there was no justifiable reason for the named officer to order the complainant to sit on the dirty ground, while being issued a citation. The complainant stated the ground was covered with urine and excrement.

The named officer acknowledged ordering the complainant to sit on the ground, but denied the ground was dirty. The named officer stated that he was not specifically trained on bicycle stops at the academy in either recruit or advanced officer training. The Department's subject matter expert stated that the Academy does not specifically train on bicycle stops. The subject matter expert stated it is not standard practice to immediately order the bicyclist to sit on the ground but it is acceptable.

In light of bicyclists comprising a significant part of vehicle traffic in the city and that officers do not receive training on conducting bicycle stops, the OCC recommends that the Police Academy develop curriculum and training on bicycle stops.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officer refused to accept his citizen's arrest and failed to properly investigate his reported battery. He also stated the named officer was required to contact all witnesses, but refused to contact or take the contact information of his witness. He stated that his witness was inside a building at the scene, while he, the suspect and another witness were outside. He acknowledged the named officer provided him an incident report number and told the complainant that an investigator would review the security footage of the incident.

The named officer stated that he investigated the complainant's battery report. He stated that after speaking to the complainant, the suspect and an independent witness, as well as noting the complainant's lack of any visible injury, he did not have probable cause for an arrest. He stated that no other witness approached him. He also stated that at the time of the incident, he was unable to review the video surveillance, but informed the complainant that an investigator would follow up with the incident.

Department General Order 5.04, Arrests by Private Person, section II states in part:

II. PROCEDURES

Whenever a private person summons an officer to take custody of an individual that the private person has arrested or wants to arrest, officers shall:

--

5. Determine if probable cause exists to believe the individual committed the crime in question. If probable cause exists such that an arrest should be made, accept the private person's arrest and book or cite the individual as appropriate (see DGO 5.06, "Citation Release"). If probable cause does not exist, the individual is free to leave.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1 continued:

The named officer's incident report documents his response to this incident and his conclusion based on his investigation. The named officer's report documents a statement from an independent witness who denied that the complainant was grabbed.

Pursuant to DGO 5.04, the named officer prepared an incident report as required. The evidence established that the named officer's actions were proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 08/08/16 **PAGE#** 1 of 4

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 he legally parked a vehicle on the street and went to get food with an acquaintance. The complainant stated another acquaintance stayed inside the vehicle. Upon his return, the complainant stated he saw the named officer searching the vehicle. While the complainant admitted driving the vehicle, he denied owning it. The complainant also admitted that the vehicle's license plate was from out of state and that its registration was expired.

The complainant did not have contact information for his two acquaintances.

The named officer stated that while on patrol, he recognized the complainant's van from multiple prior contacts and arrests. The named officer stated that the van's registration had an expired registration of over six months. He stated the complainant, who is a known drug dealer, had previously admitted ownership of the van. The named officer stated that as he approached the van, a person inside the van opened the right passenger door. The named officer stated he smelled a strong odor of marijuana coming from inside the van. The named officer stated he then observed in plain view a marijuana grinder on the van's center console area and a tin can with green residue on it, prompting the named officer to search the van. The named officer stated that the green residue is indicative of the can being used to possibly store cannabis. During the search of the van, the named officer stated that he located indicia indicating the complainant's possession and control of the van, several pounds of marijuana and narcotics paraphernalia.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 08/08/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated he legally parked a vehicle on the street and went to get food with an acquaintance. The complainant stated another acquaintance stayed inside the vehicle. Upon his return, the complainant stated he saw the named officer searching the vehicle. While the complainant admitted driving the vehicle, he denied owning it. The complainant also admitted that the vehicle's license plate was from out of state and that its registration was expired. The complainant stated he was subsequently arrested and placed in handcuffs.

The complainant did not have contact information for his two acquaintances.

The named officer stated that the complainant was placed in handcuffs and arrested for possession and sales of narcotics.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he was pat-searched without justification, but did not recall who searched him.

The officers on scene stated that the complainant was searched incident to the arrest, but the officers could not recall who pat-searched the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 08/08/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated he legally parked a vehicle on the street and went to get food with an acquaintance. The complainant stated another acquaintance stayed inside the vehicle. Upon his return, the complainant stated he saw the named officer searching the vehicle. While the complainant admitted driving the vehicle, he denied owning it. The complainant also admitted that the vehicle's license plate was from out of state and that its registration was expired. The complainant stated that after the vehicle search, he was placed under arrest.

The complainant did not have contact information for his two acquaintances.

The named officer stated that while on patrol, he recognized the complainant's van from multiple prior contacts and arrests. The named officer stated that the van's registration had an expired registration of over six months. He stated the complainant, who is a known drug dealer, had previously admitted ownership of the van. The named officer stated that as he approached the van, a person inside the van opened the right passenger door. The named officer stated he smelled a strong odor of marijuana coming from inside the van. The named officer stated he then observed in plain view a marijuana grinder on the van's center console area and a tin can with green residue on it, prompting the named officer to search the van. The named officer stated that the green residue is indicative of the can being used to possibly store cannabis. During the search of the van, the named officer stated that he located indicia indicating the complainant's possession and control of the van, several pounds of marijuana and narcotics paraphernalia. The named officer stated that the complainant was then placed under arrest.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/15 **DATE OF COMPLETION:** 08/08/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer discriminated against him by telling other officers that the complainant owned the vehicle. The complainant stated that during prior contacts, the officer would point the complainant out to other officers to get the complainant arrested.

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the vehicle was illegally towed from the scene. The complainant admitted he drove and parked the vehicle but denied he owned the vehicle. The complainant admitted the vehicle had expired registration from out of state.

The named officer stated he authorized the tow of the vehicle because the out of state registration was expired more than 6 months in violation of CVC section 22651(o). The named officer stated the complainant advised him and other officers during a prior incident that the vehicle was his and that complainant had the key to the vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was rude. The complainant stated that the officer harassed, intimidated, and threatened him. The complainant admitted he double-parked his car to unload groceries. The complainant stated the officer yelled and threatened to issue him a citation if the complainant did not move his double-parked vehicle.

The named officer stated he observed the complainant's car double-parked. The named officer stated he asked the complainant to move his car or be cited. The named officer stated the complainant said he was doing something and would move the car. The named officer stated he told the complainant that if the car was not moved when the officer returned, the named officer would issue him a citation. The named officer stated that the complainant moved his vehicle.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/07/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote, “Arrested time and time again. Over and Over.” The complainant did not provide any time, date, location or name of officer(s) involved in the arrest. In addition, the complainant did not respond to OCC’s multiple requests to contact the OCC.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/13/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote, in part, that he was detained in September 2015.

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

The incident in question could not be located.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that while standing on the street, he observed an officer in plainclothes stopped at a stop sign. The complainant stated the officer, who was driving an unmarked police car, was texting on his cell phone. The complainant stated that when he admonished the officer for texting while driving, the officer responded with profanity.

The identity of the alleged officer could not be established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/16 **DATE OF COMPLETION:** 08/17/16 **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
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 08/17/16 **PAGE #1 of 1**

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

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

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

California Department of Corrections and Rehabilitation
Office of the Ombudsman
1515 S Street, Room 311 South
Sacramento, CA 95811

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/16 **DATE OF COMPLETION:** 08/17/16 **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 complainant raises matters outside OCC's jurisdiction. The complaint has been referred to

San Francisco Department of Public Works
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/16 **DATE OF COMPLETION:** 08/17/16 **PAGE #** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/16 **DATE OF COMPLETION:** 08/17/16 **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
Internal Affairs Division
1245 3rd Street
San Francisco, CA 94158

SUMMARY OF ALLEGATION #2: 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:

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: 06/30/15 **DATE OF COMPLETION:** 08/17/16 **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 stated that he was standing on a corner and saw cars stopped in the pedestrian crosswalk. The complainant yelled at the drivers to stay behind the limit line of the crosswalk. The complainant approached an officer who was standing on the sidewalk and asked her to do something to control the traffic. The complainant stated the officer failed to take enforcement action.

The identity of the alleged officer could not be 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: 11/02/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was detained because he matched the description of a suspect who had broken into a car. The complainant stated the named officer threatened him after the other officers left the scene. According to the complainant there were no witnesses to the named officer's threat.

The named officer denied making the threatening statement described by the complainant.

The named officer's partner denied that the named officer threatened the complainant.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer sprayed a chemical on the complainant.

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

FINDINGS OF FACT: The complainant stated that while staring at the headlights of the patrol car he heard the sound of a chemical being sprayed and felt it being sprayed on him, although he did not see the officer spraying it. The complainant stated that this was the same chemical he believes has been sprayed into every building he has entered during the past three years. The chemical causes the complainant to have abnormal visions.

The named officer and his partner denied that a chemical was sprayed on the complainant.

The complainant's statement about a chemical being sprayed into every building he enters raises credibility issues regarding this particular allegation.

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: 09/17/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the named officers detained her in handcuffs, even though she did nothing wrong. The named officers explained that they were investigating a report of a battery committed by a person in a beige sweater. The complainant acknowledged that she was wearing a beige sweater. The complainant told the named officers that she had just finished eating lunch at a nearby church. She invited the named officers to check her alibi and to search her bag, but they refused both offers. The named officers released her without asking any questions or answering any of her questions.

The named officers did not recall detaining or handcuffing the complainant.

Witness officers did not recall the complainant being detained or handcuffed.

The reporting party stated an unknown woman wearing a brown shirt punched her face in an unprovoked attack. The reporting party told officers where to find the woman who attacked her, but was not present when the named officers detained the complainant. The reporting party stated she told the officers that she did not wish to press charges and only wanted them to be aware of the suspect's actions for public safety awareness.

Records from the Department of Emergency Management indicated the suspect description broadcast to officers was a woman, in her 50's, wearing a brown shirt standing near a bus stop.

The complainant's description and clothing matched the description of the suspect.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATIONS #1-2: The officers failed to issue a certificate of release.

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

FINDINGS OF FACT: The complainant stated the named officers detained her in handcuffs during a battery investigation.

The named officers did not recall detaining or handcuffing the complainant.

Witness officers did not recall the complainant being detained or handcuffed.

The reporting party was not present when the named officers detained the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/15 **DATE OF COMPLETION:** 08/17/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the named officers discovered he had an outstanding arrest warrant during a traffic stop for expired vehicle registration tags. He stated the officers would not listen when he tried to explain that the warrant was a mistake. He stated the named officers forced him out of his car, threatened him with pepper spray, handcuffed him, and pushed him to the ground, yelling at him to stop resisting. He stated he moved around because the handcuffs hurt his wrists but was not resisting. He stated that, while the officers were holding him to the ground, they pressed onto his back and that one officer stepped on his head. He stated he was bruised in several places and suffered pain to his wrist.

The named officers stated they arrested the complainant during a traffic stop because he had an active arrest warrant. They stated the complainant resisted arrest and tried to escape. They stated they used the minimal amount of force necessary to gain control of the complainant. The named officers stated the complainant refused to get out of his car and initially hid his right hand from view. The named officers stated they removed the complainant from his car because he refused to move of his own volition after multiple requests. They threatened to use pepper spray only until the complainant complied with orders to show both of his hands. They stated the complainant tried to run away while they were applying handcuffs to his wrists. The named officers stated they caught up to the complainant in front of his car and guided him to the ground by pulling his arms behind his back. They stated they each pressed a knee onto the complainant's back to keep him in place until backup officers arrived a few minutes later. They denied putting any pressure on the complainant's head. The named officers stated they reported using force and notified a supervising officer when the complainant complained of a wrist injury.

Three witness officers stated the complainant was already on the ground and in handcuffs when they arrived. A witness stated she stopped to watch the incident because she heard the complainant's "gut wrenching screams." The witness stated she saw the complainant face down in the street for an unknown period of time. The complainant's mother and aunt stated they also heard the complainant screaming during the incident. The complainant's aunt observed a new bruise on his arm.

Video of the incident began after the complainant was in custody. 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: 08/04/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested for no purpose other than harassment.

The named officers stated they observed the complainant engage in narcotics sales while working in concert with two other individuals. The officers stated they witnessed the complainant pull out a baggie from his groin area, providing them with the probable cause to arrest him.

Department records showed that during a strip search conducted at the station, prescription pills were located in the complainant's groin area and over one thousand dollars in cash were found in his left front pants pockets. The complainant did not have a prescription for the pills found in his possession.

A preponderance of the evidence establishes that the complainant was engaged in sales of narcotics when he was arrested.

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 #4-5: The officers applied tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated he was placed in tight handcuffs, causing a small cut to his wrist. The named officers denied the allegation.

The complainant's Medical Screening form, signed by the complainant, made no mention of any injury.

The complainant's medical records showed no injury to the complainant's wrists.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6-7: The officers strip-searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the named officers strip-searched him even though he did not have a search condition and was not on probation or parole.

Department records showed that the complainant was arrested for sales of narcotics. Records showed that the strip-search was approved by a supervisor, as required.

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 #8-10: The officers engaged in racial profiling.

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

FINDINGS OF FACT: The complainant stated he was racially profiled due to his race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied the allegation, stating that the complainant was arrested after they observed him engaging in narcotics sales.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/15 **DATE OF COMPLETION:** 08/17/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that while filing some paperwork at a government office, he was asked to leave for being loud and yelling at people. The complainant stated he complied and was escorted outside by the named officer. The complainant stated that once outside, the named officer called him a “fat boy.”

The named officer acknowledged escorting the complainant out but denied calling him a fat boy as alleged. He stated that he was professional and courteous during the contact.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/15 **DATE OF COMPLETION:** 08/12/16 **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 the named officer stopped him for allegedly failing to stop at a stop sign. The complainant stated the officer spoke in a loud and sarcastic voice towards the complainant and told the complainant to admit that he had committed the violation. The complainant stated he responded back in a loud and aggressive manner. After asking for and receiving the complainant's driver's license and registration, the officer asked the complainant where he was going and what he was doing. The complainant stated he used profanity and told the officer that it was none of his business. The complainant stated the officer gave him a citation to sign, yet he refused to sign the citation until the officer had answered his questions. The complainant stated that he became more irate and aggressive. The complainant stated the officer told him to exit the car and threatened to handcuff him if he did not get out of his car. The complainant stated he exited the car and the officer told him to stand in one place and shut up.

The named officer stated that when he presented the complainant with a citation for failing to stop at a stop sign, the complainant became irrational and uncooperative and refused to sign the citation. The named officer stated after he provided his name and star number to the complainant, the complainant said the officer might be lying about his identity, and refused to sign the citation until he verified the officer's identity. He stated that after the complainant refused to sign the citation, he told the complainant to exit his car because he believed the complainant's behavior was irrational, that he might be under the influence of alcohol and that he might flee the scene. He denied threatening to handcuff the complainant if he did not exit the car. He denied using profanity or making the inappropriate statements described by the complainant and denied acting in a rude or inappropriate manner. He stated that the complainant did not sign the citation until a sergeant responded to the scene and spoke to the complainant.

A witness who lived near the scene of the traffic stop stated that he heard someone shouting and went outside and observed the interaction between the named officer and the complainant. He stated that the complainant was refusing to sign a citation and asked the officer whether he was a real police officer. He heard the officer explain to the complainant how he could contest the citation. The witness did not hear the officer use profanity or make the inappropriate statements described by the complainant. He stated that he heard the complainant use profanity multiple times.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #1 continued:

A second witness, the brother of the first witness, stated that he and his brother went outside to observe the traffic stop. He heard the complainant refuse to sign the citation and accuse the officer of being rude. The complainant told the officer he had questions, and the officer replied that the information he needed was on the back of the citation. The complainant asked the officer, "How do I know you're a real police officer?" He described the complainant as being loud, obnoxious, rude and extremely difficult. This witness stated that he did not hear the officer use profanity or make the inappropriate statements described by the complainant. He never heard the officer raise his voice.

The sergeant who responded to the scene stated that when he arrived, the named officer told him that the complainant became rude and argumentative when he was asked to sign the citation. The complainant told the sergeant that he did not believe that the named officer was who he claimed to be and claimed that all police officers lie. The sergeant confirmed the named officer's identity to the complainant. The sergeant asked the complainant if he would sign the citation, which the complainant signed.

No other witnesses were identified.

The complainant's account indicates that he refused to sign the citation and acted in a loud and aggressive manner. Given the complainant's behavior, the named officer was justified in ordering the complainant to exit his vehicle and would have been justified in handcuffing the complainant. The named officer was not obligated to answer the complainant's questions as a prerequisite to the complainant signing the citation.

The two civilian witnesses, who confirmed that the complainant acted in a loud and aggressive manner, did not witness the earlier part of the interaction, when the complainant claimed the officer made some of the inappropriate statements.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #2: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant stated that when the officer gave him a citation to sign, he told the officer he wanted his questions answered before he would sign the citation. The officer responded, “What do you need to know, sir? Everything you need is on the ticket.” The complainant told the officer he wanted to know his name, star number and the precinct he was assigned to. The officer responded that the information was in the citation, and pointed out his name and star number on the citation.

The named officer stated that the first time the complainant asked for his name and star number, he said it was on the citation. The complainant said he did not believe that was the correct information. The officer spelled out his name and star number numerous times.

A witness stated that when the complainant asked the officer for his name and badge number, the officer pointed out this information on his shirt and on the citation.

A second witness stated that when the complainant asked for the officer’s name and star number, the officer pointed to his badge and also said his name was on the citation. This witness thinks the officer verbally gave the complainant his name and star number.

The evidence established that the named officer provided his name and star number when requested.

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.

**00OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated that officers detained her neighbor as he was exiting his mother's residence and placing his two children in his car, a white Chrysler 300. The complainant stated the named officer and his partner then walked the neighbor to a patrol car and placed him in the back seat. The neighbor's father asked the officers why his son was being arrested, and officers responded that "it will take a while" for them to determine whether he was the individual they were looking for.

The named officer stated that on the date in question, officers received information regarding a suspect vehicle in an attempted homicide. The vehicle was a white 2006 Chrysler 300. The named officer ran a records check on the vehicle, which came back registered to the address next door to the complainant. Officers drove to that address and saw a vehicle with the matching make, model, and license plate parked in front of the entrance. They observed the complainant's neighbor walk out of the house and get into the vehicle.

A Homicide Detail sergeant at the scene stated that the neighbor and his father were identified as persons of interest in a shooting homicide. Once officers notified the sergeant that they had located the two men, he instructed them to seize the Chrysler as evidence, and detain and transport the neighbor to Homicide Detail as a person of interest pending an interview.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment and had a rude manner.

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

FINDINGS OF FACT: The complainant stated that when she told the named officer that her detained neighbor had rights, the officer replied, "Not right now he doesn't." When she asked the named officer why so many police cars were on the scene to detain a single person, adding, "We don't see one police car in the run of a day," the named officer said, "Now you can see a whole lot of police cars so you can never say you didn't see a police car on your street, so you can call the captain and tell him that." The complainant also said that the named officer told her, "I'm not talking to you. I'm only talking to the family. If you're not family; I'm not talking to you."

The named officer stated that he spoke to numerous individuals that day who were upset that there were so many SFPD units on the scene, but he does not recall making the alleged statement regarding police cars to anyone that afternoon. He stated that there were also several people at the scene who were argumentative and hostile and tried telling officers, including him, that the detained person had rights. The named officer was unsure whether any of the people he spoke to was the complainant, but he recalled telling a few people that, because the investigation that day was ongoing, some of the detained persons' rights did not necessarily apply at that exact time. He did not recall exactly what words he used. Finally, the named officer recalled having to turn away several people who wanted information, in the interests of protecting the detainee's privacy, and he recalled some people being upset that he would not provide them with information about the investigation. Overall, however, the named officer stated that he did not recall making any inappropriate comments to the complainant.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that her neighbor was detained in handcuffs in the back of a police car for two hours. She also said that having nine or ten police cars at the scene to arrest one man who was cooperative and not resisting was “overkill.”

The named officer stated that officers initiated the detention at 18:35 hours. He also stated that the detainee arrived at Homicide Detail at 850 Bryant at 19:30 hours.

The named officer stated that he had no knowledge of the number of patrol vehicles that arrived at the scene of the detention. He said that a heavy police response could be due to the subject being involved in a shooting homicide where the firearm was still outstanding.

Department records indicated that the unit that transported the neighbor registered a change of location to “850 Bryant St W/1” at 19:15. Therefore, the suspect was detained in the back of the patrol car for approximately 40 minutes before he was transported to 850 Bryant.

An officer at the scene stated that the detention of the complainant’s neighbor took place in a high-crime gang area known for violent incidents. In addition, he stated the vehicle was located on the border of both Park and Northern Station districts, which led to a response from units in both districts. Finally, due to the fact that there was an outstanding firearm, a female officer was asked to respond to the scene to conduct an officer safety search of a female detainee.

Department records indicated that the detention did take place on the border of two districts, and units from both districts did arrive at the scene.

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: 02/10/16 **DATE OF COMPLETION:** 08/17/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she found her car vandalized. She stated she asked assistance from two officers passing by the scene, but the officers refused to take her report. The complainant stated she then called 911 and went to a police station to file a report.

The identity of the alleged officers has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: 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 partially 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: 11/19/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 2

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 the named officers arrested him during a domestic violence investigation, even though he was the victim. The complainant stated his ex-girlfriend punched him in the face and pushed him into a television, causing the screen to break. He stated the named officers arrested him on vandalism charges when they should have arrested his ex-girlfriend for physically abusing him. He stated the named officers should have helped him because he made the 911 call and because the cracked television screen was proof that he had been pushed. The complainant admitted refusing to leave his ex-girlfriend's home.

The named officers stated they arrested the complainant because the evidence showed that he was the primary aggressor. The named officers stated that the victim also called 911 to ask for police assistance. The victim told the named officers that the complainant became enraged when she told him to leave her apartment. The victim told the named officers that the complainant knocked photos off the wall and punched her television screen. The named officers stated they observed broken picture frame glass in the victim's apartment and damage to part of the television screen. They stated the damage to the television was more consistent with the victim's story than with the complainant's story. They stated the complainant insisted on going back into victim's home, even though he did not live there and had been asked to stay away earlier that same day. The named officers stated they arrested the complainant because the victim requested a private person arrest for vandalism in a domestic violence related incident. The named officers stated they did not release the complainant because his behavior indicated that he would most likely continue harassing the victim and destroying her property.

The complainant's ex-girlfriend stated she requested a citizen arrest because she and her children were scared when the complainant punched the television screen and refused to leave the house. She stated different officers had already removed the complainant from her home earlier in the afternoon.

Department of Emergency Management records indicated the complainant's ex-girlfriend asked officers to remove the complainant from her home a few hours before the complained of incident.

Department General Order 6.09, Domestic Violence, directs officers to book a person suspected of committing a domestic violence related misdemeanor if "the offense is likely to continue."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-6: The officers engaged in biased policing based on gender and race.

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

FINDINGS OF FACT: The complainant stated the named officers arrested him during a domestic violence investigation, even though he was the victim. The complainant stated that, when the named officers arrived, they immediately assumed he was the aggressor because he is an African American male. The complainant stated that, instead of protecting him, the named officers arrested him on fabricated vandalism charges and served him with a restraining order. The complainant admitted that he refused to leave his ex-girlfriend's home upon her request.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied assuming that the complainant was the primary aggressor based on his gender or race. They stated they determined the complainant was the primary aggressor in a domestic violence incident only after conducting a thorough investigation. One named officer stated he detained the complainant shortly after arriving, not because he was a suspect, but because it is Department protocol to separate parties during a domestic violence investigation and the complainant kept insisting that he be allowed back inside his ex-girlfriend's home. The named officers determined the complainant's ex-girlfriend was the victim based on an evaluation of the physical evidence, including a fist-sized crack in a television screen and the complainant's lack of visible injuries. The named officers stated the physical evidence supported the ex-girlfriend's story and was inconsistent with the complainant's story.

The complainant's ex-girlfriend stated she told officers that the complainant yelled at her, punched a hole in her television screen, and knocked a picture frame off a wall in front of her children. She stated it was the second time in the same day that she needed police to remove the complainant from her home. She stated she requested a citizen's arrest and restraining order.

Department of Emergency Management records indicated that both the complainant and his ex-girlfriend called for police assistance and that other officers responded to reports of a fight at the residence a few hours before the complained of incident.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-2 **DEPT. ACTION:**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/15 **DATE OF COMPLETION:** 08/17/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 2: The officers detained an individual without justification.

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

FINDINGS OF FACT: The complainant stated that he was at an outdoor music festival where he saw officers detain a man who was walking with a bottle of liquor in his hand.

The first named officer stated that he contacted the man described by the complainant because the man appeared to be intoxicated and was carrying an open bottle of liquor in his hand. The officer denied detaining the man. He stated that when he approached the man, the man lunged towards him and grabbed his shirt. In response, the officer grabbed the man's shirt or a strap on his backpack. He stated that the second named officer then grabbed the man's wrist to make him release his grasp on the first officer's shirt. He stated that the second named officer and their partner spoke to the man and his female companion, who then left the area.

The second named officer confirmed his partner's account and stated that the man was not detained.

The named officers' partner stated that he saw the first named officer holding a man in a bent wristlock. He went to assist, and saw that the man appeared to be intoxicated. The man's female companion said she would take care of the man and ensure he got home. He recalled someone pouring out a bottle of liquor.

A cell phone video provided by the complainant showed the first named officer, who is holding an open bottle of liquor in one hand, with his other hand on the back of the man's neck. It shows the second named officer apparently grasping the arm of the man, who is bent forward. Several seconds later, it shows the man and his female companion standing up with no officers physically contacting them, and several seconds after that, the video shows that the man and his female companion had left the scene.

Neither the man contacted by the named officers nor his female companion could be identified.

No other witnesses were identified.

The named officers denied detaining the man, stating that they contacted him because he appeared intoxicated and was carrying an open container of alcohol.

OFFICE OF CITIZEN COMPLAINTS

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/06/15 **DATE OF COMPLETION:** 08/17/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #1-2 continued:

The complainant's cell phone video established that the officers physically restrained the man, which constituted a detention. However, the evidence, including the complainant's statement, established that the man was carrying an open bottle of liquor, providing the named officers justification to detain the man.

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

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

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

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

FINDINGS OF FACT: The complainant stated he was at an outdoor music festival where he saw officers detain a man who was walking with a bottle of liquor in his hand. He saw the named officer grab the front of the man's throat. The complainant took out his cell phone to film the incident, and when he next looked at the man, he saw the named officer with his hand on the back of the man's neck as the man was bent over.

The named officer stated that he contacted the man described by the complainant because the man appeared to be intoxicated and was carrying an open bottle of alcohol in his hand. He stated that when he approached this man, the man lunged towards him and grabbed his shirt. In response, he grabbed the man's shirt or a strap on his backpack. He stated that his partner then grabbed the man's wrist to make him release his grasp on the first officer's shirt. He stated that he did not recall grasping, holding or touching the man's throat or neck.

One of the named officer's partners stated that the complainant lunged towards the named officer and attempted to grab or push him. In response, this officer grabbed the man's arm and placed him in a control hold. He stated that he did not see the named officer grab the man by the throat or neck.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/06/15 **DATE OF COMPLETION:** 08/17/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3 continued:

The named officer's other partner stated that he was communicating on his radio approximately 30 feet away when he saw the named officer holding a man in a rear wrist lock control hold. He saw his other partner holding up the man, who appeared to be intoxicated. He stated that he did not see an officer grasp or hold the man by the throat or neck and did not see the man being bent over.

A cell phone video provided by the complainant shows the named officer, who is holding an open bottle of alcohol in one hand, with his other hand on the back of the man's neck. It shows the named officer's partner apparently grasping the arm of the man, who is bent forward.

Neither the man contacted by the named officer nor his female companion could be identified.

No other witnesses were identified.

There was insufficient evidence to prove or disprove whether the named officer grabbed the man by the throat, as described by the complainant. The complainant's video did not capture this part of the incident. The video did establish that the named officer had his hand on the back of the man's neck at one point during the contact, although the named officer stated that he did not recall doing this.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish this task.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was seated in her boyfriend's parked car when the named officer knocked on the window to discuss the car's illegally tinted windows. The complainant stated that when she rolled down the window, the named officer told her that she smelled marijuana and ordered the complainant out of the car. The complainant stated she was then detained without justification. The complainant denied smoking marijuana but stated her boyfriend had marijuana.

The named officer stated she observed a vehicle with illegally tinted windows driving past her patrol car. The named officer stated she found the vehicle parked, with its windows closed, with only an outline of a person's head visible inside. The named officer stated she knocked on the window to contact the occupant. When the occupant rolled the window down, the named officer stated she informed the occupant regarding the illegal window tint, and that she smelled marijuana. The named officer informed the occupant of her probable cause to search the vehicle, ordered the occupant out of the car and detained her because she smelled marijuana.

The complainant's boyfriend, who was the registered owner of the vehicle, arrived during the complainant's detention. He admitted having illegally tinted windows and that he had previously been cited for having illegally tinted windows. He admitted having marijuana in his possession.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated she was seated in her boyfriend's parked car when the named officer knocked on the window to discuss the car's illegally tinted windows. The complainant stated that when she rolled down the window, the named officer told her that she smelled marijuana and ordered the complainant out of the car. The complainant stated she was then detained and handcuffed without justification. The complainant stated she was smoking a cigar, not marijuana, but complied with the officer's order to exit. The complainant stated she held her phone as she exited the vehicle and "cussed out" the officer at the scene.

The named officer stated that she approached a car with illegally tinted windows and ordered the occupant to roll down the window. The named officer stated that when the complainant rolled the window down, then named officer smelled marijuana and ordered the complainant to exit the vehicle. The named officer stated the complainant exited, but held her cell phone on "record" and cussed at the officer throughout the contact. The named officer further stated that when the complainant exited the vehicle, the complainant lit a cigar and, when the named officer advised her to not to smoke and to put out the cigar, the complainant refused. The named officer stated at that time, she confiscated the phone and the cigar from the complainant's hand and handcuffed her for the complainant's safety and officer safety. The named officer stated that when she released the complainant, she returned the complainant's phone and issued her a Certificate of Release.

Based on the complainant's own statement, the named officer was justified in placing her in handcuffs.

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: 11/22/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer searched a vehicle without probable cause.

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

FINDINGS OF FACT: The complainant stated the named officer searched her boyfriend's car without probable cause.

The named officer stated she had probable cause to search the vehicle because she smelled marijuana emanating from the vehicle. In addition, she stated that the complainant's boyfriend gave her permission to search his vehicle.

The complainant's boyfriend, who was the registered owner, admitted that he gave the named officer consent to search his vehicle.

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

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

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

FINDINGS OF FACT: The complainant stated that she and her boyfriend were racially profiled.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. She denied the allegation, stating that because of the tinted windows, she could not see the gender and ethnicity of the person inside the vehicle.

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: 06/22/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was cited improperly for violating California Vehicle Code §21650.1 which states, “A bicycle operated on a roadway or the shoulder of a highway, shall be operated in the same direction as vehicles are required to be driven upon the roadway.” The complainant stated she exited Golden Gate Park on her bicycle and, while crossing Fulton Street in the crosswalk, was struck by a vehicle making a left turn from 6th Avenue onto Fulton. The complainant contested the citation in Traffic Court and the Traffic Court ruled against her. The complainant appealed the judgment and the Appellate Court reversed the Traffic Court’s judgment, stating that CVC §21650.1 regulates bicycles that are riding on streets, not in pedestrian crosswalks.

The named officer stated that it is unlawful for bicyclists to ride in a crosswalk. The named officer stated that if a bicyclist rides a bike in a crosswalk, they are cited for CVC §21650.1, which requires bicyclists to travel in the same direction, as vehicles are required to be driven. The officer stated that SF Transportation code §7.2.12 prohibits riding bicycles from sidewalks, and CVC§ 275 defines a crosswalk as an extension of a sidewalk.

The named officer’s partner corroborated that bicyclist are not allowed to ride bicycles in crosswalks.

The named officer’s superior officer agreed with the named officer that bicyclists are not allowed to ride their bicycles in a crosswalk, though he believed the appropriate citing section in the incident was inconclusive. The superior officer stated he actually thinks that the primary collision is either CVC §21801(a) or 21801(b) - Left Turn right of way, depending on which driver entered the intersection first.

The Superior Court of California, County of San Francisco, Appellate Division, filed a “Judgment on Appeal” on 02/18/2016, App. No. APP-15-008019, Court No. 017902242, and states in pertinent part:

However, Vehicle Code § 21650.1 is inapplicable because the statute does not apply to the facts in the present case.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 2 of 3

First, under the California Vehicle Code, bicycles are not prohibited from operating “along any crosswalk...where the operation is not otherwise prohibited by [the California Vehicle Code] or local ordinance.” {Veh. Code § 21650(g).} The City and County of San Francisco Municipal Code does not prohibit a bicycle from crossing a street using a crosswalk.

Second, Vehicle Code § 21650.1 does not prohibit the riding of a bicycle across a crosswalk in the manner that Claymore did at the Fulton and 6th Avenue intersection.

The investigation determined that California Vehicle Code §21650.1 was inapplicable to the underlying facts involving the complainant. At the time of the incident, the named officer had 1.9 years with the Department. The named officer, who was guided and directed by a senior traffic officer at the scene, was misinformed regarding enforcement of the Vehicle Code and the rights of bicyclists while riding in crosswalks.

The evidence established that the action complained of was the result of inadequate or inappropriate training; or an absence of training when viewed in light of Department policy and procedure.

SUMMARY OF ALLEGATION #2: The officer failed to prepare a complete and accurate Traffic Collision Report.

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

FINDINGS OF FACT: The complainant stated that the named officer inaccurately stated in his Traffic Collision Report that the complainant was traveling 25 mph on her bicycle at the time of the accident. The complainant stated that, although she could not say fast she was traveling, the officer never asked her how fast she was traveling. She stated she stopped at a red light before entering the crosswalk.

According to the California Highway Patrol Manual, Section 110.5, officers are instructed to “enter the prima facie speed limit or, when applicable, the maximum speed limit for the vehicle or combination of vehicles upon the highway where the collision occurred.”

A witness officer who helped the named officer prepare the diagram accompanying the traffic collision report stated that it was his impression that the vehicle driver was driving about 15 mph though he acknowledged that the vehicle driver’s speed was not documented in the traffic collision report.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #2 continued:

The named officer stated in the narrative of the report that a witness estimated that the bicyclist was traveling approximately 10 mph and indicated 10 mph as the bicyclist's speed on the citation.

OCC recommends that the officer be retrained concerning the need to document in the traffic collision narrative the vehicular speed of the parties.

SUMMARY OF ALLEGATION #3: The officer failed to prepare a complete and accurate Traffic Collision Report.

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

FINDINGS OF FACT: The complainant stated that the Traffic Collision Report prepared by the named officer inaccurately stated that the complainant refused medical attention upon arrival at the hospital. The complainant stated that she lay on a gurney for three hours at the hospital before a nurse told her they were overwhelmed with trauma cases and advised her to seek medical care elsewhere.

The named officer stated that he called the hospital to check up on the complainant's condition and was told by an unidentified nurse that the complainant did not want to be treated.

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: 08/04/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 4

SUMMARY OF ALLEGATION #1: The officer failed to investigate.

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

FINDINGS OF FACT: The complainant stated that he and his partner were being harassed by the hotel manager who wanted them to leave the hotel. The complainant stated that the police came to his door, knocking and announcing their presence. The complainant refused to answer the door. After about 10 minutes, the police threatened to kick down the door, prompting the complainant to open the door and ask what was going on. The complainant stated the named officer said something really fast and just started hitting him in the face.

The named officer stated he was dispatched to a call regarding a trespasser. The named officer stated that the complainant refused to cooperate and refused to speak to him.

The named officer's investigation established that the complainant was trespassing. Department records showed that the complainant was arrested, in part, pursuant to a private person arrest.

A preponderance of the evidence established that the named officer's actions were proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #2: The officer entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that when he opened the door, the named officer entered his apartment.

The named officer stated the complainant told him that he would pay the manager later and then slammed the door on him, but the named officer had his foot out to prevent the door from closing. The officer stated he grabbed the complainant to arrest him for the trespassing but a struggle ensued, causing him to enter the apartment.

A witness stated he called police because he wanted police to remove the complainant from the premises for non-payment. The witness stated the complainant owed weeks worth of rent. The witness stated he and his staff had asked the complainant and his partner to leave prior to the incident, but only one left and the complainant stayed behind.

The evidence established that the owner of the building had requested that the complainant be removed. When the complainant refused to comply, the named officer attempted to remove and arrest the complainant from the premises, but the complainant resisted.

Records from the SRO hotel established that the complainant had already reached the maximum stay, had failed to pay, and was no longer a legal occupant, but a trespasser.

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: 08/04/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #3 - 8: The officers used excessive force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the first officer who came to his door immediately began hitting him with a closed fist. The complainant stated that he fell on top of the bed and began to block his face. The complainant stated that more officers responded and jumped on his back, trying to handcuff him. The complainant stated he was struck with a baton. The complainant stated he did not resist. He stated he was moving, blocking and covering his face with his hands. The complainant stated he sustained injuries to his face, back, and a broken nose.

The named officers stated the complainant actively resisted, prompting them to use force. One of the named officers admitted punching the complainant in the chest when the complainant slapped the officer's hand away and attempted to push the officer out the door. This officer also admitted punching the complainant in the face when the complainant bit the officer's thigh. The officer stated he punched the complainant in the face to prevent the complainant from fully biting down on the officer's thigh. The other named officers admitted punching the complainant, using knee strikes and striking him with a baton. The named officers' use of force was documented in the incident report, reported to a supervisor and entered into the use of force log.

The complainant's medical records established that the complainant admitted using narcotics on the night of the incident.

Department records showed that the complainant and two officers sustained injuries during the complainant's arrest.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officers was minimally necessary to take 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: 08/04/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated he was arrested for assault on the officers. He denied resisting, stating that he was defending himself and blocking his face.

Department records established that the complainant was arrested, in part, for trespassing and that a Citizen's Arrest form was signed by the building owner.

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: 03/06/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested him without cause.

The named officer stated he arrested the complainant because a Station Investigative Team (SIT) sergeant at his station issued a written bulletin stating that the complainant was wanted on a theft charge.

The SIT sergeant stated that he sent a department-wide email stating that there was probable cause to arrest the complainant.

The evidence established that the named officer arrested the complainant based on a written directive from a superior officer.

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: 03/06/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 2

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

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

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

The evidence established that the officer who arrested the complainant did so after the named officer, a sergeant on the Station Investigative Team (SIT), issued a written directive that there was probable cause to arrest the complainant.

The named officer stated that he determined there was probable cause to arrest the complainant because the complainant resembled the suspect in a theft case, who had been photographed by a CCTV surveillance camera. The surveillance camera photo and the complainant's mug shot were attached to the incident report that the named officer reviewed.

The evidence established that based on the evidence relied on by the named officer, the District Attorney filed charges against the complainant, which were resolved seven months later when the complainant pled guilty to the charges, which had been reduced to misdemeanors. The evidence established that the named officer had probable cause to arrest the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer who transported him to the station after he was arrested made an inappropriate comment referencing OCC complaints the complainant had filed.

The officer who transported the complainant to the station stated that he did not speak to the complainant during the transport. He denied making any comments to the complainant during the transport.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that while he was a passenger in a friend's car, the friend was stopped for going 51 MPH in a 35 MPH zone. The complainant is not complaining about the traffic stop or the issuance of the citation, but is complaining that the named officer repeatedly asked his friend if he had been drinking, unnecessarily performed an inebriation test by shining a flashlight into his friend's eyes, and told his friend to look up his insurance information on his smart phone because he didn't have paper proof of insurance. The complainant believed the officer purposely prolonged the traffic stop, which lasted for twenty minutes.

The complainant refused to provide the OCC with contact information for his friend.

The named officer stated he did not recall everything about this traffic stop because he conducts hundreds of traffic stops each year. He stated he probably asked the driver if he had been drinking because he smelled the odor of an alcoholic beverage emanating from the vehicle. He did not recall whether he shone a flashlight at the complainant's friend, but stated that if he suspects that a driver consumed alcohol, he would shine a flashlight to check their Horizontal Gaze Nystagmus. He stated he is required by law to ask for proof of insurance, which he needs to physically see, and that if he did not cite the driver for this, it means the driver was able to show proof of insurance. He stated the vehicle did not have license plates, and he located its VIN number on the driver side of the dashboard. During the stop, which lasted eight minutes, he had to do multiple tasks including advise the driver about the violation, ask the driver for his license, registration and proof of insurance, make sure the driver was not under the influence, obtain the vehicle's VIN number and write the citation.

The named officer's partner stated that he did not overhear the named officer's conversation with the occupants of the vehicle and did not remember whether the named officer shone a flashlight inside the car.

Records from the Department of Emergency Management showed that the traffic stop lasted for approximately 10 minutes.

The evidence established that the traffic stop lasted for approximately 10 minutes, not the 20 minutes claimed by the complainant. The evidence also established that the officer followed proper procedures by

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #1 continued:

questioning the driver about whether he had been drinking. The driver was traveling 16 miles above the speed limit on a street that police have targeted for enforcement due to vehicle-pedestrian collisions. Shining a flashlight at the driver to check his Horizontal Gaze Nystagmus to gauge whether he had consumed alcohol was not prohibited. The evidence also established that the officer was justified in asking the driver to show proof of insurance. The length of the traffic was reasonable considering the multiple tasks the named officer needed to perform.

The evidence established that the named officer's actions were proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/16 **DATE OF COMPLETION:** 08/17/16 **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 stated he found a man selling items stolen from the complainant at a flea market. The complainant said he showed the named officer photographs and a list of items reported stolen in Oakland along with a police report and asked the San Francisco officer to prepare a report, naming the suspect in order for the complainant to bring a civil action. The complainant acknowledged that he did not have receipts proving his purchase of the items he said were stolen.

The named officer stated that the complainant only showed him photos of items he said were stolen, and that after inspection of the items at the flea market, he determined the items in the photos did not match those that the vendor was selling, and that there was no probable cause that a crime had occurred. The named officer stated that he was not asked to write a report and would have done so if he had been asked.

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: 08/10/15 **DATE OF COMPLETION:** 08/17/16 **PAGE #** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/15 **DATE OF COMPLETION:** 08/31/16 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant stated he was at the San Francisco International Airport rushing to get to his flight when he was detained by two plainclothes officers. The complainant was described in the incident report as a 31-year-old, bald, black male, 6'3", 240 pounds.

The named officers stated they were working with numerous law enforcement agencies to try to apprehend a wanted homicide suspect – described as a 31-year-old, bald, black male, 5'11", 150 pounds. The named officers stated they were notified by the San Francisco Airport's Security Operations Center that a subject matching the description of the wanted homicide suspect had just checked in. The named officers stated that with the assistance of other law enforcement agencies, the subject, later identified as the complainant, was detained.

One witness officer, who was at the airport's Security Operations Center looking for the suspect with the use of surveillance cameras, stated he saw a person, later identified as the complainant, who matched the description of the suspect, prompting him to notify one of the named officers. The witness officer stated that both the complainant and the suspect were bald, black males, clean-shaven, and wore eyeglasses, but that the position of the cameras made it difficult to discern height and weight.

A review of the complainant's photo and the photo of the suspect shows resemblance between the two.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/15 **DATE OF COMPLETION:** 08/31/16 **PAGE #**2 of 4

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

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

FINDINGS OF FACT: The complainant stated he was tackled to the ground when he was detained.

The named officers and other officers denied that the complainant was tackled to the ground.

The SFO video capturing the complainant's detention provided inconclusive evidence that the complainant was taken to the ground. The footage was blocked by displays or billboards, making it difficult to see how the complainant was taken into custody.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

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

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

Department records showed that the complainant was detained and handcuffed because he matched the description of a wanted homicide suspect.

Officers at the scene could not recall who placed the complainant in handcuffs.

While the identity of the alleged officer could not be established, there was sufficient evidence to establish that the handcuffing 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: 10/03/15 **DATE OF COMPLETION:** 08/31/16 **PAGE #3** of 4

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

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

FINDINGS OF FACT: SFPD General Order 5.03, Investigative Detentions, Section II.3. states: “I f you take the detained person to a police facility or physically restrained the person, issue a Certificate of Release.

The named officer, who was the officer-in-charge, stated that the complainant should have been issued a Certificate of Release. However, the named officer stated there was exigency due to the complainant rushing to make a flight. The named officer stated he was not aware that a Certificate of Release was not issued to the complainant until after the incident.

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

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

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

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

Fremont Police Department
Department of Internal Affairs
c/o Sergeant Steve Delema
2000 Stevenson Boulevard
Fremont, CA 94538

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/15 **DATE OF COMPLETION:** 08/31/16 **PAGE #**4 of 4

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

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

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

Federal Bureau Of Investigations
Department of Citizen Complaints
c/o Special Agent In Charge
450 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102

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

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

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

San Mateo County Sheriff's Office
Department of Internal Affairs
c/o Sergeant John Kovach
400 County Center, 3rd Floor
Redwood City, CA 94063

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 8

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated that while attempting to conduct a traffic stop, the named officer cut her off to stop the car in front of her. The complainant stated the vehicle in front of her was being driven by her brother.

The complainant's brother stated he saw the patrol car go around his sister's car and proceed behind him with the emergency lights on.

The named officer denied that he drove improperly and denied that he cut the complainant off in anyway. He stated he attempted to conduct a traffic stop on a black car with his emergency lights activated but could not get in behind the black car. The named officer stated that when the black car was yielding to the right, the complainant moved her vehicle right behind the black car, preventing the officer from positioning his patrol car behind the black car. The named officer stated he looked directly at the complainant motioning her to yield, but she maintained her position and would not allow him to move in behind the black car. The officer stated he bleeped the siren intermittently to get the complainant to yield but to no avail. At this point, the named officer stated the complainant was in violation of 2800 CVC.

The named officer's partner corroborated the named officer's account of what happened.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 8

SUMMARY OF ALLEGATION #2 - 3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the named officers detained her and her brother during a traffic stop. The complainant stated she purchased a black car and asked her brother to drive the car to the repair shop while she followed him in her vehicle. The complainant acknowledged that the black car did not have current registration. The complainant stated the officers pulled her brother over, prompting her to pull over as well.

The named officers stated they ran the license plate of the black car and found that it had an expired registration, a violation of CVC 4000(a). When the officers attempted to pull over the car, the complainant pulled up alongside their patrol car, intentionally blocked them from pulling into the number two lane, in violation of CVC 2800(a). The officers stated they were forced to position their patrol car behind the complainant's car to conduct the traffic stop.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 3 of 8

SUMMARY OF ALLEGATION #4 - 5: The officers handcuffed the complainant and her brother without justification.

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

INDINGS OF FACT: The complainant stated she observed the officers attempting to pull over her brother, who was driving a black car. The complainant admitted that despite observing the officers attempting to make a traffic stop on her brother, she held her position behind the car being driven by her brother. The complainant acknowledged that when the officers approached her, she said, “You are stopping that car for no reason. That’s my car.” The complainant stated the officers handcuffed her and her brother during the traffic stop.

The named officers stated they were working in a high crime area with many stolen vehicles. The officers stated that the complainant’s suspicious driving maneuver caused them concern for their safety. The officers stated it was necessary to secure the scene and handcuff the complainant and her brother, until they could determine the reason for the complainant’s driving behavior. The officers stated it was necessary to handcuff the drivers to determine if they were working in concert to harm them or others, or whether they were involved in criminal activity.

The complainant’s brother stated he was told he was being handcuffed for safety reasons.

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

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 4 of 8

SUMMARY OF ALLEGATION #6: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated officers requested her car keys and to step out of her car. The complainant stated that when she decided to be transported to the hospital for an assessment, the officers told her to move her car or it would be towed. The complainant stated she complied and moved her car to a legal parking space while the ambulance waited for her return.

The named officer stated he might have asked the complainant for her car keys, which is customary during traffic stops in high crime areas. The officer stated he asked the complainant for her keys, due to her suspicious driving behavior and to prevent the complainant from fleeing the scene. He stated that he might have requested she get out of her car to separate the complainant from her vehicle and to render the scene safe. The officer stated that according to his report, since the complainant was being transported by ambulance and her car was not legally parked, he informed the complainant that her car would be towed. The officer stated the complainant elected to move her car to a legal parking space and walked back to the ambulance.

The named officer's partner stated he recalled that the named officer had the complainant exit her car. They took these actions because the scene was not safe and they needed to determine the roles of the parties and to determine if they were acting as a team. The officer stated they explained to the complainant that she would have to move her car because it was not legally parked.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 5 of 8

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed her out of her car “very roughly” and handcuffed her tightly.

The named officer denied the allegation. He stated he did not specifically remember reaching into the complainant’s car, opening the door, grabbing the complainant and pulling her out. The named officer did not recall pulling the complainant out of the car roughly. He could not recall the complainant complaining about tight handcuffs nor whether he loosened the handcuffs for comfort.

The named officer’s partner stated he had no recollection of the complainant complaining about the handcuffs being too tight. He did not recall any force being used on the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 6 of 8

SUMMARY OF ALLEGATION #8: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officer issued her a citation and she did nothing wrong. However, the complainant acknowledged that she was aware the officers were attempting to make a traffic stop on her brother who was driving the complainant's newly acquired vehicle. The complainant admitted that she continued to hold her position while driving behind her brother, even after officers activated their emergency lights and siren.

The named officer stated that while attempting to make a traffic stop on a black car for expired registration, the complainant interfered with their traffic stop. The named officer stated they were in the number one lane behind the black car and turned on their lights and siren with the complainant driving behind their police car. The complainant's brother complied and moved over to the number two lane. Before the officers could move in behind the complainant's brother, the complainant pulled up alongside (parallel) the police car, preventing the officers from completing their traffic stop. The named officer stated they made eye contact with the complainant and she just looked at them. The officer stated the complainant continued driving alongside the officers' patrol car for ½ block. At that point, the named officer's partner positioned the patrol car behind the complainant and both the complainant and the complainant's brother pulled over to the shoulder with the officers behind the complainant vehicle. The named officer then cited the complainant for CVC 2800(a), a misdemeanor, for failing to comply with lawful orders (emergency lights and siren).

A preponderance of evidence established that the complainant knowingly maintained her position behind her brother's car and failed to yield to the officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 7 of 8

SUMMARY OF ALLEGATION #9 - 10: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant and her brother stated that the officers failed to provide their star numbers upon request.

The named officers denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #11 - 12: The officers failed to receive an OCC complaint.

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

FINDINGS OF FACT: The complainant stated she told the officers she intended on filing a complaint against them and they made no effort to receive her complaint.

One of the named officers stated he did not recall any conversation with the complainant about filing an OCC complaint. The other named officer stated that their supervisor responded to the scene due to the complainant's complaint of pain and he was pretty sure that the sergeant provided the complainant with information on filing an OCC complaint.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 8 of 8

SUMMARY OF ALLEGATION #13 - 14: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated her brother has a speech impediment. The complainant stated officers mocked and laughed at her brother's speech impediment.

The named officers both denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/27/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was involved in a traffic collision where she was found to be at fault and cited for running a red light. The complainant denied that she ran a red light.

The named officer stated she cited the complainant for violation of California Vehicle Code Section 21453(a) – red light violation. The officer stated she determined the complainant to be the primary collision factor based, in part, on the statement of an uninvolved witness who corroborated the other driver’s statement that the complainant had run a red light.

The uninvolved witness told the OCC that she saw the complainant’s vehicle coming down the hill and that the other vehicle had the “right-of-way” and had the “green light.”

The other driver involved in the collision stated she was about halfway through the intersection when a truck ran the stop light and hit her car.

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 behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that while she was strapped down to a gurney in the ambulance, a male officer entered the ambulance and used her left hand to scribble her signature on the citation.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/16 **DATE OF COMPLETION:** 08/31/16 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/16 **DATE OF COMPLETION:** 08/31/16 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/16 **DATE OF COMPLETION:** 08/31/16 **PAGE #1 of 1**

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

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

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

San Francisco Department of Public Works
Operations Bureau
2323 Cesar Chavez Street
San Francisco, CA 94110

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/15/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated in her written complaint that the named officer unjustly accused her son, the co-complainant, of being at fault for a traffic collision. The complainant was not on scene when the collision occurred.

In his written complaint, the co-complainant stated that the named officer found him at fault for the traffic collision and cited him for running a red light. The co-complainant denied he was at fault for the collision and denied that he ran a red light.

The named officer stated that based on the statements he gathered, the Area of Impact (AOI) and skid marks, he determined that the complainant was at fault for the traffic collision and cited him for running a red light.

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

The other driver involved in the collision did not come forward.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to prepare an accurate report.

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

FINDINGS OF FACT: The co-complainant stated the traffic collision report did not include that he honked his car horn before the traffic collision with the other driver.

The named officer denied the allegation. He stated he did not recall the co-complainant telling him that he honked his horn at the other driver.

The complainants did not respond to OCC's request for an interview. The other driver involved in the collision did not come forward. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/29/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer entered the complainant's residence.

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

FINDINGS OF FACT: The complainant stated she called 911 and reported an attempted suicide. She stated that she told dispatch that her daughter had taken some pills and was not moving. The complainant stated that while she requested medical assistance, she did not want police to respond to her apartment. The complainant stated the named officer, nonetheless, responded to the 911 call and entered her apartment without her permission.

The named officer stated he entered the complainant's apartment because of the attempted suicide 911 call. He stated that if the person attempting to commit suicide was successful, an investigation would have to be initiated. If the person survived, a Mental Health Detention evaluation would have to be initiated.

The firefighter/paramedic witnesses stated the named officer arrived simultaneously when they arrived. The witnesses stated the complainant verbalized that she did not want the police officer there and was aggressive and over the top with her demands. She also did not want the firefighters there. The witnesses stated the complainant was interfering with their medical assessment and that the officer was able to keep the complainant away from them while they performed their duties.

Records from the Department of Emergency Management (DEM) show that DEM received a 911 call regarding an attempted suicide and that the person who had attempted to commit suicide was not moving.

The nature of the call provided an exigent circumstance, providing the named officer the probable cause to enter the complainant's apartment.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer used unnecessary force against the complainant at the scene.

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

FINDINGS OF FACT: The complainant stated the firefighters told her to move to prepare for the arrival of the paramedics who would need room. The complainant stated she apparently did not move fast enough, prompting a male firefighter to place his hand on her arm. When she protested, the complainant stated the firefighter let her go. The complainant stated the named officer then placed his hands on her, pushing her to move. The complainant stated she went down to the carpet and was then dragged.

The named officer stated the complainant was interfering with the paramedics and refused to move. The officer stated the complainant pulled the shirt of one of the paramedics, prompting the named officer to step in pushing the complainant backwards to the couch area away from the paramedics. The named officer stated the complainant lost balance or tripped and landed on her knees. At that point, he disengaged from the complainant and she stood up. The officer stated the complainant was interfering and he needed to get her out of the way. The officer stated the complainant did not complain of pain, and no reportable use of force was used.

All three of the firefighter/paramedic witnesses corroborated that the complainant was extremely agitated, interfering and pushing them away while they were attempting to medically assess the complainant's daughter. One of the witnesses stated he believed that the complainant was going to hit them. The witnesses corroborated that the complainant interfered and would not listen to repeated requests to move. Two of the witnesses stated the officer had to physically remove the complainant for their safety and the safety of the patient. One witness did not recall the complainant being taken to the ground.

No independent 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 accomplish his task.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/28/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that after she got up from the floor, she informed the officer that she would take the incident to the next level. The complainant stated that either the firemen or the officer replied, "Go ahead, we have four witnesses."

The named officer denied the allegation. He stated that when the complainant said she was going to file a complaint, he responded that it was her right to do so.

One witness recalled that the complainant said she was going to file a complaint against everyone. Two of the witnesses did not recall the complainant saying she was going to file a complaint.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been partially referred to the San Francisco Fire Department at:

San Francisco Fire Department
Department Headquarters
698 Second Street
San Francisco, CA 94107

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was at a BART station and video-recorded officers inside the station. The complainant stated that the named officer took out his cell phone and video-recorded the complainant.

The named officer stated he and other officers responded as backup to City College police who had broadcast a request for multiple units to set up a perimeter around the BART station area, to assist in apprehending an unidentified armed suspect who fled into the Civic Center Station area. The named officer stated that out of dozens of civilians present in the Bart Station, the complainant was the only person who appeared interested in the officers' presence despite the fact that the officers were simply standing in one location to secure the station corridor leading to the 8th Street stairs. The named officer stated the complainant demanded his name and star number, which were promptly provided. The complainant also asked the officer several questions regarding the police presence in the Bart Station, which the officer answered.

The named officer stated the complainant was recorded because out of the dozens of pedestrians in the area, the complainant appeared to be intently and uniquely focused on recording the officers' responses to the incident even though no detentions were made or any significant action taken by the officers that would have warranted recording. The named officer stated that officers receive training regarding individuals recording officers responses to certain incidents and those recordings being analyzed by the filmmakers and others to formulate strategies to evade apprehension by police in future incidents. The officer stated he believed it was prudent to document the complainant's presence should future reference be necessary. The named officer stated he made no attempt to dissuade the complainant from recording the officers. He stated a person in a public place such as a public transit station has no reasonable expectation of privacy with regards to recordings of their image. He stated the complainant attempted to interject himself into a group of officers that were the perimeter. The complainant's own video of the incident revealed that the complainant was the only person who got involved and showed any interest in the officers, as well as challenging everything the officers said and did at the scene.

DGO 5.07 and DB No. 14-178 establish that civilians have the right to video record police officer enforcement activities except in certain narrow circumstances.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 2 of 2

Under the circumstances facing the officers at the time, (setting up a perimeter looking for an armed suspect in a busy Bart station), the named officer reasons for taking video of the complainant are legitimate. The named officer observed the complainant paying attention and taking video of the officers before the complainant even approached the officers, causing the named officer to video record the complainant in the event it might be helpful as he was trained. In fact, the named officer's demeanor during the time he recorded the complainant was calm, polite and responsive to all of the complainant's questions as well as challenges. Nothing in the named officer's demeanor or tone indicated that he was interfering with the complainant's right or retaliating, intimidating or harassing 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: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officer made inappropriate comments, telling him, "None of his business" and, "Please find something productive to do with your time."

The named officer stated he was drawn to the complainant because the complainant approached the officers, began recording them, asked many questions and made accusations. The named officer admitted making the statements that what the officers were doing was "none of his business" and that the complainant should "please find something productive" to do. The named officer stated he was not trying to be rude or disrespectful.

The video taken by the complainant shows the complainant approaching the officers and recording them. The officers were standing around and observing the crowd awaiting further orders. The complainant was asking the officers questions while recording them about what they were doing and seemed to be inciting the officers. The complainant's tone of voice to one officer was accusatory and confrontational. He accused one officer of "brandishing" his camera at the complainant, stating the camera was a "weapon," challenged what the officers were doing and accused the officer of having a "stare down" with him among other things.

Under the circumstances facing the officers, the named officer's comments did not rise to a level of misconduct.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was walking down the street when officers stopped him for no apparent reason. The complainant stated that he was not on probation or parole.

The named officers stated they have had prior contacts with the complainant and knew that he was on probation with a warrantless search condition. They stated they stopped the complainant to conduct a probation search for narcotics.

Department records showed that the complainant was on probation with a warrantless search condition, providing the named officers justification to detain him.

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

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

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

FINDINGS OF FACT: The complainant stated the officers searched him without cause.

The named officers stated they have had prior contacts with the complainant and knew that he was on probation with a warrantless search condition. They stated they stopped the complainant to conduct a probation search for narcotics.

Department records showed that the complainant was on probation with a warrantless search condition, providing the named officers the probable cause to search him.

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: 04/07/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 - 6: The officers searched the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched his backpack.

The named officers stated they have had prior contacts with the complainant and knew that he was on probation with a warrantless search condition. They stated they stopped the complainant to conduct a probation search for narcotics.

Department records showed that the complainant was on probation with a warrantless search condition, providing the named officers the probable cause to search him and his belongings.

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: 08/24/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 1

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

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

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

SP+ Parking
100 Pine Street #210
San Francisco, CA 94111

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 1

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

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

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

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: 04/26/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was going through security at SFO and was issued a “Quad-S” boarding pass that required extra security measures to be taken. Once the complainant passed through the metal detector, he was asked to wait. He expressed his displeasure at having to wait for extra security measures. The complainant stated an officer arrived and told him, “You can take a plane, train, or automobile,” indicating he had other travel options available. The complainant found the named officer’s comment to be inappropriate.

The named officer stated that he was called by TSA to the security checkpoint regarding a passenger who had challenged TSA security’s refusal to admit him to a secured area. He met with the complainant and asked why he was upset with TSA. The complainant told the officer he had a ticketing and identification issue that was causing TSA to make unreasonable demands of him. The named officer stated that while he stood they waited for a TSA supervisor, he said, “You could take a boat, train, or car for your transportation needs if you’re unhappy with the TSA rules.” The officer explained that he was attempting to bring levity to the situation and relieve the tension that arose from the TSA’s exercise of its authority. The named officer stated the complainant did not like the comment and said, “Did you just learn that in the Academy?” The named officer responded, “No,” and let the topic end.

The named officer stated that, in his three years’ experience at the airport and 20 years as a police officer, humor is often useful in de-escalating tense situations. He stated that, if he sees that humor is not achieving the desired end, he changes tactics. The named officer stated he did not feel or intend for his comment to be disrespectful or discourteous; rather, he was trying to calm the passenger down and move the situation forward. The named officer also stated that he feels that humor can effectively assist in community policing, as it facilitates the willingness of the public to work together with officers.

Another officer who was present during the conversation stated that the complainant was argumentative and refused to listen to TSA or to police. He heard the named officer make the statement to the complainant but he stated that the officer’s comment was appropriate because he was providing information for other modes of travel if the complainant did not wish to follow TSA checkpoint rules.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer arrested him without cause. He stated he was standing at his car when SFPD chased him down the hill and jumped on him. He stated that it was ridiculous that he was arrested for criminal threats because he said, "Be advised, my back-up is National Guard." He also stated he was charged with resisting arrest and battery of a police officer.

The named officer stated he was investigating a citizen's charge against the complainant for criminal threats. He stated that when he attempted to detain the complainant for further investigation, the complainant fled to his vehicle. He stated the complainant subsequently used his vehicle door to strike the named officer. The named officer stated the complainant was arrested for resisting arrest and battery against a police officer.

The witness officers corroborated the named officer's statement.

Police records showed that prior to the complainant's arrest, there were numerous complaints against the complainant for stalking a security guard. Records also showed that the victim stated the complainant had become increasingly irrational, angry and volatile. The victim stated the complainant looked at him and yelled, "You will have your head cut off!"

The victim did not cooperate with the OCC investigation. However, court records showed that the victim requested and was granted a restraining order against the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that his vehicle was towed without cause. He stated his vehicle was posted with a permit from the appropriate parking authority and his church that exempted his vehicle from being towed.

DGO 9.06 states in part that officers may tow a vehicle driven by, or in the control of, a person arrested and taken into custody when the vehicle is needed for evidence.

The named officer stated the complainant struck him with the complainant's vehicle door while the complainant attempted to flee. The named officer stated the complainant's vehicle was towed as evidence related to the battery arrest.

A sergeant stated he approved the tow of the complainant's vehicle, because the complainant used his vehicle door to strike the named officer. He stated the complainant's vehicle constituted physical evidence of the felony charge.

Tow records showed that the complainant's vehicle was towed and stored for evidence of a crime. The sergeant removed the vehicle hold and AutoReturn waived the tow and storage fees.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated SFPD chased him down a hill, jumped on him and took him down for no reason.

The first named officer denied jumping on the complainant and using excessive force. He stated he used reasonable force to arrest the complainant. The named officer stated he used a SFPD Academy taught physical control technique to gain the complainant's compliance after the complainant fled and swung his vehicle door at him.

The second named officer denied using excessive force. He stated he was involved in the foot chase to apprehend the complainant, but he was about 25 feet behind the officer who primarily subdued the complainant. He stated the complainant's vehicle obstructed his view and when he reached the first named officer and the complainant, the complainant was on the ground. He stated he assisted in handcuffing the complainant. He denied witnessing the first named officer use excessive force.

The named officers' partner stated she witnessed officers engaged in a foot chase down the hill and saw the complainant use his vehicle door to strike the first named officer. She stated she did not witness the arrest because the complainant's vehicle obstructed her view.

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: 06/01/15 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #5: The SFPD harassed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that SFPD harassed him. He stated San Francisco Police Department was the enemy. He stated that he did not live in San Francisco, but he left his property out of state to come to San Francisco. The complainant stated that he accepted an assignment to find the root cause of the ongoing U.S. Constitutional violations committed by Government. He stated that he charged San Francisco with U.S. Constitutional violations.

Police records show that SFPD responded over six times in a week to the residence of a high profile subject regarding the complainant stalking and making criminal threats against the security guards posted at the residence.

Court records showed that a security guard requested and was granted a restraining order against the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he called for police assistance when contractors conducting demolition work in his garage barred him from entering their worksite. The complainant stated the named officer ordered him to stay out of the demolition site and poked him twice in the chest.

The named officer denied poking the complainant in the chest or touching him in any way.

Two witnesses did not see the named officer touch the complainant.

Video evidence was inconclusive.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant's neighbor hired contractors to remove a structure from a garage he shared with the complainant. The complainant argued with the contractors and both parties called for police assistance. The complainant stated the named officer entered his parking space on foot, thereby seizing his property without cause. The complainant stated the named officer then searched his car by glancing through the car windows.

The named officer stated he entered the garage to investigate and mediate between the complainant and the construction crew. The named officer stated he was invited into the garage and did not recall seeing the complainant's car or looking through the window.

Two witnesses stated they invited the named officer into the garage. They did not recall the named officer looking into the complainant's car windows.

Video evidence showed the named officer inside the complainant's garage.

No other witnesses came forward.

The evidence established that the named officer's actions were proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #3: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated he was attacked in his own garage by a construction crew. The complainant stated he reported the attack to the named officer, who refused to take a report.

The named officer stated he did not prepare an incident report because another officer was already in the process of preparing an incident report.

Two witnesses stated that, a few hours before the named officer's arrival, another officer interviewed them about their dispute with the complainant.

Department records indicated that another officer prepared an incident report.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 4 of 5

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

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

FINDINGS OF FACT: The complainant's neighbor hired contractors to remove a structure from a garage he shared with the complainant. The complainant argued with the contractors and called for police assistance. The complainant stated the named officer threatened to arrest him and take him to the "psych ward." The named officer rudely forbade the complainant from calling the police and said that he did not own his own garage.

The named officer stated he spent an hour trying to reason with the complainant. The named officer stated the complainant had severely injured himself by entering the demolition site earlier in the day and that he was trying to prevent a similar incident. The named officer stated he warned the complainant about the possible consequences of reentering the demolition site, which were arrest or a mental health detention.

Witnesses stated the named officer was patient and spent a long time trying to reason with the complainant, who was yelling and acting erratically.

Video evidence showed a portion of the incident. On video, the named officer threatened to arrest the complainant for trespassing or take him "back to the psych ward" if he entered the demolition site. The named officer told the complainant that he did not own his garage. The named officer also sarcastically suggested that the complainant open up his own storage area for inspection.

Department General Order 2.01, section 14 states, in part, "When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language."

The evidence established that the named officer spoke in a harsh and uncivil manner by threatening the complainant with arrest or a mental health detention. Additionally, the named officer made sarcastic comments and discourteously declared that the complainant did not own his garage.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/15 **DATE OF COMPLETION:** 08/11/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #5: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant called for police assistance when contractors demolishing a storage unit on his neighbor's side of the garage barred him from entering their worksite. The complainant stated that, as a co-owner of the building, he had a right to enter and inspect the worksite and storage unit. The complainant stated the named officer told him to stay out of his neighbor's storage unit. When the complainant protested, the named officer ordered him to open his storage unit for inspection.

The named officer denied ordering the complainant to open his storage unit for inspection. The named officer stated he told the complainant to open his storage unit when he was trying to mediate the dispute between the complainant and his neighbor. The named officer stated he did not intend to inspect or enter the complainant's storage space and that his statement on the video was taken out of context.

Two witnesses did not recall the named officer ordering to the complainant to open his storage unit.

On a video submitted by the complainant, the named officer told the complainant to open his storage unit during a discussion about property rights and trespassing.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/08/15 **DATE OF COMPLETION:** 08/12/16 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers arrested the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was arrested without cause. She stated that she served four months in jail due to the arrest.

The named officers stated the complainant was observed violating a Municipal Code provision, prompting the named officers to detain her. They stated that a records check revealed the complainant had three outstanding warrants. They stated the warrants were confirmed. The complainant was booked for the warrants.

Court records confirmed that the warrants for which the complainant was arrested were outstanding.

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: 04/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 6

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 that the named officer conducted a traffic stop on him and detained him without justification. The complainant denied speeding, using his air horn or crossing the double yellow line.

The named officer stated that he conducted a traffic stop on the complainant because he saw the complainant, who was driving at a high rate of speed, activate his air horn and drive around a vehicle, crossing over the double yellow line.

The named officer's partner confirmed the named officer's account of the complainant's driving behavior.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 6

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the first named officer conducted a traffic stop on him, approached his car and asked for his driver's license, registration and proof of insurance. The complainant attempted to move a large bag on the front seat that was blocking access to the glove compartment, where his registration and proof of insurance were located. As he did this, he asked the officer ten to fifteen times why he had been pulled over. The officer did not answer his questions but repeated his request for the documents. The complainant stated that the officer opened the door of the complainant's car, grabbed his left arm and jerked him out of the car. The officer handcuffed the complainant, causing the complainant to yell that the officer was hurting him. The complainant stated that the second named officer then grabbed the complainant's right hand and pulled the complainant's hands upwards, causing the complainant to bend over. He led the complainant to his patrol car and placed him in the back seat.

The first named officer stated as the complainant exited the vehicle, he grabbed the complainant's left arm in preparation for handcuffing him. The officer denied that the complainant complained of pain. He stated that he placed the complainant in his patrol car and denied that his partner had any physical contact with the complainant.

The second named officer denied having any physical contact with the complainant.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

OFFICE OF CITIZEN COMPLAINTS

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 04/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 3 of 6

SUMMARY OF ALLEGATIONS # 4-5: The officers searched the complainant's car without cause.

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

FINDINGS OF FACT: The complainant stated that after he was placed in handcuffs, the named officers searched his car.

The officer who stopped and handcuffed the complainant denied that he searched the complainant's car. He stated that he asked his partner to locate the complainant's registration and proof of insurance inside the complainant's car, but did not recall which areas of the complainant's car his partner searched. His partner stated that he entered the complainant's car through the passenger door and looked in the glove compartment for the registration and proof of insurance, but only located the proof of insurance. He stated that this took two minutes or less.

Records from the Department of Emergency Management established that the traffic stop lasted no more than thirty-three minutes.

No witnesses were identified.

There was insufficient evidence to prove or disprove whether one or both officers searched the complainant's car. There was also insufficient evidence to determine what areas of the complainant's car were searched.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer issued a citation to the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was cited for crossing the double yellow line, unnecessary use of his horn and delaying the investigation. The complainant denied crossing the double-yellow line or using his horn. The complainant stated that when the officer asked for his driver's license, registration and proof of insurance, he attempted to move a large bag on the front seat that was blocking access to the glove compartment, where his registration and proof of insurance were located. As he did this, he asked the officer ten to fifteen times why he had been pulled over. The officer did not answer his questions but repeated his request for the documents.

The named officer stated that he cited the complainant because he observed him activate his air horn and drive around a vehicle, crossing over the double yellow line. He stated that he cited the complainant for delaying because when he asked the complainant for his license, registration and proof of insurance, the complainant angrily demanded to know why he had been stopped. The named officer stated that he asked the complainant twice more for these documents, and the complainant refused.

The named officer's partner confirmed his account of the complainant's driving behavior. He stated that he acted as cover officer when his partner contacted the complainant, and heard the named officer ask the complainant for his driver's license, registration and proof of insurance numerous times, but could not hear what the complainant said due to traffic noise.

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: 04/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the named officer made several inappropriate comments to him. In addition, the complainant stated the named officer threatened to arrest him when he refused to sign the citation.

The named officer and his partner denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer made inappropriate comments.

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

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

The named officer and his partner denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #9: The officer used profanity.

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

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

The named officer and his partner denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that when he asked the officers for their name and star numbers, they told him that he would receive that information when he went to court.

The first named officer, who detained the complainant and issued him a citation, stated that when the complainant asked for his name and star number, he explained to the complainant that his name and star number were on the citation. He denied telling the complainant that he would receive this information when he went to court.

The second named officer denied that the complainant asked for his name or star number. He stated that when the complainant asked the first named officer for his star number, that officer explained that it was on the citation. He stated that he did not remember the first named officer telling the complainant that he would receive this information when he went to court.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1 - 2: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was detained for drinking in public, which he denied. The complainant stated he was with friends at the corner of an intersection and one friend was drinking.

The named officers stated that they observed the complainant with his group of friends drinking alcohol at their usual location. The officers stated they have contact with the same group for the same offenses on a regular basis. The officers stated they approached the group after they observed a can of alcohol being passed around and then hidden from their view.

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 complainant's medical jail records show that the complainant had been drinking at the time of his detention.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated that he was cited for drinking in public, which he denied.

The officer stated he observed the complainant and his friends drinking alcohol in public. The officer stated he had cited the complainant earlier that morning for drinking in public and was told to disperse from the area. The officer stated several hours later, he observed the complainant having failed to disperse from the area, was still blocking the sidewalk and his breath smelled like alcohol. The officer arrested the complainant for a public nuisance and numerous warrants.

The complainant's medical jail records show that the complainant had been drinking at the time of his arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #4 - 5: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated he was chatting with friends at an intersection that he frequents when he was cited and told to leave the area. The complainant stated after being told to disperse, he stopped again to chat with people in line at a community dining hall. The complainant admitted to always hanging out at this corner with friends chatting.

The officers stated the complainant and his friends block the street access for kids who have to go around them to catch the bus and have to navigate through human waste, human bodies and garbage as well as illegal drugs and alcohol use. One named officer stated he had cited the complainant for drinking in public approximately 90 minutes earlier and told the complainant to disperse the area. The officers stated they observed that the complainant had not left the area and told him to leave the area again. The officers stated that the complainant became argumentative and confrontational while continuing to block the sidewalk.

The officers stated the complainant was obstructing the public sidewalk and unlawfully obstructed the free passage of the sidewalk.

Given the circumstances, the officers' order 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: 07/30/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 4 of 5

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed his arms and aggressively handcuffed him. The complainant stated the officer placed the handcuffs on his wrist tightly and then kicked his ankles apart to separate his legs to conduct a search.

The named officer stated he used minimal control hold on the complainant when the complainant passively resisted by becoming stiff and tense. The officer did not recall kicking the complainant's ankle to spread his legs apart in order to search him prior to transport. The officer stated that at the station, the complainant complained of pain to his wrist and claimed it was broken. The officer stated an ambulance was summoned and the complainant was taken to the hospital.

Medical records show that the complainant's wrist was moderately swollen, but no fracture. The records also document that the complainant was in a previous incident two days prior, where he used his right hand to punch something or someone.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/15 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #7 - 8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that when the officers ordered him to leave the area, he walked slow because of a previous broken ankle and stopped to talk to friends that were in the community dining line.

The officers stated they returned to the area and observed the complainant in the same area again after they had ordered him to leave the area, prompting them to arrest him for outstanding warrants.

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 #9: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer told him and his friends in the community food line that he was sick and tired of them and that they are drunks.

The named officer denied the allegation.

No independent witnesses were identified.

There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/16 **DATE OF COMPLETION:** 08/12/16 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer issued a citation 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 July 12, 2016.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 12, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/16 **DATE OF COMPLETION:** 08/12/16 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 12, 2016.

SUMMARY OF ALLEGATION #4: The officer behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 12, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/16 **DATE OF COMPLETION:** 08/17/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/12/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated in an online complaint that he was riding his bicycle when he observed the named officer detaining a female cyclist. The complainant stated he did not trust police officers, so he rode back along the side of the road to monitor the traffic stop. The complainant stated the officer yelled at him to mind his own business. The complainant said he yelled at the officer, and the officer told him he was now in trouble. The complainant stated he rode his bicycle into the street, after which the officer detained him without justification.

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

The named officer stated that while he was attempting to conduct a traffic stop on a cyclist, he saw the complainant riding his bicycle in circles, crossing all lanes of traffic and screaming profanities. The named officer stated the complainant continued to ride his bicycle against the flow of traffic, crossed into oncoming traffic, made at least two complete circles and crossed over the center dividing line. The officer stated that he detained the complainant for violations of the California Vehicle Code. The named officer stated that he advised the initial cyclist and focused on the complainant. The named officer did not have the name of the cyclist he initially detained.

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: 04/12/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated in his online complaint that he was issued a citation without cause.

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

The named officer stated he cited the complainant because the complainant rode his bicycle against the flow of traffic, crossed into oncoming traffic, made at least two complete circles in the street, crossing over the center dividing line into oncoming lanes, in violation of California Vehicle Code section 21650.1, which states, "A bicycle operated on a roadway, or the shoulder of a highway, shall be operated in the same direction as vehicles are required to be driven upon the roadway."

No witnesses were identified.

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

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer profanely yelled at him to mind his own business.

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

The named officer acknowledged conducting a traffic stop of the complainant, but denied using profanity.

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: 04/12/16 **DATE OF COMPLETION:** 08/31/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #4: The officer used sexual slurs.

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

FINDINGS OF FACT: The complainant stated that, during a traffic stop, the named officer used a sexual slur in reference to cyclists in general.

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

The named officer denied the allegation.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that, during a traffic stop, the named officer made inappropriate gestures and made bizarre grunting noises, directed at the complainant.

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

The named officer denied the allegation.

No witnesses were identified.

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