

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/16 **DATE OF COMPLETION:** 09/02/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and a representative of the Department, the complaint was mediated and resolved in a non-disciplinary manner on August 23, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was driving her vehicle when a bicyclist kicked her vehicle and pounded on her window. Both parties in the dispute called for police assistance and two officers responded. The complainant stated the named officer was rude and repeatedly pointed his finger at her during their interaction.

The bicyclist stated the officers were calm and pleasant, even though the complainant was angry.

The named officer and his partner denied the allegation. The named officer stated he was courteous and patient during his investigation.

No independent witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer refused to arrest and cite the bicyclist.

The bicyclist stated the named officer explained to the complainant that she could be cited and she became angry.

The named officer stated the complainant wanted the bicyclist arrested for road rage. He stated he advised the complainant of the citizen's arrest process and explained that the bicyclist could have her arrested as well for driving close to him and almost hitting him with her vehicle. He said the complainant then refused to cooperate with the citizen's arrest process and walked away.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with DGO 5.04, Arrests by Private Persons.

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

FINDINGS OF FACT: The complainant stated she told the named officer to arrest and cite a bicyclist with whom she was in a dispute.

The bicyclist stated the complainant refused to accept his apology because she wanted him arrested.

The named officer acknowledged that the complainant requested a citizen's arrest on the bicyclist. He stated he explained to the complainant the citizen's arrest process to enlighten her about the steps that she would possibly carry out or undergo. The named officer stated the complainant then refused to cooperate with the citizen's arrest process and walked away.

Department General Order 5.04 II.8 states:

In all instances involving requests for a private person's arrest, an incident report shall be prepared. The arresting person should be given a copy of the citation.

Since the incident involves a request for a private person's arrest, DGO 5.04 II.8 requires the named officer to prepare an incident report. The named officer stated there was no need for him to prepare an incident report because no one was detained and the complainant did not cooperate with the citizen's arrest process. He believed the complainant had manifested withdrawal of her request for citizen's arrest, and that it has been a practice not to write a report if one refuses to go through and not sign a citizen's arrest form.

The requirement, however, is mandatory. The language of DGO 5.04 II.8 clearly put emphasis on preparing an incident report in all cases involving a request for a private person's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/27/16 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officers did not take her complaint about her next-door neighbors making noise with a power drill seriously. The complainant also stated she reported that one of her neighbors had threatened to throw gas on her and light her on fire.

One of the named officers stated the complainant called police regarding her neighbors attempting to get into her apartment using power drills and the excessive noise caused by it. He denied that the complainant's complaint was not taken seriously. He could not recall the complainant reporting a threat.

The other named officer stated he and his partner remained professional and sympathetic towards the complainant. He denied being told about a threat made against the complainant by one of her neighbors.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer behaved inappropriately, making a joke out of her statements.

The named officer and other officers denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 1 of 5

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 called police in 2009 to enforce a restraining order against his mother-in-law, who lived with him. The complainant stated that when the named officers responded to the scene, he was detained for no apparent reason.

The named officers stated the complainant was detained during a domestic violence investigation that began when the complainant's wife and a tenant in the complainant's home made statements to the police indicating that the complainant had engaged in violence, and indicating the existence of a danger of domestic violence.

The complainant's wife, who was present at the time of the incident, stated the officers determined the incident was domestic violence because she told them she had filed for divorce and the complainant became angry with her and her mother. She stated she also told the officers of previous unreported domestic violence incidents and threats of violence involving the complainant.

The complainant's mother-in-law could not be reached for an interview, as her daughter declined to provide the address of her mother.

The complainant's former tenant could not be reached for 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.

Department records from the incident indicate that the complainant's wife reported past domestic violence and threats of violence to the officers, and that a tenant of the complainant reported witnessing the complainant's verbal abuse to his wife and mother-in-law. The records also showed that the tenant expressed concern that if the mother-in-law was forced to leave the house, the complainant's wife could then be abused by the complainant. Records also indicated that the complainant was detained during an investigation, and that detention was documented on a Certificate of Release.

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: 10/30/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officers refused to remove his mother-in-law from his home despite his having been granted a restraining order to that effect. The complainant stated the officers argued with him and said that his mother-in-law had not been served with the restraining order.

The named officers stated they removed the complainant's mother-in-law when they responded to the complainant's home and did not allow her to return.

Department records from the date of the incident indicate that the officers reported interviewing the mother-in-law, who told them she had never heard of a restraining order. The officers reported at the time that they checked in court records and found no proof of service. They reported serving the mother-in-law with the restraining order during the incident, and removing her from the home.

The complainant's wife, who was in the process of splitting up with her husband, stated that she and her mother left the house after the incident. The complainant's wife declined to provide contact information for her mother.

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: 10/30/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated that responding officers coached and convinced his wife to say that he had previously hit her in order to characterize the incident as domestic violence.

The complainant stated a Russian-speaking officer also threatened him with physical harm and accused him of beating women. The complainant stated the officer also used abusive words toward him, accused him of hitting his wife, and said that in his country, he knows how to punish men like the complainant.

The named officer is a certified Russian-speaking officer identified in the report documenting the incident. He stated he responded to the scene to assist in the investigation and interviewed the complainant's wife and mother-in-law. The officer stated he spoke with the complainant only to ask him a question relating to firearms in the house.

The complainant's wife stated that she did not hear any officer make threats or inappropriate comments. She stated the officers were calm but protective during the incident. She also stated the officers determined the incident was domestic violence because she told them about previous unreported incidents of violence and threats of violence by the complainant.

Several officers who responded to the incident denied coaching or convincing the complainant's wife to say that the complainant had previously hit her.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #7-9: The officers searched the complainant's house without cause.

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

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

Two of the named officers stated that after they were informed of allegations of violence and threats of violence, the incident became a domestic violence investigation. They stated that during that investigation, they were informed that there were multiple firearms in the house. The officers stated Department policy mandated that they confiscate firearms and other deadly weapons in such an incident.

One of the named officers stated that they searched the house with the permission of the complainant's wife, who told them about the firearms and directed them to their locations.

The complainant's wife stated that the officers searched the house for weapons after she told them about their presence.

DGO 6.09 section II (D)(1) mandates members to confiscate any firearm or deadly weapon discovered at a domestic violence scene.

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: 10/30/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #10-11: The officers seized the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officers improperly seized his firearms.

The officers acknowledged seizing the complainant's firearms, explaining that the incident they were investigating became a domestic violence investigation, and they were required to remove weapons from the home.

DGO 6.09, section II (D)(1) mandates members to confiscate any firearm or deadly weapon discovered at a domestic violence scene.

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 #12: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that officers seizing numerous guns from him and did not issue him a receipt for the confiscated firearms.

An incident report prepared at the time of the incident report includes a property receipt form dated on the day of the incident that lists 11 firearms and numerous boxes of ammunition, with "refused" written in the field provided for the signature of the person from whom the weapons were received. The incident report includes a statement by the named officer that indicates the complainant was given a receipt but refused to sign the receipt.

No other independent witness came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/15/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that the named officer's incident report was inaccurate.

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

The named officer denied the allegation and stated the report was accurate and complete to the best of his recollection. The named officer stated that he did not recall his contact with the complainant.

No witnesses were identified.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 1 of 3

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 was pulled over for a mechanical and registration violations. He stated he told the initial officer that he had been stopped by police and issued a fix-it ticket less than two hours prior. The complainant stated he then noticed a second officer; later identified as the named officer, approach on the passenger's side with a flashlight, illuminating the interior of his vehicle. The complainant acknowledged that he rolled down his rear passenger window, asked the named officer if there was anything he could help him with and to stop blinding him with his flashlight. The complainant stated the named officer reached in through his opened window, opened the front door and proceeded to search the interior of his vehicle with his flashlight. The complainant stated the named officer searched just the front seat area and console. The complainant stated he did not give the named officer permission to search his vehicle.

The complainant acknowledged that the registration tabs on the rear plate were expired, that he was stopped in a lane of traffic and that the left headlamp was inoperable.

Department records show that the complainant was driving a 2013 GMC Yukon SUV, black in color with rear-tinted windows. The incident occurred at 0245 hours in the tenderloin area.

UCSF Notice to Appear No. UC0008645 shows that the complainant was cited at 0105 hours for an inoperable left headlamp in the southern district.

SFPD Notice to Appear No. 018057104 shows that the complainant was again cited at 0255 hours for violation of California Vehicle Code section 5204(a) (display of tabs).

The named officer's partner ("the officer") stated he stopped the complainant's vehicle for not displaying tabs on his license plate. The officer stated he approached the complainant and advised him of the reason for the traffic stop. The officer stated the complainant was a little hostile and clearly upset for being pulled over. The officer stated that when he returned with a citation, the complainant was agitated towards the officer's partner for using his flashlight to look into the complainant's vehicle. The officer stated he heard his partner explain to the complainant that it is a common safety precaution for an officer to use his/her flashlight to look into a vehicle when approaching a vehicle. The officer did not recall if his partner opened the complainant's door.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #1 continued:

The named officer stated he was the cover officer on the traffic stop. He approached the passenger side of the complainant's SUV using his flashlight to illuminate the interior of the vehicle and to get a sense of what was inside the vehicle and to keep track of the driver and any passenger's hands. The named officer stated that when he illuminated the inside of the complainant's vehicle, the complainant turned to him and said something to the effect of, "What are you doing here? You don't need to shine the light in here. Why are you shining this flashlight in my car? You don't need to be there, get out of here." The named officer stated he was somewhat startled by the complainant's agitation and was alarmed by his aggressiveness, which caused him concern for their safety. The named officer stated he gave the complainant a verbal command to "Just sit tight and keep your hands where I can see them." The named officer stated the complainant responded with, "Hey, I'm in my own car. I can do whatever I want to do."

The named officer stated, at that moment, the complainant reached down and over to the passenger side of the vehicle. The named officer stated he did not know what the complainant was reaching for and could no longer see his hands. The named officer stated he felt very uncomfortable and feared for his safety. He stated he opened the front passenger door and looked in the area to check for weapons because he felt a threat to his safety and took reasonable steps to protect his safety. The named officer stated there was nothing there, just papers that the complainant was grabbing. The named officer stated the complainant presented a number of alarming circumstances, such as the complainant's level of aggressive, confrontational and non-compliant responses, furtive gesture and his sudden movement in moving downward or leaning toward the right side of the SUV – a movement consistent with reaching for a weapon. The complainant's action led the named officer to believe that his safety might be in jeopardy. The named officer stated he has 18 years prior law enforcement experience with another bay area agency of which he served as a sergeant for 8 years. The named officer stated he is aware that "people do get hurt."

The named officer and the complainant gave different accounts of what happened or the sequence of events.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

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: 09/25/15 **DATE OF COMPLETION:** 09/02/16 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated he was stopped for having no license plate attached to the rear of his vehicle, which the complainant acknowledged. The complainant stated he received his new plates and the vehicle registration after the incident.

The named officer stated he stopped the complainant's vehicle for having no rear license plate.

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 #2: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the named officer searched his vehicle. The complainant stated that he gave the named officer permission to search his vehicle to look for his registration and license plates.

The named officer stated that, with the complainant's permission, he searched the complainant's vehicle to look for his registration and proof of insurance

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: 09/25/15 **DATE OF COMPLETION:** 09/02/16 **PAGE #2 of 2**

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 he was cited for having no rear license plate, vehicle registration, and proof of insurance. He acknowledged having no plates, vehicle registration and proof of insurance.

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 the complainant's race and sexual orientation.

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

FINDINGS OF FACT: The complainant stated the named officer exhibited racial bias by ordering him to exit his vehicle and sit on a curb because of the complainant's skin color and for having another male in the vehicle. The complainant stated the named officer would not have taken such action had the complainant been a white person.

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

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/15 **DATE OF COMPLETION:** 09/02/16 **PAGE #3 of 2**

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

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

FINDINGS OF FACT: The complainant stated that as the named officer approached his vehicle, the named officer opened the back passenger door.

The named officer stated he opened the back passenger door in order to see inside the rear passenger compartment of the complainant's car because the windows were tinted so darkly that he could not see who or what was in the car. The named officer stated the stop occurred in a high crime area, and for safety reasons, he wanted to see inside the car before contacting the driver. The named officer stated that he could not recall any training or policy that supported his action.

An officer who responded to the scene stated the named officer was already in contact with the driver when he arrived.

A Department trainer on traffic stops stated that if an officer cannot see inside a vehicle because of tinted windows, the officer could ask the driver to step out of the vehicle and interview him or her in a safe area. The officer stated that although the Department and the State POST emphasize officer safety in traffic stops, training includes an instruction that officers are not allowed to open doors.

The evidence established that the named officer's action of opening the complainant's rear passenger door constituted a search and was in violation of the Fourth Amendment. The officer's action was improper.

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: 09/29/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated he was making a right turn when he saw vehicles stopped in front of him in the northbound lane. The complainant stated he drove to the left, crossing the street's dividing lines to go around the vehicles but the vehicles moved toward his, striking his vehicle head on. The complainant stated it was lawful for him to drive left of the dividing lines because the line on his side of the street was a broken yellow line.

The named officer and his partner responded to the scene and conducted an investigation. After the investigation, the named officer issued the complainant a citation for violating California Vehicle Code section 21460(a), driving on the left of double parallel solid yellow lines. The complainant alleged the citation was inaccurate because the dividing lines are not double solid yellow lines.

Department General Order 2.01, Generals Rules of Conduct, states in part:

7. MAINTAINING KNOWLEDGE. Members shall maintain a working knowledge of all information required for the proper performance of their duties (see DGO 3.01, Written Communication System).

9. 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.

Section 21460 of the California Vehicle Code states, in part:

- (a) If double parallel solid yellow lines are in place, a person driving a vehicle shall not drive to the left of the lines, except as permitted in this section.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 2 of 5

- (b) If double parallel solid white lines are in place, a person driving a vehicle shall not cross any part of those double solid white lines, except as permitted in this section or Section 21655.8.
- (c) If the double parallel lines, one of which is broken, are in place, a person driving a vehicle shall not drive to the left of the lines, except as follows:
 - (1) If the driver is on the side of the roadway in which the broken line is in place, the driver may cross over the double lines or drive to the left of the double lines when overtaking or passing other vehicles.

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The named officer acknowledged that the street has a solid yellow line on the southbound side and a broken yellow line on the northbound side. He acknowledged his mistake in issuing an inaccurate citation. He stated he thought Section 21460(a) was the appropriate section under which to cite the complainant, but upon review, he believed California Vehicle Code section 21460(c) was more appropriate.

The named officer's supervisor concurred that Section 21460(a) was inaccurate.

Photographs taken at the scene by the named officer confirmed that the dividing lines are not double solid yellow lines.

The evidence shows the named officer issued the complainant an inaccurate citation, in violation of DGO 2.01.

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: 09/29/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate Traffic Collision Report.

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

FINDINGS OF FACT: The complainant alleged that the named officer's Traffic Collision Report was inaccurate. The complainant stated the report indicated that he turned into the southbound lane, which he did not. He further alleged that the report's diagram was inaccurate.

The OCC investigation established that the complainant drove onto southbound lane #1 instead of the northbound lane. It was the primary and proximate cause of the collision. The named officer indicated in his report that the complainant violated California Vehicle Code section 21460(a), which pertains to double parallel solid yellow lines. The evidence shows that the lines dividing the street are not double parallel solid yellow lines. The named officer should have indicated in his report Section 21460(c) as the section violated. The named officer acknowledged his mistake. He explained that based on his understanding of the law at that time, Section 21460(a) was what he intended to write. However, upon further review, he found 21460(c) as the law appropriate to the violation.

The report's diagram was also inaccurate, in that it depicted the street's dividing line as a double solid yellow line, which is not the case.

The named officer also failed to include in his report the photos that he took at the scene during his investigation. They were neither booked as evidence nor mentioned in the report.

The named officer's supervisor concurred that the named officer wrote an inaccurate report.

The evidence shows that the named officer wrote an inaccurate report, in violation of DGO 2.01.

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: 09/29/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the named officer was very angry during the contact.

The named officer denied the allegation, stating that he was professional and calm.

The named officer's partner stated he could not recall the named officer's behavior. The officer stated he knew the named officer to be calm, level headed and professional.

One of the drivers involved in the collision stated that the officers did well in their investigation. The witness stated that she had no idea if any of the officers on scene behaved or spoke inappropriately.

No other witnesses came forward.

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

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: The OCC learned during its investigation that the named officer approved a Traffic Collision Report that contained an inaccurate violation of the Vehicle Code, an inaccurate diagram of the collision scene and an inaccurate finding of the primary collision factor.

The named officer stated that when he reviewed the report, he conferred with the investigating officer and discussed the events surrounding the officer's investigation. The named officer stated he reviewed each page of the report and went over its diagram and found that the diagram, the law violated and the conclusion of the report all were consistent, and that he approved the report as complete and accurate.

The named officer stated that the reporting officer had not submitted photos of the collision scene with the report. When presented with the photos during his interview, he stated that it was his first time to see them. Upon review of the photos, he saw the errors in the report, the diagram, and the citation.

The reporting officer acknowledged that he had erred in his determination of the Vehicle Code section violated by the party who had caused the collision. He acknowledged writing an inaccurate citation, including an inaccurate diagram and making an inaccurate conclusion of the cause of the collision.

The evidence proved that the named officer was presented with inaccurate information, and was not provided with the information necessary to make a conclusion that the reporting officer's work was inaccurate. The evidence established that the named officer did not fail to supervise.

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: 08/29/16 **DATE OF COMPLETION:** 09/02/16 **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:

California Department of Corrections
Parole and Community Services Division
San Francisco Parole Office
1727 Mission Street, First Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/16 **DATE OF COMPLETION:** 09/02/16 **PAGE #1 of 2**

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.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/16 **DATE OF COMPLETION:** 09/02/16 **PAGE #2 of 2**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/16 **DATE OF COMPLETION:** 09/12/16 **PAGE #1 of 3**

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

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 September 8, 2016.

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

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 September 8, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/16 **DATE OF COMPLETION:** 09/12/16 **PAGE #2 of 3**

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/16 **DATE OF COMPLETION:** 09/12/16 **PAGE #3 of 3**

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

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 September 8, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/17/16 **DATE OF COMPLETION:** 09/12/16 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

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 September 1, 2016.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 1, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/16 **DATE OF COMPLETION:** 09/13/16 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he observed the named officer drive a white sedan at an “unsafe speed” on a busy street with a high volume of pedestrian traffic. The named officer made an unsafe left turn without yielding to pedestrians in the crosswalk and nearly hit two people.

The named officer denied driving in a reckless manner and denied nearly colliding with any pedestrians.

Five witness officers, who were present to assist in a nearby stabbing investigation, did not recall seeing the named officer drive in a reckless manner.

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: 09/14/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #2: The officer detained two pedestrians without justification.

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

FINDINGS OF FACT: The complainant stated the named officer failed to yield to two pedestrians in a crosswalk. The named officer was wearing plainclothes and driving a white sedan. The complainant stated that, as the vehicle passed unsafely through the crosswalk, one of the pedestrians struck the back end of the officer’s vehicle with his hand. The named officer stopped his vehicle in the middle of the lane, got out, and yelled “Come here!” at the pedestrian and his companion. The complainant stated the officer detained both pedestrians without reason. The complainant stated the pedestrians were not aggressive and did not initiate physical contact with the named officer.

The named officer stated a male pedestrian struck his car with an unknown object as he drove slowly through an intersection. The named officer stated he got out of his car to investigate any damage and detained one pedestrian for striking his car. During the detention, the pedestrian’s companion pushed the named officer. The named officer determined both pedestrians were too intoxicated to care for themselves. The named officer stated he detained the pedestrian who had struck his car for public intoxication and arrested the other pedestrian for committing a battery on an officer.

One witness officer stated he was controlling a crowd of people and never saw the pedestrian who was arrested for battery. The officer later transported the pedestrian who was detained for public intoxication, but did not recall his demeanor or state of intoxication. Another witness officer stated he was present as backup, but did not see the named officer interacting with the pedestrians. Three other witness officers were present as backup but did not recall any details about the incident.

The two pedestrians did not respond to OCC’s request for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/15 **DATE OF COMPLETION:** 09/02/16 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #3: The officer engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant stated he watched the named officer nearly collide with two pedestrians as he drove an unmarked car recklessly through a crowded crosswalk. One pedestrian slapped the rear end of the unmarked car with his hand as it sped through the crosswalk. The complainant stated the named officer “exploded out of his car” and detained the pedestrian in retaliation for hitting his car. When the other pedestrian nearly struck by the unmarked car calmly asked why her friend was being detained, the named officer detained her as well.

The officer denied retaliating against the pedestrians for hitting his car.

Two witness officers stated they were focused on crowd control and did not see the named officer interacting with the pedestrians.

Three other witness officers did not recall any details about the incident.

The two pedestrians did not respond to OCC’s request for an interview.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/15 **DATE OF COMPLETION:** 09/16/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated that in October 2015, he was placed in handcuffs and then cited without cause. The complainant stated that at the time, he had two dogs with him.

The named officer stated the complainant was initially detained when the complainant refused to pick up his dogs' feces. After a records check, the named officer took the complainant into custody for an outstanding warrant.

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

The evidence established that the named officer had reasonable suspicion to detain the complainant. Records established that the complainant had an outstanding warrant, prompting the named officer to take custody of the complainant, placing the complainant in handcuffs.

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 searched the complainant without justification.

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

FINDINGS OF FACT: The named officer stated the complainant was arrested for an outstanding warrant. The named officer stated he searched the complainant prior to the complainant being transported by another unit to the station.

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: 10/29/15 **DATE OF COMPLETION:** 09/16/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that while being detained, an officer intentionally threw the complainant's smart phone on the ground and broke it.

The complainant could not identify the officer.

The officers on scene all denied committing the alleged act.

No witnesses were identified.

The identity of the alleged officer could not be established.

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

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

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

FINDINGS OF FACT: The complainant stated he was sleeping in the park with his two dogs when he was cited by the named officer.

The named officer stated he cited the complainant for sleeping in the park.

San Francisco Park Code section 3.13 states, in part, "No person shall remain in any park for the purpose of sleeping between the hours of 8:00 p.m. and 8:00 a.m., except that special permission may be granted by the Recreation and Park Department to persons providing security services between said hours in any park or for other unusual events."

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

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

DATE OF COMPLAINT: 10/29/15 **DATE OF COMPLETION:** 09/16/16 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant stated that in December 2014, he was homeless and sleeping inside his tent in the mission district area when there was an explosion inside his tent, which caught the complainant on fire. The complainant stated he ran out of his tent, walked to his girlfriend's home, and called 911. The complainant stated an ambulance responded and took him to the hospital where he was treated for burns sustained in the fire. The complainant said he did not know how the fire started and was a victim in the incident. The complainant stated that in March 2015, while being detained in another city jail, he was picked up by the SFPD and taken to San Francisco to face charges for the fire explosion incident.

The named officer stated he had investigated the fire explosion incident, in which the complainant was determined to be the only suspect. The officer stated that the San Francisco Fire Department also prepared an incident report finding the complainant to be the sole suspect in the fire. The named officer stated that after the fire investigation, he prepared an arrest warrant for the complainant. The officer stated the arrest warrant was signed by a judge and was the basis for the complainant's arrest.

The Incident Report prepared for the December 2014 incident documents the fire investigation and identifies the complainant as the sole suspect.

The San Francisco Fire Department Fire Investigation Report prepared for the December 2014 incident established that the complainant was the sole suspect.

The named officer prepared a Declaration In Support of Issuance of Warrant of Arrest and Statement of Probable Cause in Support of an Arrest Warrant for the complainant based upon the evidence obtained during his investigation and the evidence in the Fire Department investigation.

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: 10/29/15 **DATE OF COMPLETION:** 09/16/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #6: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was sleeping in the park with his two dogs when he was again cited for sleeping in the park.

San Francisco Park Code section 3.13 states, in part, “No person shall remain in any park for the purpose of sleeping between the hours of 8:00 p.m. and 8:00 a.m., except that special permission may be granted by the Recreation and Park Department to persons providing security services between said hours in any park or for other unusual events.”

The identity of the alleged officer could not be established. However, based on the complainant’s own statement, the officer had cause to cite the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainants stated they were detained without justification.

Department records established that the complainants were detained while executing a search warrant, which was sealed. Records also established that the complainants were each issued a Certificate of Release after they were released.

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 #2: The officer handcuffed the complainants without justification.

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

FINDINGS OF FACT: The complainants stated they were handcuffed without justification.

Department records established that the complainants were detained and handcuffed while executing a search warrant, which was sealed. Records also established that the complainants were each issued a Certificate of Release after they were released. The underlying criminal investigation involved a series of robberies and homicide.

Given the nature of the SFPD investigation, placing the complainants in handcuffs was justified.

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: 08/24/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #3: The officer entered and searched a residence without cause.

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

FINDINGS OF FACT: The complainants stated that SFPD officers entered and searched their in-law unit without cause.

Department records established that SFPD officers entered and searched the complainants' residence pursuant to a search warrant, which was sealed.

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 failed to provide required information.

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

FINDINGS OF FACT: The complainants stated they were not provided with a copy of the search warrant.

Department records showed that the warrant was sealed, preventing the officers from leaving a copy with the complainants.

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: 08/24/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #5: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that despite his cooperation, he was detained at gunpoint.

Department records established that the complainants were detained and handcuffed while executing a search warrant, which was sealed. Records also established that the complainants were each issued a Certificate of Release after they were released. The underlying criminal investigation involved a series of robberies and homicide.

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

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

While the identity of the officer who detained the complainant at gunpoint could not be established, the evidence established that there was reasonable cause to believe that it was necessary for the officer to draw his or her firearm for his or her safety or for the safety of others.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/15 **DATE OF COMPLETION:** 09/13/16 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated an unidentified officer or officers grabbed him and pushed him to the ground, causing him to strike his head on the cement.

The co-complainant did not observe the complainant being detained.

Officers interviewed by the OCC denied the allegation.

The identity of the alleged officer could not be established.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #7: The officer damaged property without justification.

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

FINDINGS OF FACT: The complainants stated that officer(s) damaged two plastic storage units. The complainants could not identify the officer(s) who caused the damage.

Officers interviewed by the OCC denied the allegation.

The identity of the alleged officer(s) could not be established.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 1 of 18

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

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

FINDINGS OF FACT: The complainant, a member of the military who was in San Francisco on business, stated the named officer threatened to arrest him if he did not pay \$700.00 to the driver of an Uber vehicle who claimed the complainant had damaged his cell phone and the interior of his vehicle. The complainant denied damaging the Uber driver's property. The complainant told the named officer that he did not want to be arrested because he and his companions were scheduled to leave San Francisco in the morning. The complainant said he did not have \$700.00 with him, and the named officer told him he needed to withdraw the money from an ATM or he would be arrested. The complainant stated the named officer gave the complainant the location of a nearby ATM. The complainant stated two officers accompanied him to an ATM inside a nearby hotel, where he withdrew \$600.00 and, that under threat of arrest, he paid the driver \$700.00 in cash. He stated an officer at the scene prepared a release form that he and the Uber driver signed, and that the officer signed as a witness.

A female witness who was one of the complainant's companions stated that police detained her, the complainant and another man. A male witness who was one of the complainant's companions stated that the named officer told the complainant he would be taken to the police station if he did not pay the Uber driver \$650.00 or \$700.00 for damage to his cell phone. The witness stated the officer wanted the complainant to go to an ATM to withdraw cash to pay the Uber driver. This witness stated the complainant did not voluntarily offer to pay the Uber driver.

The named officer stated he responded to the scene of a fight, and found three off-duty San Francisco police officers that had been assaulted. The named officer took command of the scene and the investigation. The individual who called 911 was an Uber driver, who told the named officer that people who matched the suspect description were around the corner. The named officer had these three individuals (the complainant and his two companions) detained. The off-duty officers who were the victims of the assault viewed the complainant and his two companions and said they were not the assailants.

The named officer stated the Uber driver told him that while the complainant was a passenger in his vehicle, the complainant damaged his phone and the interior of his vehicle. The Uber driver told the named officer he wanted the complainant arrested, and agreed to sign a Private Person's arrest. The named officer told the complainant about the Uber driver's claim of damaged property, which the complainant denied. The named officer told the complainant that the Uber driver would have him arrested and that the named officer would then call the Military Police. The complainant said he did not want to be arrested.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 2 of 18

SUMMARY OF ALLEGATION #1continued: The named officer inferred from this that the complainant was seeking a way to resolve the matter without being arrested, although the complainant never offered to pay the Uber driver. The named officer stated that he may have suggested that the complainant “work something” out with the Uber driver, but did not remember whether he spoke to the complainant about him paying the Uber driver for the damages. The named officer stated he then spoke to the Uber driver and told him he could “do a civil thing” and “whatever can be worked out, you work it out.”

The named officer stated he directed a subordinate officer to handle the matter. He stated he did not recall telling this subordinate officer anything specific about how the Uber driver’s claim of property damage would be resolved, and did not remember whether he said anything to this subordinate officer about the complainant paying the Uber driver for the damaged property. The named officer stated he saw the subordinate officer with a document he had prepared, and that the complainant and the Uber driver signed this document. The named officer spoke to the Uber driver, who told him that the complainant was going to pay him for the damages.

The named officer contradicted himself during the OCC interview regarding whether the Uber driver specified the monetary amount of the damage to his property. At one point, he said the Uber driver told him the cost would be over \$1000. At another point, the named officer stated he did not recall the Uber driver mentioning a specific amount of money. The named officer stated he did not recall any discussion about the complainant not having enough cash with him, or about the complainant going to an ATM to withdraw money.

Witness officer #1 responded to a report of a fight outside a bar and was flagged down nearby by three off-duty San Francisco police officers who said they had been assaulted. He stated he notified his supervisor, the named officer, who responded to the scene. Witness officer #1 stated the named officer brought an Uber driver to him and told him to obtain information from the driver. Witness officer # 1 stated the Uber driver told him there was a big fight outside a club, and that passengers he picked up there had damaged his vehicle. Witness officer #1 assisted the Uber driver in writing an incident report statement. Witness officer #1 saw the named officer speaking to the complainant.

Witness officer #1 stated that after the Uber driver wrote his incident report statement, the named officer brought the complainant and the Uber driver to him and told him the complainant was going to pay the Uber driver to avoid being arrested. The named officer asked witness officer # 1 to witness the complainant pay the Uber driver for damages he had caused to the Uber driver’s vehicle.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 3 of 18

SUMMARY OF ALLEGATION #1 continued: Witness officer #1 stated the named officer instructed him to bring the complainant and the Uber driver back to him afterwards. Witness officer # 1 asked the complainant and the Uber driver if they wanted to resolve the matter by the complainant paying the Uber driver, and they both said yes. Witness officer #1 suggested that they draft a written agreement. Witness officer #1 gave the Uber driver an incident report form and the Uber driver began writing a contract. The Uber driver asked witness officer #1 to assist him and witness officer#1 wrote the remainder of the contract, which the complainant and the Uber driver signed, and which witness officer # 1 signed as a witness. The witness officer #1 stated after the complainant gave \$700.00 to the Uber driver, the complainant walked to where the named officer was standing.

Witness officer #2 stated he and his partner, Witness officer # 3, either initiated a detention of the complainant and his two companions, or stood by with the complainant and his two companions, who were being detained. While they were detaining the complainant and his two companions, two off-duty officers came to their location to look at the three detainees and said, "No, those aren't people." The driver of an SUV also came to the location to look at the detainees and told the named officer that the complainant had vandalized his car. Witness officer #2 heard the named officer tell the complainant something to the effect that the SUV driver wanted to press charges against him, but would not press charges if the complainant reimbursed him for his damaged property. Witness officer #2 stated he thinks the complainant, who was in the military, responded that he did not want to be arrested because he would be unable to board his ship and would be fired. Witness officer #2 thinks the complainant told the named officer that he would have to go to an ATM because he did not have sufficient cash to pay the Uber driver.

Witness officer #2 stated the named officer instructed him and his partner to escort the complainant to and from an ATM machine. They escorted the complainant to an ATM inside a nearby hotel, where the complainant made multiple withdrawals of \$200. They then escorted the complainant back to where his two companions were being detained, where an unidentified officer instructed them to escort the complainant to where Witness officer #1 was standing. Witness officer #1 told witness officer #2 that he would handle the situation, and witness officer #2 and his partner then left.

Witness officer #3, the partner of witness officer #2, stated he and his partner responded as backup for officers handling a reported fight in front of a club. When they arrived near that location, he saw the complainant and two companions sitting on the curb being detained by unidentified officers. The named officer told witness officer #3 and his partner to stand by with the detainees, and mentioned damage to a taxicab that the detainees had been riding in. The named officer walked around the corner, and then returned and spoke to the complainant. The named officer told witness officer #3 and his partner that the complainant had agreed to pay the driver \$800 for the damage he had caused, and instructed them to escort the complainant to an ATM machine so he could withdraw cash. They escorted the complainant to

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 4 of 18

SUMMARY OF ALLEGATION #1 continued: an ATM, where he made multiple withdrawals. They then escorted the complainant back to where the cab driver was standing and left the scene.

The Uber driver, who called police regarding the fight outside the club, stated that he picked up the complainant and several of his companions outside a club. A fight erupted in the street, and one of the participants attempted to enter his vehicle. The complainant and his companions, who were intoxicated, began arguing, and the Uber driver ordered them out of his car. The complainant threw his beverage on the interior of the car, causing the Uber driver's phone, which was on the dashboard, to fall, cracking its screen. The Uber driver believed the complainant also damaged the console of his car and a seat pocket.

The Uber driver called the police, but briefly drove away from the scene when the fight intensified. When officers arrived, the Uber driver told them about the complainant damaging his car, and officers detained the complainant. The Uber driver told the named officer about the damage to the interior of his car and to his phone. The named officer asked the Uber driver for the estimated cost of the damage, and the Uber driver told him \$700.00. The named officer told the Uber driver that he could have the complainant arrested. The Uber driver told the named officer that he did not want the complainant arrested, and only wanted the complainant to pay for the damages. The named officer left, apparently to speak with the complainant. When the named officer returned, he told the Uber driver the complainant had agreed to pay for whatever damage he caused. The complainant went to an ATM machine and brought the Uber driver \$700.00 in cash.

The complainant's ATM records documented that he made three \$200 withdrawals from the ATM in the hotel at the incident scene.

A "Release of Liability" form partially drafted and signed by Witness officer #1 indicated that the complainant paid the Uber driver \$700.00, and that in exchange, the Uber driver would not pursue "any litigation or lawsuit civil or criminal" against the complainant.

Other witness officers at the scene stated that they did not observe an interaction between the named officer and the complainant.

authority to authorize citation or arrest of the complainant for allegedly damaging property, but did not have authority to threaten to arrest the complainant if he did not pay the Uber driver.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 5 of 18

SUMMARY OF ALLEGATION #1 continued: Significant elements of the named officer's account of this incident were contradicted by the statements of Witness officer #1, witness officer #2, witness officer #3, the Uber driver, and the complainant's two companions. The evidence established the named officer compelled the complainant to pay the Uber driver \$700.00 under the threat of arrest and that he ordered two subordinate officers to escort the complainant to an ATM machine so the complainant could withdraw money. The named officer had the

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 #2: The officer misused police authority.

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

FINDINGS OF FACT: As stated above, the evidence established that the named officer compelled the complainant to pay the Uber driver \$700.00 under the threat of arrest. He caused the complainant to be detained for a significant period of time and ordered two subordinate officers to escort the complainant to an ATM machine so the complainant could withdraw money. The named officer lacked authority to compel the complainant to pay the Uber driver \$700.00 and, absent a decision to arrest the complainant, lacked justification to detain the complainant. The named officer's actions constituted a misuse of police authority.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 6 of 18

SUMMARY OF ALLEGATION #3: The officer misused police authority.

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

FINDINGS OF FACT: The complainant, a member of the military who was in San Francisco on business, stated that an Uber driver accused him of damaging his property. The complainant and his two companions were detained, and a sergeant threatened to arrest the complainant if he did not pay the Uber driver \$700.00. Two officers escorted the complainant to an ATM where he withdrew \$600.00. The named officer prepared a release form, purporting to be a contract, that the complainant and the Uber driver signed, and that the named officer signed as a witness.

The named officer stated he and his partner responded to a report of a fight outside a bar, and were flagged down nearby by three off-duty San Francisco police officers who alleged they had been assaulted. He stated he notified his sergeant, who responded to the scene. The sergeant brought an Uber driver to the named officer and told him to obtain information from the driver. The Uber driver told the named officer that there was a fight outside a club, and that passengers he had picked up there damaged his vehicle. The named officer assisted the Uber driver in writing an incident report statement. The named officer saw the sergeant speaking to the complainant. The named officer stated that fifteen to twenty minutes later, the sergeant brought the complainant and the Uber driver to him and told him the complainant was going to pay the Uber driver to avoid being arrested. The sergeant asked the named officer to witness the complainant pay the Uber driver for damages he had caused to the Uber driver's vehicle. The named officer asked the complainant and the Uber driver if they wanted to resolve the matter by the complainant paying the Uber driver, and they both said yes. The named officer suggested that they draft a written agreement. The named officer gave the Uber driver an incident report form to write on the back of, and the Uber driver began writing a contract. The Uber driver asked the named officer to assist him, and the named officer wrote the remainder of the contract, which the complainant and the Uber driver signed, and which the named officer signed as a witness. The complainant gave \$700.00 to the Uber driver.

The sections of the "Release of Liability" form that the named officer drafted indicated that it was a contract to settle any claims against the complainant by the Uber driver. It stated the complainant was paying the Uber driver \$700.00 and that in exchange, the Uber driver would not pursue "any litigation or lawsuit civil or criminal" against the complainant.

The evidence established that the sergeant lacked authority to compel the complainant to pay the Uber driver \$700.00. The evidence also established that the named officer misused his police authority by ordering the complainant to sign a written agreement to resolve a civil dispute. The evidence established the named officer had no legal authority to compel the complainant to enter into a legally binding agreement, and that his actions constituted a misuse of police authority.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 7 of 18

SUMMARY OF ALLEGATION #3 continued: 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 #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant, a member of the military who was in San Francisco on business, stated that an Uber driver accused him of damaging his property. The complainant and his two companions were detained, and the named officer threatened to arrest the complainant if he did not pay the Uber driver \$700.00 for the alleged damage. The complainant denied causing the damage, but the named officer failed to investigate further before compelling the complainant to pay the Uber driver \$700.00 under threat of arrest.

The named officer stated he responded to the scene of a fight, and found three off-duty San Francisco police officers who had been assaulted. The named officer took command of the scene and of the investigation. The individual who called 911 was an Uber driver, who told the named officer that people who matched the suspect description were around the corner. The named officer had these three individuals (the complainant and his two companions) detained. The off-duty officers who had been assaulted viewed the complainant and his two companions and said they were not the assailants.

The Uber driver told the named officer that while the complainant was a passenger in his vehicle, the complainant damaged his phone and the interior of his vehicle. The Uber driver told the named officer that he wanted the complainant arrested, and agreed to sign a Private Person's arrest. The named officer told the complainant about the Uber driver's claim of damaged property, and the complainant denied damaging his property. The named officer told the complainant that the Uber driver would have him arrested and that the named officer would then call the Military Police. The complainant said he did not want to be arrested. The named officer inferred from this that the complainant was seeking a way to resolve the matter without being arrested, although the complainant never offered to pay the Uber driver. The named officer stated he may have suggested that the complainant "work something" out with the Uber driver, but did not remember whether he spoke to the complainant about him paying the Uber driver for the damages.

The named officer stated that he then spoke to the Uber driver and told him he could "do a civil thing" and "whatever can be worked out, you work it out."

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 8 of 18

SUMMARY OF ALLEGATION #4 continued: The named officer stated he directed a subordinate officer to handle the matter. He stated he did not recall telling his subordinate officer anything specific about how the Uber driver's claim of property damage would be resolved, and did not remember whether he said anything to his subordinate officer about the complainant paying the Uber driver for the damaged property. The named officer stated he saw his subordinate officer with a document he had prepared that the complainant and the Uber driver signed. The named officer spoke to the Uber driver, who told him that the complainant was going to pay him for the damages.

The named officer stated he did not inspect any of the damage described by the Uber driver because he was dealing with the three off-duty officers. He stated he thinks his subordinate officer who he directed to handle the matter verified the damage, but he did not recall whether he told this officer to photograph or otherwise document the damage.

As stated above, significant elements of the named officer's account of this incident were contradicted by the statements of witness officer #1, witness officer #2, witness officer #3, the Uber driver, and the complainant's two companions. As stated above, the evidence established that the named officer threatened to arrest the complainant if he did not pay the Uber driver \$700.00 and ordered two subordinate officers to escort the complainant to and from an ATM machine so the complainant could withdraw money to pay the Uber driver.

The evidence established that named officer did not investigate the Uber driver's claim that the complainant had damaged his property before compelling the complainant to pay the Uber driver \$700.00, failing to investigate the alleged crime brought to his attention.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 9 of 18

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

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

FINDINGS OF FACT: The evidence established that the named officer and his partner responded to a report of a fight outside a bar, and were flagged down nearby by three off-duty San Francisco police officers who said they had been assaulted. The named officer interviewed the off-duty officers and an Uber driver who had called 911, and had them write incident report statements. The evidence established that the Uber driver directed officers to the complainant and his two companions, who had been passengers in his car when the fight erupted, and that officers detained these three individuals. The off-duty officers came to the location of the detention and stated that the complainant and his companions had not assaulted them. The Uber driver accused the complainant of damaging the interior of his car and his phone. A sergeant at the scene told the complainant he would be arrested if he did not pay the Uber driver \$700.00 for the alleged damage, and the sergeant ordered two officers to escort the complainant to an ATM machine so he could withdraw cash. These two officers escorted the complainant back to the scene, where the complainant gave the Uber driver \$700.00. The named officer's partner helped the Uber driver write a Release of Liability form, which the complainant and the Uber driver signed and which the named officer's partner signed as a witness. The evidence established that the complainant and his two companions were detained for a significant period of time.

The incident report prepared by the named officer failed to document the following: the detention of the complainant and his two companions for at least 45 minutes; the cold-show viewings of the complainant and his companions by the battery victims; the Uber driver's allegation that the complainant had damaged his property; the resolution of the Uber driver's property damage claim by the complainant's payment to him of \$700.00; and the drafting and signing of the Release of Liability form by the named officer's partner.

The named officer stated he interviewed the off-duty officers. He denied interviewing or having contact with an Uber driver. When asked whether the section of his incident report narrative documenting his contact with the Uber driver was accurate, the named officer stated that it was, but also stated that he did not know this individual was an Uber driver, despite the fact that the narrative identified this individual as "an Uber driver." The named officer stated he was unaware that the Uber driver claimed his property had been damaged. The incident report statement written by the Uber driver in the presence of the named officer stated that the complainant splashed beer inside his car and broke his phone. The named officer's incident report narrative referenced the Uber driver's incident report statement. The named officer stated that he did not recall any of the off-duty officers being taken to view possible suspects.

The named officer's partner stated he did not tell the named officer about the Release of Liability document he helped draft and signed as a witness.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 10 of 18

SUMMARY OF OCC-ADDED ALLEGATION #1 continued: The evidence established that the named officer failed to prepare a complete and accurate incident report as required by Department regulations.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 11 of 18

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

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

FINDINGS OF FACT: The evidence established that the named officer was the supervising officer at the scene of an incident where three off-duty San Francisco police officers were allegedly assaulted during an altercation outside a bar. The evidence established that an Uber driver was outside the bar, picking up the complainant and several of his companions, when a fight erupted. The Uber driver ejected the complainant and his companions from his car, and later claimed that the complainant damaged the interior of his vehicle and splashed a drink, which caused the driver's phone to fall off the dashboard and break. The Uber driver directed officers to the complainant and two companions, and officers detained them for a lengthy period. During the detention, the off-duty officers came to view the detainees and said they were not among their assailants.

The evidence established that the named officer compelled the complainant, on threat of being arrested, to pay the Uber driver \$700.00 for the alleged damage. The incident report documenting this incident failed to document the following: the detention of the complainant and his two companions for at least 45 minutes; the cold-show viewings of the complainant and his companions by the off-duty officers; the Uber driver's allegation that the complainant damaged his property; and the resolution of the Uber driver's property damage claim by the complainant's payment to him of \$700.00.

The evidence established that the named officer read the incident report prepared by a subordinate officer documenting the assault on the off-duty officers. The named officer did nothing to correct it by asking the reporting officer to rewrite the report or to write a supplemental incident report. The named officer did not require or ensure that any of the officers involved in the detention or the cold shows documented these actions. The named officer also failed to write a supplemental incident report documenting his actions, and did not document any of these matters in a memorandum he wrote to his commanding officer. The evidence established that the named officer failed to document a crime brought to his attention, the detention of three individuals for a significant period of time, or the resolution of a civil dispute by the complainant's \$700.00 payment to the Uber driver.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 12 of 18

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

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

FINDINGS OF FACT: The evidence established that the named officer responded to a reported fight outside a bar and contacted three off-duty San Francisco police officers who said they had been assaulted. The evidence established that an Uber driver was outside the bar, picking up the complainant and several of his companions, when a fight erupted. The Uber driver ejected the complainant and his companions from his car, and later claimed that the complainant damaged the interior of his vehicle and splashed a drink, which caused the driver's phone to fall off the dashboard and break. The Uber driver directed officers to the complainant and two companions, and officers detained them for a lengthy period. During the detention, the off-duty officers came to view the detainees and said they were not among their assailants.

The evidence established that a sergeant threatened to arrest the complainant if he did not pay the Uber driver \$700.00 for the alleged damage to his vehicle and his phone. The sergeant brought the complainant to the named officer and instructed him to witness the complainant pay the Uber driver \$700.00. The named officer assisted the Uber driver in drafting a Release of Liability form, which the named officer purported to be a contract. The complainant and the Uber driver signed this document, which the named officer signed as a witness. The named officer stated he also inspected the damage to the Uber driver's car.

The named officer failed to ensure that the incident report written by his partner documented the Uber driver's claim of property damage, the named officer's investigation of this claim, the complainant's payment of \$700.00 to the Uber driver, or the named officer's drafting of a Release of Liability that the parties signed. He also failed to ensure that the incident report documented the lengthy detention of the complainant and his two companions or the cold-show viewing by the off-duty officers. The named officer failed to document any of these matters in a supplemental incident report or in an Incident Report Statement. The evidence established that the named officer failed to document a crime brought to his attention, the detention of three individuals for a significant period of time, or the resolution of a civil dispute by the complainant's \$700.00 payment to the Uber driver.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 13 of 18

SUMMARY OF OCC-ADDED ALLEGATION #4: The officer detained the complainant and his companions for a significant length of time.

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

FINDINGS OF FACT: The evidence established that the named officer was the supervising officer at the scene of an incident where three off-duty San Francisco police officers were allegedly assaulted during an altercation outside a bar. The evidence established that an Uber driver was outside the bar, picking up the complainant and several of his companions, when a fight erupted. The Uber driver ejected the complainant and his companions from his car, and later claimed that the complainant damaged the interior of his vehicle and splashed a drink, which caused the driver's phone to fall off the dashboard and break. The Uber driver directed officers to the complainant and two companions, and officers detained them for a lengthy period. During the detention, the off-duty officers came to view the detainees and said they were not among their assailants.

The evidence established that the named officer threatened to arrest the complainant unless he paid the Uber driver \$700.00 for the alleged damage to his property. The named officer directed two subordinate officers to escort the complainant to an ATM so he could withdraw cash to give to the Uber driver. The evidence established that the complainant's two companions were detained until after the complainant returned from the ATM, paid the Uber driver \$700.00, and signed a Release of Liability form prepared by the officer who witnessed the payment. The evidence established that the complainant and his two companions were detained for approximately 30 to 60 minutes.

The evidence also established that officers lacked justification to detain the complainant's two companions after the victims (the off-duty officers) viewed them and said they were not involved in the battery. The evidence established that the complainant's two companions were detained for least 15 to 30 minutes after the cold shows were conducted, although officers lacked reasonable suspicion that they were involved in a crime.

The evidence established that the complainant and his two companions were detained on the orders of the named officer, and that the named officer was aware of their continued detention. As the supervising officer at the scene, the named officer was responsible for the actions of the subordinate officers at the scene. The evidence established that the named officer detained the complainant and his two companions for a significant and unreasonable length of time.

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: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 14 of 18

SUMMARY OF OCC-ADDED ALLEGATION # 5: The officer detained the complainant and his companions for a significant length of time.

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

FINDINGS OF FACT: The complainant and his two companions were detained as possible suspects in a fight outside a bar in which three off-duty police officers were assaulted. The off-duty officers viewed the detainees in cold shows and stated they were not the suspects. The evidence established that the complainant's two companions were detained for at least 15 to 30 minutes after the cold shows were conducted, although officers lacked reasonable suspicion that they were involved in a crime. The evidence also established that the named officer and his partner detained the complainant for a significant length of time on the order of the sergeant at the scene.

The evidence established that the sergeant at the scene also threatened to arrest the complainant if he did not pay \$700.00 to an Uber driver who claimed the complainant had damaged his property. On the order of the sergeant, the named officer and his partner continued the detention of the complainant by escorting him to and from an ATM so he could withdraw money to pay the Uber driver. The evidence established that the complainant and his two companions were detained for a significant and unreasonable length of time due to the order of the sergeant at the scene. The evidence proved that the named officer acted on instructions from a superior officer, and lacked sufficient information to allow a reasonable officer to conclude that he was being asked to carry out actions in violation of the law and Department regulations. The evidence proved the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 15 of 18

SUMMARY OF OCC-ADDED ALLEGATION #6: The officer unlawfully detained the complainant and his companions for a significant length of time.

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

FINDINGS OF FACT: The complainant and his two companions were detained as possible suspects in a fight outside a bar in which three off-duty police officers were assaulted. The off-duty officers viewed the detainees in cold shows and stated they were not the suspects.

The evidence established that the complainant's two companions were detained for at least 15 to 30 minutes after the cold shows were conducted, although officers lacked reasonable suspicion that they were involved in a crime. The evidence also established that the named officer and his partner detained the complainant for a significant length of time on the order of the sergeant at the scene.

The evidence established that the sergeant at the scene also threatened to arrest the complainant if he did not pay \$700.00 to an Uber driver who claimed the complainant had damaged his property. On the order of the sergeant, the named officer and his partner continued the detention of the complainant by escorting him to and from an ATM so he could withdraw money to pay the Uber driver. The evidence established that the complainant and his two companions were detained for a significant and unreasonable length of time due to the order of the sergeant at the scene. The evidence proved that the named officer acted on instructions from a superior officer, and lacked sufficient information to allow a reasonable officer to conclude that he was being asked to carry out actions in violation of the law and Department regulations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 16 of 18

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

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

FINDINGS OF FACT: The evidence established that the complainant and his two companions were detained for 30 to 60 minutes but were not issued Certificates of Release as required by Department General Order 5.03. The named officer and his partner responded to the scene and detained the complainant and his companions pursuant to the order of the sergeant who arrived and took charge of the scene. The three individuals were detained for a significant length of time and did not receive Certificates of Release when they were released. The evidence established that the named officer did not release the complainant and his two companions. The evidence established that the named officer's sergeant ordered the initial and the continued detention of the complainant and his two companions, and was responsible for ensuring they were issued Certificate of Release. The evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The evidence established that the complainant and his two companions were detained for 30 to 60 minutes but were not issued Certificates of Release as required by Department General Order 5.03. The named officer and his partner responded to the scene and detained the complainant and his companions pursuant to the order of the sergeant who arrived and took charge of the scene. Although the three individuals were detained for a significant length of time, they did not receive Certificates of Release when they were released. The evidence established that the named officer did not release the complainant and his two companions. The evidence established that the named officer's sergeant ordered the initial and the continued detention of the complainant and his two companions, and was responsible for ensuring they were issued Certificate of Release. The evidence proved that the acts alleged in the complaint did not occur.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 17 of 18

SUMMARY OF OCC-ADDED ALLEGATION # 9: The officer failed to properly supervise.

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

FINDINGS OF FACT: The evidence established that the named officer was the supervising officer at the scene of an incident where three off-duty San Francisco police officers were allegedly assaulted during an altercation outside a bar. The evidence established that an Uber driver was outside the bar picking up the complainant and several of his companions, when a fight erupted. The Uber driver ejected the complainant and his companions from his car, and later claimed that the complainant damaged the interior of his vehicle and splashed a drink, which caused the driver's phone to fall off the dashboard and break. The Uber driver directed officers to the complainant and two companions, and officers detained them for a lengthy period. During the detention, the off-duty officers came to view the detainees and said they were not among their assailants.

The evidence established that the named officer threatened to arrest the complainant unless he paid the Uber driver \$700.00 for the damaged property. The named officer directed two subordinate officers to escort the complainant to an ATM so he could withdraw cash to give to the Uber driver. The evidence established that the complainant's two companions were detained until after the complainant returned from the ATM, paid the Uber driver \$700.00, and signed a Release of Liability form prepared by the officer who witnessed the payment. The evidence established that the complainant and his two companions were detained for 30 to 60 minutes.

The evidence also established that officers lacked justification to detain the complainant's two companions after the off-duty officers who had been assaulted viewed them and said they were not involved in the battery. The evidence established that the complainant's two companions were detained for least 15 to 30 minutes after the cold shows were conducted, although officers lacked reasonable suspicion that they were involved in a crime.

The evidence established that the named officer failed to properly supervise subordinate officers. The named officer ordered two subordinate officers to detain the complainant unlawfully and force him to go to an ATM to withdraw money to settle a civil dispute. The named officer directed another subordinate officer to facilitate the complainant's \$700.00 payment – compelled by the named officer's misuse of police authority – to the Uber driver. The named officer failed to prevent his subordinate officer from drafting a legal document that purported to be a contract between the complainant and the Uber driver. The named officer directed all three subordinate officers to detain the complainant when there was no legal justification for the continued detention. The named officer allowed subordinate officers to detain the complainant's two companions when there was no legal justification for the detention, and failed to ensure that the complainant and his two companions were issued Certificates of Release after they were detained for a significant length of time. The named officer failed to ensure that subordinate officers documented his actions during the incident, the subordinate officers' actions regarding a reported crime,

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/15 **DATE OF COMPLETION:** 09/22/16 **PAGE #** 18 of 18

SUMMARY OF OCC-ADDED ALLEGATION # 9 continued: the detention of the complainant and his two companions, a negative cold-show by victims of an assault, and the complainant's payment of \$700.00 to settle a damage claim.

The evidence established that the complainant and his two companions were detained for 30 to 60 minutes but were not issued Certificates of Release as required by Department General Order 5.03. The named officer and his partner detained the complainant and his companions for a significant length of time and failed to issue them Certificates of Release.

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: 01/11/16 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 1 of 6

SUMMARY OF ALLEGATIONS #1-3: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant stated that during a 2009 warrant search executed at his home, the named officers took approximately \$2,200 in cash from his room.

The named officers denied finding or seizing any currency during the search in question.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that after an arrest in 2009, the named officer sexually assaulted him while reaching with his hand between the complainant's buttocks to extract crack cocaine.

The named officer stated that he does not recall conducting a bladed-hand search on the complainant during this incident. He denied that he sexually assaulted the complainant or that he put his hand in the complainant's pants.

An incident report written at the time of the incident indicates that the named officer and another officer reported the complainant removed cocaine rocks from his own pants after informing the officers of the whereabouts of the drugs.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/16 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 2 of 6

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer put his hand down the complainant's pants and forcibly extracted narcotics hidden there. The complainant stated the officer misrepresented the seizure of drugs when he described in an incident report that the complainant turned to the officers questioning him and volunteered the information that there were "boulders in his pants." The named officer described the complainant as complying with the named officer's request to give him the narcotics, reaching into the back of his pants and pulling out a clear plastic bag with 18 rocks of crack cocaine. The complainant stated he never informed police of the narcotics hidden on his body, nor did he voluntarily hand them to the officer.

The named officer stated that he does not recall conducting a bladed hand search on the complainant. He stated that he did not put his hand in his pants. The named officer stated that the complainant told him that he had "boulders in his pants," and then voluntarily removed the crack cocaine from his pants and gave it to the named officer.

An officer who wrote the incident report describing the arrest said that the named and one other officer told him at the time that the complainant had announced he had drugs, and voluntarily turned the drugs over to the named officer.

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: 01/11/16 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 3 of 6

SUMMARY OF ALLEGATION #6: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant stated that an incident report describes him as stating to officers that he had “boulders in his pants” to communicate to them that he had crack cocaine hidden there. He stated that he never said this to the officers.

The named officer wrote the incident report and stated that two officers told him that when they interviewed the complainant, he told them that he had “boulders in his pants.” One of them then directed the complainant to give the officer the crack, and the complainant complied by handing it to him.

The officer who interviewed the complainant confirmed that the complainant did state that he had “boulders in his pants” and then voluntarily removed the crack cocaine from his pants and handed it over.

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: 01/11/16 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 4 of 6

SUMMARY OF ALLEGATION #7: The officer conducted a search without justification.

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

FINDINGS OF FACT: The complainant stated that in 2010, when the named officer stopped a vehicle in which the complainant and his friends were riding, the officer searched an occupant without cause.

A witness who was in the car stated that he was not subject to any search condition and that he showed the named officer his cannabis card to justify the odor of marijuana in the car.

Another witness who was in the car stated that they had been smoking marijuana in the car earlier in the day and that the car was “reeking of pot” odor.

The named officer stated that he does not remember the incident because it occurred more than six years ago, but after reviewing the incident report, explained that he smelled a strong odor of burning marijuana on approaching the vehicle. He stated that the occupants acknowledged smoking marijuana, and he did not believe that anyone in the car possessed a cannabis card, as it is not mentioned in the incident report. In addition, the named officer stated that the complainant, the driver of the car, was on probation with a warrantless search condition at that time. The named officer stated that these circumstances gave him “more than sufficient probable cause to have the occupants exit the vehicle and conduct pat searches of each.” Finally, he stated that the occupant in question turned to him before the search and told him that he had “a couple sacks of weed” on him, which added to the probable cause for the search.

The evidence established that the named officer had justification to conduct a search of the occupants in 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: 01/11/16 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 5 of 6

SUMMARY OF ALLEGATION #8: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that in 2010, the named officer “sexually assaulted” his friend when he put his hand down his pants to search for contraband.

A witness, the complainant’s friend, stated that this was the first time he had experienced such a “bladed hand” search, and that the named officer did not digitally penetrate him. He acknowledged that drugs such as crack must be wedged firmly between the buttocks to keep them in place, but when asked if the named officer’s contact went beyond searching for such contraband, he stated, “It was very awkward. It was nothing that I was familiar with, so it kind of messed me up.”

Another witness stated that he observed the named officer go into the rear waistband of the subject’s pants and extract drugs.

The named officer stated that the “Bladed Hand” search is an Academy approved and taught searching technique for detecting weapons and/or contraband secreted on subjects, specifically in the region of their buttocks. Typically, when an item is discovered hidden between a subject’s buttocks, the item is pulled away from the subject’s body through the outer clothing and then retrieved, “preferably with a gloved hand.”

An incident report prepared at the time by the named officer stated that he conducted a bladed hand search of the occupant and discovered crack cocaine between his buttocks, which he extracted.

The evidence established that the named officer’s action was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/11/16 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 6 of 6

SUMMARY OF ALLEGATION #9: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant stated that a description of an arrest was inaccurately described by the named officer, in that the officer wrote that the passenger upon whom drugs were found turned and told the named officer, “Hey, I got a couple sacks of weed on me.”

A witness stated that he did not tell the named officer that he had marijuana on his person, but he did show the named officer his cannabis card.

The named officer stated that the witness made the alleged statement as it was documented in the incident report. He also stated that the complainant and the witness may not be telling the entire truth, or they may not recall the incident any better than he does. The named officer further stated that the complainant may have read an article about him while incarcerated and could be looking for payback.

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: 10/15/15 **DATE OF COMPLETION:** 09/12/16 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer kicked him while the complainant was sleeping on the street.

The named officer denied the allegation. He stated he was called to respond to a homeless encampment. He stated he tried to verbally awaken the complainant several times without success. The named officer stated he tapped the bottom of the complainant's foot with his foot to rouse him.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer asked him whether he would like to feel a "real kick."

The named officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/15 **DATE OF COMPLETION:** 09/23/16 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she was the victim of a burglary. The complainant stated she initially filed a police report online. She stated the online report included the serial number of items stolen, specific models of electronics and other specific information. She later received an email from the named officer requesting that she come into the station to file a report because the complainant claimed to know who committed the burglary. The complainant went into the station and the named officer was unavailable to take the report. The complainant did not have the specific detailed information of the stolen items and was unable to complete the report at the station. Out of frustration, the complainant left the station.

The complainant did not respond to OCC's request for additional information.

The named officer stated she did not remember any interaction with the complainant and had no record of emailing the complainant. The named officer stated that a burglary report with a known suspect would need to be completed with an officer, and not online.

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 was 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: 10/02/16 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 2: The officers failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant confronted her boyfriend about his infidelity and lies while he was tending bar at a restaurant. The complainant's boyfriend asked her to leave multiple times and she refused. The complainant realized her boyfriend's other girlfriend was sitting at the bar. The complainant initiated a conversation with the other girlfriend and her boyfriend became enraged. The complainant stated her boyfriend then grabbed her from behind and tried to drag her out of the restaurant. The complainant broke free by punching him in the face and kneeing him in the groin. The complainant yelled that her boyfriend had a gun. The restaurant patrons fled and the manager called for police assistance.

The complainant stated she met the named officers outside the restaurant and told them that she hit and kicked her boyfriend, who had grabbed her during a fight. The complainant asked one named officer if she was in trouble for hitting her boyfriend. The officer assured the complainant that she had acted in self-defense and, therefore, had not committed a crime. The complainant told the named officers that her boyfriend might have stolen a gun belonging to her employer. The named officers asked a lot of questions about the missing gun, and did not ask for any details about the fight. The complainant told the named officers that the gun belonged to her client and she was not actually sure if the gun was missing or if her boyfriend had the gun. The complainant stated the officers left when they found out that the gun did not belong to her. A few weeks later, the complainant learned that the named officers did not prepare an incident report. The complainant stated the named officers should have prepared an incident report documenting the fight and the missing gun.

The named officers stated they did not prepare an incident report because no crime was reported to them. One named officer stated he went inside the restaurant to investigate a possible fight with a gun. Witnesses and a reporting party told the officer that they witnessed an argument between a man and a woman and that no gun was involved. The reporting party stated the complainant "went crazy" and threw condiments all around the restaurant, but not in the direction of any particular person. Two witnesses described watching an argument and did not mention any physical contact between the arguing couple. The reporting party told the officer that he did not want to press charges so long as the complainant stayed out of his restaurant.

The other named officer interviewed the complainant outside of the restaurant. She stated that the complainant never told her about any type of physical altercation. She stated the complainant seemed primarily concerned about her boyfriend's infidelity and a possibly missing gun.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/16 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 2 of 3

Both named officers stated the complainant was yelling, acting erratically, and difficult to understand. The named officers stated the complainant rambled in response to direct questions and seemed intoxicated. The named officers stated that, after interviewing the complainant, a reporting party, and two witnesses, they determined that the incident involved vandalism and trespassing committed by the complainant. Since the reporting party did not want to press charges, the named officers stated there was no requirement to prepare a report about the trespassing or vandalism. The named officers stated they did not prepare a domestic violence incident report because there was no indication that the incident involved domestic violence. The named officers stated they did not prepare a report regarding the missing gun because the gun did not actually belong to the complainant and the complainant was not even sure if the gun was missing.

Two witness officers stated they were present as backup officers while the named officers investigated a report of a person with a gun. The officers did not speak with any involved parties or witnesses. The officers did not hear any conversation between the complainant and the named officers.

The restaurant manager stated the complainant destroyed property in his bar during an hysterical argument with her boyfriend, a restaurant employee. The restaurant manager stated the complainant “went crazy” in his bar and refused to leave. The restaurant manager declined to comment on his conversation with the named officers.

The bartender stated he was in a former dating relationship with the complainant, who had a history of harassing him by showing up at his workplaces uninvited. He stated the complainant sent him threatening messages before appearing at his workplace on the night of the incident. He immediately and repeatedly asked the complainant to leave the restaurant but she refused. The complainant became hysterical when she learned that his new girlfriend was also inside the restaurant. The complainant yelled, screamed, threw things at him, and knocked things over. The bartender wrapped his arms around the complainant from behind to prevent her from throwing things at his new girlfriend. The complainant kicked his leg and hit his face. The complainant loudly accused the bartender of having a gun and all the restaurant patrons fled. The restaurant manager separated them and announced that he was calling the police. The bartender went into the back of the restaurant to get away from the complainant and decided not to speak with the named officers or report being attacked. The bartender stated he obtained a permanent restraining order against the complainant a short time after the incident.

The bartender’s girlfriend stated the complainant was already distraught when she arrived at the restaurant. She stated the complainant became hysterical and violent upon meeting her. She stated the complainant screamed and threw things, jumped on her boyfriend, hit his head, kicked his legs, and pushed him into dining tables. The girlfriend stated the complainant was “out of control” and possibly on methamphetamines. When the complainant accused the bartender of having a gun, the girlfriend and all the restaurant patrons ran into the adjacent hotel lobby to wait for police to arrive. The complainant was flailing her arms and screaming when the named officers arrived. The named officers calmed the

complainant down and spoke with her on the sidewalk outside the restaurant. The girlfriend could not hear

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/16 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 3 of 3

all of the complainant's conversation with the officers, but stated she could hear the complainant screaming and yelling expletives throughout her conversation with the named officers.

The complainant stated she reported the fight she had with her boyfriend. The complainant's boyfriend stated he did not speak to the named officers. The restaurant's manager stated there was an argument between the complainant and her boyfriend. The manager refused to provide the details of his conversation with the officers. The complainant's boyfriend's girlfriend stated she did not hear the complainant's conversation with the officers.

There was insufficient evidence to prove or disprove that a crime was reported to the named officers.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer yelled at her, repeatedly ordered her to stay out of the restaurant, and threatened to cite or arrest her if she went back inside the restaurant.

The named officer denied yelling at the complainant or acting in a rude manner toward the complainant. The named officer denied threatening to arrest or cite the complainant. The named officer stated that, after speaking with the restaurant manager, he told the complainant that she was not allowed back inside the restaurant.

Four witness officers stated the named officer did not yell at the complainant or threaten her with arrest.

No independent witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/15 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 4: The officers entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officers broke into his home and allowed his landlord inside without permission. The complainant stated the named officers had no reason to enter his home without a search warrant. The complainant stated the named officers drilled out his front door locks, without even bothering to knock on the door. The complainant stated the named officers then walked into his home with their guns drawn. The complainant admitted receiving prior notice of his landlord's plans to inspect his home and make emergency repairs. The complainant stated he did not agree to the inspection and was not home at the appointed time because repairs were unnecessary.

The named officers stated the complainant's landlord requested a civil standby so his electrician could inspect the complainant's home for electrical hazards. The named officers stated the landlord feared for his safety and the safety of his electrician. Based on past contentious encounters, the landlord believed the complainant was hiding inside the home and armed with a gun. The landlord presented proof that he gave the complainant proper notice of the need to make emergency repairs. The named officers stated they entered the complainant's home without a warrant due to the potential threat to public safety posed by the electrical hazard and the landlord's request for a civil standby. The named officers stated they knocked on the door and rang the bell repeatedly before entering. The named officers denied that they drilled out the front door locks.

Witness officers stated the search lasted approximately two minutes. Two supervising officers stated they approved the named officers' entry and brief search of the home for public safety purposes. One supervising officer stated she authorized the named officers to enter the complainant's residence "to ensure the safety of the property manager, his worker and the tenant who was possibly home." The supervising officer stated a warrant was unnecessary because the landlord gave the complainant proper notice and the possible electrical hazard posed a threat to public safety.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/15 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 2 of 4

The complainant's landlord stated that inspecting the complainant's home was necessary because there he found evidence of an electrical hazard while inspecting an adjacent home. The landlord stated he gave the complainant forty-eight hours notice before entering his home. The landlord stated he requested a police assistance because he suspected the complainant was armed and hiding inside his apartment. The landlord stated he showed the repair notice and proof of delivery to the officers. The officers told the landlord that they could briefly walk through the apartment to make sure the area was safe. The landlord stated the officers were inside the apartment for approximately two minutes. A man who was not on the lease walked out of the home with the officers and waited outside while the repairs were made.

The handyman stated the complainant had a history of erratic behavior and often resisted attempts to inspect the property or make repairs. The handyman stated he drilled out the front door lock because the complainant changed the locks without permission and was not home to open the door. The handyman stated the officers quickly walked through the apartment to make sure it was safe and then left.

Video established that the named officers entered the complainant's home. It appeared that the handyman removed the front door locks before the officers entered.

No other witnesses came forward.

The California Civil Code allows a landlord to enter a tenant's rented premises without permission to make necessary repairs if reasonable notice is given. Department rules allow officers to perform protective sweeps to ensure the safety of landlords entering rented premises to make emergency repairs without permission from a tenant. The complainant's landlord was not trespassing because he gave reasonable notice of his intention to inspect and repair a possible electrical hazard. The officers entered the complainant's home at the invitation of the landlord, who requested a civil standby for the safety of his workers. A search warrant was unnecessary because the officers were entering the premises at the invitation of the landlord and for a public safety purpose.

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: 09/30/15 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5 - 8: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated the named officers searched his home without permission or a warrant. The complainant was not home when the search occurred. The complainant stated the named officers “tore apart” his home for several hours looking for guns and marijuana growing equipment. The complainant stated the named officers opened locked compartments and dumped the contents of every drawer into a pile in the middle of the floor. The complainant admitted having prior notice of his landlord’s plans to inspect and repair electrical wires in his home.

The named officers stated they entered the complainant’s home at the invitation of the landlord, who requested a civil standby for workers who needed to make emergency electrical repairs. The landlord told the named officers that he had a contentious relationship with the complainant, who he believed was hiding inside the home and armed with a gun. The named officers stated they walked through the common areas to make sure the home was safe for the landlord and his employees to inspect the residence and make repairs. The named officers stated the scope of their search was limited to looking for armed occupants. The named officers denied opening any cabinets, drawers, or locked doors. The named officers denied dumping anything onto the floor. The named officers stated they searched the residence to make sure it was safe and promptly left. The named officers stated the search lasted approximately two minutes.

Witness officers stated the search lasted approximately two minutes. Two supervising officers stated they approved the named officers' brief search of the home for public safety purposes. One supervising officer stated the scope of the search was limited to the ensuring that the residence was unoccupied and “safe for the property manager and his worker to enter and make the necessary repairs.”

The complainant’s landlord stated he needed to repair an electrical hazard in the complainant's home. The landlord stated he requested police assistance because he suspected the complainant was armed and hiding inside his apartment. The officers told the landlord that they could briefly walk through the apartment to make sure the area was safe. The landlord stated the officers were inside the apartment for approximately two minutes. A man who was not on the lease walked out of the home with the officers and waited outside while the repairs were made.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/15 **DATE OF COMPLETION:** 09/23/16 **PAGE#** 4 of 4

The handyman stated the complainant had a history of erratic behavior and often resisted attempts to inspect the property or make repairs. The handyman stated the officers entered the apartment with their guns drawn and emerged within four or five minutes. The handyman stated he was familiar with the usual appearance of the complainant's home, which he had visited several times over the years. He stated the complainant's home looked the same as it usually did inside and there was no indication that the officers emptied any cabinets or dumped out the contents of any drawers.

The California Civil Code allows a landlord to enter a tenant's rented premises without permission to make necessary repairs if reasonable notice is given. Department rules allow officers to perform protective sweeps to ensure the safety of landlords entering rented premises to make emergency repairs without permission from a tenant. The complainant's landlord was not trespassing because he gave reasonable notice of his intention to inspect and repair a possible electrical hazard. The officers entered the complainant's home at the invitation of the landlord, who requested a civil standby for the safety of his workers. The search was brief and limited in scope. A search warrant was unnecessary because the officers entered the premises at the invitation of the landlord and for a public safety purpose.

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: 05/22/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated the officers used excessive force during a traffic stop. The complainant stated six or seven officers pulled her and her boyfriend out of the car. They forced her to sit Indian style with her legs crossed. The complainant stated that when she sees police, she gets “nasty.”

The co-complainant stated that her girlfriend was asked to get out of the car. When she did, she was manhandled for no apparent reason.

The named officers denied using any excessive force against the complainant.

The first named officer stated he did not recall removing the complainant from the car. He stated that at the time they made the stop, he knew the complainant was involved in a possible robbery. The named officer stated he did not recall giving any verbal commands to the complainant to get out of the car, but it would be normal for him to do so.

The second named officer stated he did not have any physical contact with the complainant, as he was dealing with the co-complainant. The officer stated he did not see his partner remove the complainant from the vehicle.

Five sergeants and three officers who responded to the scene were interviewed. Each denied seeing anyone use excessive force against the complainant and stated the complainant was already outside of the vehicle when they arrived on scene.

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: 05/22/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: In her written complaint, the complainant wrote, “I can’t remember if these officers used their guns on us as we were pulled out of the car.” During her OCC interview, the complainant stated six or seven officers pulled her and her boyfriend out of the car, and that the officers detained complainants at gunpoint.

The co-complainant stated that officers jumped out with their guns pointed at him and his girlfriend.

The named officers were interviewed. They denied drawing their firearms.

Five sergeants and three officers who responded to the scene did not recall seeing the named officers with their firearms drawn.

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: 05/22/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #5-6: The officers handcuffed the complainants without justification.

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

FINDINGS OF FACT: The complainant stated she and her boyfriend were handcuffed and forcefully put on the ground.

The co-complainant initially stated that both he and his girlfriend were placed in handcuffs. The co-complainant later said that he was not placed in handcuffs, but that his girlfriend was placed in handcuffs.

The first named officer did not recall the complainants being placed in handcuffs.

The second named officer stated he asked the co-complainant to get out of the car and sat him down on the sidewalk. The named officer stated the co-complainant was very compliant and there was no reason to handcuff him. He stated his partner dealt with the complainant, but he did not see his partner remove the complainant from the vehicle. The named officer believes that the complainant was handcuffed because she was uncooperative. The named officer could not recall who placed the complainant in handcuffs as other units arrived on scene.

The supervisor in charge of the investigation stated he remembered the complainant being in handcuffs but could not remember who placed her in handcuffs.

Witness officers could not recall the complainants being placed in handcuffs.

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: 05/22/15 **DATE OF COMPLETION:** 09/06/16 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated she was cited for failing to signal and for not having her driver's license in her possession. The complainant stated she went to court and lost. She then filed an appeal, and again lost her appeal.

The named officer stated the complainant's vehicle was connected to a robbery with a gun. He stated he observed the complainant failing to signal and, when she was pulled over, she did not have her driver's license in her possession, prompting the named officer to ask a subordinate officer to cite the complainant for the violations.

Court records confirm that the complainant was found guilty and was fined.

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 #8: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that officers used profanity during a traffic stop.

The co-complainant stated he did not hear what the officers said to the complainant.

Officers interviewed by the OCC denied using profanity toward the complainant.

The identity of the alleged officer has not been established.

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: 06/01/16 **DATE OF COMPLETION:** 09/02/16 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 27, 2016.

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

CATEGORY OF CONDUCT: UF **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 27, 2016.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/01/16 **DATE OF COMPLETION:** 09/02/16 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on August 27, 2016.

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 partially referred to:

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/15 **DATE OF COMPLETION:** 10/25/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 2: The officers engaged in inappropriate conduct.

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

FINDINGS OF FACT: The complainant stated that she believed she had been burglarized while sleeping, prompting her to call 911. The complainant stated that one of the named officers stayed with her outside of her apartment, while the other named officer entered her apartment. The complainant complained that she was not allowed to enter her own apartment until the officers were done checking her apartment. In addition, the complainant alleged that she was threatened when she insisted on letting her enter her apartment.

The named officers stated the complainant was initially not allowed to enter her apartment with them for her own safety. The officers stated they first wanted to secure the apartment and ensure that the burglar was not inside the apartment. One of the named officers stated he explained to the complainant why she needed to wait outside while they checked her apartment. Both officers denied threatening the complainant.

Records from the Department of Emergency Management show that the complainant called 911 and reported that someone had broken into his house.

The incident report documents that the suspect broke the complainant's doorframe to gain entry into the apartment.

No witnesses were identified.

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

OFFICE OF CITIZEN COMPLAINTS

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/01/15 **DATE OF COMPLETION:** 10/25/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated she and the named officer pushed each other while they were outside of her apartment.

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4 - 5: The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: The complainant stated the named officers failed to provide her with an interpreter.

The named officers denied the allegation. One of the officers denied speaking to the complainant. The other named officer stated that he and the complainant communicated well in English. He stated the complainant did not ask for an interpreter.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/15 **DATE OF COMPLETION:** 10/25/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6 - 7: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officers removed "items" from her cabinet, which are now missing.

The named officers denied the allegation.

No witnesses were identified.

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