

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/04/15 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was stopped in a bus zone waiting for a friend when the officer pulled up beside him and said something to the effect of, "You're going to have to move now or it will be an \$800 ticket." The complainant responded to the officer that he did not have to be a "jerk" about it. The complainant moved his car and was subsequently cited by the named officer.

The named officer denied the allegation. The named officer stated that the complainant was cited for being parked in a bus zone and not for calling the named officer a "jerk."

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that he was cited for being parked in a bus zone.

The named officer stated he cited the complainant for being parked in a bus zone.

The complainant admitted being parked in a bus zone, in violation of California Vehicle Code section 225001.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/15 **DATE OF COMPLETION:** 10/21/15 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that his vehicle was improperly towed.

The named officer and his partner stated that the complainant's vehicle was towed because its registration was expired in excess of six months, in violation of California Vehicle Code section 22651(o)(1)(a).

OCC's investigation established that the complainant's vehicle registration was expired in excess of six months, giving the named officer the authority to tow 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: 04/01/15 **DATE OF COMPLETION:** 10/22/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant called the police and reported that his 9-year-old son was assaulted by a teacher at an after school program. The complainant stated that the named officer failed to properly investigate the incident he had reported, refusing to take the complainant's statement or witness information.

The named officer denied the allegation. He stated that his role on scene was for translation services and that he was not the primary unit. He stated that he spoke to all the involved parties and provided the information to the primary officers.

Department records showed that the primary unit prepared an incident report, and that numerous statements were obtained and included in the report.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer yelled at him and accused the complainant's son of lying.

The named officer denied the allegation. He stated he told the complainant's son not to lie to the police.

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: 03/07/15 **DATE OF COMPLETION:** 10/14/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the named officer pulled him over for a traffic violation. The complainant stated that the named officer threatened to take him to jail if the complainant did not sign the citation. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegation, stating that she explained to the complainant that signing the citation was not an admission of guilt but if the complainant did not sign, he would be arrested for refusal to sign the citation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer failed to promptly and politely provide her name and start number when requested.

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

FINDINGS OF FACT: In his written complaint, the complainant stated that the named officer failed to promptly and politely provide her name and star number. The complainant did not respond to OCC's request for an interview.

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: 02/19/15 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer was disrespectful and unprofessional during a telephone conversation.

The named officer denied the allegation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity during a telephone conversation.

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: 02/18/15 **DATE OF COMPLETION:** 10/30/15 **PAGE #** 1 of 3

SUMMARY OF ALLEGATION #1: The officer failed to identify himself as a police officer.

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

FINDINGS OF FACT: The complainant stated the named officer engaged him in conversation regarding a traffic violation without identifying himself as a police officer.

The named officer denied the allegation, stating that he immediately identified himself as a police officer when he pulled up next to the complainant's vehicle and showed his star.

A witness stated she did not hear the conversation between the complainant and the named officer.

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: 02/18/15 **DATE OF COMPLETION:** 10/30/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGOs 5.08, Non-Uniformed Officers and 9.01, Traffic Enforcement.

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

FINDINGS OF FACT: The complainant stated the named officer, who was in plainclothes driving an unmarked car, pulled him over and cited for driving the wrong way on a one-way street. The complainant stated that shortly after being pulled over, a marked police car arrived on the scene.

SFPD General Order 9.01 section I.B.1. states, in part:

Moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers.

SFPD General Order 5.08 section I, states, in part:

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- 1. TRAFFIC STOPS /CITTATIONS.** Non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except:
 - a. When the activity is related to an ongoing criminal investigation or regulated vehicle enforcement, e.g., taxi cabs, shuttle buses, limousines.
 - b. When witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving.
 - 2. BACKUP UNIT.** When making a traffic stop under the circumstances described above (except for regulated vehicle enforcement) non uniformed officers shall immediately request a marked backup unit.

The named officer stated the complainant was driving very erratic, making two illegal left turns and driving onto an oncoming traffic. In addition, the officer stated the complainant almost hit two pedestrians in a crosswalk, making the situation an aggravate situation requiring immediate police action. The officer stated he said to himself, "This guy must be drunk or something is wrong." The officer stated he called for a marked unit, but later cancelled it when he saw a uniformed officer nearby.

There were no witnesses identified who witnessed what the named officer observed.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/15 **DATE OF COMPLETION:** 10/30/15 **PAGE #3** of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, states, in part:

Members are reminded to make all E585 entries after any vehicle stops related to the following:

- Moving violations, including bicycles and pedestrians

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Members shall complete all E585 entries before the end of the member's shift.

The named officer believed that he made the required traffic stop data entry. He stated he might have entered the traffic stop data the following morning after the traffic stop.

SFPD Records established the named officer did not complete the required E585 traffic stop data entry before the end of his shift or the following morning after his contact with the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/09/15 **DATE OF COMPLETION:** 10/29/15 **PAGE #1 of 1**

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

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

FINDINGS: An anonymous complainant stated the named officer was not polite and wasted city time. The complainant stated the officer should not enforce “bogus, trumped up traffic stops as it undermines our faith in the police and justice.”

The named officer denied the allegation. The named officer stated that his assignment was traffic enforcement and had received complaints of traffic issues in a particular area. The officer stated his demeanor during the traffic stops was professional and that at no time was he impolite to any of the violators that he cited. His purpose for being there was to improve public safety by enforcing the traffic laws. “Every traffic stop was conducted because each driver violated the traffic law.” The named officer stated he made the traffic stops in a safe manner and pulled the complainant’s vehicle over using a red light and siren.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/15 **DATE OF COMPLETION:** 10/14/15 **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 he was involved in a fight with another tenant when the police were called to the scene. The complainant stated that both he and the other tenant did not want to provide too much information about the fight, and that both of them did not want further police action.

The named officers could not recall their conversations with the parties involved in the fight. However, the named officers stated that both parties refused any police action.

Witnesses interviewed by the OCC did not hear the conversation between the police and the parties involved in the fight.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that one of the officers entered the complainant's room to look for evidence that a fight did in fact take place inside his room.

The named officers said they could not recall why they entered the complainant's room other than to conduct a protective sweep for other people and the safety of everyone on scene, or to provide the crutches that the complainant had requested.

Witnesses interviewed by the OCC did not witness the entry to the complainant's room.

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: 01/22/2015 **DATE OF COMPLETION:** 10/27/15 **PAGE #1** of 1

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

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

FINDINGS: In his written complaint, the complainant stated the named officer did not offer him the same respect as a human being that he gave to the officer. The complainant stated the officer was confrontational and assumed that the complainant and a youth were doing something wrong. The complainant did not respond to OCC's request for an interview.

The named officer denied the allegations. The officer stated his contact with the complainant was consensual. The named officer stated he spoke in a quiet tone and described his demeanor as quiet, disappointed and disapproving of the complainant. The officer stated he observed the complainant's vehicle in violation of several vehicle codes. He also observed that the youth participant was in possession of illegally packaged marijuana in plain view and in the presence of the complainant. The officer stated the youth participant did not have a medical marijuana card. The named officer stated he gathered information to determine the relationship between the complainant and the youth participant and learned that the complainant is a mentor for the youth participant. The named officer explained that as a mentor, he expected the complainant to guide their youth participants in their care to do the right thing. The named officer stated he is very involved and experienced with youth in the community.

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: 01/20/15 **DATE OF COMPLETION:** 10/19/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant said he was involved in a non-injury vehicle collision, and that the named officer failed to properly investigate the incident.

The named officer said he responded to a non-injury vehicle collision to assist with the exchange of information between the parties involved. The named officer stated he was not required to investigate a collision with property damage only.

SFPD General Order 9.02, Vehicle Accidents, Section I.B. states in part that members need not investigate or report non-injury (property damage) vehicle accidents.

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

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

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

FINDINGS OF FACT: The complainant said the named officer unnecessarily poked him in the chest three times while separating him from the other motorist during the exchange of information.

The named officer denied that he poked the complainant, but said he put his hand on the complainant's chest, stepped between the parties in order to create space and separate the complainant from the other motorist, whom the complainant was badgering and had pinned against the passenger door of his vehicle.

No witnesses were identified to either prove or disprove the allegation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/15 **DATE OF COMPLETION:** 10/19/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The complainant said the named officer refused to accept his citizen's arrest of the other motorist for hit and run and battery.

The named officer denied that the complainant asked him for a citizen's arrest.

The named officer's supervisor stated that the complainant told him that he wanted no further police action.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant said the named officer failed to facilitate the exchange of information between him and the other motorist to his satisfaction.

The named officer denied the allegation, stating that he facilitated the exchange of information.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/15 **DATE OF COMPLETION:** 10/19/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to comply with uniform policy.

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

FINDINGS OF FACT: The complainant said the named officer was not wearing his star.

The named officer could not recall which of his two approved uniforms he was wearing at the time of the incident.

The named officer's supervisor and a police service aide said that the named officer had his star on his shirt.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #6: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant said the named officer threatened to arrest him for leaving the scene.

The named officer denied threatening the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/15 **DATE OF COMPLETION:** 10/21/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was double-parked when he was detained and cited for double-parking.

The named officer stated he detained and cited the complainant for being double-parked, in violation of California Vehicle Code section 22500(h), which states, in part:

No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

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(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway, except for a schoolbus when stopped to load or unload pupils in a business or residence district where the speed limit is 25 miles per hour or less.

Based on the complainant's own statement, his violation provided the officer reasonable suspicion to detain him, and the probable cause to issue him a citation for violation of California Vehicle Code section 22500(h).

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 issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he was double-parked when he was detained and cited for double-parking.

The named officer stated he detained and cited the complainant for being double-parked.

Based on the complainant's own statement, his violation provided the officer probable cause to issue him a citation for violation of California Vehicle Code section 22500(h).

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: 01/02/15 **DATE OF COMPLETION:** 10/21/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated the named officer ordered him to get out of his vehicle after the officer unlocked and opened the complainant's vehicle door.

The named officer denied the allegation. He stated the complainant was uncooperative, refusing to provide his driver's license. In addition, the named officer stated the complainant refused to exit his vehicle.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant alleged he was racially profiled.

The named officer was interviewed pursuant to the OCC Biased Policing Investigation Protocol. The named officer denied the allegation, stating that race was not a factor. He stated the complainant was double-parked, prompting him to cite the complainant for the violation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/15 **DATE OF COMPLETION:** 10/21/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer behaved in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the named officer made inappropriate comments and laughed at the complainant during the traffic stop.

The named officer denied the allegation, stating that he was calm, professional and courteous during his contact with the complainant.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: SFPD Department Bulletin 14-059, Traffic Stop Data Collection Program Information, states, in part, "Members are reminded to make all E585 entries after any vehicle stops related to the following incidents:

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- 916 vehicle and high-risk stops
- Mechanical or non-moving violations

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The named officer stated he did not enter the required traffic stop data because the incident involving the complainant was not a traffic stop. He denied conducting a traffic stop and stated that the complainant was cited for a parking violation.

Records from the Department of Emergency Management (DEM) showed that the named officer reported this incident as a "916" to DEM. The evidence proved that the named officer neglected his duty when he failed to enter the required E585 traffic stop data for this "916" incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer detained a man without justification.

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

FINDINGS OF FACT: The complainant called the Department and complained about a video showing the named officer involved in an incident at the San Francisco International Airport. The video shows a man walking up to the named officer and engaging a conversation. As the man turned and walked away after ending the conversation, the named officer forcibly took him to the ground and detained him. The Department forwarded to the OCC all paperwork surrounding the incident for investigation.

The named officer stated the man and his companions were removed from a plane due to intoxication. The named officer stated the man was irate, loud, and belligerent to airline employees, resulting in police being called several times. The named officer stated that after dealing with the man several times, he determined the man was drunk, but he allowed him to leave the terminal. The named officer stated that in their final contact, the man approached him, asked for his name and star number and then profanely insulted the officer. The officer stated he detained the man for being too drunk to care for himself.

One witness who spoke with the man stated that he did not appear to be out of control or unable to care for himself, although he was yelling and using profanity. The employee stated she saw the person and the named officer speaking but did not hear what occurred leading to the man's detention. Another witness, who observed the man on an airplane and in the terminal, said he was with a "rowdy bunch" on the plane, but that he had not observed the man conducting himself drunkenly in the airport.

One officer present during the police contacts with the man said the man was confrontational and angry but did not use profanity. The officer stated he could not recall if the man smelled of alcohol or was intoxicated, but said he observed the man speaking clearly and walking normally. The officer stated he did not hear the conversation between the man and the named officer. He also did not see what transpired before the named officer took the man into custody. Another officer present stated that the man was argumentative and was using profanity the entire time he was speaking with airline staff and police. The officer stated the man's attitude was probably the reason why he was removed from the plane.

The named officer stated he heard screams at the ticket counter, and the agent was overwhelmed with the situation. The named officer stated the man gave off a strong odor of alcohol, was slurring his words and, at one point, exhibited an unsteady gait. The officer stated the person was intoxicated, and he doubted the man's capacity to care for himself.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: An anonymous complainant stated the named officer tackled a man without any reason, a contact captured in part on a cell-phone video posted to the Internet.

The named officer wrote a report stating that after several contacts with a man who had been kicked off a plane and was arguing with airline staff, the man approached him, spoke to him briefly and then said, "Fuck you, Officer." The named officer stated that he told the man he was going to jail for being drunk, the man began to walk away, and he grabbed the man and took him to the ground.

The Internet video of the encounter contained no evidence that the man used profanity toward the officer. The video also showed that the officer did not tell the man he was going to jail before pulling him to the ground. Airport surveillance video showed the takedown occurred after the man had been allowed to walk away from the officer.

The named officer stated in an interview that he had told the man earlier that if he did not leave the airport, he would be arrested for being intoxicated, a warning the man then violated. The named officer stated that he told the man he was being arrested after the man was on the ground, being handcuffed. The named officer acknowledged that the man did not threaten or hurt anyone, did not commit an offense in the airport, and did not block a sidewalk or disrupt other airport patrons. The named officer stated the man did not make any physical contact and did not have anything in his hands other than a cell phone.

The two officers present at the scene and two witnesses present stated that they did not hear the conversation or see what led to the man's detention.

One witness who observed the contact said he walked by the man as he was talking to the named officer, heard the man ask the officer for his identification, and then described hearing what sounded like a slap, turning and seeing the officer slam the man to the ground, with no justification. He described the detention as a "violent throw down."

Department General Order 5.01, Use of Force, states in part that officers may use force in the performance of their duties to prevent the commission of a public offense, prevent a person from injuring himself, to overcome resistance or evasion of a lawful arrest, and in self-defense or in defense of another.

The evidence showed that the named officer used force that was unnecessary to affect the detention of the man and that, using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: In the incident report narrative documenting the detention of a man for public intoxication, the named officer stated that when he refused to shake a man's hand, the man insulted him profanely and he advised the man he was taking him to jail for being intoxicated in public. The named officer further stated in the report that the man began to walk away and he took him to the ground.

A video of the man's arrest, which recorded his conversation with the named officer, shows that the named officer never told the man he was taking him to jail for being intoxicated in public. The man also could not be heard speaking with profanity.

The named officer, in an interview, stated that there were parts of the report that were out of sequence, and insisted that the detainee had whispered the profanity while holding his cell-phone where it would not pick up the insult.

A witness who heard the conversation between the man and the named officer said the man used no profanity, and the officer did not tell the man he was being taken to jail, either before or after taking the man to the ground.

Two witness officers and two civilians at the scene said they did not hear the conversation between the man and the named officer.

The SFPD Report Writing Manual, DM-11, states in part that "incident reports are among the most important documents used within the Criminal Justice System." The manual describes an incident report narrative as "accurate and objective," and presented in a "clear, logical sequence," with no gaps in the evidence.

The evidence showed that the narrative written by the named officer did not accurately reflect the incident he was describing.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was riding his scooter and driving behind a person, later identified as the named officer, in a private vehicle as they both stopped at an intersection for a stop sign. The complainant stated he honked his horn when a pedestrian cleared the intersection and the officer did not continue forward. The complainant stated that when he drove past the officer, the officer followed him for several blocks, scaring the complainant, prompting the complainant to run stop signs in an attempt to lose the unknown person who was following him.

The complainant stated that after parking his scooter in front of his work, the officer rolled down his window and began screaming at the complainant. The complainant stated the officer identified himself as a police officer and accused the complainant of driving recklessly. In addition, the complainant stated the officer told him that he was going to put on his uniform and cite the complainant. The complainant stated he called the officer a lunatic and then entered his workplace and began teaching his yoga class.

The complainant stated that about halfway through the yoga class, he noticed the officer, who was now in uniform, at the front desk, inquiring about the complainant. The complainant stated the officer then entered the class, interrupting the class to ask for the complainant's driver's license. The officer also threatened to arrest him in front of his students. The complainant found the officer's behavior inappropriate. The complainant stated the officer eventually left without issuing him a citation.

The named officer stated he followed the complainant to obtain the complainant's license plate after the complainant committed an infraction by not yielding to a pedestrian in a crosswalk. In addition, he stated the complainant was driving recklessly. The officer stated he saw the complainant park, prompting the officer to drive up to the complainant and identify himself as a police officer. The officer told the complainant that the officer saw him blow through several stop signs, which the officer considered reckless. The officer stated he told the complainant that he was going to get in uniform and return to give the complainant a citation. The officer stated he went to his office, which was nearby, put on his uniform and returned to the complainant's workplace.

The officer stated he spoke to the person at the front desk and then walked into a room where the complainant was teaching yoga to about 10-15 women. He stated he apologized for interrupting the class and told them that he had to take care of something. The officer then approached the complainant and asked for his driver's license. The complainant refused. To deescalate the situation, the officer said he decided to leave and instead speak to his sergeant on how best to proceed.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 2 of 4

Witnesses who were in the class described the named officer's behavior inappropriate and alarming.

SFPD General Order 2.01 section 9, states, in part:

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.

SFPD General Order 2.01 section 14, states, in part:

When acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

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 drove improperly.

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

FINDINGS OF FACT: The complainant stated that the named officer drove recklessly.

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: 12/15/14 **DATE OF COMPLETION:** 10/27/15 **PAGE #** 3 of 4

SUMMARY OF ALLEGATION #3: The named officer misused his authority.

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

FINDINGS OF FACT: The complainant stated that the named officer's actions were misused of the officer's authority.

The named officer denied the allegation and stated that the complainant failed to yield to a pedestrian and was driving recklessly, prompting the named officer to make contact with the complainant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The named officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that the named officer entered the complainant's yoga class and demanded the complainant's driver's license and threatened him with arrest. The complainant stated when he refused, the named officer left without issuing him a citation.

Witnesses stated that the complainant and the named officer had a five-minute conversation but added that there was no physical contact between the two.

Witnesses did not hear the entire conversation between the named officer and the complainant.

No other witnesses to the conversation between the named officer and the complainant were identified.

The named officer denied detaining the complainant and stated the complainant was free to go at any time but the officer admitted entering the complainant's yoga class, approaching the complainant and telling the complainant he wanted to see the complainant's driver's license. The officer told the complainant he was going to cite the complainant for the traffic violations he saw the complainant commit. The

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/14 **DATE OF COMPLETION:** 10/27/15 **PAGE #4 of 4**

complainant refused to sign the citation and the officer then left. The complainant clearly was not free to go during the officer's admonishment of the complainant to sign the citation.

No witnesses to the alleged traffic violations were identified.

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

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was walking on a sidewalk when an unknown person struck him in the back of his head. The complainant stated that when the police arrived, he was detained for public intoxication.

The named officers had no recollection of the incident.

Records from the Department Emergency Management showed that the named officers responded to the complainant's location regarding a fight with no weapons.

Jail records showed that the complainant was taken to county jail for being intoxicated.

One witness stated he did not witness the complainant's interaction with the police.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION 3: The officer made inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that while being detained, one of the officers snatched his press ID and, "What do you think? You've got a press ID?" The complainant stated he was offended by the comment. The complainant was unable to identify the officer who made the comment.

The two detaining officers had no recollection of the incident.

The identity of the alleged officer has not been established.

One witness stated he did not witness the complainant's interaction with the police.

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: 11/20/14 **DATE OF COMPLETION:** 10/27/15 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the officers failed to take steps to investigate the battery against him and instead accused him of being intoxicated, which the complainant denied.

The named officers had no recollection of the incident. There is no evidence of the detaining officers having taken any investigative steps beyond the complainant's detention.

The two detaining officers had no recollection of the incident.

One witness stated he did not witness the complainant's interaction with the police.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION 6: The officer failed to properly document/process his property.

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

FINDINGS OF FACT: The complainant stated one of the officers removed several knives from his bag, which were not documented on his property log or returned to him. The complainant was unable to identify the officer who took his property.

The two detaining officers had no recollection of the incident.

The identity of the alleged officer has not been 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: 10/27/14 **DATE OF COMPLETION:** 10/16/15 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated she told or indicated to the named officers that: (a) she and her husband had an argument, (b) her husband had opened the front door, pushed her down the outside stairs and locked her out of their residence without her keys or shoes, (c) the fall down the stairs caused her to sustain injuries, (d) she called 911 and reported that she was locked out without her shoes or keys, (e) she was scared of her husband and worried about the safety of her child who was inside the residence with him, (f) she was wearing shorts and she ran barefoot to the local police district station on a cold evening to seek assistance, (g) her husband had stopped taking his anti-depression medication and was very volatile, acting irrational and angry, (h) they had a prior domestic violence incident where her husband had thrown her on the ground and banged her head on the ground, and (i) she did not feel safe to return to the residence without police assistance whereby she could retrieve her keys and clothing and go to her parents home.

The complainant stated the named officers appeared not to care and did not listen to her explanation of these events; consequently, the named officers did not take any action against her husband. The officers took her to her home where she retrieved her child, clothing and her keys and then left for her parents' home. The complainant stated that she returned to the station two days later and described the same incident to another officer who immediately had her husband placed under arrest for domestic violence and obtained an Emergency Protective Order for her.

The named officers denied the allegations. The named officers stated that they responded to and properly investigated this incident. The named officers stated that other officers spoke to the complainant's husband and those officers told the named officers that the husband had said this was only a verbal argument, that they were in the process of separating and that he had locked his wife out of the house so that they could calm down. The named officers never personally interviewed the complainant's husband. One named officer stated that the complainant was evasive when asked about her injuries and she could not be precise about her injury. The other named officer stated that the complainant said she had bumped her leg going down the stairs. The named officers stated they took the action the complainant wanted.

Based on the facts of this incident, the named officers were mandated to follow DGO 6.09, Revised March 3, 2003, and Section 6275 (a) of the California Family Code.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 10/16/15 **PAGE#** 2 of 5

DGO 6.09 states,

I. POLICY

A. It is the policy of the San Francisco Police Department that members treat all acts of domestic violence as criminal conduct. When the elements of a crime exist, members shall make an arrest instead of using dispute mediation or other police intervention techniques. . . .

C. Members shall not allow any of the following factors to influence their course of action during domestic violence incidents: . . . 8. Whether injuries are visible.

II. DEFINITIONS

A. **DOMESTIC VIOLENCE.** Domestic Violence is an act or pattern of abuse committed against the suspect’s intimate partner, defined by state law as a spouse, former spouse, cohabitant, domestic partner; a person with whom the suspect has had a child; or has/had a dating or engagement relationship. Such acts may include, but are not limited to:

-
- Bodily injury
- Threat of imminent bodily injury or death

B. **ABUSE.** Abuse is intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or another. Abuse also includes threats.”

. . . .
J. COURT PROTECTIVE ORDERS.

. . . .
3. **EMERGENCY PROTECTIVE ORDERS.** An Emergency Protective Order (EPO) is a type of Civil Court Protective Order. Members may obtain an EPO any time reasonable cause exists for a member to believe that an adult or child is in immediate and present danger of domestic violence, child abuse, stalking, child abduction, family violence or elder abuse (not including financial abuse) by a family or household member. EPOs remain in effect for five (5) court days and up to seven (7) calendar days. An EPO can only be issued by an on-call Superior Court Judge. On-call Superior Court judges are available 24 hours a day.

a. **EPO PROCEDURES.** Members shall determine if the circumstances surrounding the incident warrant application for an EPO. Members shall not base their decision on whether or not the victim wants an EPO. Members shall complete the most current version of the Application for Emergency Protective Order form.

COMPLAINT SUMMARY REPORT

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 10/16/15 **PAGE#** 3 of 5

III. PROCEDURES

....

B. MISDEMEANOR ARRESTS.

....

- 2. When a misdemeanor has occurred, but not in the members' presence, members shall inform the victim that the victim may make a private person's arrest."

Section 6275 (a) of the California Family Code states,

"A law enforcement officer who responds to a situation in which the officer believes that there may be grounds for the issuance of an emergency protective order pursuant to Section 6250 of this code or Section 646.91 of the Penal Code, shall inform the person for whom an emergency protective order may be sought, or, if that person is a minor, his or her parent or guardian, provided that the parent or guardian is not the person against whom the emergency protective order may be obtained, that he or she may request the officer to request an emergency protective order pursuant to this part."

The evidence established that the named officers did not fulfill the requirements of DGO 6.09, or California Family Code, Section 6275 (a).

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: 10/27/14 **DATE OF COMPLETION:** 10/16/15 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #3: The named officer filed an inaccurate or incomplete incident report.

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

FINDINGS OF FACT: The complainant stated the named officer prepared a supplemental police report that did not accurately reflect what the complainant had told the officer about an incident of domestic violence.

The named officer spoke to the complainant on the date of the domestic violence incident but did not take any action against her husband nor did he prepare an incident report. The complainant returned to the station two days later and spoke about the same incident to another officer (“second officer”) who had her husband arrested, had an Emergency Protective Order issued, and prepared an incident report. After the second officer prepared the incident report, the named officer was instructed by his superiors to prepare a supplemental report about what the complainant had reported to him on the date of the incident. The complainant alleged that the supplemental report did not accurately reflect what she had stated to the named officer on the date of the incident, specifically about her being evasive and being in fact injured.

The named officer denied preparing an inaccurate supplemental police report. The named officer stated his report accurately reflected what the complainant told him on the date that he investigated the incident.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 10/16/15 **PAGE#** 5 of 5

SUMMARY OF ALLEGATIONS #4-5: The named officers spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officers were intimidating, appeared not to care, were unreceptive and did not listen to her explanation of domestic violence incidents. The complainant stated the named officers also told her not to let the Child Protective Services Agency get involved in this matter.

The named officers denied the allegation. The named officers denied speaking to or behaving inappropriately towards the complainant.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/31/14 **DATE OF COMPLETION:** 10/28/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1: The officer failed to adhere to SFPD pursuit policy.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was driving when he was struck by a vehicle being pursued by the SFPD. The complainant refused to provide a statement.

The named officer stated he and his partner responded to a call for service regarding an auto theft. The named officer stated that when they observed the suspect, his partner exited the car and chased the suspect on foot. When the suspect entered a vehicle and drove away at a high rate of speed, the named officer's partner pointed out the fleeing suspect, prompting the named officer to activate his lights and siren in an attempt to effect a traffic stop. After providing dispatch the description of the vehicle and the direction of travel, the named officer heard his superior officers order to terminated the pursuit. The named officer stated he turned off his lights and siren and was slowing down when he saw the suspect's vehicle collide with the complainant's vehicle. The named officer stated he immediately rendered aid to the complainant, while the suspect took off on foot, but later apprehended by other officers.

Records from the Department of Emergency Management showed that the pursuit was terminated within seconds after the named officer attempted to stop the suspect's vehicle.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The named officer stated he was the patrol supervisor and was monitoring the radio when he heard an officer state that a vehicle was taking off and the direction of the fleeing vehicle. The named officer went on air and asked what the call was about. When the named officer learned that it was for an auto burglary, he immediately ordered the pursuit to terminate for public safety reasons.

Records from the Department of Emergency Management showed that the named officer canceled the pursuit within 7 seconds after learning that the pursuit was for auto burglary. The evidence showed 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: 11/03/14 **DATE OF COMPLETION:** 10/02/15 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide medical care.

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

FINDINGS OF FACT: The complainant stated she was choked and hit by her boyfriend. When police and an ambulance arrived, she initially refused medical treatment. Later in the night, the adrenaline started wearing off and she realized she was in pain. She then asked the officers for medical treatment, but the officers refused.

The named officers stated the complainant initially told them that she had been choked. The named officers immediately called an ambulance for medical care. The medics asked the complainant if she had any injuries and she denied that she was choked and refused medical care. After being arrested, the named officers asked multiple times if the complainant required medical care, but she refused multiple times. When she was booked at county jail, the jail refused her and she was taken by ambulance to SFGH.

The complainant's boyfriend stated that the complainant refused medical care at the initial scene.

No other witnesses were identified.

The complainant did not sign a medical release form.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/14 **DATE OF COMPLETION:** 10/02/15 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated she was in arguing in a car with her boyfriend when the argument turned physical and the boyfriend choked and hit her. One officer interviewed the complainant, while the other officer interviewed the boyfriend. After the investigation, the named officers determined she was at fault even though she was the victim.

The named officers stated they arrived on scene to find the complainant and her boyfriend yelling at each other in the street. The named officers interviewed the complainant and her boyfriend separately. The boyfriend told one of the named officers that the complainant had stabbed him in the hand with keys. There was blood coming from a wound on his hand. The other named officer talked to the complainant. The complainant said her boyfriend had hit her and choked her. The complainant had a red mark in her neck area. She appeared intoxicated and refused to answer any further questions. The boyfriend told the other named officer that he put his arm up against the complainant's neck and chest area because she was hitting him repeatedly. The named officers determined that the complainant was the dominant aggressor and arrested her. A supervisor later approved the decision.

The named officers failed to interview a witness who had called 911 after hearing a woman screaming and what sounded like someone hitting someone else. The named officers failed to take into consideration a previous domestic violence incident in which the boyfriend was arrested for strangling the complainant. The officers failed to get more information from both parties before making their decision.

A Department subject matter expert stated that at the conclusion of their investigation, the named officers should have arrested the boyfriend. At the very least, they could have arrested both parties. The officers missed a key piece of evidence and ignored another. They should have gotten more information. Despite these missteps, the physical evidence clearly showed that the complainant had been strangled. Since her injury was far more dangerous than the boyfriend's injury, the boyfriend should have been designated as the dominant aggressor and arrested.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/14 **DATE OF COMPLETION:** 10/02/15 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #5-6: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated she called her boyfriend from a bar to pick her up and take her home. He picked her up and accused her of talking to another man at the bar. He got upset with her and they argued while he was driving. He drove her to his house, then wanted to drive her to another location. In the past, he had driven her to a bad neighborhood and dropped her off. She did not want that to happen again, so she attempted to take the keys out of the ignition to prevent him from leaving. The boyfriend pushed her hand away, started punching her head and then strangled her neck with two hands until she went limp. He let her go, and she gained enough strength to get out of the car and walked away. Another person called 911 and stated that she heard a woman calling for help and possibly being hit.

The boyfriend saw blood on his clothing and thought it was the complainant's blood, so he called for an ambulance because he was scared that she was injured. The blood was from a cut on his thumb. An ambulance and police officers arrived. One named officer interviewed the complainant while the other named officer interviewed the boyfriend. The complainant told the officer that the boyfriend punched her and told him at least two times that the boyfriend "choked" her. The officer also saw marks on both sides of the complainant's neck and on her arm, and noted it in his report. The boyfriend told the officers that the complainant started swinging her arms at him in the car and he pressed his arm against her chest and neck area to defend himself. The complainant later learned that the boyfriend told police that the complainant had stabbed him with the car keys. The complainant was reluctant to tell the police what happened because she did not want the boyfriend to get in trouble. She just wanted to go home.

The named officers stated that they conducted an investigation and determined that the complainant was the dominant aggressor based on the following: 1) fact that the boyfriend had a cut on his thumb; 2) the boyfriend's explanation for the bruising on the complainant's neck, which the named officer believed was consistent; 3) the fact that the complainant was intoxicated and she had refused to answer several questions; and, 4) the fact that the complainant refused an ambulance. Even though the complainant told the officers that the boyfriend strangled her and had marks on her neck and arm, the named officers still decided that the complainant was the dominant aggressor and arrested the complainant pursuant to SFPD domestic violence procedure and policy. The complainant was taken to jail, but the jail refused her because of the marks on her neck and arm. She was then taken to the hospital. Thereafter she was charged. The District Attorney dismissed the charges against the complainant, and she was exonerated because the District Attorney determined that the complainant was the victim and not the dominant aggressor. An SFPD subject matter expert stated that given the facts the officer should have arrested the complainant's boyfriend and not her.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/14 **DATE OF COMPLETION:** 10/02/15 **PAGE#**4 of 5

SUMMARY OF ALLEGATIONS #5-6 continued:

The named officers were in violation of the Field Training Manual, the Advanced Officer Training Material, DGO 6.09 and Penal Code Section 13701(b), when they determined that the complainant was the dominant aggressor based primarily on the alleged victim's cut on his finger and his explanation. The officers failed to give the proper weight to the complainant's injuries and other factors to determine the dominant aggressor, including the fact that the alleged victim had a recent criminal history of domestic violence against the complainant. Relying on an inadequate investigation and assessment of dominant aggressor factors, the named officers wrongly arrested the complainant.

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

SUMMARY OF ALLEGATION #7: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that she was injured in a fight with her boyfriend. She initially refused medical treatment. Later, she was in pain and asked for medical treatment. The complainant stated the officer laughed at her and asked her why she wanted medical treatment now.

The named officer denied laughing at the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/14 **DATE OF COMPLETION:** 10/02/15 **PAGE#**5 of 5

SUMMARY OF ALLEGATION #8: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that she was arrested in a domestic violence incident even though she was the victim. After the case was dropped because she was clearly not at fault, she stated she went to file a new report at the Hall of Justice but the officer she spoke with refused to file a second incident report.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The named officer was a supervisor charged with reviewing an incident report submitted to him by a subordinate officer. The incident reviewed by the named officer documented the arrest of woman arrested for assaulting her boyfriend. The OCC's review of the incident showed that the investigation was lacking several steps and that the officers made the wrong decision in arresting the complainant and not her boyfriend, who strangled the complainant. The elements of the crime were not articulated to support the charges against the complainant.

The named officer stated the evidence presented to him supported the investigating officer's conclusion. The complainant had been uncooperative while her boyfriend had been forthcoming with the officers. The boyfriend had a cut on his thumb while the complainant had red marks on her neck. The boyfriend told the investigating officers that he did not strangle the complainant but that he had put his arm up against her chest and neck area to defend himself against her hitting him. The officers believed the boyfriend and the named officer agreed with the officers' decision.

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: 10/27/14 **DATE OF COMPLETION:** 10/22/15 **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 said he was ejected from the ballpark and detained for public intoxication without cause.

The officers stated the stadium staff asked them to eject the complainant. In the process of ejecting the complainant from the stadium, the officers stated the complainant displayed objective signs of public intoxication and was unable to care for himself. The officers stated they detained the complainant for public intoxication.

One witness stated he believed the complainant was under the influence of drugs or alcohol because of his wild and out-of-control behavior. Other witnesses described the complainant's behavior as belligerent, unruly and agitated. Witnesses described the officers' actions as "reasonably patient" and "very professional."

The stadium staff and the stadium's incident report corroborated that the officers were asked to eject the complainant. The stadium's incident report describes the complainant as uncooperative, belligerent and out of control.

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

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

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

FINDINGS OF FACT: The complainant stated one of the officers yelled at him and that both officers treated him inappropriately.

The officers denied the allegation.

Witnesses described the officers' actions as "reasonably patient" and "very professional." However, there were no identified witnesses to the officers' behavior outside the ballpark in the concourse area.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 10/22/15 **PAGE#** 2 of 5

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers kicked him, slammed him into a wall and onto the ground. The complainant admitted to initially pulling away from the officers. The complainant stated after being handcuffed, the officers used pain-inducing pressure to his arms.

The officers denied using any unnecessary force on the complainant. The officers stated they used only the force necessary to overcome the complainant's resistant behavior.

Witnesses stated the complainant did not follow officers' verbal orders and then physically resisted the officers. Witnesses also described the complainant's behavior as hyper, out of control, unruly, belligerent and stated the complainant fought with the officers.

The San Francisco Giant's staff prepared an incident report in which they documented that the complainant was uncooperative and resisted the officers.

No other witnesses came forward.

There was substantial and consistent evidence that the complainant was non-compliant and resisted the detaining officers.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 10/22/15 **PAGE#** 3 of 5

SUMMARY OF ALLEGATIONS #7-8: The officer failed to provide their name upon request.

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

FINDINGS OF FACT: The complainant stated he repeatedly asked the officers for their names but they only provided him with their star numbers.

The officers stated they did not recall whether they gave the complainant their names. On the other hand, the officers stated they must have provided their names to the complainant because the complainant repeatedly referred to them by their names.

None of the witnesses recalled if the complainant asked the officers for their names.

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

SUMMARY OF ALLEGATIONS #9-10: The officers failed to provide the complainant with an independent sobriety test.

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

FINDINGS OF FACT: The complainant said when the officers told him he was going to be detained for public intoxication, he told them that he had only consumed one alcoholic beverage, was not intoxicated and requested a sobriety test. The complainant said the officers told him they could not test him.

The officers stated they did not recall the complainant making the request for a sobriety test. However, the officers stated that there is no procedure for administering such a test when the person is being detained for public intoxication. The officers stated that the detention was based on their objective observations of the complainant's signs of intoxication.

One witness opined that the complainant was under the influence of either drugs or alcohol and other witnesses described the complainant's behavior as out of control, belligerent and hyper.

The Department has no requirement that officers provide sobriety testing when detaining a person for public intoxication.

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: 10/27/14 **DATE OF COMPLETION:** 10/22/15 **PAGE#** 4 of 5

SUMMARY OF ALLEGATIONS #11-12: The officers failed to make a citizen's arrest.

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

FINDINGS OF FACT: The complainant said he repeatedly told the officers he wanted to make a citizen's arrest of the woman who had thrown beer on him.

The officers stated that after removing the complainant from the ballpark, they questioned him about his desire to make a citizen's arrest. The officers said the complainant did not request a citizen's arrest at this time and refused to answer questions regarding the incident but instead cursed at and threatened the officers. One of the officers stated the complainant did not explicitly make a request for a citizen's arrest. The officers said without an affirmative request from the complainant, they were unable to make a citizen's arrest.

The stadium incident report and witness statements corroborated that the complainant made the request for a citizen's arrest while inside the ballpark.

Department Orders require that an officer shall receive a private person's arrest when requested to do so and when probable cause exists to believe that a crime was committed outside their presence.

There were no identified witnesses as to the conversation between the officers and the complainant outside of the stadium.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/27/14 **DATE OF COMPLETION:** 10/22/15 **PAGE#** 5 of 5

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

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

FINDINGS OF FACT: While watching a professional baseball game at the ballpark, the complainant got into a verbal altercation with a woman who threw beer on him. The complainant asked the responding officers to arrest the woman who had assaulted him. The woman was escorted out of the ballpark and the stadium staff requested the complainant be ejected as well. The officers detained and ejected the complainant out of the ballpark, after which they spoke to him about the assault.

The officers stated that the complainant failed to cooperate and give them information related to the alleged assault, which was the basis for the citizen's arrest. Because the complainant refused to cooperate, the officers determined that no citizen's arrest was warranted and no incident report was prepared.

One of the named officers admitted that he heard the complainant say he wanted the woman arrested. Witnesses also confirmed the complainant's request to arrest the woman.

A "private person arrest" occurs when a private citizen makes an arrest pursuant to California Penal Code Section 837. SFPD Department General Order (DGO) 5.04, Arrests by Private Persons, directs officers to accept private person arrests when there is probable cause to believe a crime has been committed. Regardless of whether an officer accepts a private person arrest, DGO 5.04 requires officers to prepare an incident report, "[i]n all instances involving requests for a private person's arrest."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 1 of 12

SUMMARY OF ALLEGATION #1: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide him his Miranda warning.

The named officer denied the allegation. The named officer stated that the complainant waived his Miranda rights in a recorded statement.

Department records established that the complainant's interview was digitally recorded. In the recording, the complainant was given his Miranda warning and waived his Miranda rights. In addition, when the complainant requested his attorney, the interview was concluded.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 2 of 12

SUMMARY OF ALLEGATION #2: The officer seized the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated that his vehicle was seized without a warrant. The complainant stated that the named officer told him that his vehicle was being held as evidence.

The named officer denied the allegation. The named officer stated the complainant's vehicle was used in the commission of a crime. The named officer stated that there was probable cause to tow and seize the complainant's vehicle as evidence.

Department records documented that the complainant was suspected of using his vehicle in the commission of a crime.

California Vehicle Code section 22655.5 states, in part, that a peace officer may remove a motor vehicle from the highway in which the officer may act under the following circumstances:

- (a) When any vehicle is found upon a highway or public or private property and a peace officer has probable cause to believe that the vehicle was used as the means of committing a public offense.

Department General Order 9.04, states in part:

Officers may place a "hold" on a vehicle whenever the Department needs to retain the vehicle for investigative purposes. The following are examples of circumstances in which a hold may be placed:

- b. Evidence related to the investigation of a crime may be obtained from 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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 3 of 12

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he was sleeping in his vehicle when officers began to kick and thump very hard on his van. Later during his OCC interview, the complainant stated he watched from a distance as officers with their firearms drawn, rocked, shook and jumped on the hood of his vehicle. The complainant stated that he was confused, scared and his memory was poor.

The named officer denied the allegation. The named officer stated he received notification from his patrol vehicle's license plate reader system that the complainant's vehicle was wanted in a violent crime. The named officer stated he ran the vehicle's information and determined that the felony want for the vehicle was still active. The named officer stated he approached the vehicle with caution to determine if the complainant was inside. The named officer stated the area was poorly lit and the vehicle's rear windows were covered. The named officer stated that given the potentially dangerous circumstances associated with the vehicle, he very likely did have his weapon drawn during his attempt to contact the complainant inside of the vehicle.

The named officer stated that he initially knocked on the vehicle's side door with his hand and announced himself, in order to see if the complainant was inside. He stated he walked around the vehicle and knocked on various doors and announced himself. He stated that at some point, he began to knock harder and shake the vehicle with his hands in order to awake anyone who may have been sleeping inside. He stated the vehicle was a type of vehicle that was commonly used to live in and it was his experience that individuals slept in those types of vehicles during the night hours. He stated the vehicle was locked and the rear windows were covered which prevented him from determining if the complainant was inside. He stated he wanted to make sure that the vehicle was unoccupied before attempting to tow it.

Department records indicated the complainant's vehicle was located and towed. The records also indicated the complainant's vehicle was involved in the commission of a violent felony.

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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 4 of 12

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately and made threatening comments (toward third-party homeowner).

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

FINDINGS OF FACT: The complainant stated he saw the named officer ransack his friend's residence. The complainant stated the officer escorted his friend inside her residence told his friend that if she did not give her consent for the officers to search her residence, the officers would destroy her residence.

The named officer denied the allegation. The named officer stated that the residence was not left in a condition where it looked ransacked. The named officer stated that the homeowner did not express anger towards the officers regarding the condition of her residence after the search.

The homeowner never mentioned that the officers ransacked her residence or threatened to destroy it. The homeowner stated she did not give the officers permission to search her home. The homeowner did not wish to file a complaint regarding the incident.

Department records established that a permission to search form was signed by the homeowner.

No other witnesses were identified.

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

SUMMARY OF ALLEGATION #5: The officer used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that while handcuffed, the named officer grabbed the back of his pants and yanked them up in an attempt to cause pain to his private areas. The complainant stated that the officer subsequently slapped him on his back and called him dirty names.

The named officer denied the allegation. The named officer stated the complainant was handcuffed and escorted out of the residence.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 5 of 12

SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that when he told his friend to call a lawyer because the police were “fishing” without a warrant, the officer responded, “Shut the fuck up.”

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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 6 of 12

SUMMARY OF ALLEGATIONS #7-10: The officers entered and searched the third-party residence for weapons without cause.

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

FINDINGS OF FACT: The complainant stated the officers entered and searched his friend's residence without permission or a warrant.

The homeowner stated that she did not sign a permission to search form for officers to search her residence, but she did sign a property receipt form.

The named officers stated that they entered and searched the residence for the weapon after the homeowner signed the permission to search form.

Witness officers stated that the homeowner gave both verbal consent and signed a permission to search form.

Department records established a permission to search form was signed and dated by the homeowner.

SFPD Inspector Training states, in part:

Consent must be:

- Voluntary; no coercion, compulsion or assertion of authority by officer.
- Given by person with apparent authority; a person can only consent to a search of areas over which they exercise control (either exclusive or joint). A person cannot give consent for an area that is exclusively under the control of another. Obtain written or taped consent when possible.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 7 of 12

SUMMARY OF ALLEGATION #11: The officer behaved inappropriately (re transportation of complainant.)

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

FINDINGS OF FACT: The complainant stated that the transporting officers terrorized him. The complainant stated the named officer traveled above 80 miles per hour and endangered many people.

The named officer denied the allegation. The named officer stated he was driving an unmarked vehicle with two officers and the complainant. He stated that the complainant was placed in the backseat of the vehicle with one officer. He stated he drove safely to the station.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #12: The officer failed to secure the complainant by safety belt during transport.

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

FINDINGS OF FACT: The complainant stated that the named officer did not place him in a seatbelt.

The named officer and witness officers denied the allegation.

Department General Order 5.18, states in part:

A person under arrest and being transported in a Department vehicle must be secured by a safety belt where provided by the vehicle manufacturer.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 8 of 12

SUMMARY OF ALLEGATIONS #13-15: The officers unlawfully entered the third-party residence, searched for, and arrested the complainant.

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

FINDINGS OF FACT: The complainant stated he was visiting a friend at her house in east Contra Costa County. The complainant stated San Francisco officers came to his friend's house, entered, searched and arrested the complainant inside his friend's residence without a warrant. The complainant stated that he heard the officers yelling his name so he went into the attic and went to sleep.

The homeowner stated that the officers did not show her a warrant and she did not give officers permission to enter and search her residence for the complainant.

The named officers stated they did not have a search warrant when they entered, searched and arrest the complainant inside the complainant's friend's residence. The named officers stated the complainant was a wanted felon who showed himself and subsequently fled back inside the complainant's friend's residence. The named officers stated they entered the complainant's friend's residence and arrested the complainant.

Witness officers stated they did not have a search warrant for the complainant's friend's residence. They stated the complainant was a wanted felon who showed himself and subsequently fled. They stated that they set up a perimeter around the complainant's friend's residence, while the named officers conducted the arrest inside the residence.

Department Records established the complainant was a suspect wanted for a felony of aggravated assault with a bat and a possible hate crime. There was probable cause to arrest the complainant; however there was no arrest warrant or residential search warrant on file. Additionally, the complainant was taken into custody and arrested out-of-county at his friend's residence nine days after the alleged crime occurred.

The "hot pursuit" exception to the warrant requirement only applies when officers are in 'immediate' and 'continuous' pursuit of a suspect from the scene of the crime.

Steagald v. United States (1981) states, in pertinent part, that police must have a search warrant (in addition to an arrest warrant) to enter a third-party's home to make an 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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 9 of 12

SUMMARY OF ALLEGATION #16: The officer unlawfully entered the third-party premises and searched for the complainant (fence and back yard).

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

FINDINGS OF FACT: The complainant stated the officers entered, searched and arrested him inside the complainant's friend's residence without a warrant.

The homeowner stated that the officers did not show her a warrant and she did not give officers permission to enter and search her residence for the complainant.

The named officer stated he observed the complainant crouched down and hiding in the complainant's friend's backyard. He stated that when he identified the complainant as the wanted felon, the complainant fled inside the residence. The named officer stated that he jumped the fence and entered the backyard in search for the complainant. The named officer stated that he did not have a search warrant.

Witness officers stated that they did not have a search warrant for the complainant's friend's residence. They stated that the complainant was a wanted felon who showed himself and subsequently fled. They stated that they set up a perimeter around the complainant's friend's residence, while the named officers conducted the arrest inside the residence.

Department Records established that the complainant was a suspect wanted for a felony of aggravated assault with a bat and a possible hate crime. There was probable cause to arrest the complainant; however, there was no arrest warrant or residential search warrant on file. Additionally, the complainant was taken into custody and arrested out-of-county at his friend's residence nine days after the alleged crime occurred.

The "hot pursuit" exception to the warrant requirement only applies when officers are in 'immediate' and 'continuous' pursuit of a suspect from the scene of the crime.

Steagald v. United States (1981) states, in pertinent part, that police must have a search warrant (in addition to an arrest warrant) to enter a third-party's home to make an 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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 10 of 12

SUMMARY OF ALLEGATIONS #17-19: The officers unlawfully displayed their weapons (third-party residence and fence and back yard).

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

FINDINGS OF FACT: The complainant stated the named officers entered his friend's residence like cowboys with their guns drawn. The complainant stated that he was not a criminal.

The homeowner stated that the officers did not provide a search warrant and she did not give them permission to search her residence for the complainant.

The named officers stated that they had their weapons drawn because the threat matrix was higher because of the complainant's background and that he was a wanted felon for a violent crime. The named officers stated that they holstered their weapons after the complainant complied with their orders.

One of the named officers stated that he jumped the fence into the complainant's friend's backyard to chase the complainant. He stated that he had his weapon drawn for officer safety given the complainant's background and that he was a wanted felon for a violent crime.

Department Records indicated that there was probable cause to arrest the complainant; however, there was no arrest warrant or residential search warrant on file. Additionally, the complainant was taken into custody and arrested at his friend's residence nine days after the alleged crime occurred.

The "hot pursuit" exception to the warrant requirement only applies when officers are in 'immediate' and 'continuous' pursuit of a suspect from the scene of the crime.

Steagald v. United States (1981) states, in pertinent part, that police must have a search warrant (in addition to an arrest warrant) to enter a third-party's home to make an arrest. The officer's entry into the third-party premises without a search warrant and an arrest warrant was unlawful. Therefore, their display of weapons during the unlawful act was also unlawful.

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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 11 of 12

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

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

FINDINGS OF FACT: The name officer authored the supplemental incident report. The supplemental incident report of the complainant's arrest was incomplete and inaccurate. The officer failed to systematically gather and document all pertinent information that led to the capture and arrest of the complainant. The named officer did not include written statements from involved officers and failed to include pertinent information about the arrest.

The named officer stated that he spoke to each individual officers about their involvement in the incident, yet during the OCC interviews the witness officers indicated more involvement in the incident than was indicated in the incident report.

Department Bulletin 14-205 states in part:

Officers are responsible for preparing incident reports that are complete and accurate. Completeness and accuracy are imperative when memorializing an incident. The report plays an integral part in any successful prosecution. Officers shall ensure that all pertinent information is included in incident reports.

The below list contains some critical components that are sometimes missing in a review of members' reports:

- Articulate probable cause consistent with Department policy and current laws
- Articulate the elements of crimes
- Articulate search and seizure consistent with Department policy and current laws
- Canvas area and collect accurate victim/witness contact information from all victims/witnesses
- Canvas area for video evidence and note in report measures taken and presence (or absence) of such evidence
- Obtain and include written statements from all involved officers

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: 10/23/14 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 12 of 12

SUMMARY OF OCC ADDED ALLEGATION #2: The sergeant failed to supervise.

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

FINDINGS OF FACT: The OCC's investigation concluded that the third party residence entry, search and arrest of the complaint were in violation of Department policy. The named sergeant supervised the entry, search and arrest of the complainant.

Additionally, the OCC's investigation concluded that the incident report regarding the complainant's capture and arrest was incomplete and inaccurate. The named sergeant reviewed and approved the incident report.

Department General Orders require that sergeants shall require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur. Additionally, sergeants shall review their subordinates arrests and reports for appropriateness and completeness.

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 OCC ADDED ALLEGATION #3: The officer failed to supervise.

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

FINDINGS OF FACT: The named officer authorized the plan to locate and arrest the complainant without any warrants. The OCC investigation concluded that the search and arrest of the complaint was in violation of Department policy.

All superior officers shall guide and instruct subordinates in the performance of their duties and require strict compliance with the policies and procedures of the Department and the orders of superiors.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 1 of 17

SUMMARY OF ALLEGATION #1: The officer pointed his firearm at the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer inquired about a folding knife on the complainant's belt. The complainant stated that when he asked the officer whether the knife was illegal, the officer said it was not. The officer told the complainant to hand him the knife, then drew his firearm and pointed it at the complainant's head.

The co-complainant, a friend of the complainant's, confirmed that the officer told the complainant his knife was not illegal. The co-complainant stated that when the officer asked the complainant to hand him the knife, the complainant raised his hands in the air and the officer drew his firearm and pointed it at the complainant's head.

The named officer stated that he asked the complainant what kind of knife he had on his belt, but the complainant refused to answer him. He denied telling the complainant the knife was not illegal, but confirmed that he asked the complainant to hand him the knife. The officer stated that he drew his firearm because the complainant moved towards him, and he believed the complainant was about to attack him. The named officer denied pointing his firearm at the complainant's head.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The evidence established that the named officer detained the complainant because the complainant was in possession of a folding knife that the officer suspected might be illegal. The evidence established that the named officer determined that the complainant's knife was not illegal, and the officer had no reasonable suspicion to continue to detain the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 2 of 17

SUMMARY OF ALLEGATION #3: The officer handcuffed the complainant.

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

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

The named officer stated that the complainant had a folding knife that the officer suspected was illegal, and refused to cooperate when the officer questioned him about it. The named officer stated he detained and handcuffed the complainant so he could conduct an investigation concerning the legality of the knife.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

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

The named officer stated the complainant had a folding knife that the officer suspected was illegal, and refused to cooperate when the officer questioned him about it. The officer stated that he detained and handcuffed the complainant so he could conduct an investigation concerning the legality of the knife, and that he pat-searched the complainant for weapons in connection with the detention.

A video recording of the incident showed the named officer feeling the outside of the complainant's pockets but not reaching inside them.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 3 of 17

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

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

FINDINGS OF FACT: The complainant stated the named officer seized his folding knife clipped to his belt.

The named officer stated the complainant had a folding knife that the officer suspected was illegal, and refused to cooperate when the officer questioned him about it. The officer stated that he detained and handcuffed the complainant so he could conduct an investigation concerning the legality of the knife, and removed the knife from the complainant's waistband in order to examine it. The knife was returned to the complainant at the end of his detention.

A video recording of the incident shows the named officer examining the complainant's knife.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer used unnecessary force when he grabbed the complainant's waistband while removing a folding knife clipped to his belt.

The named officer denied grabbing the complainant's waistband and stated that he simply removed the knife from the complainant's waistband.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 4 of 17

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the named officer used profanity while pointing a firearm at the complainant and ordering him to get on his knees.

The named officer stated that he did not remember whether he used profanity when he ordered the complainant to get on his knees.

The named officer's credibility is called into question because other significant elements of his account were contradicted by video evidence.

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

SUMMARY OF ALLEGATION #8: The officer made inappropriate statements and engaged in inappropriate behavior.

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

FINDINGS OF FACT: Video-recorded evidence established that after the named officer detained the complainant, he approached the car the co-complainant was seated in, opened the door and reached into the car while holding a knife in his hand, with the open blade pointed towards the co-complainant.

The video evidence also established that when the complainant asked the named officer why he was detaining the co-complainant, the named officer falsely stated that the co-complainant was on parole.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 5 of 17

SUMMARY OF ALLEGATION #9: The officer failed to provide name and star number when requested.

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

FINDINGS OF FACT: Video-recorded evidence established that the named officer was asked for his name and star number but failed to provide it.

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 #10: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: Video evidence established that the named officer ordered the co-complainant to put down the cell phone he was using to film the officer and to exit the parked car he was seated in.

Video evidence further established that the named officer detained the co-complainant without legal justification.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 6 of 17

SUMMARY OF ALLEGATION #11: The officer misrepresented the truth.

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

FINDINGS OF FACT: Video-recorded evidence established that after the named officer detained the complainant, he approached the car the co-complainant was seated in, opened the door and reached into the car while holding a knife in his hand, with the open blade pointed towards the co-complainant.

The video evidence also established that when the complainant asked the named officer why he was detaining the co-complainant, the named officer falsely stated that the co-complainant was on parole.

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 #12: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: Video evidence established that the named officer interfered with the rights of an onlooker when he ordered the co-complainant, who was seated in a parked car filming the officer with his cell phone, to put down his phone and exit the car. Video evidence also established that the named officer ordered the co-complainant to stand across the street or down the block when the co-complainant was filming police actions, and that at the time, the co-complainant was not interfering with or posing a threat to officers at the scene.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 7 of 17

SUMMARY OF ALLEGATION #13: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant and co-complainant stated that they believed the officer's actions, including his decision to focus his attention on them, to run the license plate number of their parked car, to contact, detain and point his firearm at the complainant and to detain the co-complainant were based on their race. They stated that when the officer initially rode past their parked car on a bicycle, he rode slowly and stared at them, then rode around the block, stopped behind their car and ran their license plate number.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He stated he could not discern the race of the complainant or co-complainant when he rode past their car and did not determine their race until the complainant exited the car. He denied that any of his actions were based on the race of the complainant or co-complainant. He stated that he contacted the complainant in a consensual encounter because he speaks to many people in the neighborhood. He also stated that there are numerous auto burglaries and robberies in that area, and that he ran the license plate number of the parked car because he saw two individuals sitting in it over a twenty-minute period.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #14: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated the named officer detained him without justification.

The named officer stated that he did not detain the co-complainant and denied that the co-complainant was being detained. The named officer denied that his voice is the one heard on the recording, and other officers who were present stated that they did not recognize the voice on the recording. A video recording of the incident established that an unidentified officer told the co-complainant that he was being detained.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 8 of 17

SUMMARY OF ALLEGATION #15: The officer used unnecessary force on the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the named officer used unnecessary force by grabbing and twisting his arm.

The named officer stated that the co-complainant moved close to him in a threatening manner, prompting the name officer to stick his arm out. The named officer stated his hand made contact with the complainant's torso.

Two witnesses stated that they saw the named officer approach and forcefully shove the co-complainant in the chest.

A video recording of the incident did not capture any physical contact between the named officer and the co-complainant, and did not clearly establish whether the co-complainant moved towards the named officer or whether the named officer moved towards the co-complainant.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #16: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The co-complainant stated that the officer interfered with his rights as an onlooker by stepping in front of him as he was filming.

The named officer denied the allegation.

A video recording of the incident did not capture any physical contact between the named officer and the co-complainant, and did not clearly establish whether the co-complainant moved towards the named officer or whether the named officer moved towards the co-complainant.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 9 of 17

SUMMARY OF ALLEGATION #17: The officer engaged in inappropriate behavior and made an inappropriate comment to the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that the named officer stepped towards him and said, “now you’re in my space,” in a threatening manner.

The named officer stated that the co-complainant moved close to him in a threatening manner, but stated that he did not recall making the statement described by the co-complainant.

A video recording of the incident captured the named officer telling the co-complainant, “now you’re in my space,” but did not clearly establish whether the co-complainant moved towards the named officer or whether the named officer moved towards the co-complainant.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #18: The officer failed to provide his name and star number when requested.

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

FINDINGS OF FACT: Video evidence established that when the co-complainant asked the named officer for his name and star number, the named officer did not respond.

The named officer stated that when the co-complainant asked for his name and star number, he pointed to them on his uniform but did not provide them verbally.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 10 of 17

SUMMARY OF ALLEGATION #19: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated that the named officer detained him without justification.

The named officer denied that he detained the co-complainant and stated that he did not recall whether he ever told the co-complainant that he was not free to leave.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #20: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The co-complainant stated that the named officer attempted to prevent him from filming by moving in front of him and blocking his view whenever he changed position on the sidewalk.

The named officer stated that he mirrored the co-complainant's movements and moved back and forth to stand in front of the co-complainant, but denied that he intentionally blocked the co-complainant from filming. The named officer suggested that the co-complainant could have filmed from atop a ladder or from the roof of a building without interference.

A witness stated that the named officer blocked the co-complainant from filming.

A video recording showed the named officer moving and standing in front of the co-complainant as he was attempting to film the complainant. A video recording established that a witness accused the named officer of blocking the co-complainant from filming, and the named officer responded that he was allowed to do that.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 11 of 17

SUMMARY OF ALLEGATION #21: The officer made an inappropriate comment and misused police authority.

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

FINDINGS OF FACT: The co-complainant stated that after he was told he was not being detained and was free to leave, he attempted to enter the passenger seat of the parked car that he had been inside when he was detained. He stated that the named officer told him he could not enter the car.

A video recording established that after an officer told the co-complainant that he was free to leave, the co-complainant walked into the street and attempted to enter the front passenger seat of the complainant's car. The video recording established that the named officer stopped the co-complainant and told him he could not sit in the car.

The named officer stated he lacked legal justification to bar the co-complainant from entering the vehicle, but did this out of officer safety concerns. The evidence established that there was no reasonable suspicion that the complainant's car was involved in criminal activity. The named officer also lacked legal justification to prevent the co-complainant, who was not being detained and was not suspected of being involved in any criminal activity, from entering the vehicle's passenger seat.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 12 of 17

SUMMARY OF ALLEGATION #22: The officer made an inappropriate comment and misused police authority.

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

FINDINGS OF FACT: The complainant stated that he remained handcuffed after officers determined that the knife he was carrying was not illegal, and that the named officer threatened to take him to the police station if he did not provide his name.

The named officer stated that he said this as a ruse to trick the complainant into providing his name, and that he wanted the complainant to believe he would be taken to jail if he did not comply.

A video recording established that after officers had determined that there was no justification to continue to detain the complainant, the named officer threatened to take the complainant to the police station if he did not identify himself.

A preponderance of the evidence established that the named officer threatened to arrest the complainant if he did not provide his name to the officers when there was no justification to do so, in violation of DGO 5.03 and 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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 13 of 17

SUMMARY OF ALLEGATION #23: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he remained handcuffed after officers determined that the knife he was carrying was not illegal.

A video recording and the statements of involved officers established that the complainant was detained in handcuffs for an unreasonable period of time after officers determined that the knife he was carrying was not illegal.

The evidence established that when the named officer, who was a supervisor, arrived at the scene, he learned that the complainant had been detained solely because of suspicion that his knife was illegal, that the officer who detained the complainant had determined the knife was not illegal and that the complainant was not suspected of being involved in any criminal activity. The evidence established that the named officer allowed the unjustified lengthy detention of the complainant to continue when there was no legal justification to do so, in violation of DGO 5.03.

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

SUMMARY OF ALLEGATION #24: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he remained handcuffed after officers determined that the knife he was carrying was not illegal.

The evidence established that when the named officer, who was a supervisor, arrived at the scene, he learned that the complainant had been detained solely because of suspicion that his knife was illegal, that the officer who detained the complainant had determined the knife was not illegal and that the complainant was not suspected of being involved in any criminal activity. The evidence established that the named officer allowed the unjustified lengthy detention of the complainant to continue when there was no legal justification to do so, in violation of DGO 5.03.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 14 of 17

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

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

FINDINGS OF FACT: The evidence established the named officer's incident report was inaccurate concerning significant elements of the incident and that it misrepresented significant facts. The named officer's report stated that the co-complainant exited a parked car and rapidly approached the officer.

A video recording established that the named officer initiated contact with the co-complainant and ordered him to exit the car, and that the co-complainant approached the named officer slowly and only after being told to do so.

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 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 the named officer failed to document the detention of the co-complainant in his incident report. Video evidence established that the officer took actions to detain the co-complainant and told the complainant and the co-complainant that the co-complainant was being detained. The incident report also failed to document that the named officer ran a check on the license plate number of the complainant's vehicle prior to contacting the complainant.

A preponderance of the evidence established the named officer failed to include significant information in his incident report. By failing to include this information in his report, the named officer failed to comply with the San Francisco Police Department Report Writing Manual and with DB 14-205, which require officers to prepare incident reports that are "complete and accurate" and include "all pertinent information."

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 15 of 17

SUMMARY OF OCC-ADDED ALLEGATION #3: The officer failed to comply with Department regulations concerning traffic stop data collection.

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

FINDINGS OF FACT: The evidence established that the named officer failed to make a traffic stop data collection entry concerning his detention of the co-complainant, who was seated inside a parked car.

There was insufficient evidence to establish whether a traffic stop data collection entry was required for such a detention.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #4: The officer misused Department property and disclosed confidential information.

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

FINDINGS OF FACT: The named officer stated that a supervisor at his station ran a criminal history search on the complainant and provided him with information concerning the complainant's criminal record.

The evidence established that the supervisor ran criminal history searches on the complainant.

There was insufficient evidence to establish the role the named officer played in the accessing of criminal history information about the complainant.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 16 of 17

SUMMARY OF OCC-ADDED ALLEGATION #5: The officer made an inappropriate comment.

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

FINDINGS OF FACT: A video recording established that the named officer made an inappropriate comment to a bystander who was observing the complainant's detention.

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 OCC-ADDED ALLEGATION #6: The officer misused Department property.

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

FINDINGS OF FACT: The evidence established that the named officer ran a criminal history search on the complainant that was not connected to, or necessary for a criminal investigation, in violation of DGO 10.08.

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: 10/14/14 **DATE OF COMPLETION:** 10/13/15 **PAGE#** 17 of 17

SUMMARY OF OCC-ADDED ALLEGATION #7: The officer failed to properly supervise.

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

FINDINGS OF FACT: The evidence established that the named officer failed to require a subordinate officer who detained the complainant to comply with Department regulations regarding the timely release of the complainant, and failed to set an example of efficiency and deportment for that officer by threatening to arrest the complainant without justification.

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 OCC-ADDED ALLEGATION #8: The officer failed to properly supervise.

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

FINDINGS OF FACT: The evidence established that the named officer failed to require a subordinate officer who detained the complainant to comply with Department regulations regarding the timely release of the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/15 **DATE OF COMPLETION:** 10/21/15 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/15 **DATE OF COMPLETION:** 10/13/15 **PAGE #**1of 1

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

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

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

Juvenile Justice Center
375 Woodside Avenue
San Francisco, CA 94131

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/07/15 **DATE OF COMPLETION:** 10/21/15 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/15 **DATE OF COMPLETION:** 10/19/15 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he and his wife were walking in a crosswalk when an officer drove past them and failed to yield the right of way to them in the crosswalk. The complainant also stated that the officer stared at them as he passed them. The complainant stated that the officer was a Caucasian male wearing square rimmed glasses, in either a black and white or blue and white car. The complainant did not have any other descriptive information for either the officer or the vehicle. The complainant stated that he did not know if there was another officer in the vehicle.

An officer identification poll was sent to the station Captain of the district where this incident occurred. The Captain could not identify the officer involved in the incident.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 10/01/15 **PAGE** #1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Security and Investigations
1 South Van Ness Avenue, 8th Floor
San Francisco, CA 94103-5418

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/15 **DATE OF COMPLETION:** 10/14/15 **PAGE #**1of 1

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

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

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

San Francisco Municipal Transportation Agency
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/15 **DATE OF COMPLETION:** 10/01/15 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: NA **FINDING:** IO2 **DEPT. ACTION:**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/21/15 **DATE OF COMPLETION:** 10/21/15 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1: The officers seized the complainant's property.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/15 **DATE OF COMPLETION:** 10/19/15 **PAGE #1 of 3**

SUMMARY OF ALLEGATION #1: The officer entered a residence 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 October 13, 2015.

SUMMARY OF ALLEGATION #2: The officer searched a residence 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 October 13, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/15 **DATE OF COMPLETION:** 10/19/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #3: The officer searched personal property 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 October 13, 2015.

SUMMARY OF ALLEGATION #4: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 13, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/15 **DATE OF COMPLETION:** 10/19/15 **PAGE #3** of 3

SUMMARY OF ALLEGATION #5: The officer displayed a weapon 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 October 13, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/23/15 **DATE OF COMPLETION:** 10/15/15 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 10/23/15 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was arrested on a civil matter. The complainant did not respond to OCC's request for an interview.

Department records showed that the vehicle that the complainant was driving had been reported stolen, prompting the named officer and his partner to initiate a traffic stop. During the search of the vehicle, suspected methamphetamine was found. Records showed that the complainant was arrested for possession of a stolen vehicle and drug charges.

OCC's investigation established that there was probable cause for the complainant's arrest.

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/15 **DATE OF COMPLETION:** 10/23/15 **PAGE#** 2 of 2

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/15 **DATE OF COMPLETION:** 10/21/15 **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: In his written complaint, the complainant stated he was detained without justification by the named officer. The complainant did not respond to OCC's request for an interview.

The named officer and his partner stated that the complainant and another subject were detained because the complainant and the other subject matched the description of the suspects reported to be dealing drugs in front of a school.

Records from the Department of Emergency Management (DEM) corroborated the named officer's and his partner's account of what led to the complainant's detention.

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.

OCC's investigation established the named officer had reasonable suspicion to detain the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The complainant did not respond to OCC's request for an interview.

The named officer stated that the complainant was arrested for drug offenses.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/15 **DATE OF COMPLETION:** 10/21/15 PAGE# 2 of 2

SUMMARY OF ALLEGATIONS #3: The officer detained and arrested the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that after the initial incident, the named officer detained and arrested him again on two separate occasions without justification or cause. The complainant did not respond to OCC's request for an interview.

Department records showed that the named officer arrested the complainant on two separate occasions for drug offenses.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer was harassing 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: 05/18/15 **DATE OF COMPLETION:** 10/16/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he was running nude in the Bay to Breakers race when an officer told him to get dressed. The complainant stated that the officer did not have the authority to tell the complainant to get dressed because the Bay to Breakers race is a permitted event wherein nudity is legal. The complainant did not provide a description of the officer and provided only a general street name location of where the contact occurred. The complainant did not respond to OCC's request for an interview to obtain more information about the incident.

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/15 **DATE OF COMPLETION:** 10/22/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer, who took the initial stolen vehicle report from the complainant's wife, refused to write a supplemental report to include personal property that was stolen from the vehicle when it was recovered the following day after the vehicle was reported stolen.

The named officer stated he took the initial report from the complainant's wife who never mentioned anything about personal property being in the vehicle. The named officer stated he explained to the complainant that he could come to the station to make a supplemental report.

Department records showed that a public safety aide took the complainant's supplemental report.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer told him he did not care if his vehicle contained a "Rembrandt."

The named officer denied the allegation. He stated he used the term "Rembrandt" for illustrative purposes only, as an example of valuable items. The named officer stated he never told the complainant that the named officer did not care about his problem.

No independent witnesses were identified.

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