

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/21/15    **DATE OF COMPLETION:** 10/06/16    **PAGE#** 1 of 4

**SUMMARY OF ALLEGATION #1:** The officer engaged in biased policing, based on race.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer racially profiled him and detained him because the co-complainant is Latino

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied that the complainant's race played a role in the complainant's detention.

The named officer's partner stated he has known the complainant for 15 years and knows him to be a gang member.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATION #2:** The officer interfered with the rights of onlookers.

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

**FINDINGS OF FACT:** The complainant stated she recorded a video of the named officer detaining and searching the co-complainant. The complainant stated that when the named officer was done searching the co-complainant and running his identification, the named officer walked towards her to issue her a citation for parking in a red zone. Fearing that the named officer would take her cell phone, she stopped filming.

The named officer denied the allegation, stating that he did not engage the complainant in a conversation.

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:** 12/21/15    **DATE OF COMPLETION:** 10/06/16    **PAGE#** 2 of 4

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

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

**FINDINGS OF FACT:** The complainant was cited for being parked in a red zone.

The named officer stated the complainant was parked in a red zone, and provided a photograph of the complainant seated in the front passenger seat of her car with the door open. The photograph clearly shows that the vehicle was parked in a red zone.

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:** 12/21/15    **DATE OF COMPLETION:** 10/06/16    **PAGE#** 3 of 4

**SUMMARY OF ALLEGATION #4 - 5:** The officers detained the co-complainant without cause.

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

**FINDINGS OF FACT:** The complainants stated they stopped to donate a toy at a holiday toy drive. When the co-complainant, a Latino male, got out of the car, the named officers detained him, prompting the complainant to begin recording the incident with her cell phone. The complainants stated they repeatedly asked for an explanation for the detention, but the officers refused to answer their question. The co-complainant acknowledged having had gang involvement in years past, but at the time of the incident he was not on parole or subject to any gang injunction.

A witness who was present at the toy drive heard the police accuse the co-complainant of being on a gang injunction list.

Another witness spoke with one of the named officers, who told him that the co-complainant was wearing red, the gang color associated with that neighborhood, and that due to a gang injunction he could not be dressed that way in the neighborhood.

The officer is heard on the complainant's video saying, "With all the stuff going on right now between here and Army Street ... he's got a long history and is not out here doing God's work on a Sunday."

Court records confirmed that the co-complainant was not on probation or subject to any gang injunctions. While he had at one point been subject to a probation term that enjoined him from wearing red and being in the area where he was detained, those conditions had expired several years earlier.

Neither officer could articulate any reasonable suspicion for the detention, as required by both Department policy and the Constitution. The senior officer stated that he has known the co-complainant for 15 years and knows him to be a gang member. The other officer stated that he had never seen the co-complainant before that day. Both officers acknowledged that they had no evidence that the co-complainant was a part of any gang-related or otherwise illegal activity that day.

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

A preponderance of the evidence 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:** 12/21/15    **DATE OF COMPLETION:** 10/06/16    **PAGE#** 4 of 4

**SUMMARY OF ALLEGATION #6:** The officer searched the co-complainant without cause.

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

**FINDINGS OF FACT:** After the co-complainant was detained, the named officer searched him.

As stated above, the co-complainant was not on probation or subject to any search conditions. In addition, the evidence established that the named officer had no reasonable suspicion to detain the co-complainant.

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

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

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

**FINDINGS OF FACT:** The complainant recorded a video of the incident where the named officer, a supervisor, stood by and looked on while a subordinate officer conducted a detention and search without any apparent reasonable suspicion.

The named officer stated that he did not know the reason for the detention or search, but he assumed that the subordinate officer had some justification for doing so. He stated he does not second guess his officers unless he sees them doing something blatantly wrong, which he said he did not observe in this incident. He did not remember if he asked the officer afterwards what his reason was for the detention and search. The named officer stated he does not believe that this incident is the sort of situation governed by DGO 1.04, "Duties of Sergeants."

DGO 1.04, Duties of Sergeants, states in part that sergeants shall "[r]equire all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur."

The evidence established that the co-complainant was detained and searched without reasonable suspicion while the named officer, a supervisor, stood by.

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:** 10/23/15 **DATE OF COMPLETION:** 10/06/16 **PAGE#** 1 of 5

**SUMMARY OF ALLEGATIONS #1-2:** The officers searched the complainant's residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that while the officers had a search warrant, they entered and searched her residence without her consent.

Department records established that the officers entered and searched the complainant's residence pursuant to a search warrant.

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

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer had her sit in the living room of her residence, while other officers searched her residence.

Department records established that the named officer and other officers entered and searched the complainant's residence pursuant to a search warrant. After the search was conducted, the complainant was issued a Certificate of Release.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/15 **DATE OF COMPLETION:** 10/06/16 **PAGE#** 2 of 5

**SUMMARY OF ALLEGATIONS #4-5:** The officers seized property without cause.

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

**FINDINGS OF FACT:** The complainant stated that property was seized from her house.

Department records established that the named officers entered and searched the complainant's residence pursuant to a search warrant. Records also indicate that the items seized during the execution of the warrant were listed in the incident report and the Return to Search Warrant filed with the Superior Court.

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 #6:** The officer failed to take the required action.

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

**FINDINGS OF FACT:** The complainant stated she was not provided with a list of items seized during the execution of a search warrant.

Department General Order (DGO) 6.15, Property Processing, section III.A.1 states that when taking or receiving property for identification from a person, the officer is to complete a Property Receipt (SFPD) in duplicate. The officer is to give the person the original and keep the copy.

DGO 2.01, General Rules of Conduct, states in part:

19. EQUAL RANK RESPONSIBILITY. Unless otherwise ordered, when two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.

The evidence established that the complainant was not issued a property receipt as required. Pursuant to DGO 2.01 section 19, the named officer's partner, who was the senior officer, was responsible for the proper completion of their assignment.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/15 **DATE OF COMPLETION:** 10/06/16 **PAGE#** 3 of 5

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

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

**FINDINGS OF FACT:** The complainant stated she was not provided with a list of items seized during the execution of a search warrant.

Department General Order (DGO) 6.15, Property Processing, section III.A.1 states that when taking or receiving property for identification from a person, the officer is to complete a Property Receipt (SFPD) in duplicate. The officer is to give the person the original and keep the copy.

DGO 2.01, General Rules of Conduct, states in part:

19. EQUAL RANK RESPONSIBILITY. Unless otherwise ordered, when two or more officers of equal rank are on duty together, the senior officer shall be in charge and is responsible for the proper completion of the assignment.

The evidence established that the complainant was not issued a property receipt as required. Pursuant to DGO 2.01 section 19, the named officer, who was the senior officer, was responsible for the proper completion of their assignment.

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:** 10/23/15 **DATE OF COMPLETION:** 10/06/16 **PAGE#** 4 of 5

**SUMMARY OF ALLEGATIONS #8-9:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated the named officers forced her and her mother to provide DNA samples. The complainant stated that the officers made it sound like she did not have a choice.

The officers stated they verbally advised the complainant and her mother that it was voluntary for the complainant and her mother to provide DNA samples. The officers stated the complainant and her mother signed a form, which expressly informed the complainant and her mother that submission of their DNA samples was voluntary.

The SFPD – Investigation Bureau Biological Evidence Collection From Known Subject forms show that the complainant and her mother signed the forms.

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/23/15 **DATE OF COMPLETION:** 10/06/16 **PAGE#** 5 of 5

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

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

**FINDINGS OF FACT:** The complainant stated she was not provided with a list of items seized during the execution of a search warrant.

Department General Order (DGO) 6.15, Property Processing, section III.A.1 states that when taking or receiving property for identification from a person, the officer is to complete a Property Receipt (SFPD) in duplicate. The officer is to give the person the original and keep the copy.

The evidence established that the complainant was not issued a property receipt as required.

DGO 1.04, Duties of Sergeants, section I.A.1.c. states:

Require all assigned members to comply with the policies and procedures of the Department, and take appropriate action when violations occur.

The named officer stated that although he assisted the affiant and other officers in the execution of the search warrant, the named officer was not the regular supervisor of the affiant. The affiant's regular supervisor was sick on the day the search warrant was executed. The named officer stated the property seized from the complainant's residence was listed in the incident report, and the complainant never brought it to the attention of the named officer that the complainant did not receive a list of items seized. Furthermore, the property seized from the residence was listed in the Return to the Search Warrant, which was filed with the court.

The evidence established that the named officer not only assisted the officers in the execution of the search warrant, but he was also the reviewing officer who approved the report. The evidence established that the named officer failed to ensure that the officers complied with DGO 6.15.

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:** 10/21/15 **DATE OF COMPLETION:** 10/11/16 **PAGE #** 1 of 5

**SUMMARY OF ALLEGATIONS #1-2:** The officers entered the residence without cause.

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

**FINDINGS OF FACT:** The complainant stated that the named officers came through the alley and approached him, while he was moving into his apartment around midnight. The complainant was told the officers were responding to a call of a reported break-in. He stated he was carrying some dresser drawers and personal belongings to his apartment. He stated the officers asked him what he was doing, and he responded that he was moving into his apartment. They asked the complainant for identification. The complainant told them he did not have any identification on him, but he would go upstairs to his residence and get it. He stated the officers told him not to. He stated the officers followed him up the stairs. He told the officers that he did not want the officers inside his residence. He stated the officers gave him various reasons as to why they had to enter his apartment. The officers entered his apartment over his objection.

The named officers stated they were responding to a 911 call regarding a prowler or burglary in progress involving more than one suspect. The first named officer stated he arrived first and heard noises indicating someone was in the courtyard between two residences. He stated he waited for additional units to arrive. The named officers stated that upon the arrival of other officers, the named officers confronted the complainant in the courtyard. The named officers stated they did not know whether the complainant had an accomplice or accomplices who might have still been inside the residence, possibly holding hostages. They stated they told the complainant they could not allow him to enter the residence by himself.

The named officers stated they attempted to explain to the complainant that, because of the nature of the call for service, they had a duty to go inside the residence and make sure no crime was being committed. They stated the complainant began to get agitated. Overriding the complainant's objection, the named officers stated they subsequently entered the complainant's residence. They stated that once they were inside the residence, the officers knocked on two bedroom doors that were closed. The named officers stated a woman, dressed in nighttime attire, opened one of the doors and the first named officer questioned the woman. The woman said she lived there and identified the complainant as also living there. The officers then left the apartment.

There was insufficient evidence to either prove or disprove that exigent circumstances existed that would have allowed the named officers to enter the complainant's apartment without a warrant.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/15    **DATE OF COMPLETION:** 10/11/16    **PAGE #** 2 of 5

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

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

**FINDINGS OF FACT:** The complainant stated the named officer told him that the complainant was not running the show, and that the officers were going to do what they had to do.

The named officer agreed in substance to making such a statement to the complainant, but stated he was only attempting to reason with the complainant why the officers were there and what they had to do. The named officer denied being disrespectful in any way to the complainant. There were no independent witnesses to this conversation.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/15 **DATE OF COMPLETION:** 10/11/16 **PAGE #** 3 of 5

**SUMMARY OF ALLEGATION #4:** The officer drew his firearm without justification.

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

**FINDINGS OF FACT:** The complainant stated that officers appeared with various assault rifles and semi-automatic weapons.

The named officer stated he was responding to a 911 call, around midnight, regarding a prowler or burglary in progress involving more than one suspect. The named officer stated that upon the arrival of other officers, the named officer and other officers confronted the complainant in the courtyard. The named officer stated he did not know whether the complainant had an accomplice or accomplices who might have still been inside the residence, possibly holding hostages.

The named officer admitted carrying an assault rifle when he first encountered the complainant.

Other officers stated they were not carrying any assault rifles with them and could not remember whether they had their service weapons drawn at the time. The officers stated they did not know whether the complainant had an accomplice or accomplices who might have been holding hostages inside the apartment.

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

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

Records from the Department of Emergency Management (DEM) show that DEM received a 911 stating that suspects were breaking into something, possibly in the garage area.

The evidence established that the named officer reasonably believed that it was necessary to have his weapon drawn for his own safety or for the safety of others.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/15 **DATE OF COMPLETION:** 10/11/16 **PAGE #** 4 of 5

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

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

**FINDINGS OF FACT:** The complainant stated that officers came through the alley and approached him, while he was moving into his apartment around midnight. The complainant was told the officers were responding to a call of a reported break-in. He stated he was carrying some dresser drawers and personal belongings to his apartment. He stated the officers asked him what he was doing, and he responded that he was moving into his apartment. They asked the complainant for identification. The complainant told them he did not have any identification on him, but he would go upstairs to his residence and get it. He stated the officers told him not to. He stated the officers followed him up the stairs. He told the officers that he did not want the officers inside his residence. He stated the officers gave him various reasons as to why they had to enter his apartment. The officers entered his apartment over his objection.

The responding officers stated they responded to the complainant's apartment regarding a prowler or burglary in progress involving more than one suspect. The officers stated they did not know whether the complainant had an accomplice or accomplices who might have still been inside the apartment, possibly holding hostages. The responding officers stated they attempted to explain to the complainant that because of the nature of the call for service, they had a duty to go inside the apartment and make sure no crime was being committed. Overriding the complainant's objection, the officers stated they entered the complainant's residence. After a brief search, the officers concluded that there was no merit to the call. No further action was taken and an incident report was not prepared.

There is no current explicit policy requiring the preparation of an Incident Report for a non-consensual entry into a residence. However, given the significant intrusion of such a search, and the risk of injury involved, Department policy should require officers to prepare an incident report documenting the officers' actions in such cases.

The evidence proved that the act by the members of the Department was justified by Department policy, procedure, or regulation. However, the OCC recommends a change in the particular policy, procedure, or regulation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/21/15 **DATE OF COMPLETION:** 10/11/16 **PAGE #** 5 of 5

**SUMMARY OF OCC ADDED ALLEGATION #2:** The officer failed to comply with DGO 5.03, Investigative Detentions

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

**FINDINGS OF FACT:** Officers responded to a 911 emergency call for service, around midnight, regarding a prowler or burglary in progress involving more than one suspect, and encountered the complainant. The complainant stated he was moving furniture into his new apartment when officers confronted him in the courtyard. The complainant stated officers first appeared with various assault rifles and semi-automatic weapons. The complainant expressed intimidation and anxiety by the number of officers and the display of weapons.

The named officer admitted carrying an assault rifle during this encounter, and pointing it at the complainant when he first encountered the complainant. The officer stated he was carrying the weapon in the low-ready position for the protection of himself and other officers in the event the officers encountered armed suspects. The named officer denied detaining the complainant with the weapon.

SFPD Department General Order 5.03, INVESTIGATIVE DETENTIONS, section II states in part:

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

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

The OCC determined the pointing of the assault rifle at the complainant combined with the admitted detention of the complainant, was a form of physical restraint in detaining the complainant. The named officer failed to issue the complainant a Certificate of Release after the complainant was released, 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:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 1 of 7

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

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

**FINDINGS OF FACT:** The complainants stated they crossed the street outside of the crosswalk to walk to their car and then entered their car.

The complainant stated he was starting his car when the named officer opened the car door.

The co-complainant stated that the named officer opened the car door and told the complainant that they had just jaywalked.

The named officer stated he observed the complainants jaywalk and then enter their vehicle. The named officer stated that he went to the car to speak to the complainants, but the complainant would not speak to him and refused to roll down the car window as requested. The named officer stated that in order to talk to the complainant about the jaywalking violation, the named officer opened the car door.

A witness officer stated that he also observed the complainant jaywalk.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 2 of 7

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

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

**FINDINGS OF FACT:** The complainants stated they crossed the street outside of the crosswalk to walk to their car.

Both named officers stated they observed the complainants walk outside of a marked crosswalk in violation of California Vehicle Code Section 21955, prompting the named officers to detain the complainants.

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

The evidence established that the named officers had reasonable suspicion to detain the complainants.

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

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

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

**FINDINGS OF FACT:** The co-complainant stated she was cited for jaywalking after she and the complainant jaywalked.

Based on the co-complainant's own statement, the named officer had cause to issue her a citation.

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 3 of 7

**SUMMARY OF ALLEGATION #5:** The officer issued a citation for violation of PC 148.6 without cause.

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

**FINDINGS OF FACT:** The complainants stated they were charged with resisting arrest without cause.

The named officer and other officers stated the complainants resisted arrest.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #6 - 9:** The officers handcuffed the complainants without justification.

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

**FINDINGS OF FACT:** The complainants stated the officers handcuffed them without justification.

The named officers stated that the complainants were handcuffed incident to their arrest.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 4 of 7

**SUMMARY OF ALLEGATION #10 - 11:** The officers arrested the complainants without cause.

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

**FINDINGS OF FACT:** The complainants stated the officers arrested them without cause.

The named officers denied the allegation, stating that the complainant resisted. In addition, the complainant was charged with Health and Safety Code violations.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #12 - 14:** The officers strip-searched the complainant without cause.

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

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

The named officers stated there was probable cause for the strip search because the complainant was observed concealing narcotics in his body cavity. In addition, one officer stated that the complainant spit narcotics from his mouth onto the cell floor.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 5 of 7

**SUMMARY OF ALLEGATION #15 - 16:** The officers used unnecessary force.

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

**FINDINGS OF FACT:** The complainant stated the officers threw him on the ground, kicked him and bent his hand.

The named officers denied using unnecessary force, stating that minimal amount of force was used to gain control of the complainant, who was resisting.

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

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #17 - 20:** The officers used unnecessary force at the station.

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

**FINDINGS OF FACT:** The complainants stated that officers used unnecessary force at the station.

The named officers denied using unnecessary force, stating that minimal amount of force was used to gain control of the complainant, who was resisting.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 6 of 7

**SUMMARY OF ALLEGATION #21:** The officer behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainants stated the officer behaved inappropriately and made inappropriate comments.

The named officer denied the allegation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/09/15    **DATE OF COMPLETION:** 10/07/16    **PAGE#** 7 of 7

**SUMMARY OF OCC-ADDED ALLEGATION #1:** The officer searched the complainant's vehicle without cause.

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

**FINDINGS OF FACT:** Department records show that the complainant's vehicle was searched. During the search, officers located and seized 5 clear plastic bags, a digital scale, suspected marijuana and an insurance card for the vehicle showing the complainant as the policyholder.

The named officer stated he observed the contraband items in plain view and searched the vehicle incident to the complainants' arrest. The officer stated that based on the actions of the complainants at the scene, he had a reasonable suspicion that led him to believe that narcotics were being secreted in the vehicle or removed from the vehicle to be secreted on their person.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 1 of 8

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

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

**FINDINGS OF FACT:** The complainant stated his friend’s 16 year-old niece was “assaulted,” attacked and severely abused by her stepmother and stepsisters. The complainant stated the officers failed to take required action and left the residence without protecting the abused child.

The teenager stated that her stepmother and three stepsisters pushed her, causing her to fall and then punched her and pulled her hair, which resulted in injuries. She called 911 and two officers responded. She stated the officers first interviewed her stepmother, who told the officers that her stepdaughter started the fight and her daughters were just defending themselves. The teenager stated that one of the named officers spoke to her in her bedroom and told her that, based on the statements of the stepmother, she could go to juvenile hall. The teenager told the officer she had been assaulted by her stepmother and her daughters, but the officer told her to be quiet and to cooperate with him. The teenager stated the other named officer took a photo of scratches on her chest. After the officers left, the teenager called her father who took her to the emergency room after the officers left.

Medical records established that the teenager suffered two hematomas and multiple abrasions to her knee, shin, foot, chest and scalp.

The SFPD event history detail established that the teenager was very distraught and crying. The record indicated the teenager reported that her stepmother and stepmother’s daughters had come into her room and started assaulting her by pulling her hair and scratching her.

The named officers acknowledged that they did not prepare a report. They stated that the teenage girl failed to respond or barely responded to their questions, and she did not have any visible injuries. One of the officers stated the girl’s mother told him that the teenage girl got into a pushing match with her stepsisters. He stated this appeared to be “a family spat.” The other named officer stated that this was “a fight of unknown circumstances between sisters.” Both officers stated they believed that no crime had occurred; therefore, no incident report was required.

The Department’s Report Writing Manual states that officers are required to prepare incident reports to document completed, incompletd or attempted offenses, and suspicious occurrences both of a criminal and non-criminal nature. 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:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 2 of 8

**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 the 16 year-old teenager was assaulted by her stepmother and stepsisters and the teenager called 911. The complainant stated the named officers did not interview the teenager or take the appropriate investigative steps to investigate the child abuse.

The complainant's female friend stated the teenager is her niece. She was not at the scene. She stated her teenage niece told her that one of the named officers came upstairs and said, "I already know what happened. I'm not going to arrest you, but I'm going to read you some juvenile policies." The niece told her aunt that the officer did not ask her what happened.

The teenager stated that her stepmother and three stepsisters had pushed a door on her causing her to fall, pulled her hair and attempted to take her cell phone when calling for help. The teenager called 911 to report the assault and two officers responded. She stated the officers first interviewed her stepmother, who told the officers her stepdaughter started the fight and her daughters were just defending themselves. The teenager stated one of the named officers spoke to her in her bedroom and told her that, based on what he heard from the stepmother, she could go to juvenile hall. The teenager told that officer she had been assaulted by her stepmother and her daughters, but the officer told her to be quiet and to cooperate with him. The teenager stated the other named officer took a photo of scratches on her chest.

The SFPD (CAD) audio established that the teenager can be heard crying, barely able to talk, saying her stepmother and stepsisters had assaulted her. After this call, the teenager's older stepsister called 911. She was calm and initially could not state why she had called 911. Someone in the background said something to her, and she told the dispatcher that her stepsister started pushing "my mom and we defended ourselves. We had a fight with my stepsister."

One of the named officers stated that when he entered the residence, he went upstairs to speak with the teenager, who was tearful and upset. He stated he did not see any visible injuries. He stated she declined his offer of medical assistance. He stated she would not answer any of his questions. He denied taking any photos of the teenager.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 3 of 8

**SUMMARY OF ALLEGATIONS #3-4 continued:**

The other named officer stated he first spoke with the stepmother, who said her stepdaughter got into a pushing match with her daughters. The officer stated that while speaking with the stepmother, he offered to take a report, but she declined his offer. The named officer stated he attempted to have a private conversation with the teenager but she was crying and would not answer any of his questions. He stated he did not see any visible injuries on her. The officer denied talking about juvenile hall or juvenile policies with the teenager. The officer stated he asked the teenager how he could help, and she asked him to tell her family members to leave her alone. He stated this appeared to be a family spat with no injuries.

The inspector who investigated this case stated he spoke to the teenager the following day and she told him she forgot to give information to the officers who came to her house. In his case file, the inspector noted that the teenager did not tell the named officer exactly what occurred because she was confused and didn't know what to do. He wrote that she waited until she went to the hospital to tell officers what happened.

The evidence established that the named officers failed to approach the teenager as a juvenile victim and failed to gather a full and complete statement from her to determine the criminal actions that were taken against her. The officers failed to assess whether she sustained any physical injuries and failed to call an ambulance to assess her. The officers failed to explain the legal processes to the teenager and the process of a citizen's arrest. The officers failed to safeguard the teenager from a hostile environment and failed to contact her biological father. The officers also failed to provide the teenage victim, with a "Victim of Violent Crime Notification" card.

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:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 4 of 8

**SUMMARY OF ALLEGATION #5:** The officer made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated that a friend's 16 year-old niece was assaulted by her stepmother and stepsisters and called police. The complainant was informed that the named officer told the teenager that he "already knew what happened" and that she could go to juvenile hall for her actions.

The complainant's female friend stated she was not present at the scene. She stated she accompanied her niece to the hospital after the assault. Her niece told her that the named officer said, "I already know what happened. I'm not going to arrest you, but I'm going to read you some juvenile policies."

The teenager stated the named officer came into her bedroom and told her that he already knew what had occurred, that her stepmother reported the teenager started the fight and her stepfamily was just defending themselves. The teenager stated the officer told her that, based on what he heard from the stepmother, the teenager could go to juvenile hall. She said the officer told her to be quiet and to cooperate with him.

The named officer stated he went into the teenager's bedroom and asked her if she was all right and if she needed medical attention. He stated she was crying and did not reply. He stated he began asking questions about school to establish a rapport with her, but she would not answer any of his questions. He stated he let there be silence between them for a while to see if she would speak up, but she didn't. The officer denied telling the teenager that he already knew what happened. He also denied telling the teenager she could go to juvenile hall or saying anything about juvenile policies.

The named officer's partner stated he was not present when the named officer interviewed the teenager.

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:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 5 of 8

**SUMMARY OF ALLEGATIONS #6-7:** The officers made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated his friend's 16 year-old niece was assaulted by her stepfamily and called police. He stated his friend took her niece to the hospital where police interviewed her niece in her presence. The complainant stated that the officers made inappropriate comments during the interview.

The complainant's friend stated she was present when her niece was interviewed at the hospital. She stated that one of the officers asked her niece, "Are you sure you want to file charges against your sisters? My brothers and I used to fight all the time." She stated her niece was crying and insisted on pressing charges against her siblings.

The teenager stated that during her interview at the hospital, one officer kept asking, "Do you really want to put your little sister in this situation?" She stated the officer talked about having fights with his little brother when he was younger. She stated the officer asked his partner, "Would you like your little sister put in jail?" The other officer said he would not. The teenager stated both officers talked about childhood fights with their siblings.

The named officers denied making the alleged comments.

The evidence established that the named officers made inappropriate comments to dissuade the victim from pressing charges against her assailants.

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:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 6 of 8

**SUMMARY OF ALLEGATION #8:** The officer failed to conduct a proper investigation.

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

**FINDINGS OF FACT:** The complainant stated the named officer failed to conduct a proper investigation.

The complainant's friend stated that she was with her niece when the named officer interviewed her at the hospital. She stated that during the interview, her niece forgot to tell the named officer that her stepmother engaged in the assault. She stated the named officer refused to further interview the teenager about the stepmother's participation in the assault.

The teenager stated she told the named officer that her stepmother pulled her hair, while she was on the ground but the named officer kept saying that he did not hear her say that.

The named officer stated the teenager did not tell him that her stepmother assaulted her. He stated the teenager told him that her stepmother ordered her twelve year-old daughter to pull the teenager's hair. The named officer stated that he interviewed the teenager, took photos of her injuries and prepared an incident report documenting the assault.

The named officer's partner stated he did not recall hearing the victim's aunt tell the named officer that he missed some things in the interview or whether she asked the named officer to re-interview the victim.

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:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 7 of 8

**SUMMARY OF ALLEGATION #9:** The officer failed to prepare a complete and accurate incident report.

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

**FINDINGS OF FACT:** The complainant stated a female friend informed him that her sixteen year-old niece was assaulted by her stepfamily and called police. The aunt took her niece to the hospital where the named officer interviewed her. After the interview, the aunt told the named officer that her niece forgot to tell him her stepmother assaulted her. The aunt told the complainant that the officer refused to conduct a follow-up interview.

The complainant's friend stated she was present at her niece's interview at the hospital. She stated her niece forgot to tell the officer that her stepmother was involved in the assault. When she asked the officer to conduct a follow-up interview of her niece, the officer replied, "I know what I heard and I'm not going back in there again."

The teenager stated the named officer interviewed her at the hospital in the presence of her aunt and another officer. After the interview, her aunt told the named officer that her niece failed to mention that her stepmother participated in the assault. The teenager stated that the named officer told her aunt that she wasn't there and he was only going to listen to the teenager. The teenager stated she got mad because she told the officer that her stepmother pulled her hair. She stated she had to explain this to the assigned inspector, who called her the next day.

SFPD Event history detail and the audio established that the SFGH social worker called 911 and reported that the teenager was at the hospital with visible injuries sustained by her stepmother and stepsisters who had punched and attacked her.

The named officer report does not state that the teenager was assaulted by her stepmother.

In his case file, the assigned inspector noted that when he interviewed the teenager the following day, she told him her stepmother and her three stepsisters assaulted her.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/09/15    **DATE OF COMPLETION:** 10/21/16    **PAGE#** 8 of 8

**SUMMARY OF ALLEGATION #9 continued:**

The named officer stated he interviewed the teenager in the presence of his partner and the teen's aunt. He stated the interview was not recorded. He stated that the teenager did not tell him that her stepmother had assaulted her. He stated the aunt kept interrupting his interview, even though she was not present at the house. He stated his report does not include a statement that the teenager was assaulted by her stepmother, because the teenager never gave him that information. He stated the aunt never asked him to re-interview the teenager.

The named officer's partner denied hearing the aunt tell the named officer that he had missed some things in the interview. He also denied hearing the aunt ask the officer to conduct a follow up interview.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/16 **DATE OF COMPLETION:** 10/11/16 **PAGE#** 1 of 1

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

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

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

Division of Emergency Communications  
Department of Emergency Management  
c/o Madonna Valdez  
1011 Turk Street  
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/26/16 **DATE OF COMPLETION:** 10/11/16 **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:** 09/10/16 **DATE OF COMPLETION:** 10/11/16 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that the citation was issued by a Parking Control Officer, not by an SFPD officer. She stated she cleared up the citation with the SFMTA. The complainant requested that her OCC complaint be withdrawn.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/19/16 **DATE OF COMPLETION:** 10/11/16 **PAGE#** 1 of 1

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

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

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

University Police Department  
ATTN: Office of the Chief  
1600 Holloway Avenue  
San Francisco, CA 94132

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/29/16 **DATE OF COMPLETION:** 10/11/16 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated she went to a police station to make a complaint about a restraining order. While the complainant waited, a woman cut in front of her, and a male officer did not do anything. The complainant stated another officer refused to assist her.

The complainant could not identify the officers.

An identification poll of the station yielded negative results.

The identity of the alleged officers could not be established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/01/15    **DATE OF COMPLETION:** 10/11/16    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

**FINDINGS OF FACT:** The complainant stated the officers failed to provide her with an interpreter when she reported a burglary.

The officers denied the allegation, stating that the complainant spoke in fluent English and that there was no apparent language barrier. The officers stated the complainant did not request language assistance services during the incident.

Records from the Department of Emergency Management (DEM) show that the complainant communicated with the dispatcher in English.

The OCC used the language line to interview the complainant in Mandarin.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated she called 911 and reported a burglary after finding her apartment door broken and her apartment in a mess.

The named officers denied the allegation. The officers stated they conducted a walk-through of the apartment and found no one inside.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/13/15    **DATE OF COMPLETION:** 10/27/16    **PAGE#** 1 of 6

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

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

**FINDINGS OF FACT:** The complainant left his car double-parked with three friends inside while he ran an errand. Upon returning, the complainant found his car surrounded by officers, his friends on the sidewalk, and an officer searching his car. The complainant told the officers that they had no right to search his car. The named officer handcuffed the complainant until another officer finished searching his car.

The named officer stated he noticed an odor of marijuana while investigating the complainant's double-parked car, which caused him to initiate a narcotics investigation. The named officer stated the complainant became enraged and erratic when he found officers searching his car. The named officer stated the complainant held his hands in front of his face, screamed loudly, and kept moving closer to him. The named officer stated it is a crime to transport marijuana and he did not initially know if the marijuana belonged to the complainant or one of the passengers in his car. The named officer stated that, for officer safety reasons, he detained the complainant in handcuffs until the officers completed their narcotics investigation. The named officer stated he released the complainant as soon as it was determined he had a prescription for the marijuana. The complainant was issued a Certificate of Release.

Four witness officers stated the complainant was handcuffed because he was waving his arms, acting erratically, and refused to stand aside while the named officers searched his car.

One witness stated the complainant yelled at the named officers and refused orders to sit on the sidewalk while they searched his car.

The three passengers who were sitting in the complainant's car did not come forward.

No other witnesses were identified.

The complainant's behavior presented an officer safety risk for the officers at the scene, providing the named officer justification to place him in handcuffs. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/13/15    **DATE OF COMPLETION:** 10/27/16    **PAGE#** 2 of 6

**SUMMARY OF ALLEGATION #2:** The officers searched the complainant without justification.

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

**FINDINGS OF FACT:** The complainant left his car double-parked with three friends inside while he ran an errand. Upon returning, the complainant found his car surrounded by officers, his friends on the sidewalk, and an officer searching his car. The complainant told the officers that they had no right to search his car. The named officer handcuffed and searched the complainant.

The named officer stated he noticed an odor of marijuana while investigating the complainant's double-parked car, which caused him to initiate a narcotics investigation. The named officer stated the complainant became enraged and erratic when he found officers searching his car. The named officer stated the complainant held his hands in front of his face, screamed loudly, and kept moving closer to him. The named officer stated it is a crime to transport marijuana and he did not initially know if the marijuana belonged to the complainant or one of the passengers in his car. The named officer stated that, for officer safety reasons, he detained the complainant in handcuffs until the officers completed their narcotics investigation. The named officer stated he "conducted a pat-down search" of the complainant for weapons because he was being detained as a suspect in a narcotics investigation.

Four witness officers stated the complainant was detained and searched for weapons because he was acting erratically and because he was a suspect in a narcotics investigation.

One witness stated the complainant yelled at the named officers and refused orders to sit on the sidewalk while they searched his car.

The three passengers who were sitting in the complainant's car did not come forward.

No other witnesses were identified.

The named officer lawfully searched the complainant during a narcotics investigation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/13/15    **DATE OF COMPLETION:** 10/27/16    **PAGE#** 3 of 6

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

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

**FINDINGS OF FACT:** The complainant left his car double-parked with three friends inside while he ran an errand. Upon returning, the complainant found his car surrounded by officers, his friends on the sidewalk, and an officer searching his car. The complainant told the officers that they had no right to search his car.

The named officer stated he searched the complainant's car during a narcotics investigation. The named officer stated he searched the car because there was an odor of marijuana emanating from the car and because one of the passengers was on probation with a warrantless search condition for marijuana sales. The named officer stated he found marijuana and narcotics sales paraphernalia in the car.

One witness officer stated the complainant's car smelled of marijuana and confirmed that one of the passengers was on probation.

Court records indicated that a passenger in the complainant's car was on probation with a warrantless search condition for marijuana sales.

The three passengers who were sitting in the complainant's car did not come forward.

No other witnesses were identified.

The evidence established that the named officer lawfully searched the complainant's 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:** 11/13/15    **DATE OF COMPLETION:** 10/27/16    **PAGE#** 4 of 6

**SUMMARY OF ALLEGATION #4:** The officer engaged in inappropriate behavior.

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

**FINDINGS OF FACT:** The complainant stated the named officer searched him in a rough manner during a narcotics investigation. The complainant stated the named officer pushed him against a car, patted-down his body, and roughly grabbed his genitals. The complainant stated the named officer was rude and dismissive of the complainant during the incident.

The named officer stated he pat-searched the complainant for weapons because he was a suspect in a narcotics investigation. The named officer denied pushing the complainant or roughly grabbing the complainant's genitals. The named officer denied being rude to the complainant.

Four witness officers stated they did not see the named officer push the complainant or roughly grab his genitals. They stated they did not observe the named officer acting in a rude manner.

One witness stated the named officer searched the complainant, while he was pressed against a car.

The three passengers who were sitting in the complainant's car did not come forward.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/13/15    **DATE OF COMPLETION:** 10/27/16    **PAGE#** 5 of 6

**SUMMARY OF OCC-ADDED ALLEGATIONS #1-4:** The officers failed to comply with Department General Orders 9.01 and 5.08.

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

**FINDINGS OF FACT:** While patrolling in plainclothes, the named officers investigated a double-parked car and issued a parking citation in violation of Department General Orders (DGO) 9.01 and 5.08. The named officers also violated Department policy when they failed to request for a marked backup unit.

\*One named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report. The OCC case number for this named officer is now 0592-15B. This finding pertains only to three named officers.

The named officers denied engaging in traffic enforcement activity, claiming they did not conduct a traffic stop because the complainant's car was already parked. They stated they were not required to call for uniformed backup because they did not initiate a traffic stop. The named officers acknowledged that Department General Orders prohibit plainclothes officers from conducting traffic enforcement. They admitted investigating a double-parked car and issuing a parking citation while in plainclothes. However, the named officers stated that traffic enforcement is distinct from parking enforcement. The named officers stated there is no prohibition on plainclothes officers issuing parking citations.

DGO 9.01 states that "moving violations shall be enforced only by uniformed officers, except as provided in DGO 5.08, Non-Uniformed Officers." DGO 5.08 states that "non-uniformed officers shall not initiate traffic stops, issue traffic citations or make minor traffic arrests except... [w]hen witnessing an aggravated situation requiring immediate action to protect life or property, e.g., drunk driving." Additionally, when non-uniformed officers initiate traffic stops, they are required by DGO 5.08 to immediately call for the assistance of a marked backup unit.

A traffic stop occurs any time a driver or passenger is detained for traffic enforcement purposes. The officers initiated a traffic stop when they pulled up to the complainant's car and questioned the passengers about their reason for double-parking. The officers' distinction between a traffic violation and a parking violation is negligible. Double-parking is a Vehicle Code violation, regardless of whether the citation is prepared as a traffic or parking citation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/13/15    **DATE OF COMPLETION:** 10/27/16    **PAGE#** 6 of 6

**SUMMARY OF OCC-ADDED ALLEGATIONS #1-4 continued:**

The purpose of reserving traffic enforcement duties for uniformed officers is to ensure that members of the public and others in the immediate area are aware that police are involved and that law enforcement activity is taking place. Approaching the complainant's car did not excuse the named officers from their duty to call for a marked back up unit. In this instance, the named officers called for backup from another plainclothes unit, which did not satisfy the requirements of DGO 5.08.

The named officers violated DGOs 5.08 and 9.01 when, as plainclothes officers, they took traffic and parking enforcement actions when no exigency existed.

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 #5:** The officer failed to properly supervise.

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

**FINDINGS OF FACT:** While patrolling in plainclothes, the named officer responded as backup for another plainclothes unit conducting a traffic stop and narcotics investigation. Officers in the primary unit failed to comply with Department General Orders (DGO) 9.01 and 5.08 by conducting a traffic stop in plainclothes and failing to call for uniformed backup officers. As the senior ranking officer on scene, the named officer was responsible for ensuring compliance with all Department rules and procedures.

\*The named officer is on medical leave. The allegation against him has been bifurcated from this Complaint Summary Report. The OCC case number for this named officer is now 0592-15B.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/29/16      **DATE OF COMPLETION:** 10/25/16      **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 stated she reported a burglary, and that the named officer failed to investigate it.

The named officer denied the allegation. He stated he found no evidence of forced entry and established that no crime was committed.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/01/15      **DATE OF COMPLETION:** 10/25/16      **PAGE #1 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the officers detained him without justification. The complainant stated that he was at his own apartment and had done nothing wrong.

The named officers stated they responded to the complainant's apartment regarding a report of a verbal altercation between a husband and wife. The officers stated they detained the complainant, pending their investigation.

Records from the Department of Emergency Management (DEM) show that the named officers were dispatched to a "B" priority regarding a fight with no weapons/domestic violence.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/01/15      **DATE OF COMPLETION:** 10/25/16      **PAGE #2 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated he was detained and handcuffed for no reason.

The named officer and her partner stated that the complainant was detained because of the complainant's uncooperative behavior. The officers stated that for his safety and the safety of others, the complainant was placed in handcuffs, pending their investigation. After the complainant was released, he was issued a Certificate of Release as required.

The SFPD incident report included a statement from the complainant's wife. She described the complainant's behavior as "resisting" the officers and refusing to cooperate. She further described the complainant's behavior as "aggressive."

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

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 #4-5:** The officers used unnecessary force during the detention.

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

**FINDINGS OF FACT:** The complainant stated that while being unlawfully detained and handcuffed, the named officers caused him to fall onto his buttocks on descending stairs. The complainant stated he landed in a painful manner and slid down on his buttocks approximately seven steps, causing pain and injury to his back. The complainant stated that he did not seek medical attention.

The named officers stated they were escorting the complainant to their patrol car when he threw his legs out from under him, landing on his buttocks while they were holding onto him. The complainant then began to yell that they were hurting him, calling for his neighbors to help him.

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:** 10/01/15      **DATE OF COMPLETION:** 10/25/16      **PAGE #3 of 2**

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

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

**FINDINGS OF FACT:** The complainant stated the officers allowed his wife to remove his computer from his apartment without his permission.

The named officers denied that the complainant's wife removed a computer from the apartment.

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

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the male officer "got right up in my face."

The named officer and his partner denied the allegation.

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

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/09/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant was cited for a stop sign violation, which he denied.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing, based on race.

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

**FINDINGS OF FACT:** The complainant stated he was stopped and cited because he is a black male.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation protocol. He denied the complainant's allegation, stating that he did not know the complainant's race prior to the stop.

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:** 12/09/15      **DATE OF COMPLETION:** 10/25/16      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for making an illegal left turn. He stated he did not notice the no left turn sign until he was cited. The complainant stated he challenged the citation in court and lost, but that he was appealing the court's decision.

Based on the complainant's own testimony, the named officer had cause to issue the citation.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing, based on race.

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

**FINDINGS OF FACT:** The complainant stated he believed that he was stopped and cited because of his race. In addition, the complainant stated that when he opened his door to get his documents under his seat, the named officer shut his door and told him to wait until the named officer's back up arrived. This behavior, according to the complainant, established the officer's biased.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied engaging in biased policing. He stated that when he asked for the complainant's documents, the complainant abruptly opened his door, prompting the named officer to close the door. The named officer stated the complainant then began reaching for his documents. Alarmed by the complainant's behavior, the named officer told him to put his hands on his steering wheel, which the complainant complied. The named officer then called for back up because of the complainant's behavior, who was getting more upset.

Based on the complainant's own testimony, he made an illegal turn, prompting the named officer to pull him over and issue him a citation. The officer's actions during the traffic stop are consistent with Department training.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/09/15      **DATE OF COMPLETION:** 10/25/16      **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer misrepresented the truth.

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

**FINDINGS OF FACT:** The complainant stated that the named officer provided contradictory statements in court.

The named officer denied the allegation.

A review of the named officer's testimony in court failed to support the complainant's allegation against the named officer. In addition, the named officer's statement to the OCC during his interview was consistent with his testimony in court.

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 12/03/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he observed a lost, crying, disoriented woman near a MUNI stop with her two young children. He stated the children appeared to be in distress and woman appeared to be intoxicated and did not appear to know which direction to travel. The complainant stated the children did not appear physically abused. The complainant called 911, requesting that police check on the wellbeing of the parties. The complainant stated the named officer contacted the woman and her children, stating they arrived at a resolution to the situation, which was unsatisfactory to the complainant.

The named officer stated he spoke to the woman the complainant had observed and found nothing to indicate that she was intoxicated or in an altered mental state, only that she and her children were trying to take a MUNI train home. The named officer stated that the woman's children were in good condition.

Two other officers who responded to the incident as back-up stated that they did not recall the incident.

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:** 12/03/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the named officer was laughing about the situation.

The named officer denied the allegation.

Two other officers who responded to the incident as back-up stated that they did not recall the incident.

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:** 03/18/16      **DATE OF COMPLETION:** 10/25/16      **PAGE #1 of 1**

**SUMMARY OF ALLEGATIONS #1-2:** The officers drove improperly.

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on September 9, 2016.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/08/16      **DATE OF COMPLETION:** 10/25/16 **PAGE #1 of 1**

**SUMMARY OF ALLEGATION #1:** The officer pat searched the complainant 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 11, 2016.

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 11, 2016.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/14/16      **DATE OF COMPLETION:** 10/25/16      **PAGE #1** of 1

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

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

**FINDINGS OF FACT:** By mutual agreement of the complainant and the named officer, the complaint was mediated and resolved in a non-disciplinary manner on September 7, 2016.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/05/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for failing to stop at a stop sign, which he denied.

The named officer stated he observed the complainant run through a stop sign without stopping, prompting the named officer to issue him a citation.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in biased policing, due to race.

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

**FINDINGS OF FACT:** The complainant stated the named officer pull him over for “being black.”

The named officer was interviewed pursuant to OCC’s Biased Policing Investigation Protocol. He denied the complainant’s allegation, stating that he did not know the race or ethnicity of the complainant prior to the traffic stop. The named officer stated he stopped the complainant after the complainant failed to stop at a stop sign.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/13/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 - 4:** The officers behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant, who wished to remain anonymous, stated he saw officers harassing a homeless person who was sleeping in the doorway of a building.

The named officers denied the allegation, stating that they responded to the area regarding an “A” priority call of a domestic violence incident. The victim, who is homeless, reported being grabbed and pushed by her boyfriend, causing the victim to fall to the ground. The named officers responded to the scene and investigated the domestic violence incident. One of the named officers obtained an Emergency Protective Order, protecting the victim from her boyfriend, and prepared an incident report.

The evidence established that the officers were not harassing the homeless person but rather helping her as a domestic violence victim.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 04/13/16      **DATE OF COMPLETION:** 10/25/16      **PAGE #1 of 1**

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

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

**FINDINGS OF FACT:** The complainant stated he was cited for failing to stop at a stop sign, which he denied.

The named officer and his partner stated that the complainant failed to make a full stop at the limit line before making a right turn.

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 was dismissive, rude and aggressive during the traffic stop.

The named officer denied the allegation, stating that he was professional and polite towards 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:** 03/10/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the officers did not take a report regarding her roommates hacking her email. She further stated her roommates stole her “Clipper” bus fare card by pick-pocketing her. The complainant did not provide any additional information, other than to say her roommates were part of “the crime group.”

The named officers denied the allegation. They stated they received a call for service regarding email tampering/fraud and tried to investigate the matter. The named officers stated the complainant would not or could not name a suspect. The named officers denied the complainant mentioned a theft.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/09/16      **DATE OF COMPLETION:** 10/25/16      **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he left his apartment to go grocery shopping, but when he returned he found that items in his apartment, including a small skull and a bracelet, had been moved slightly. There were no signs of forced entry, and building surveillance videos showed no one entering his apartment. He went to the station to file a report and spoke to the named officer. Once he saw a copy of the report the named officer wrote, he felt that the officer had misrepresented the incident and omitted some details. He felt the officer found the situation to be amusing and wrote the account as if he were mentally ill.

The named officer stated she wrote the report in response to the complainant's account of events. She stated her report was truthful and accurate, and that she did not misrepresent or omit anything the complainant said to her. She also said she did not find the complainant's situation to be amusing in any way. She said she did not present the complainant's concerns as if he were mentally ill.

An expert witness who instructs recruits in "Learning Domain 37," which addresses mental illness and developmentally disabled ADA issues, stated that she tells officers that they need to just talk about observations because they are not clinicians. They are instructed to talk about what they see and what the person states, and they are not expected to be psychiatric clinicians and make diagnoses. However, there is nothing in writing that they cannot give their opinion, and if a sergeant signs off on it, that is their prerogative.

Learning Domain 37 features a chapter on mental illness which states, "Officers should not attempt to diagnose mental illness. A mental illness is often difficult for even the trained professional to define in a given individual. Officers must be able to recognize general indicators of mental illness so that appropriate actions can be taken." The term "mental illness" is used throughout as the general descriptor, with shorter sections defining and explaining various diagnoses. There is no language therein instructing officers to avoid the term "mental illness."

Given that the term "mental illness" is ubiquitous in the materials used to train officers, the named officer's reliance upon this term to describe the complainant is understandable. However, the named officer should be retrained as to the difference between describing and documenting the symptoms of an observed mental illness (including, as occurred here, the factual basis behind her determination that the complainant did not meet the criteria for W&I Code §5150) and inappropriately expressing a conclusion in an incident report that an individual is mentally ill. The evidence proves that the alleged act resulted from inadequate or inappropriate training.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/23/16      **DATE OF COMPLETION:** 10/25/16 **PAGE #1 of 1**

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

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

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

San Francisco Police Department  
Internal Affairs Division  
1245 3<sup>rd</sup> Street-4<sup>th</sup> Floor  
San Francisco, CA 94158

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/14/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer mistreated her by rushing her towards the patrol car and called her a liar despite her expressing mobility issues.

The named officer denied the allegation.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated that her necklace was removed while she was at the station. She stated that her necklace was not with her property at the County Jail or at the Department of Public Works (DPW).

One of the named officers stated that the complainant's white colored metal chain was placed into her purse, which was tagged and bagged and picked up by DPW. The complainant's purse was wet and, therefore, would not be accepted at the County Jail.

Records from the County Jail and DPW show that the complainant signed off and received two property envelopes, including her purse from DPW. Records did not disclose the contents of the purse or the envelopes.

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:** 02/16/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1-2:** The officers behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated he was upset because the officers did not believe him or understand his issue because of his “mental health problem.”

The named officers denied the allegation. They stated the complainant told them he was hearing voices through his walls from multiple people who were sexually harassing him. The officers stated the complainant could not provide descriptions of any suspects. One of the officers stated he has responded to calls from the complainant in the past and has communicated with the complainant’s case manager. The officer stated that he is aware that the complainant has a mental health disorder, which causes the complainant to hear voices. The officers stated they evaluated the complainant for a mental health detention, but determined that the complainant did not meet the required criteria.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the officers failed to promptly respond to the scene.

Records from the Department of Emergency Management (DEM) show that the named officers arrived on scene approximately two minutes after being dispatched to the complainant’s call for service.

The evidence established that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 1 of 3

**SUMMARY OF ALLEGATIONS #1-2:** The officers used force on the complainant.

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

**FINDINGS OF FACT:** The complainant stated he called the police because his daughter was out of control. The complainant stated that after talking to the named officers, they told him that they were concerned that he would harm his daughter, asking him to leave the residence for the night. When he refused, the complainant stated the officers slammed him to the ground, placed him in handcuffs, and kicked him, causing an abrasion and bruise to his right leg and pain in his shoulder. While the complainant admitted that he had been drinking, he denied resisting arrest.

The named officers stated they responded to the complainant's residence regarding a man who thought that his wife and daughter were attempting to poison him. When they arrived, the named officers saw the complainant outside his apartment. The complainant told the officers he called the police "because my daughter burnt my toast." While speaking to the complainant, the officers determined that he was under the influence of alcohol. When the officers told the complainant he was being arrested for public intoxication, he pushed one of the officers with both of his hands. The officers stated they each grabbed one arm, but the complainant resisted by flexing his arms, prompting one of the named officers to use a leg sweep, taking the complainant to the ground. The named officers stated the complainant continued to resist, but they were able to place him in handcuffs.

The complainant's wife stated that her husband was upset and accused their daughter of purposely burning quesadillas to provoke him, prompting her husband to call the police. She stated the complainant opened the door, spoke to the officers then stepped outside to the patio area. She stated she was inside the apartment when she heard some noise. When she went outside, she saw her husband on the ground with the officers pushing his leg. She stated her husband's leg was sticking out and she could see it was scrapped and bleeding. She stated she did not witness the entire interaction between her husband and the officers. She stated her husband was drunk.

Department records showed that the officers' use of force was reported to their supervisor and logged into the Use of Force log as required. There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to take the complainant into custody.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant was arrested for resisting arrest and for public intoxication. While the complainant admitted he had been drinking, he denied resisting arrest.

The named officers stated they responded to the complainant's residence regarding a man who thought that his wife and daughter were attempting to poison him. When they arrived, the named officers saw the complainant outside his apartment. The complainant told the officers he called the police "because my daughter burnt my toast." While speaking to the complainant, the officers determined that he was under the influence of alcohol. When the officers told the complainant he was being arrested for public intoxication, he pushed one of the officers with both of his hands. The officers stated they each grabbed one arm, but the complainant resisted by flexing his arms, prompting one of the named officers to use a leg sweep, taking the complainant to the ground. The named officers stated the complainant continued to resist, but they were able to place him in handcuffs.

The complainant's wife stated that her husband was upset and accused their daughter of purposely burning quesadillas to provoke him, prompting her husband to call the police. She stated the complainant opened the door, spoke to the officers then stepped outside to the patio area. She stated she was inside the apartment when she heard some noise. When she went outside, she saw her husband on the ground with the officers pushing his leg. She stated her husband's leg was sticking out and she could see it was scrapped and bleeding. She stated she did not witness the entire interaction between her husband and the officers. She stated her husband was drunk.

No other witnesses came forward.

While there was sufficient evidence that the complainant had been drinking, there was insufficient evidence to either prove or disprove that he was unable to care for himself. In addition, there was insufficient evidence to either prove or disprove that the complainant resisted as described by the officers.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/28/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated he told officers that he was a security guard. The complainant stated his wife informed him that police searched his room looking for a gun.

The named officer denied searching for the complainant's gun. He stated the complainant's wife informed him that the complainant was a security guard and had a gun. The officer asked the complainant's wife if the complainant had a license for the gun. The officer stated he followed the complainant's wife to a bedroom to retrieve her husband's wallet to view the complainant's license to carry a weapon.

The complainant's wife stated that an officer asked for the complainant's wallet and where he kept his gun. She stated she went into her bedroom with the officer to get her husband's wallet. The complainant's wife could not recall the named officer searching for the complainant's gun.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

**FINDINGS OF FACT:** The complainant stated that while in the holding cell, he heard the officers talking amongst themselves referring to him as a "Mexican Guy" yet he is not from Mexico. He also heard the officers say, "I don't know why this guy is a security guard and has a gun. This guy is a criminal." The complainant he believed the officers were being racist towards him.

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

No witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/01/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer failed to identify himself.

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

**FINDINGS OF FACT:** The co-complainant stated he was riding his bicycle in the street at night when an all black car pulled up with men inside it. The complainant stated the driver wore street clothes and stuck his head out the window and said, “hey,” then “slammed” his car across the oncoming traffic. The co-complainant stated he felt threatened and the situation could be a “drive by.” The co-complainant stated he asked the men in the car if they were gangsters or police. The co-complainant stated the white male driver of the car told him, “How about we do this right here?” and all the car’s occupants came out toward him. The co-complainant stated he asked the driver, “Who are you?” The co-complainant stated that was when the officer displayed his star.

The named officer stated he was in plain clothes during the contact, but that he displayed his police star on a lanyard around his neck over his outermost clothing.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/01/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #2-3:** The officers detained the co-complainant without justification.

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

**FINDINGS OF FACT:** The co-complainant stated the named officers detained him without justification as he rode his bicycle on the street in the dark. The co-complainant admitted that one of the lights on his bicycle was nonfunctional.

The named officers stated they were patrolling in plain clothes when they heard screaming in the street. The named officers stated the co-complainant aggressively screamed at them. The named officers stated the co-complainant's bicycle lacked appropriate white safety lighting. One named officer stated he was concerned about the co-complainant's aggressive and potentially violent behavior. This officer stated he pulled his vehicle over, got out of his car without using red lights and siren and approached the co-complainant on foot. The complainant was then detained pending investigation.

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.

Records from the Department of Emergency Management show that the officers reported this contact as a "917" (suspicious person). An incident report was generated, documenting the officers' contact with the co-complainant. A copy of the Certificate of Release, issued to the co-complainant, was also attached to the incident report.

The evidence established that the named officers 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.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/01/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATIONS #4-5:** The officers searched the co-complainant without cause.

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

**FINDINGS OF FACT:** The co-complainant stated the named officers performed a search of his person without probable cause. He stated the named officers pinched his hair, shook his clothes, searched his pockets, his sleeves and the back of his pants.

The named and several witness officers denied performing a search of the complainant, or stated they did not recall searching the complainant.

The co-complainant did not see the entire incident.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #6-8:** The officers behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainants stated the officers behaved inappropriately during his detention.

The co-complainant stated the named officers forced him off his bicycle to the curb and repeatedly asked him if he was “high.” The co-complainant stated one of the named officers then backtracked on his account when uniformed officers arrived on scene, stating he had never accused the co-complainant of being “high.” The co-complainant stated he felt degraded because he was not a user.

The five male plainclothes officers, who acknowledged being at the scene, denied engaging in any inappropriate behavior as alleged by the complainants.

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:** 10/04/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer issued citations without cause.

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

**FINDINGS OF FACT:** The complainant stated he was looking out the window when he saw the named officer pull up next to the complainant's vehicle and issue two incorrect citations to the complainant's vehicle.

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

The named officer stated he cited a vehicle for being illegally parked and for having expired registration tags.

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:** 10/04/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that he was looking out of his window when he observed the named officer issuing a citation to an unknown person. The complainant stated that when the named officer saw him, the officer asked him if he needed anything in a disrespectful manner. The complainant said no. The named officer then said he did not think so, and then issued the complainant's vehicle two citations.

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

The named officer denied having a direct conversation with the complainant. He stated he recalled seeing two individuals looking at the window and asking them if he could help them. The individuals did not respond.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 11/23/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 1 of 2

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

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

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

The named officers stated that the complainant was arrested after a robbery victim positively identified the complainant as one of the suspects who had robbed the victim.

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 behaved inappropriately and made inappropriate comments.

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

**FINDINGS OF FACT:** The complainant stated the officers were rude in how they handled the situation, repeatedly telling her "It's under investigation" when she asked what was going on.

The named officers denied the allegation.

One witness stated that the officers told the complainant she was suspected of burglary or robbery. Another witness stated that after being asked twice why the complainant was being arrested, an officer told her that it had something to do with armed robbery. Two other witnesses did not hear exactly what was said between the complainant and the arresting officers.

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:** 11/23/15 **DATE OF COMPLETION:** 10/25/16 **PAGE#** 2 of 2

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

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

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/07/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer failed to take a report regarding a noise complaint with his neighbor. The complainant admitted the dispute was only verbal, and explained that the officer provided him a referral to a community mediation organization.

The named officer did not recall his response to the call for service.

The incident complained of was a civil nature.

The 2013 SFPD Field Training Manual states, in part:

Members are reminded to make use of Community Boards...when a situation warrants. The Community Boards are a useful tool when non-violent disagreements or other incidents that do not require police intervention arise between property owners and tenants, and between tenants and tenants. Trained advisors work with the parties to help resolve their issues through arbitration.

The evidence established that the officer's action was proper. The officer appropriately referred the complainant to a community organization.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/16/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated the named officer refused to write a supplemental report.

The named officer could not recall the incident in question.

No witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer ignored her and told her she needed help with her mental problems.

The named officer could not recall the incident in question.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 07/27/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated he was on a SFMTA coach when he observed an unidentified officer exit a pick-up truck and approach people apparently sleeping on the street, make inappropriate comments, and display a rude demeanor towards two unidentified individuals.

The complainant did not respond to OCC requests for additional information about the officer in question.

Department records indicated that a truck as described was assigned to the Police Station in the district where the complainant made his observations, but the truck was not signed out on the day in question.

A poll of officers in the district in question resulted in no officer acknowledging involvement in the incident.

No witnesses were identified.

The identity of the alleged officer has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 03/15/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

**SUMMARY OF ALLEGATIONS #1 - 2:** The officers behaved inappropriately toward the complainant.

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

**FINDINGS OF FACT:** The complainant stated he called police after locating the machine that was releasing “powder,” causing him to get sick. The complainant stated that the responding officers laughed at him and refused to listen to him.

The named officers denied laughing at the complainant.

Records from the Department of Emergency Management (DEM) show that DEM received a call received an “unknown complaint,” prompting the named officers to respond to the complainant’s apartment.

No witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 01/14/16 **DATE OF COMPLETION:** 11/03/16 **PAGE#** 1 of 1

**SUMMARY OF ALLEGATION #1:** The officer used profane language.

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

**FINDINGS OF FACT:** The complainant stated the named officer responded to a landlord/tenant dispute between the complainant and his landlord. The complainant alleged the named officer used profanity towards him.

The named officer denied the allegation. The named officer's partner stated she was not listening to the named officer's conversation with the complainant.

Two other witnesses on scene denied the named officer used profanity.

No other witnesses came forward.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer told him that the complainant's agreement with his landlord amounted to extortion, and that the complainant was harassing his female landlord. The complainant stated the named officer's comments were inappropriate and unprofessional.

The named officer stated he might have told the complainant and the landlord that he is not a lawyer, but that the written agreement seemed like extortion, and that the complainant was harassing the female landlord.

One witness on scene verified the named officer stated that the agreement looked like extortion and that the complainant was harassing the landlord.

The evidence established that the named officer responded to a landlord/tenant civil dispute and that his comments were inappropriate and served no law enforcement purpose.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/20/16 **DATE OF COMPLETION:** 10/31/16 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 02/18/16      **DATE OF COMPLETION:** 10/31/16      **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he listed his wife's bike for sale on Craigslist. He stated he took the bike outside of his residence to show an interested buyer. About two minutes later, a patrol car pulled up and an officer told the complainant he was in possession of a stolen bike. He stated a plainclothes officer told him to sit on the curb. The complainant stated officers left after they determined that the bike was not stolen.

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

The prospective buyer ("buyer") stated his \$3,000 e-bike was stolen and he enlisted the help of one of the named officers when he saw it listed on Craigslist. The buyer stated the named officer, who was in plainclothes, accompanied him to the complainant's house to look at the bike. The buyer stated he was not sure if the complainant was asked to sit on the curb. He stated the complainant was "angry" and "annoyed" that events turned out the way they did.

The named officers denied detaining the complainant. One of the named officers stated he asked the complainant to sit on the curb while the officer checked the serial number on the bike the complainant was attempting to sell on Craiglist.

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.

While the named officers denied detaining the complainant, the evidence established that the officers had reasonable suspicion to detain the complainant based on the report from the victim who had his bike stolen.

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:** 02/18/16      **DATE OF COMPLETION:** 10/31/16      **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that the officer who was in plainclothes searched him.

The named officer, his partner and another officer did not recall whether the complainant was searched.

A witness stated he did not know if the complainant was searched.

No other witnesses were identified.

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

**SUMMARY OF ALLEGATION #4:** The officer behaved inappropriately.

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

**FINDINGS OF FACT:** The complainant stated that the officer who was in plainclothes threatened to place him in handcuffs if the complainant refused to sit on the curb.

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:** 06/13/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 1

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

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

**FINDINGS OF FACT:** The complainant stated that sometime in 2009, she and a female companion were walking toward her companion's house when an unidentified officer drove by and spoke with them. The complainant stated the officer asked them to hang out with him, saying that his shift was almost over and that he had beer in his locker that he could pick up and bring to their house.

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

The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/01/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 3

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

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

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

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

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

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

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/01/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 2 of 3

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

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

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

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

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

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

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

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

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS**

## COMPLAINT SUMMARY REPORT

**DATE OF COMPLAINT:** 10/01/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 3 of 3

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

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

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

The named officers denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/09/16 **DATE OF COMPLETION:** 10/31/16 **PAGE#** 1 of 2

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

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

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

**SUMMARY OF ALLEGATION #2:** The officer spoke and acted inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/09/16 **DATE OF COMPLETION:** 10/31/16 **PAGE#** 2 of 2

**SUMMARY OF ALLEGATION #3:** The officer seized 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:** 08/26/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 2

**SUMMARY OF ALLEGATION #1:** The officer drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that the named officer illegally parked in a no parking zone.

The named officer stated he parked at the location in question to deter motorists from not yielding to pedestrians. In addition, the named officer stated officers sometimes need to park in a red zone in order to have immediate access to their vehicles in case of an emergency call.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officers drove improperly.

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

**FINDINGS OF FACT:** The complainant stated that the named officer illegally parked in a no parking zone.

The named officer stated in part that he parked in the red zone to stay very close to his patrol car just in case there was a high priority radio call for service.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 08/26/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** The complainant stated that when he told the named officer who was chatting with other officers that he could not park in a restricted parking zone, the named officer behaved inappropriately and made sarcastic remarks.

The named officer denied making sarcastic remarks.

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:** 01/19/16    **DATE OF COMPLETION:** 10/31/16    **PAGE#** 1 of 3

**SUMMARY OF ALLEGATION #1:** The officer used unnecessary force during the detention.

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

**FINDINGS OF FACT:** The complainant stated the officer grabbed him by the neck and choked him. In addition, the complainant alleged that he was dragged and pushed against a fence.

The named officer denied the allegation, stating that he spoke to the complainant but never had any physical contact with the complainant.

No independent witnesses were identified.

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

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

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

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

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:** 01/19/16    **DATE OF COMPLETION:** 10/31/16    **PAGE#** 2 of 3

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

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

**FINDINGS OF FACT:** The complainant stated the named officers looked away when another officer choked and pushed the complainant against a fence.

The named officers denied the allegation, stating that their attention was focused on locating another individual.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #5:** The officer threatened the complainant.

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

**FINDINGS OF FACT:** The complainant stated the named officer threatened 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:** 01/19/16    **DATE OF COMPLETION:** 10/31/16    **PAGE#** 3 of 3

**SUMMARY OF ALLEGATION #6:** The officer detained the complainant without justification.

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

**FINDINGS OF FACT:** The complainant stated he was minding his own business eating his lunch when the named officer grabbed him.

The named officer denied the allegation, stating that he spoke to the complainant but never had any physical contact with the complainant. He denied detaining the complainant.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #7:** The officer failed to issue a Certificate of Release.

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

**FINDINGS OF FACT:** The complainant stated he was minding his own business eating his lunch when the named officer grabbed him. The complainant stated he was not given any paperwork.

The named officer denied the allegation, stating that he spoke to the complainant but never had any physical contact with the complainant. He denied detaining the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/24/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he was working as a security guard at the front door of a nightclub, with another security guard (witness), when the incident occurred. The complainant stated the witness security guard refused to allow an intoxicated male entry to the nightclub unless the individual paid the admission charge. The complainant stated the individual argued with the witness security guard and the witness security guard attempted to escort the individual outside of the club. The complainant stated the individual punched the witness security guard in the mouth and the complainant assisted in controlling the individual. The complainant stated the individual also punched him. The police were called and the named officers arrived. The witness security guard who was punched requested the officers to arrest the individual. One of the officers accepted a Citizen's Arrest of and cited the suspect. The complainant stated he thought the officers should have made a custodial arrest of the individual.

Department records show that the officer accepted the private person's arrest and cited the suspect for battery, a misdemeanor offense.

SFPD General Order 5.06, Citation Release, section I states, in part:

- A. General. It is the policy of the San Francisco Police Department, in accordance with state law, that officers cite and release all persons arrested for misdemeanor and infraction offenses.
- B. MISDEMEANOR EXCEPTIONS. If a person is arrested for a misdemeanor offense(s), he/she shall be subject to custodial arrest rather the citation release when any of the following condition exists:

--

The officers indicated the incident did not meet any of the exceptions listed in the order.

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:** 10/24/15    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 2 of 2

**SUMMARY OF ALLEGATIONS #3 - 4:** The officers engaged in biased policing due to race.

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

**FINDINGS OF FACT:** The complainant, who is an African-American and who was a security guard at the time of this incident, alleged the named officers failed to make a custodial arrest of an intoxicated Caucasian male who committed battery against him and another security guard. The complainant alleged the named officers cited the assailant and allowed the assailant to leave due to the assailant's race.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both officers denied the allegation, stating that the suspect was cited and release pursuant to DGO 5.06.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATIONS #5 - 6:** The officers failed to comply with DGO 6.13, Prejudice-Based Incidents.

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

**FINDINGS OF FACT:** The complainant stated the suspect made a series of racial and sexual slurs at the complainant, another security guard and a female while the officers had the suspect in custody.

The named officer denied the allegation, stating that they did not hear the suspect make any racial or sexual slurs towards anyone. The officers denied the suspect's conduct met the standards of DGO 6.13, Prejudice-Based Incidents, because the incident was not initiated based on the race of the victims. The officers stated the incident was based on the refusal of the suspect to pay the cover charge to enter the nightclub.

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:** 05/03/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 3

**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 unknown suspects struck him and his girlfriend. The complainant stated the named officers failed to provide assistance in pursuing the suspects who had left the scene in a vehicle.

The named officers denied the allegation. The officers stated that when they responded to the scene, the suspects had already left the area. The named officers stated they looked for the suspects with negative results. The officers prepared an incident report documenting the reported crime.

One witness stated he called the police after seeing a crowd of people yelling and screaming.

Another witness stated he did not hear the officers' conversations with the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 2 of 3

**SUMMARY OF ALLEGATIONS #3:** The officer engaged in biased policing due to race and religion.

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

**FINDINGS OF FACT:** The complainant stated that one of the responding officers engaged in biased policing due to the complainant's race and religion.

The responding officers and other officers on scene were interviewed pursuant to OCC's Biased Policing Investigation Protocol. They denied the complainant's allegation.

One witness stated he called police after seeing a crowd of people yelling and screaming. Another witness stated he did not hear the officers' conversations with the complainant. The complainant's girlfriend recalled the complainant mentioning something about race to the officers but could not recall exactly what was said.

No other witnesses were identified.

The description that the complainant provided of the alleged officer did not match the description of the responding officers or other officers on the scene. The identity of the alleged officer could not be established. There was insufficient evidence to either prove or disprove the allegation.

**SUMMARY OF ALLEGATIONS #4 - 5:** The officers behaved in an inappropriate manner.

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

**FINDINGS OF FACT:** The complainant stated the officers refused to listen to him.

The named officers denied the allegation. The named offices stated they interviewed the complainant and his girlfriend. The named officers stated they were calm and professional toward the complainant, while the complainant was irate, agitated and screaming.

One witness stated he called police after seeing a crowd of people yelling and screaming.

Another witness stated he did not hear the officers' conversations with the complainant.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 05/03/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 3 of 3

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

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

**FINDINGS OF FACT:** The complainant stated that the incident report should have been a hate crime and not as a battery incident.

The named officer and his partner denied the allegation. The named officer stated that the complainant did not mention anything about the incident being a hate crime.

One witness stated he called the police after seeing a crowd of people yelling and screaming. Another witness stated he did not hear the officers' conversations with the complainant. The complainant's girlfriend stated she did not recall exactly what the complainant said about race to the officers on scene.

No other witnesses were identified.

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



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/01/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 1 of 2

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

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

**FINDINGS OF FACT:** The complainant stated he went to a police station and spoke with a supervisor regarding two officers the complainant spoke with over the phone. The complainant alleged that the supervisor refused to give him information regarding the two officers.

The identity of the alleged officer could not be established.

No witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer failed to take an OCC complaint.

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

**FINDINGS OF FACT:** The complainant stated he went to a police station and spoke with a supervisor regarding two officers the complainant spoke with over the phone. The complainant alleged that the supervisor refused to take his complaint against the two officers.

The identity of the alleged officer could not be established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 06/01/16    **DATE OF COMPLETION:** 10/25/16    **PAGE#** 2 of 2

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

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

**FINDINGS OF FACT:** This complaint raises matters outside OCC's jurisdiction. This complaint has been partially referred to the San Francisco Police Department Internal Affairs Division.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 10/20/15    **DATE OF COMPLETION:** 10/11/16    **PAGE#** 1 of 4

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

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

**FINDINGS OF FACT:** The complainants stated the named officer behaved inappropriately and made inappropriate comments during a traffic collision investigation.

The named officer denied behaving inappropriately or making inappropriate comments. He stated that he behaved in a professional manner while dealing with the complainants.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #2:** The officer engaged in bias policing due to race.

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

**FINDINGS OF FACT:** The complainant stated that the named officer, who is Asian, racially profiled her and her passengers because they were black. The complainant stated she called the police for help because she was in a vehicle collision, but instead the named officer approached her and asked if she was on probation or parole. She stated the named officer did not ask the other motorist, who is Middle Eastern, if he was on probation and parole.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the allegation, stating that race did not play a part in his traffic collision investigation.

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:** 10/20/15    **DATE OF COMPLETION:** 10/11/16    **PAGE#** 2 of 4

**SUMMARY OF ALLEGATION #3:** The officer issued the complainant citations without cause.

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

**FINDINGS OF FACT:** The complainant stated the named officer cited her for having a suspended driver's license and for no front license plate. She stated she handed the named officer her temporary paper driver's license, which she was unable to provide a copy to the OCC. She stated that her front license plate was on her dashboard. The complainant stated she also received a second citation in the mail for impeding traffic, which was later dismissed by the court.

The named officer stated that a records check revealed the complainant had an expired license. He stated complainant told him that she had a temporary license but she was unable to locate it. The named officer stated the complainant's front license plate needed to be affixed to her front bumper. The named officer stated also that after reviewing the dash camera footage of the collision, he concluded that the complainant was stopped at the intersection, presumably attempting to make an illegal left turn. He stated the footage showed there were no cars in front of her. The complainant did not proceed through a green light, prompting other vehicles to go around her vehicle. He stated that he determined that the complainant was an associated factor in the vehicle collision by impeding traffic and mailed her the second citation.

Department records show that the complainant's driver's license was suspended.

The dash camera video was inconclusive. The footage showed the complainant moving slowly through the intersection; however, the complainant's blinker was not activated and her wheels were not turned.

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:** 10/20/15    **DATE OF COMPLETION:** 10/11/16    **PAGE#** 3 of 4

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

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

**FINDINGS OF FACT:** The complainant stated the named officer failed to obtain the other involved vehicles' information and that he wrongly concluded that the complainant was at fault for the collision.

The named officer denied failing to properly investigate. He stated that when he arrived at the scene, the driver of an unknown vehicle contacted him to inform the named officer that he had been involved in a collision. The named officer stated he allowed the unknown driver to leave without obtaining his information because he believed the driver had been involved in a collision unrelated to the complainant. He stated he later learned after obtaining detailed statements from the other involved parties that the incident was a multi-vehicle accident, involving the unknown vehicle. He stated also that after reviewing video footage of the collision, he determined that the complainant was an associated factor in the collision because she had been impeding traffic.

The video footage of the collision made clear that the unknown vehicle was involved in the collision with the complainant's vehicle, and that the officer had the opportunity to, and did not gather all pertinent evidence during his investigation.

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 #5:** The officer failed to write a complete and accurate Traffic Collision Report.

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

**FINDINGS OF FACT:** The complainant stated the named officer did not include the information of the other involved vehicle in the report.

As stated above, the named officer failed to include the information of the other vehicle involved in the collision. The named officer allowed the driver to leave without obtaining his 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:** 10/20/15    **DATE OF COMPLETION:** 10/11/16    **PAGE#** 4 of 4

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

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

**FINDINGS OF FACT:** The OCC determine that the reporting officer failed to properly investigate and failed to write an accurate and complete Traffic Collision Report. The named officer reviewed and approved the report.

The named officer stated he did not respond to the scene of the collision. He stated that he reviewed and approved the incident report 10 days after the collision, because the reporting officer needed to conduct further investigation. He stated the reporting officer followed the California Highway Patrol Statewide Integrated Traffic Records System (SWITRS) and documented in the report that he failed to obtain the other involved vehicle's information. He stated that reporting officer was unable to make additional contact with the other involved vehicle. He stated that he did not review the video footage of the collision prior to approving the incident report. He stated that he approved the traffic collision report because he believed it was factual and complete.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/15      **DATE OF COMPLETION:** 10/25/16      **PAGE** #1 of 5

**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 that as she exited a bar, the two named officers detained her without reasonable suspicion of any criminal activity on her part. The complainant stated that fights had broken out between individuals she did not know and the police did not address these conflicts, instead randomly spraying pepper spray into the crowd, which caused her to flee. The complainant stated the named officers hit her with their patrol car as she ran into the street, then handcuffed her, placed her in a patrol car and eventually took her to a local police station.

The named officers stated they responded with lights and siren to an urgent report of shots fired. The named officers stated they had just stopped their patrol car in an intersection filled with at least 100 people, all dressed in white, when a woman with her hands held to her face ran into their patrol car, and collapsed over the hood. The named officers stated the woman told them she had been pepper sprayed and complained of pain to her eyes. The named officers stated they did not know if the woman was a suspect or a victim of the incident they were responding to, so they placed her in their car for safety purposes.

The witness named by the complainant did not offer details of the detention.

The co-complainant stated the complainant had done nothing illegal, but she did not offer details of the incident.

The co-complainant's video recording captured one of the named officers telling the complainants that the complainant was not under arrest at the time, but was being taken to a safer location.

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.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove whether or not the officers had reasonable suspicion to detain the complainant. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/15      **DATE OF COMPLETION:** 10/25/16    **PAGE #2 of 5**

**SUMMARY OF ALLEGATION #3:** The officer drove unsafely.

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

**FINDINGS OF FACT:** The complainant stated the named officer negligently struck her while operating a police patrol vehicle. The complainant stated she had just been pepper sprayed by a police officer and ran into the street to avoid the spray. The complainant stated she temporarily lost the ability to see.

The named officer denied the allegation, stating he responded to a report of shots fired at a busy intersection filled with a chaotic crowd. The named officer stated he had just stopped his patrol car when a woman in the street ran at his patrol vehicle with her hands covering her face, colliding with his patrol vehicle's bumper. The named officer stated the woman stood up, went to the passenger side of the vehicle, where he and his partner addressed the woman. The named officers stated the complainant complained about being pepper sprayed.

The co-complainant video recorded the officer response shortly after the incident about which the complainant complained. The audio portion of the recordings does not reflect traumatic injury to the complainant's body, nor is the complainant vocal about any injury. The recordings reflect the co-complainant's requests for medical aid regarding the complainant's burning eyes.

A witness, a friend of the complainant who was at the scene, did not provide information regarding the collision.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.



**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/15      **DATE OF COMPLETION:** 10/25/16      **PAGE #3 of 5**

**SUMMARY OF ALLEGATION #4:** The officer used profanity.

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

**FINDINGS OF FACT:** The complainant stated the officer used profanity while detaining her.

The named officer denied the allegation.

Neither the co-complainant nor the witness offered any evidence regarding this aspect of the incident. A video shot by the co-complainant of part of the police contact did not capture an officer using profanity.

No other witnesses came forward.

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

**SUMMARY OF ALLEGATION #5:** The officer failed to provide medical attention.

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

**FINDINGS OF FACT:** The complainant stated she was sprayed with pepper spray and the officer did not provide her with required medical attention at the scene. The complainant acknowledged in her OCC interview that she declined medical attention at the scene.

The named officer stated that the scene was unsafe and, consequently, paramedics were staged in another location. The named officer stated he transported the complainant to the parking lot of a police where the paramedics were staged. The complainant was then transported by ambulance to a nearby hospital.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/15      **DATE OF COMPLETION:** 10/25/16      **PAGE #4 of 5**

**SUMMARY OF ALLEGATION #6:** The officer wrote an inaccurate incident report statement.

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

**FINDINGS OF FACT:** The co-complainant stated the named officer “lied” in his incident report statement, alleging that the complainant resisted by “flailing” her arms and “thrashing” her upper body after being detained.

The named officer denied the allegation, stating his statement was accurate.

No independent witnesses were identified.

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

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

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

**FINDINGS OF FACT:** The complainant stated the named officer pepper sprayed her for no reason.

The named officer stated he responded to a call of a shot fired in the vicinity of a nightclub where all the attendees were dressed in white and numerous fights had broken out. The named officer stated the complainant advanced on a female officer who was struggling with a suspect on the ground and touched the officer, in violation of the law. The named officer stated he had already issued a dispersal order to the crowd. When the complainant advanced on the female officer, the named officer stated he called out “Stop, police,” and then deployed his OC spray once. He stated the spray was effective, causing the complainant to leave the area.

The complainant’s friend stated the named officer deployed his OC spray twice at the complainant, including once while she was in handcuffs.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS  
COMPLAINT SUMMARY REPORT**

**DATE OF COMPLAINT:** 09/11/15      **DATE OF COMPLETION:** 10/25/16      **PAGE #5 of 5**

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

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

**FINDINGS OF FACT:** The complainant stated she was cited for resisting arrest, which she denied.

The named officer stated the complainant stood on a sidewalk with several other people cheering on a fight between two women when two uniformed officers began separating the women. The named officer stated that when a female officer sought to take a suspect into custody, the female officer went to the ground with the suspect. The named officer stated the complainant advanced on the officer on the ground, touching her shoulder. The named officer stated that the complainant was cited after conferring with his supervisor.

No independent witnesses were identified.

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

**SUMMARY OF ALLEGATION #9:** The officer wrote an inaccurate incident report statement.

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

**FINDINGS OF FACT:** The co-complainant stated she was at the scene of a fight between two women she knew. The OCC orally reviewed the named officer's incident report statement with the co-complainant. When the OCC reviewed the segment of the statement describing the complainant attempting to take a prisoner by means of a riot, the co-complainant stated it seemed impossible that an African American officer was at the scene of the incident. The co-complainant stated that she did not see an African-American officer on scene and, therefore, the named officer, by identifying an African American officer at the scene, wrote an inaccurate incident report statement.

The named officer denied the allegation, stating that his incident report statement was accurate.

Department records indicate that an African American officer responded to the scene and took one of the fighting women into custody. Additionally, Department records also indicate that at least two more African American officers responded to the scene. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.