

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/13/15 **DATE OF COMPLETION:** 11/10/15 **PAGE#** 1 of 4

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

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

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

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

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

FINDINGS OF FACT: The complainant stated that her son was arrested without cause, and that the judge dismissed the charges against her son.

The named officer denied the allegation, stating that he arrested the complainant's son after the son was positively identified by the victim who told police that the complainant's son had a gun.

Records from the Department of Emergency Management (DEM) showed that DEM received a 911 call regarding a person with a gun, prompting numerous officers to respond to the scene.

The evidence gathered during SFPD's investigation showed that the named officer had probable cause to arrest the complainant's son.

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

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

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

FINDINGS OF FACT: The complainant stated that she was searched following her son's arrest. The complainant could not identify the officer who searched her.

Officers questioned by the OCC denied searching the complainant.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that her vehicle was searched twice following her son's arrest. The complainant could not identify the officer who searched her vehicle.

Officers questioned by the OCC denied searching the complainant's vehicle.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

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

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

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

SUMMARY OF ALLEGATIONS #6 - 7: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the named officers made inappropriate remarks to her or acted inappropriately when her juvenile son was arrested on two separate occasions. The co-complainant further stated officers acted inappropriately toward her and her brother when they executed a search warrant at her residence.

The named officers denied the allegation.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #8: The officer failed to take required action per DGO 7.01, Policies and Procedures for Juveniles Detention, Arrest, and Custody.

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

FINDINGS OF FACT: The complainant stated the officer did not properly notify her of her juvenile son's arrest on two separate occasions.

The named officer denied the allegation. He stated that the complainant was appropriately notified each time her juvenile son was arrested.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #9: The officer made a racially derogatory remark.

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

FINDINGS OF FACT: The complainant and co-complainant stated the officer used the racially derogatory term "chicken bones" during the execution of a search warrant at the co-complainant's residence.

The named officer denied the allegation.

Witness officers also denied the allegation.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #: The officers damaged property.

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

FINDINGS OF FACT: The complainant stated the named officers excessively kicked and banged on his door, causing deep dents. The complainant stated the named officers had no grounds to bang on his door because they did not have a warrant to enter his home. The complainant stated his dogs were barking loudly when the named officers were banging on his door.

One of the named officers stated he knocked on the complainant's door with his hand first. Both named officers stated they switched to knocking with flashlights because they wanted to be heard over the loud barking of a dog. Both named officers denied damaging the complainant's door.

One witness did not notice any damage to the door. Another witness stated she saw damage to the door days later. A third witness saw the officers at the door, but was standing too far away to see if they caused damage to the door.

Photos of the complainant's front door showed dents near the peephole.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer made a profane statement while ordering the complainant to open his front door.

The named officer stated he did not recall using profanity.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer made a profane statement while ordering the complainant to open his front door.

The named officer admitted using profanity, in violation of Department General Order 2.01, Rule 14.

Three witnesses did not hear the named officer use profanity.

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.

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was arrested on trumped-up charges.

An off-duty SFPD officer stated that he was in a crosswalk crossing the street when a vehicle, driven by the complainant, struck him. The officer stated the complainant fled the scene.

The named officer stated the complainant's vehicle fit the description of the vehicle used in an assault of a police officer. The officer stated that when he attempted to stop the complainant, the complainant fled, prompting a vehicle pursuit. During the pursuit, the officer stated the complainant's vehicle was struck by another vehicle in an intersection. The officer stated the complainant continued driving, striking a vehicle at the next intersection, disabling the complainant's vehicle. The officer stated the complainant who resisted was subsequently taken into custody.

OCC's investigation established that the named officer had probable cause to arrest the complainant.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer used unnecessary force.

The named officer stated he struck the complainant in the face once with a closed fist because the complainant resisted, fighting with another officer who was trying to place the complainant in handcuffs. The named officer stated he reported his use of force to his immediate supervisor who was at the scene.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to take the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer engaged in biased policing due to the complainant's race.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was racially profiled.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied the complainant's allegation, stating that he was not paying attention to the complainant until the complainant struck him in the crosswalk.

No 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: In his written complaint, the complainant stated the named officer used his fist and intentionally hit the vehicle the complainant was driving as the officer was walking across the street.

The named officer denied the allegation. He stated he pushed off the complainant's vehicle after being struck in an effort to prevent him from being run over by the complainant's vehicle.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #5: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was missing some funds. The complainant did not identify the alleged officer.

The identity of the alleged officer has not been established.

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

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

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

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

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- Moving violations
- Penal Code violations
- BOLO/APB/Warrants

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The named officer stated he did not remember making the required traffic stop data entry, but stated one was required as a result of this incident.

The Department has no record of the traffic stop data being collected and entered by the named officer.

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.

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SUMMARY OF ALLEGATION #1: The officer arrested a person without cause.

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

FINDINGS OF FACT: An anonymous complainant sent a news article to the OCC regarding a civil rights complaint filed against the City and County of San Francisco and members of the San Francisco Police Department. The anonymous complainant requested that the OCC investigate the incident. The news story reported in part that a man who was riding his bicycle with his infant son strapped to his chest in a baby carrier was wrongfully arrested.

The man, who was arrested by the SFPD, refused to provide a statement to the OCC.

The named officer stated he saw a man riding his bicycle with his 10-month son strapped to his chest in a baby carrier without a helmet or an approved infant seat. In addition, the named officer stated the man had no bike lights and ignored the named officer's order for him to walk his bicycle, prompting the named officer to initiate a traffic stop. The named officer stated the man was uncooperative and resisted, prompting the named officer to take the man into custody.

Witness officers corroborated the named officer's account of what had occurred.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: An anonymous complainant sent a news article to the OCC regarding a civil rights complaint filed against the City and County of San Francisco and members of the San Francisco Police Department. The anonymous complainant requested that the OCC investigate the incident. The news story reported in part that a man who was riding his bicycle with his infant son strapped to his chest in a baby carrier was wrongfully arrested. In addition, the news article reported that excessive force was used to arrest the father.

The man, who was arrested by the SFPD, refused to provide a statement to the OCC.

The named officer denied the allegation. He stated that when he and his partner stopped the man who was riding his bicycle, the man refused to cooperate and repeatedly refused to provide his identification. When the named officer grabbed the man's hand in an attempt to put him in a control hold, the man resisted and pulled away, prompting the named officer to ask for additional units. The named officer stated the man actively resisted, pulling away and screaming, ignoring the named officer's verbal orders to stop resisting.

The named officer stated he considered his options for using force, including physical force, baton and pepper-spray but decided not to use those force options as the baby might be harmed. Still concerned for the infant's safety, the named officer stated that he had no remaining force options other than applying the carotid restraint. The named officer and other officers positioned the man onto his back and onto the lap of the named officer who was behind the man. After warning the man to stop resisting and failing to gain compliance, the named officer performed the carotid restraint. While the man was unconscious, officers cut the man's baby out of his sweater but were unable to remove the baby from the chest carrier located under the sweater. The man regained consciousness and the named officer stated the man immediately continued resisting. Following additional verbal warnings and failing to gain compliance, the named officer performed the carotid restraint a second time and other officers removed the baby from the carrier while the named officer placed the man in a position of recovery.

No independent witnesses were identified.

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

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

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

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

FINDINGS OF FACT: When the man was arrested, the article stated that the man pleaded with the officers to contact his wife regarding the care of the infant. The article stated that the police did not contact the man's wife and the baby was placed into the care of Child Protective Services.

The man, who was arrested by the SFPD, refused to provide a statement to the OCC.

The named officer denied the allegation. He stated he asked the man at the scene if his baby had a mother, and how to contact her. The named officer stated the man was angry and would not answer any questions or provide any information about either himself or his wife. He stated the man refused to cooperate, leaving the named officer with no choice but to contact Child Protective Services.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: When the man was arrested, the article stated that the man pleaded with the officers to contact his wife regarding the care of the infant. The article stated that the police did not contact the wife and the baby was placed into the care of Child Protective Services. It was alleged that the named officer failed to properly supervise his subordinates.

The man, who was arrested by the SFPD, refused to provide a statement to the OCC.

The named officer was the street supervisor on scene and spoke to the arrested father of a 10-month old infant. The named officer stated that when he asked the father for the infant's maternal information, his efforts to obtain maternal contact information for the baby were rebuffed by the father.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #1: The officer arrested a mother without cause.

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

FINDINGS OF FACT: An anonymous complainant requested that the OCC look into a child endangerment case in which a jury cleared the mother of charges. The mother's daughters called police after she became angry at her daughters for lying to her. One of the daughters told police that the mother threatened to kill the daughters while the mother held a knife in her hand. A press release from the Public Defender's Office sent in with the OCC complaint indicated that the mother was arrested and prosecuted because a Cantonese translator never realized that the mother's primary language was actually Toisanese.

The named officer stated that he arrived at the mother's apartment and took statements using a Cantonese interpreter. The mother appeared to communicate well with the Cantonese interpreter and one of the daughters was able to give a statement in Cantonese. The named officer heard that the mother had wedged a cleaver into a space where the children were hiding and that the mother had threatened to burn the apartment down. The mother had previously set a fire inside the apartment. After getting a brief statement from the mother, the named officer placed her under arrest for threatening the children. Later, during an interrogation, another officer questioned the mother in Cantonese and wrote in a supplemental report that she confessed to using the knife. The named officer stated he felt there was enough evidence for an arrest, even without the confession.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 5.20, Language Access Services for Limited English Proficient (LEP) Persons.

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

FINDINGS OF FACT: An anonymous complaint was forwarded to OCC along with a press release from the Public Defender's Office stating that a mother was arrested and prosecuted because an SFPD Cantonese interpreter never realized that the mother's primary language was actually Toisanese, and that the mother spoke Cantonese as her second language. The interpreter also wrote in a report vital statements that the mother did not make during the recorded interview.

The named officer, who served as the interpreter, stated that he showed the mother a card with languages on it and she chose Cantonese. The named officer conducted an interview and felt that the mother understood and spoke Cantonese. The named officer stated that only a few times during the interview did the mother slip into the Toisanese dialect, which the named officer does not understand. The named officer admitted that, in hindsight, he should have asked the mother about her dialect. The named officer stated that when he gave the Miranda warning, he translated it from an English card into Cantonese. He believes he gave an accurate translation. The named officer stated that he may have mistranslated a key element of the mother's interrogation regarding the use of a knife.

SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, states, in part:

It shall be the policy of the San Francisco Police Department to take every reasonable step to ensure timely and accurate communication and access to all individuals regardless of national origin or primary language. When performing law enforcement functions, members shall provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. The San Francisco Police Department recognizes the importance of effective and accurate communication between its members and the diverse community it serves. It is the policy of this department to inform members of the public that language assistance services are available free of charge to LEP persons and that the Department will provide these services to them as part of the department's community policing and enforcement efforts.

An OCC review of the recorded interrogation found that the named officer failed to provide effective and accurate language services. However, the evidence established that the officer's failure was the result of inadequate training.

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

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

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

FINDINGS OF FACT: A press release from the Public Defender's Office sent in with an anonymous OCC complaint indicated that a mother was arrested and prosecuted because an SFPD Cantonese interpreter mistranslated multiple statements when interrogating the mother.

The named officer stated that he is a certified Cantonese interpreter, which means he had to demonstrate to the Department that he is proficient with 70 percent of the language. During the interrogation, the mother said a few words that may have been in a different language. The named officer did not follow up because he believed he understood the general idea of what the mother was trying to say.

An OCC review of the recorded interrogation found that the named officer failed to provide effective and accurate language services. A preponderance of the evidence established that the named officer failed to comply with DGO 5.20 and failed to properly translate.

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.

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SUMMARY OF ALLEGATION #4: The officer misrepresented the truth.

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

FINDINGS OF FACT: An anonymous complaint and a press release from the Public Defender's Office were forwarded to OCC stating that a mother was arrested and prosecuted, in part, due to an officer's misrepresentation of a statement made by the mother during an interrogation. The alleged statement was akin to a confession that the mother had threatened her children with a knife. However, during their recorded interrogation, that statement was never made.

The named officer stated that when he interviewed the mother in Cantonese at the district station, she admitted to stabbing a trapdoor with a cleaver where her children were hiding. The named officer also wrote in a report that the woman made this statement, which is akin to a confession.

An OCC review of the recorded translated interview does not include any admission from the mother about wedging a cleaver between cracks of a door. While it does not appear that the named officer intentionally or deliberately misrepresented what the woman said, the named officer was grossly negligent by not reviewing his recording of the interview and insuring that the report was accurate.

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 wrote an inaccurate report.

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

FINDINGS OF FACT: A press release from the Public Defender's Office stated that a mother was arrested and prosecuted, in part, due to an inaccurate statement attributed to the mother written in a police report. The statement was akin to a confession that the mother had threatened her children with a knife.

An OCC review of the recorded translated interview does not include any admission from the mother about wedging a cleaver between cracks of a door.

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.

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SUMMARY OF ALLEGATIONS #1 - 3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers refused to take the man who had assaulted her into custody.

The officers denied the allegation, stating that the suspect could not be located.

Records from the Department of Emergency Management showed that the officers responded to the complainant's calls twice and, on both occasions, the suspect was no longer at the scene.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #4 - 6: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that after reporting that she had been assaulted, the officers did not give her the option to file a police report.

The named officers denied the allegation, stating that the complainant did not ask for a report and did not want any further police action.

Records from the Department of Emergency Management showed that the officers responded to the complainant's calls twice and, on both occasions, the suspect was no longer at the scene.

No witnesses were identified.

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

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SUMMARY OF ALLEGATION #7: This complaint raises matters outside OCC's jurisdiction.

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

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

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

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SUMMARY OF ALLEGATIONS #1: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated he arrived home in the early morning hour and found his girlfriend and an unknown woman intoxicated and passed out on his bed. The complainant stated he kicked the woman out of his apartment. The complainant stated the woman accused him of stealing her shoes, which he denied. The complainant stated that he handed the woman a pair of shoes and she subsequently left the apartment. Shortly after kicking the woman out of his apartment, the named officer appeared at his door. The named officer told the complainant that he was investigating a theft of property. He stated that he and the named officer engaged in a heated verbal exchange over the woman's shoes. The complainant stated that when he attempted to end the contact, the named officer used his foot to prevent the complainant from closing the door. He stated that he later learned from his roommate that the woman he had kicked out of the apartment was dating the named officer.

The named officer denied the allegation. He stated he was dispatched to a crime scene in close proximity to the complainant's residence. He stated that while at the crime scene, he received a call from his girlfriend who was intoxicated and distraught. The officer's girlfriend notified him that she was kicked out of the complainant's apartment without shoes. The named officer stated the crime scene was secure, so his supervisor granted him permission to amicably retrieve his girlfriend's property. The officer stated he was familiar with the complainant's girlfriend and attempted to retrieve the shoes from her, but the complainant intervened. The named officer stated he blocked the complainant from closing the door, so he could ask the complainant's girlfriend if the shoes were in the apartment. He stated the complainant's girlfriend denied having the property, so he left.

The named officer's supervisor corroborated that he gave the named officer permission to leave the secured crime scene to tend to an escalating situation involving the named officer's girlfriend in close proximity to their location.

Department records indicated the named officer was dispatched to a crime scene across the street from the complainant's apartment. Records also indicated the named officer notified dispatch that he was meeting a citizen at the complainant's address. Secured video security footage established that the named officer responded to the complainant's residence.

The incident report filed by the complainant's girlfriend indicated that the complainant, the complainant's girlfriend and the named officer's girlfriend were drinking alcohol together and were all intoxicated. The incident report documented that the officer arrived at her apartment wanting to know the whereabouts of his girlfriend's shoes. The report stated the named officer and her boyfriend got into a verbal altercation and the officer put his foot in the door to prevent her from closing the door. The report stated that the

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officer left her apartment when she told the named officer his girlfriend's shoes were not in her apartment. The report stated the named officer was in full uniform and touched his gun several times. The report stated the complainant's girlfriend and the named officer's girlfriend worked together. She also stated she found the named officer's girlfriend's shoes and returned them to her the next day at work.

A preponderance of the evidence established that the named officer misused his police authority by leaving a crime scene, notwithstanding permission from his sergeant, while he was on-duty and in full SFPD police uniform to tend to a private matter involving his personal relationship with his girlfriend, who had been drinking. The named officer attempted to mislead the complainant to believing that he was responding to a call for service when he was really attempting to retrieve his girlfriend's shoes from the complainant's apartment, solely as a courtesy to her. The complainant became aware of the officer's real purpose after his girlfriend recognized the named officer, and insisted that the officer leave. The complainant attempted to close the door to his apartment and the named officer put his foot in the way, preventing the complainant from closing his door.

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 ALLEGATIONS #2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the named officer was ten to fifteen minutes outside his patrolling district and there was no record of the named officer being dispatched to his residence.

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The named officer's partner stated they were dispatched to a crime scene in close proximity to the complainant's address. He stated he and the named officer were separated at the crime scene and assigned different tasks. He stated he did not see his partner until officers were breaking down the crime scene.

Department records indicated that the named officer was dispatched to a crime scene in close proximity to the complainant's apartment during the same time the named officer's girlfriend was at the complainant's apartment. Records also indicated the named officer notified dispatch that he was meeting a citizen at the complainant's address.

DGO 1.03 states, in part, that patrol officers shall not leave their assigned area except in the performance of proper police duty, with the permission of a superior officer, or for personal necessity.

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: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated that he used his cell phone to record the verbal contact between the complainant and the named officer. The complainant stated that the conversation between him and the named officer "got heated." The complainant stated the named officer aggressively spoke to him and cursed him out. The complainant stated he told the named officer he was being recorded and the officer responded, "I don't give a fuck!..."

The named officer acknowledged that he used profane language towards the complainant. The named officer listened to the recording and verified that his voice was on the complainant's cell phone audio recording of the incident.

The complainant's cell phone audio recording corroborated the complainant's statement. In fact, the officer is heard using profane language on two occasions and uncivil remarks on two occasions.

DGO 2.01 states, in part, that when acting in the performance of their duties, while on or off duty, members shall treat the public with courtesy and respect and not use harsh, profane or uncivil language.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/14 **DATE OF COMPLETION:** 11/02/15 **PAGE#** 4 of 4

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

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

FINDINGS OF FACT: The complainant stated that he learned on the night of the incident that the named officer's girlfriend got in the front seat of the patrol car with the named officer and they drove off.

The named officer stated that he gave his girlfriend a courtesy ride home after the incident. He stated he did not recall if he notified dispatch. He stated his girlfriend was not in custody or a suspect, but rather his girlfriend.

Department records indicated the named officer did not notify dispatch that he was transporting his girlfriend home.

DGO 2.01 states, in part, that immediately prior to transporting any female, whether due to detention, arrest or any other reason, an officer shall notify Communications Division of the vehicle's starting mileage, the location from which he/she is leaving, a the destination. Upon arrival at the destination, the officer shall immediately notify Communications Division and provide the vehicle's ending mileage.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 11/03/15 **PAGE #** 1 of 4

SUMMARY OF ALLEGATION #1: The officer 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 he had been drinking at home when he realized at about 4:00 a.m. that he needed to move his car because there was street cleaning at 6:00 a.m. He stated he was looking for a parking spot when a garbage truck from the opposite direction was blocking traffic. Unable to get through, the complainant started to honk at the driver of the truck. The complainant stated the driver then exited the garbage truck, approached the complainant's driver side window and punched the complainant in the mouth, prompting the complainant to call the police. The complainant stated that when the police arrived, he asked the officers if they spoke Spanish. When the officers said no, the complainant spoke to them in English, telling them what had occurred between him and the truck driver.

The named officer and his partner stated they communicated with the complainant in English and that they had no trouble communicating with him. The officers stated the complainant did not request a Spanish-speaking officer. In addition, one of the responding officers stated that a Spanish-speaking officer was present at the scene.

The garbage truck driver stated that the complainant spoke English with an accent. He stated he was able to understand the complainant.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 11/03/15 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #2-3: The officers failed to investigate.

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

FINDINGS OF FACT: The complainant stated that the named officers failed to take any action against the garbage truck driver who had assaulted the complainant.

The named officers denied that the complainant reported to them that he had been assaulted.

The garbage truck driver denied the alleged assault.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATIONS #4-5: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officers used unnecessary force, pushing his head down on the patrol car and striking him. The complainant admitted pulling away when one of the officers grabbed his arm. The complainant also admitted that he had been drinking.

The named officers denied the allegation.

The garbage truck driver denied that the named officers used any force.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 11/03/15 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #6: The officer placed the complainant in tight handcuffs.

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

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

The named officer denied the allegation and said that the handcuffs were double-locked and checked for tightness.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation for driving without a license. He admitted that he did not have a license.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/25/14 **DATE OF COMPLETION:** 11/03/15 **PAGE #** 4 of 4

SUMMARY OF ALLEGATION #8: The officer wrote an inaccurate/incomplete citation.

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

FINDINGS OF FACT: The complainant denied that he signed the citation.

The named officer denied the allegation.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATION #9: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that his vehicle was towed. The complainant admitted to driving without a license.

Department records showed that the complainant had never been issued a California Driver's License.

SFPD General Order 9.06 Section II.A.2. states, in part: "It is the policy of the Department that officers shall tow any vehicle driven by a person who has had his/her driver license suspended or revoked, or by a person who has never been issued a driver license.

The evidence established that the tow was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 11/04/15 **PAGE #1** of 3

SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she called SFPD to report a confrontation between two men and a woman, who were strangers to her. She stated that she was driving alone when one of the men in the confrontation attempted to enter her vehicle and pull her out. She stated that the woman and the other man in the confrontation followed her and used their vehicle to tap the front of the complainant's car. She stated that she fought the man that attempted to pull her out of her car and he exited her car and left the area. She stated she reported no crime, did nothing wrong, and yet was detained for an hour.

The named officers stated the complainant's car was identified as having been used in a robbery. They stated that they searched the area, located the complainant inside her vehicle and detained her while the investigating officer investigated the robbery.

Police records indicated that the victim and a witness identified the complainant's vehicle as the vehicle used in a robbery.

DGO 5.03 states, in part, that a police officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 11/04/15 **PAGE #2 of 3**

SUMMARY OF ALLEGATIONS #4: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer never told her that she was suspected of committing a crime. She stated that she was not Mirandized and did not provide a statement to the named officer.

The named officer denied the allegation, stating that he read the complainant her Mirandized rights before interviewing her.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer searched her vehicle without her permission.

The named officer stated that the complainant gave him permission to search her vehicle.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/10/14 **DATE OF COMPLETION:** 11/04/15 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: The complainant stated that she did not provide a statement to the named officer and she did not identify the suspect. She stated that an officer misquoted her in his report.

The named officer stated that he did not record the complainant's interview, but wrote in his report what the complainant had told him. He stated that the complainant's safety was considered when he included her statement in the incident report but he could not omit her statement from the report.

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:** 11/30/15 **PAGE #1** of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/18/15 **DATE OF COMPLETION:** 11/30/15 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/15 **DATE OF COMPLETION:** 11/10/15 **PAGE** 1 of 1

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

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

FINDINGS OF FACT: An anonymous complainant stated she was arrested without cause. The complainant did not provide the date of the incident or the location where she was arrested. In addition, the complainant did not provide any of her contact information.

The complainant failed to provide enough information to investigate her complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/15 **DATE OF COMPLETION:** 11/30/15 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/04/15 **DATE OF COMPLETION:** 11/09/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: This complaint raised 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. The complaint has been referred for investigation to:

San Diego County Sheriff's Department
Attn: Internal Affairs
9621 Ridgehaven Court
San Diego, CA 92123
(858) 974-2222

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/15 **DATE OF COMPLETION:** 11/30/15 **PAGE #1 of 1**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/15 **DATE OF COMPLETION:** 11/30/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was assaulted by an unknown female. The complainant stated she called Southern Station to make a report. She stated she spoke to a male who told her someone would be out to take a report, but no one showed up.

The complainant could not specifically recall when she called the station.

The complainant does not remember the date she called the station and she is unable to identify the person who answered the phone.

An Officer Poll was sent to the station. The identity of the alleged officer was not established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/02/15 **DATE OF COMPLETION:** 11/17/15 **PAGE #1** of 1

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

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

FINDINGS: The complainant stated an officer stopped his eight-year-old son inside a store and harassed him without reason. The complainant stated his sons were in the store unescorted. The complainant stated he was not present during the incident.

The complainant's eight-year-old son stated that his younger brother was attempting to place a bag of Cheetos that he had not paid for in his pocket when an officer saw and told them, "not to steal because it's our neighborhood." The complainant stated he and his brother were not touched or grabbed by the officer. The complainant's son stated the officer was "nice" and "did not talk mean" to them.

The witness/clerk stated she observed the complainant's two sons picking out snacks to purchase. The witness/clerk stated she heard the officer ask the young boys if they had money to pay for their items. The witness did not see the officer grab or have any physical contact with either boy. The witness stated that the officer's interaction with the two boys lasted three to four minutes. The witness stated she did not know the identity of the officer.

The evidence established that the officer did not detain or have any physical contact with the complainant's son. Based on the evidence, the officer had a justifiable consensual contact with the complainant's sons, one of whom was attempting to place merchandise in his pocket.

While the identity of the alleged officer has not been established, there is enough evidence to establish that the complainant's eight-year-old son was not detained.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 11/12/15 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 7: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated SFPD officers entered and searched her residence without her consent. The complainant did not respond to OCC's request for an interview.

Department records showed that the named officers entered and searched the complainant's residence pursuant to a valid search warrant prepared by one of the named officers.

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

SUMMARY OF ALLEGATION #8: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that officers kicked down her iron gate and front door and broke the front sliding door window and a bedroom window.

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

The named officer stated he breached the front door to the building after receiving no answer to repeated knocking and verbal notice. He did not recall the extent of the damage but recalled that photos were taken of the damage.

A witness officer stated that the complainant refused to come outside. He stated that officers knocked and yelled, "Police! Search Warrant!" but did not receive an answer. He stated that after waiting about twenty to thirty seconds, the door was forcibly opened. Four other officers at the scene stated that no other property was damaged.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 11/12/15 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #9: The officer used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated that during the search of her residence, an officer pushed one of her sons into a wall and dragged another son from a bedroom to a hallway.

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

The officers at the scene denied the allegation.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #10: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the named officer made an inappropriate comment to her.

The named officer denied making the alleged inappropriate comment.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/25/14 **DATE OF COMPLETION:** 11/12/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #11: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that \$2,000 belonging to her son was stolen.

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

The officers at the scene denied the allegation.

The identity of the alleged officer has not been established.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #12: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged that the officers behaved inappropriately.

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

The officers at the scene denied the allegation.

The identity of the alleged officer has not been established.

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: 10/04/15 **DATE OF COMPLETION:** 11/02/15 **PAGE #**1of 1

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

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

FINDINGS OF FACT: The complainant filed an on-line complaint regarding an ongoing problem at a neighborhood business. The complainant stated that on multiple occasions, customers of the business were unruly and mentally unstable.

The complainant did not provide any further information regarding any specific events or dates.

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

The complainant failed to provide additional requested information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/15 **DATE OF COMPLETION:** 11/03/15 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that he was wrongfully cited for a stop sign violation.

The named officer stated that on the day of the incident, he was working traffic enforcement. He stated that he had a clear and unobstructed view when he observed the complainant roll through the stop sign at approximately four miles per hour, prompting him to stop the complainant and cite him for the violation.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer would not answer his questions, but told the complainant he would answer the complainant's questions in court.

The named officer denied the allegation. The named officer stated that he answered the complainant's questions. However, when the complainant asked the same questions repeatedly and told the officer he was going to take him to court, the named officer stated that he told the complainant he would answer his questions in court.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/22/15 **DATE OF COMPLETION:** 11/03/15 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that the officer misrepresented the truth in court.

The named officer denied the allegation. The named officer stated that he was truthful in court.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/15 **DATE OF COMPLETION:** 11/02/15 **PAGE #1 of 2**

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to conduct a proper investigation.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/11/15 **DATE OF COMPLETION:** 11/02/15 **PAGE #2 of 2**

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/31/15 **DATE OF COMPLETION:** 11/23/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 9, 2015.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 9, 2015.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/20/15 **DATE OF COMPLETION:** 11/19/15 **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: 08/18/15 **DATE OF COMPLETION:** 11/04/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she has an ongoing dispute with another tenant in her building and that she filed civil and criminal restraining orders against the tenant. She stated that her car was vandalized on various dates and that someone moved a parking cone she had placed where she parks her car. The complainant stated that she believes the other tenant is responsible for these incidents. The complainant further stated that she did not witness the incidents. She stated that SFPD and the San Francisco Housing Authority would not do anything to stop it.

The captain at the district station where the complainant lives said he spoke to the complainant on two or three occasions and has had email contact with her. The contacts are all related to complainant's dispute with the other tenant. The captain stated officers have responded to her complaints and completed incident reports when appropriate. There is no proof that the other tenant violated the restraining orders and there is no evidence he damaged her vehicle. As they both reside at the residence, they will naturally come in close proximity on occasion and there was no evidence of willful/premeditated violation of the order. Absent a witness or some other evidence, the SFPD cannot take further actions.

Department records show that SFPD officers took four incident reports and responded to seven calls for service over the period of approximately seven months. In each instance, there was no evidence that a crime had been committed.

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

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/05/15 **DATE OF COMPLETION:** 11/09/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated he drove behind an officer alone in her vehicle over several blocks as she engaged in distracted driving. The complainant characterized the officer's distracted behavior as repeatedly looking up and down as if she was using an electronic device. The complainant stated the officer came up to a stop sign and did not see a mother and child in a stroller in the crosswalk and nearly ran them down. The complainant further stated that after the first near-collision, the officer stopped at a second intersection where there was no stop sign, and the vehicle behind the officer had to apply its brakes to avoid a collision. The complainant stated the officer looked up and put out her hands in an apologetic "Sorry, my fault" motion. The complainant noted the officer's vehicle number and reported it to the OCC.

The named officer denied the allegation. She admitted driving the vehicle number in question. She stated she was "simply patrolling."

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/15 **DATE OF COMPLETION:** 11/13/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated she was walking in a crosswalk when a uniformed officer driving a patrol vehicle almost struck her. The complainant stated three uniformed caucasian officers were in the patrol vehicle when this occurred. The complainant did not know the identities of the involved officers and did not obtain the vehicle number of the patrol car. The complainant stated that an unknown San Francisco police officer was working nearby and observed the incident.

An officer identification poll was sent to the captain of the district where this incident occurred. The captain was unable to identify the involved officers in the vehicle. However, the captain was able to identify the witness officer.

The witness officer stated that he had contact with the complainant but he did not observe the incident and, therefore, was unable to identify the officers in the patrol vehicle

No other witnesses were identified.

The identity of the alleged officers has not been established.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate comment when she spoke to him.

The named officer denied either making the inappropriate statement or telling the complainant that he had observed the incident.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/30/15 **DATE OF COMPLETION:** 11/02/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was returning home and saw that police officers had responded to an incident that occurred at the apartment complex she manages. She stated she asked the named officer about the incident, but he was rude and disrespectful to her. The complainant did not see either the named officer or the officer's partner take any enforcement action. However, the complainant told the officer that matters requiring a police response on the property she manages are of concern to her.

The named officer denied the allegation. The officer stated the complainant could not prove to him that she was the apartment complex manager. Furthermore, the officer stated he did not divulge the nature of the call to the complainant for reasons of confidentiality and officer safety.

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: 06/29/15 **DATE OF COMPLETION:** 11/30/15 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he spoke with the named officer over the phone about filing criminal charges against a San Francisco judge. The complainant stated the named officer kept referring him to the court. The complainant stated that when the conversation was going no where, he asked for the officer's name and star number, which the officer provided. The complainant stated that when he asked the officer if the San Francisco Police Department did not get involved in criminal behavior, the officer said, "I'm not going to argue with you," and then hung up on the complainant.

The named officer stated the complainant told her that he did not like a decision a judge made and felt it was "criminal." The named officer stated she explained to the complainant that if he had an issue with the judge's decision, he needed to contact the Superior Court and go through their complaint process. The named officer stated she terminated the call because the complainant was being rude and would not let her finish talking. The named officer stated she asked the complainant several times to let her speak, but he would not let her finish talking.

No witnesses were identified to the telephone conversation the named officer had with the complainant.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/15 **DATE OF COMPLETION:** 11/03/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated he was attending an event when security guards confiscated his event pass, ordered him to leave the event and then called SFPD. The complainant stated that the named officer responded to the location and pushed him to the ground, causing the complainant to sustain injuries to his back, shoulder and legs.

The named officer denied the allegation. The named officer stated he issued verbal orders to the complainant to sit and talk to the officer, but the complainant ignored him. The named officer stated that he used a bent arm wrist control hold on the complainant when the complainant tried to walk away from him. The named officer denied placing the complainant on the ground.

No witnesses came forward.

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 that when he asked the officer for his name and star number, the named officer replied that the information would be on the report.

The named officer denied the allegation. The named officer stated he provided his name and star number to the complainant.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/02/15 **DATE OF COMPLETION:** 11/03/15 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officer laughed when a security guard made a derogatory comment to the complainant.

The named officer denied the allegation.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to investigate the incident and did not listen to the complainant.

The named officer denied the allegation. The named officer stated that he interviewed all parties on scene, reviewed the evidence of the altered event pass, and prepared an incident report to document the contact. The named officer stated that event security did not want to press charges against the complainant.

No witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/15 **DATE OF COMPLETION:** 11/04/15 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer wrote an inaccurate incident report. The complainant stated that he met a woman online and came from out of state to meet her. He stated that he and the woman had an argument and the woman robbed, choked and assaulted him. The complainant stated he provided this information to the named officer, but the information was not in the incident report.

The named officer denied the allegation. He stated he interviewed the complainant at the scene. He stated there were no signs of injury on the complainant and the complainant never told him he was choked or assaulted by anyone. The named officer stated there were no witnesses at the scene.

A witness officer stated that he had limited contact with the complainant. He did not recall the complainant stating that he had been choked or assaulted.

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: 05/07/15 **DATE OF COMPLETION:** 11/03/15 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited for camping on private property and was told to leave the area and not come back. The complainant did not have a copy of the citation or the name of the officer who allegedly cited him.

Officers questioned by the OCC denied being involved in the incident described by the complainant.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

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

Officers questioned by the OCC denied being involved in the incident described by the complainant.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/15 **DATE OF COMPLETION:** 11/03/15 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated he was cited for camping on private property and was told to leave the area and not come back. The complainant did not have a copy of the citation or the name of the officer who allegedly cited him.

Officers questioned by the OCC denied being involved in the incident described by the complainant.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: 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 camping on private property.

Officers questioned by the OCC denied being involved in the incident described by the complainant.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/15 **DATE OF COMPLETION:** 11/20/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION 1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant and her husband stated that the named officer made an inappropriate comment when she approached him to complaint about noise outside her apartment building.

The named officer denied the alleged comment.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer did not provide her with the name of the event despite her repeated requests though he repeatedly told her that the event was permitted. The complainant stated that the officer did not provide her with his star number when she requested it. The complainant's husband stated the officer gave him and his wife his name but not his star number.

The named officer stated he answered all of the complainant's questions and said there were event signs posted in the area with the name of the event on the signage. The named officer stated that he provided the complainant with his star number and was also wearing a police uniform with his nametag and star number.

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: 03/26/15 **DATE OF COMPLETION:** 11/30/15 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the named officer detained her son to harass him.

The named officer stated he briefly detained the complainant's son because a search warrant had been issued for his cellular phone. After the son was detained, the named officer issued him a Certificate of Release and a Property Receipt for the seizure of the phone. The named officer documented the incident in a supplemental report. The SFPD could not provide a copy of the warrant because it is sealed.

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 complainant's son was detained 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 #2: The officer seized the property of the complainant's son.

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

FINDINGS OF FACT: The complainant stated the named officer unlawfully seized her son's cellular phone.

The named officer stated that he seized the phone pursuant to a search warrant issued for the phone.

The named officer documented the incident in a supplemental report. The SFPD could not provide a copy of the warrant because it is sealed.

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: 02/24/15 **DATE OF COMPLETION:** 11/20/15 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that an unidentified motorcycle officer behaved inappropriately when the officer threatened to cite him.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/24/15 **DATE OF COMPLETION:** 11/20/15 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that an unknown officer accused him of being a drug dealer, causing the complainant to get evicted from his apartment. The complainant did not respond to OCC's request for an interview.

The complainant failed to provide additional requested evidence to the OCC.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/15 **DATE OF COMPLETION:** 11/10/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant and co-complainant stated they were walking down the street, when they were detained by the named officer for no apparent reason.

The named officer stated a plainclothes officer requested him and his partner to stop and detain the complainants.

According to the incident report, prepared by the plainclothes officer, he asked the named officer's unit to detain the complainants after the plainclothes officer observed the complainants engaging in what he believed to be narcotic trafficking. The plainclothes officer wrote in his report that he was familiar with the complainants and that he was aware that the complainant was on probation with a warrantless search condition.

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

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

SUMMARY OF ALLEGATION #2: The officer pat-searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the named officer pat-searched him for no apparent reason.

Department records showed that the complainant was on probation with a warrantless search condition, providing the named officer justification to search 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: 01/20/15 **DATE OF COMPLETION:** 11/10/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The named officer stated that the complainant was on probation with a warrantless search condition. The named officer stated that he searched the complainant's vehicle pursuant to the complainant's warrantless search condition.

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

SUMMARY OF ALLEGATION #4: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated the named officer seized a small pocketknife from the complainant when the officer searched him. The complainant further stated the officer did not return the pocketknife to him after the investigation was concluded.

The officer denied finding, seizing or maintaining possession of a pocketknife on the complainant.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/20/15 **DATE OF COMPLETION:** 11/10/15 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer spoke and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer told him that the complainant looked like he was on probation.

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: 12/24/14 **DATE OF COMPLETION:** 11/13/15 **PAGE#** 1 of 2

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

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

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

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

FINDINGS OF FACT: The complainant stated that he was arrested, and that when he was released from the County Jail the next day, cash that he had with him when he was arrested was not returned to him.

The two arresting officers stated they arrested the complainant for possession of an air gun and burglary tools, as well as for active warrants. The officers recalled transporting the complainant, along with his property, to an SFPD district station, where his property was processed by the named officer.

The named officer was the station keeper on-duty when the arresting officers arrived with the complainant. The named officer acknowledged that she did not complete the part of the complainant's property form used to document the cash held by an arrestee, and acknowledged that she did not complete the medical screening form that is required when an arrestee is brought to a district station. The named officer stated, however, that the complainant's property was the arresting officers' responsibility until the property is booked at the County Jail.

Department General Order (DGO) 6.15, Property Processing, outlines procedures for processing property. The Department's Booking and Detention Manual DM-12 states that the station keeper is responsible for filling out a medical screening form, property logs and preparing property for transfer. DGO 2.01 section 9 states, in part, that neglect of duty by an officer shall be considered unknown officer-like conduct subject to disciplinary action.

The OCC investigation established the named officer failed to document the complainant's money on a Station Booking Property Record that she completed. Such notation is an integral part of the booking process, and as the station keeper, it was her responsibility to ensure that all property of the complainant was accounted for and documented before his transfer. The named officer also failed to have the complainant sign the Medical Screening form. In addition, she failed to note on the form the complainant's disposition after his release from detention at Central Station.

The Department, after conducting an investigation, formally counseled the named officer for her mistakes, and documented that the named officer acknowledged her errors and promised to correct them in the future. 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: 12/24/14 **DATE OF COMPLETION:** 11/13/15 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was arrested, and that when he was released from the County Jail the next day, cash that he had with him when he was arrested was not returned to him.

The named officers stated they arrested the complainant for possession of an air gun and burglary tools, as well as for active warrants. The officers recalled transporting the complainant, along with his property, to an SFPD district station, where his property was processed by the station keeper on-duty.

The station keeper at the time of the complainant's arrest stated that she assisted the named officers with the booking process, but told the named officers to complete the forms required when they completed the booking. The station keeper also said the named officers were ultimately responsible for filling out the documents required during the booking process, because the booking process was completed at the County Jail.

SFPD investigation determined that the station keeper was responsible for the completion of the required forms.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 11/30/15 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that he was on his way to a medical appointment. He stopped at a corner to take three of his medications. He stated he combined all three medications in one bottle to make them easier to take. The complainant stated that a plain clothed officer called him over and asked the complainant what he was doing. The complainant stated the officer told him that once a drug leaves its prescription bottle it becomes contraband. He told the complainant he could be arrested. The complainant stated that the officer ran his name for wants and warrants.

The officers in charge of six Department stations and task forces were asked to identify possible involved officers but none were able to do so.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer confiscated his prescription medications.

The officers in charge of six Department stations and task forces were asked to identify possible involved officers but none were able to do so.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/15/15 **DATE OF COMPLETION:** 11/30/15 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was going to a medical appointment when the officer told him, “Get the hell out of here before I take you to jail. I don’t want to see you back down here today.”

The officers in charge of six Department stations and task forces were asked to identify possible involved officers but none were able to do so.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated he went to the Tenderloin Police Station and spoke with the named officer. He stated the named officer sat down with him and gave him an OCC complaint form. He stated the named officer told him he had to drop it off at the OCC.

The named officer stated the complainant wanted to make a “report” on two officers. She stated he was very agitated. The named officer stated she explained the complaint process to the complainant. She then went to retrieve an OCC complaint form so she could take his complaint. When she returned to the lobby, the complainant was gone. The named officer stated she walked outside and looked for the complainant but saw no sign of him. She stated the complainant did not return to the station.

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: 01/15/15 **DATE OF COMPLETION:** 11/30/15 **PAGE#** 3 of 3

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

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

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