

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/16/14 **DATE OF COMPLETION:** 12/16/14 **PAGE #1 of 3**

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

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

FINDINGS OF FACT: The complainant's estranged wife called police dispatch and requested assistance in obtaining custody of her four-year old daughter from the complainant, whom the wife said refused to relinquish custody of the child. The complainant alleged his wife over-reacted by calling police. Among the various reasons the complainant gave to the officer who responded to this incident was that the wife owed the complainant an additional four hours of visitation because the wife was late in initially bringing the child to the complainant's residence the prior evening.

The named officer reviewed the visitation order authorized by the court. The visitation order provided specific dates and times for the complainant to exercise his visitation rights. The officer found the complainant had exceeded the established visitation time and observed the court order did not provide any exceptions to extending the visitation time. The complainant refused to relinquish custody of the child even in the presence of the named officer and other officers.

The complainant stated the officer entered the complainant's residence without the complainant's permission. The named officer stated that because the child was not present during the dispute between the complainant and the complainant's wife, and due to the complainant's uncooperative and belligerent demeanor, the named officer was concerned about the safety of the child. The officer stated the complainant told him to go inside to get the child when the officer went inside the apartment building and arrived at the top of the stairs outside of the complainant's apartment. The named officer then facilitated the transfer of the child to the mother (complainant's wife) who was waiting outside the apartment building.

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 #2: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant alleged the officer pushed him while the complainant was walking up the building's inside staircase to the complainant's apartment. The complainant stated the push caused the complainant to fall on the steps, injuring himself.

The named officer stated he followed the complainant up the building's stairs in order to reach the complainant's apartment. The officer stated he was in a vulnerable position as the uncooperative and belligerent complainant could have turned around on the steps and struck the officer, which would have caused the officer to fall down the stairs thereby causing serious injury to the officer. The officer stated the complainant suddenly turned around on the staircase. The officer feared the complainant was going to assault him. The officer stated he grabbed the complainant by the arm and pushed on the complainant's arm simply to keep the complainant going forward and walking up the staircase. The officer stated the complainant intentionally dropped to the step on the staircase and alleged the officer pushed him. The officer stated the complainant's intentional act of dropping on the step was not a fall and not serious enough to cause injury.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the officer told him that the complainant was acting like a child during a child custody visitation dispute. The complainant stated the officer took the side of the complainant's wife in the dispute and refused to hear the complainant's explanation.

The officer denied siding with the complainant's wife and provided evidence to support the wife's contention the complainant had exceeded the court-approved visitation time.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during the course of a dispute the complainant was having with the complainant's wife over child visitation. The complainant recorded the incident with his cell phone and provided a copy of the video along with his complaint of alleged police misconduct.

The named officer stated he did not remember using any profanity during the incident; however, the audio/visual recording of this event reveals the officer did use profanity.

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

SUMMARY OF ALLEGATION #5: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant and co-complainant stated the officer over-reacted to an incident involving a dispute the complainant was having with the complainant's wife over child visitation. The complainant and co-complainant alleged the officer would have discovered the wife filed false police reports on previous occasions if the officer would have researched these incidents involving the wife. The complainant and co-complainant stated the wife's filing false police reports should have been an indication to the officer that officers were not needed in the subject incident. Additionally, the complainant and co-complainant denied the complainant was in violation of a visitation order.

The named officer stated he did not have a duty to research past incidents involving a disputed visitation schedule between the complainant and the complainant's wife especially when no arrests and no incident reports were made or required as a result of the alleged past incidents. The named officer reviewed the visitation order authorized by the court and found the complainant had exceeded the established visitation time with regard to the subject incident. The officer also found the court order did not provide any exceptions to extending the visitation time.

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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DATE OF COMPLAINT: 01/30/14 **DATE OF COMPLETION:** 12/24/14 **PAGE #** 1 of 3

SUMMARY OF ALLEGATIONS #1: The officer detained the complainant and her son without cause.

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

FINDINGS OF FACT: The complainant stated she and her son were ordered off the bus for no apparent reason by three uniformed officers. The complainant stated that the named officer yelled at her son to open his backpack to allow the named officer to look inside. The complainant stated she was eventually told that the police received a report of a backpack being stolen, and that the son's backpack looked similar to the backpack that the son was carrying. The complainant did not make her son available for an interview and failed to provide additional requested evidence.

The named officer denied detaining the complainant and her son. He stated that the complainant's son matched the description of the suspect in a theft that had just occurred, and the named officer asked if he could talk to him. Both the complainant and the son agreed and exited the bus. The named officer stated he explained to the complainant that he was investigating a theft of a backpack. After interviewing the victim, the named officer established that the victim did not actually see the complainant's son taking his backpack. The named officer stated that the complainant and her son were not handcuffed, and that he spoke to them for about five minutes.

The victim did not come forward.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 2-4: The officers searched the complainant's and her son's backpacks without cause.

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

FINDINGS OF FACT: The complainant stated that her backpack and her son's backpack were searched.

One of the named officers stated he asked the complainant's son to open his backpack, so the officer could see if the complainant's son had any of the items reported stolen. Another officer stated he may have looked inside the backpack but could not recall searching it. The other named officer denied conducting any search.

The complainant did not make her son available for an interview and failed to provide additional requested evidence.

The victim did not come forward.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the named officer pulled on her son's shirt and grabbed his arm.

The named officer denied the alleged use of force.

The complainant did not make her son available for an interview and failed to provide additional requested evidence.

The victim did not come forward.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION # 6: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer grabbed her son's backpack and threw it to the ground and yelled at him.

The named officer denied the allegation.

The complainant did not make her son available for an interview and failed to provide additional requested evidence.

The victim did not come forward.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated they were not issued any paperwork.

The named officer denied that a detention occurred. He stated that the complainant and her son were not handcuffed, and that he spoke to them for about five minutes.

The victim did not come forward.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer pulled him over and then subsequently towed the complainant's vehicle because the complainant did not have a driver's license. The complainant stated the officer never told him about the 20-minute rule to obtain a licensed driver to come to the scene to prevent his car from being towed.

The named officer stated that he did not recall this incident at all. Although his "14601 CVC/12500 CVC Report" indicates he did not call for a new driver, the officer stated he may have marked the box in error.

Department Bulletin No. 12-158 instructs officers to not initiate a tow if there is a licensed driver present at the scene or available to come to the scene within 20 minutes of the initial stop.

The officer's CVC report established that the officer failed to comply with DB No. 12-158. The Event History Detail associated with the traffic stop did not show any indication that a call was made for a licensed driver to come to the scene.

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer asked him about his immigration status and asked him if he was "illegal."

The named officer denied the allegation.

No witnesses were identified.

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

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DATE OF COMPLAINT: 01/30/14 **DATE OF COMPLETION:** 12/08/14 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The CVC Report documents that the named officer was the supervisor who approved the tow even though the officer who initiated the tow had not allowed the complainant 20 minutes to call for another licensed driver.

The named officer denied the allegation, stating that she did not ask the officer who initiated the tow whether or not he afforded the twenty minutes rule to call for a licensed driver. The named officer stated there is no time for dialog over the radio channel to inquire whether an officer has followed proper procedures. She stated all officers are responsible and competent to do what is required prior to the request for tow approval.

There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/31/14 **DATE OF COMPLETION:** 12/04/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated he called for police assistance after being almost hit in the middle of a marked crosswalk by a recklessly driven cable car. The complainant stated the named officer did not investigate the traffic incident because he immediately favored the cable car drivers. However, the complainant stated the named officer spoke with the cable car drivers and the complainant for several minutes each. The complainant stated the named officer told him no crime had been committed and suggested the complainant was too drunk to hear the cable car warning bells. The complainant stated he consumed a moderate amount of alcohol prior to the incident and was not drunk.

The named officer stated he investigated the traffic incident by interviewing the cable car drivers and the complainant. The named officer stated he determined the cable car driver had the right-of-way after evaluating the layout of the intersection and the complainant's statements. The named officer stated he tried to explain the right-of-way rules to the complainant, who was slightly inebriated, but the complainant would not listen. The named officer stated he documented his investigative steps in an Event History Detail.

Department records indicate the named officer was at the scene of the traffic incident for approximately ten minutes and documented his interview of the cable car drivers and the complainant in an Event History Detail.

No witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant stated he called for police assistance after being almost hit in the middle of a marked crosswalk by a recklessly driven cable car. The complainant stated the named officer favored the cable car drivers from the outset. The complainant stated the named officer should have spoken to him first because he was the victim. The complainant stated the named officer accused him of being drunk and told him to leave or be arrested.

The named officer stated he objectively investigated the traffic incident and did not favor the cable car drivers. The named officer stated he interviewed the cable car drivers first because the complainant was talking on his cell phone when the named officer arrived. The named officer stated he mentioned the complainant's level of intoxication while trying to explain the right-of-way of cable cars. The named officers stated he did not tell the complainant to leave or threaten to arrest the complainant.

No witnesses came forward.

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 write an incident report.

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

FINDINGS OF FACT: The complainant stated he called for police assistance after being almost hit in the middle of a marked crosswalk by a recklessly driven cable car. The complainant stated the named officer, who was not present during the traffic incident, took no enforcement action against the cable car driver.

The named officer stated the complainant wanted the cable car driver cited or arrested. The named officer stated he was unable to accept the complainant's private person arrest request because there was insufficient probable cause to believe a crime was committed. The named officer stated he should have prepared an incident report documenting the complainant's request for a private person arrest.

Department General Order 5.04, Arrests by Private Persons, requires officers to write an incident report in all instances involving requests for a private person arrest.

The named officer failed to write an incident report documenting the complainant's request for a private person arrest.

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

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DATE OF COMPLAINT: 02/07/14 **DATE OF COMPLETION:** 12/30/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that she was arrested for making threats and resisting arrest. The complainant denied that she threatened anyone or resisted arrest.

The named officer stated that the complainant made several spontaneous statements while being transported, which indicated that she had threatened a staff member at a bar.

The two officers, who detained the complainant, stated that while escorting the complainant from the bar, the complainant raised her fist as if she was preparing to strike one of them in the face.

Witnesses stated that the complainant had pretended to strike a staff member with a closed fist and also made threatening comments. They described the complainant as combative and intoxicated.

The incident report states that the victim identified the complainant as the person who had threatened him.

No other witnesses came forward.

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: An unknown officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated an unknown officer ripped off her wig and made inappropriate comments during her arrest.

Officers and witnesses on scene stated that they did not hear any officer make the alleged comments and they did not see how the complainant's wig was removed.

The identity of the alleged officer has not been established. No other witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: An unknown officer used profanity.

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

FINDINGS OF FACT: The complainant stated that an unknown officer used profanity.

Officers and witnesses on scene stated that they did not hear any officer use profanity.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/10/14 **DATE OF COMPLETION:** 12/05/14 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated that while riding as a passenger on a bus, he saw two uniformed officers sitting inside a marked patrol car that was illegally parked within the boundaries of a bus zone. The complainant was upset because there was a woman in a wheelchair waiting at the bus stop for the bus to arrive. It was also raining. The bus arrived and because of the manner in which the patrol car was parked, the bus had to stop in the middle of the busy street for the purpose of letting the woman on the bus. The bus lowered the ramp, and the woman maneuvered her wheelchair onto the ramp and into the bus. The complainant felt this situation created a safety hazard for the woman in the wheelchair. Furthermore, the complainant stated the officers made no effort to assist the woman.

The complainant stated he approached the officers who were drinking coffee and eating pastries inside the patrol car. He stated the officers appeared to be taking a break and were not responding to any type of call-for-service. He verbally expressed his displeasure to the officers concerning their unprofessional behavior.

The named officer admitted parking the patrol car in the bus zone. The officer and his partner admitted exiting the patrol car and walking into a nearby coffee shop. The officers stated they stopped at this location at the beginning of their work shift. They wanted to purchase coffee and food before it got too busy in their district. They stated they returned to the patrol car immediately after purchasing food and coffee. They were about to drive away when the bus approached and blocked their path.

The officers explained their lunch breaks are frequently interrupted due to their response to emergency situations that arise without notice. They further explained there were no available parking spaces in the immediate area, and parking the patrol car a further distance away would have delayed their response to an emergency should one develop. They explained seconds sometimes means the difference between life and death in an emergency.

SFPD Department Bulletin 13-182 and California Vehicle Code section 21055 exempt emergency vehicles from parking regulations in exigent or emergency circumstances. The evidence established that at the time the named officer parked in the bus zone, he and his partner were not engaged in exigent or emergency circumstances, bringing discredit to the Department.

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

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

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

FINDINGS OF FACT: The complainant stated that while riding as a passenger on a bus, he saw two uniformed officers sitting inside a marked patrol car that was illegally parked within the boundaries of a bus zone. The complainant was upset because there was a woman in a wheelchair waiting at the bus stop for the bus to arrive. It was also raining. The bus arrived and because of the manner in which the patrol car was parked, the bus had to stop in the middle of the busy street for the purpose of letting the woman on the bus. The bus lowered the ramp, and the woman maneuvered her wheelchair onto the ramp and into the bus. The complainant felt this situation created a safety hazard for the woman in the wheelchair. Furthermore, the complainant stated the officers made no effort to assist the woman.

The complainant stated he approached the officers who were drinking coffee and eating pastries inside the patrol car. He stated the officers appeared to be taking a break and were not responding to any type of call-for-service. He verbally expressed his displeasure to the officers concerning their unprofessional behavior.

The named officer, who was the passenger, admitted that his partner parked the patrol car in the bus zone. The named officer and his partner admitted exiting the patrol car and walking into a nearby coffee shop. The officers stated they stopped at this location at the beginning of their work shift. They wanted to purchase coffee and food before it got too busy in their district. They stated they returned to the patrol car immediately after purchasing food and coffee. They were about to drive away when the bus approached and blocked their path.

The officers explained their lunch breaks are frequently interrupted due to their response to emergency situations that arise without notice. They further explained there were no available parking spaces in the immediate area, and parking the patrol car a further distance away would have delayed their response to an emergency should one develop. They explained seconds sometimes means the difference between life and death in an emergency.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant was arrested pursuant to a private person's arrest. The complainant alleged that the named officer used unnecessary by grabbing her left shoulder.

The named officer denied the allegation. The officer stated the complainant refused his verbal orders to stop. The officer stated he briefly held onto the complainant's elbow during the incident. The officer denied using unnecessary force.

Witnesses denied that the named officer used any force.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer used racially derogatory comments.

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

FINDINGS OF FACT: The complainant stated the officer used racially derogatory comments.

The named officer denied the allegation.

Witness officers and witnesses on scene stated that they did not hear the named officer use racial slurs.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that she was cited without cause. She denied assaulting anyone.

Department Records indicated that the complainant was arrested pursuant to a private person's arrest. The victim signed a Citizen's Arrest Form, which was booked into evidence.

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

SUMMARY OF ALLEGATIONS #4 - 6: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated she was threatened and that the officers refused to let her use their pens to sign the citation.

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 ALLEGATIONS #1 - 2: The officers detained the complainant's son and her family members without justification.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that her son and her family members were detained without justification. The complainant acknowledged that her son was on parole at the time of the incident.

The named officers stated that while on patrol, they noticed a parked vehicle with three male occupants – one of whom was on parole for a firearm violation. As the officers drove towards the vehicle, the two passengers quickly walked away toward the complainant's address. The officers detained the driver and then walked over to the complainant's house to conduct a parole search. The officers stated that the complainant's son, who was on parole, was detained, while the other individuals in the house were asked to step outside while the named officers and other officers conduct a protective sweep.

Department records indicated that the complainant's son was on parole at the time of the incident.

One witness stated that she and the other individuals in the house were detained and placed in handcuffs.

The complainant's son and other identified witnesses did not come forward.

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

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SUMMARY OF ALLEGATIONS #3 - 6: The officers entered and searched the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant, who was not present at the scene, stated that officers entered and searched her home without a warrant. The complainant acknowledged that her son was on parole at the time of the search.

The named officers stated they conducted a search of the common areas where the parolee resided.

One witness stated she and the other individuals were outside when the officers conducted their search.

The complainant's son and other identified witnesses did not come forward.

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

SUMMARY OF ALLEGATION #7: The officer used force against the complainant's nephew.

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

FINDINGS OF FACT: The complainant stated that her nephew told her that an officer hit him in the stomach during transport. The complainant was not present during the incident.

The officer denied the allegation. The witness officer stated that no force was used against the complainant's nephew and he did not resist the officers.

No other witnesses came forward.

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

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SUMMARY OF ALLEGATION #8: The officer pat searched a female.

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

FINDINGS OF FACT: The complainant stated that officers pat searched her son's girlfriend instead of having a female officer pat her down. The complainant was not present during the incident.

The officers interviewed by the OCC denied the alleged search.

The identity of the alleged officer has not been established.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The evidence established that the officer improperly cited the complainant for driving while in possession of marijuana. The evidence established that the officer did not observe the complainant driving and that the complainant, who had a state-issued medical marijuana identification card, was in lawful possession of three grams of marijuana.

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

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to report him to the Housing Authority for smoking marijuana and to have him and his mother evicted. The complainant also stated that the named officer whispered in his ear and threatened to break his jaw. The complainant's mother confirmed hearing the named officer threaten to have her and her son evicted. The co-complainant stated that he heard the named officer or another officer say he was going to report the complainant to the housing authority. Neither the complainant's mother nor the co-complainant heard the named officer threaten to break the complainant's jaw. The named officer stated that he did not recall whether he told the complainant that he was going to report him to Housing Authority management and acknowledged that it is possible he said this, but denied threatening to have the complainant evicted. The named officer denied threatening to break the complainant's jaw. Three witness officers stated that they did not hear the named officer make either threat to the complainant. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer grabbed his arm and wrist in order to force him to place his thumbprint on a document. The co-complainant stated that he saw the named officer grasping the complainant's arm, but because his view was blocked, he could not see what the officer was doing. The complainant's mother stated that she did not see the named officer have any physical contact with the complainant. The named officer stated that he did not know whether he grasped the complainant's arm or wrist. The named officer's three partners stated that they did not observe the named officer grab the complainant's arm or wrist. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated that the named officer seized medical marijuana from him despite that he provided the officer with a valid medical marijuana patient identification card. The evidence established that the named officer improperly seized three grams of medical marijuana that the complainant, who had a state-issued medical marijuana identification card, lawfully possessed. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATIONS #5-8: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The co-complainant stated that he believed the officers' treatment of him and the complainant was based on their race. The co-complainant stated that the officers, who had contacted and detained him and the complainant at the same location ten days earlier, detained and searched him and the complainant, searched the complainant's car, cited the complainant and seized the complainant's marijuana. The named officers denied that any of their actions were connected with the race of the complainant or co-complainant. Three of the named officers stated that they had contacted and detained the complainant and co-complainant ten days earlier, and when they saw them at the time of this incident, they recognized them from that earlier contact. They stated that they detained the two men after seeing the complainant about to light a marijuana cigarette. The officer who detained, searched and cited the complainant and seized his marijuana stated that he acted as he did because the complainant was violating the law. There is insufficient evidence to prove or disprove the allegation. Although the investigation determined that one of the named officers improperly cited the complainant and seized his marijuana, there is insufficient evidence to establish that his actions were based on the complainant's race. Therefore, there is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-12: The officers harassed the complainant and co-complainant.

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

FINDINGS OF FACT: The complainant stated that the officers' actions in contacting and detaining him and the co-complainant were connected with two earlier contacts, which made him believe the officers were targeting and harassing him and the co-complainant. The complainant stated that one of the previous contacts took place at the same location ten days earlier, when three of the named officers detained him and the co-complainant. He stated that several days before that he and the co-complainant were stopped by uniformed officers for a mechanical violation while driving. The named officers, who were in plainclothes, came to the scene of the traffic stop and questioned him and the co-complainant as though they were suspected of a crime. Department records could not confirm the presence of the named officers at this traffic stop. The two uniformed officers who conducted the traffic stop stated that they did not recall plainclothes officers being present. The named officers stated that they did not recall going to the scene of a traffic stop of the complainant. The named officers denied targeting or harassing the complainant or co-complainant. No other evidence bearing on this allegation was found. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #13: The officer detained the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated that he was sitting in a parked car with the complainant when officers detained both of them. An officer ordered the co-comp to exit the car and detained him. The evidence established that officers saw the complainant and co-complainant sitting in a parked car and saw the complainant about to light a marijuana cigarette. The officers detained the complainant and co-complainant to investigate. The evidence established that the officers quickly ascertained that the complainant possessed a valid California medical marijuana identification card which allowed him to possess the small amount of marijuana he had in his possession, and that they determined through a check with dispatch that the co-complainant had no warrants and a valid driver's license. The certificate of release issued to the co-complainant by the named officer indicated that he was detained for thirteen minutes after the officers determined that he was not involved in any criminal activities and was not wanted. Detaining the co-complainant after it was determined that he was not involved in criminal activity and had no wants or warrants was unjustified. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to write a complete and accurate incident report.

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

FINDINGS OF FACT: The evidence established that the incident report prepared by the named officer did not include required information about the citation issued to the complainant, including the offense he was cited for, did not include any facts demonstrating the complainant committed the act of "driving" in the named officer's presence necessary for a Vehicle Code §23222 violation, did not include the weight of the marijuana the named officer seized from the complainant's car, did not explain the named officer's justification for seizing the complainant's marijuana in light of the complainant's possession of a valid state-issued medical marijuana card, and did not explain the legal basis for detaining the co-complainant beyond the first two minutes in which the co-complainant's identification was confirmed. This failure to include required information in his incident report violated the SFPD Report Writing Manual and DB 13-185. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 02/24/14 **DATE OF COMPLETION:** 12/29/14 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated that he left his work truck double-parked and running with the keys in the ignition. He stated that while he was making a delivery, the named officer initially cited him for violating California Vehicle Code section 22500(h), Double Parking. The complainant stated that when he confronted the officer, the complainant was issued another citation for impeding the flow of traffic, in violation of California Vehicle Code section 22400(a).

The named officer stated that he observed both violations and cited the complainant pursuant to California Vehicle Code sections 22500(h) and 22400(a). He stated that he offered to void the double-parking citation, but the complainant refused.

Records from the Superior Court of California Traffic/Infractions Division showed that the complainant went to trial for the impeding the flow of traffic violation and was found guilty of the violation. There was no record of the double-parking citation.

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

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

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

FINDINGS OF FACT: The complainant stated that he was making a delivery and could not find a legal parking space. He stated that he left his work truck double-parked and running with the keys in the ignition, for no longer than 5 minutes. He stated that while he was making his delivery, the named officer entered the complainant's truck, removed the keys from the ignition, and left the immediate area.

The named officer stated he observed the complainant's truck unattended and double-parked with the engine running. He stated he cited the complainant's truck and waited a few minutes for the complainant to return. He stated that someone flagged him down and notified him that a person a block away needed police assistance. He stated that before responding, he removed the keys from the ignition and took them with him because he did not want to leave the truck unattended and running in the street.

The Fourth Amendment of the United States Constitution provides the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures. Department General Order 5.16 Section I.A. states, in part:

Under the Fourth Amendment of the United States Constitution, the only legal means of obtaining evidence, excluding specific exceptions, is by search warrant.

DGO 5.16 Section I.B. states, in part:

Absent a clear exception to the requirement for a warrant, searches shall be conducted under the authority of a duly issued search warrant.

A preponderance of the evidence established that the officer did not have the legal authority to enter the complainant's truck and seize his keys.

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

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DATE OF COMPLAINT: 02/24/14 **DATE OF COMPLETION:** 12/29/14 **PAGE #3 of 3**

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

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

FINDINGS OF FACT: The complainant stated that while he was making a delivery, the officer entered his truck, removed the keys from the ignition, left the immediate area and hid behind a van. He stated that he would not have impeded traffic if the officer had not stolen his truck keys.

The named officer denied the allegation. He stated that he removed the keys from the complainant's truck because he had to respond to a call for service and he did not want to leave the truck unattended and running in the street.

A witness stated that the officer entered the complainant's truck, removed the keys from the ignition and rode his bicycle to the end of the block to see if anyone reacted.

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

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

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

FINDINGS OF FACT: The complainant stated the officer looked down on him and did not think he spoke English or knew his rights. He stated that he felt discriminated against, robbed and unsafe due to the officer's actions. He stated that he asked the officer why he was cited when there were other cars double-parked in front and behind him. He stated that the officer told him, "You are the lucky one."

The named officer was interviewed pursuant to the OCC Biased Policing Investigation Protocol. He denied the allegation. He stated that the complainant's truck was the only truck double-parked on the block.

A witness stated that he could not hear the discussion between the complainant and the officer. He did not comment on whether there were other trucks double-parked.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he conversationally accused the named officer of planting drugs on suspects during narcotics investigations. The complainant stated the named officer accused him of slander and retaliated by falsely identifying the complainant as an informant in a police report.

The named officer stated he was offended when the complainant accused him of planting drugs on suspects. The named officer stated he told the complainant that false accusations harm an officer's reputation in the same way being labeled an informant can ruin a citizen's reputation. The named officer stated he never identified the complainant as an informant.

Department records indicated the complainant was not listed as an informant.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #2: The officer incorrectly identified the complainant in an incident report.

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

FINDINGS OF FACT: The complainant stated the named officer inaccurately listed him as an informant in an incident report. The complainant stated he was not an informant and only spoke to the officer because he was working at the front desk of a hotel where the named officer was conducting an investigation.

The named officer stated he never identified the complainant as an informant.

A review of the incident report showed that the complainant was not listed as an informant as alleged.

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

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SUMMARY OF ALLEGATION #1: The officer used unnecessary force by discharging her firearm.

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

FINDINGS OF FACT: Through news coverage and anecdotal conversations, the complainant learned of an officer-involved-shooting where an officer used deadly force against an individual (“decedent”), who was undergoing a psychiatric crisis and was shot and killed by police. The complainant also complained about the tactics used by the police prior to the shooting.

Records from the Department of Emergency Management (DEM)

Records from the San Francisco Department of Emergency Management shows that at 10:15 a.m., employees of a business where the decedent worked called 9-1-1 to report that the decedent had stabbed a fellow employee inside their workplace and chased him outside while the decedent was armed with a box-cutter. The 9-1-1 callers provided a description of the decedent and of his direction of travel as he fled the scene on foot. Dispatcher broadcast the information about the stabbing, including a description of the suspect and his direction of travel. An officer who responded to the scene broadcast that the victim had been stabbed and requested that an ambulance respond immediately. A sergeant, who was working alone in a marked police car, broadcast at 10:24 a.m. that he saw a man matching the suspect’s description walking several blocks from the scene of the stabbing. Twenty seconds later, the sergeant broadcast that the suspect was not stopping for him and was now walking west on a main street. The sergeant also broadcast that the suspect was holding a box-cutter in his hand.

Another uniformed officer (“Officer #1”), who was working alone in a marked police car, arrived at the scene to assist the sergeant. Two additional uniformed officers (“Officer #2” and “Officer 3”) in a marked police car arrived, followed by the named officer, who arrived in a separate marked police car. At 10:26:07, Officer #3 requested that an officer with a less lethal weapon respond to the scene. An officer broadcast that he was responding to the scene from a nearby police station on an emergency basis with a less lethal weapon. Officer #2 broadcast that the suspect was refusing to drop the box-cutter. At 10:27:19, an unidentified officer broadcast that there had been an officer-involved shooting. Officer #1 broadcast a request that an ambulance respond on an emergency basis for an individual who had been shot.

DEM records show that seven minutes elapsed from the time the dispatch operator broadcast the information about the stabbing and the time the sergeant saw the suspect on the street several blocks from the initial stabbing. About 3 minutes and 19 seconds elapsed from the time the sergeant reported to dispatch that he saw the decedent and when an officer broadcast that there had been an officer-involved shooting.

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Statement of the Witness Sergeant

The sergeant stated he responded to the scene of the stabbing. He heard an officer at the scene report to dispatch that the victim had uncontrolled bleeding, which made him believe the suspect had inflicted a serious stab wound. He drove in the direction the suspect was reported to be traveling and saw a man matching the suspect's description at a main intersection. The suspect had one hand in his pocket as if he was holding something. The sergeant rolled down his car window and told the suspect to take his hands out of his pocket and put them in the air. The suspect did not respond and turned the corner and walked westbound on the main street. The sergeant requested a clear channel for an emergency to dispatch and said the suspect was not responding to his instructions.

The sergeant, who was still inside his patrol car, turned onto the main street and saw the suspect holding an open box cutter in his hand. He rolled down his passenger side window, drew his handgun and ordered the suspect to drop the knife and put his hands in the air. The suspect ignored him and paced back and forth on the sidewalk, while holding the box cutter. The sergeant exited his car, stood in the roadway, pointed his handgun at the suspect and ordered him to drop the box cutter. The suspect did not comply.

Officer #1, Officer #2, Officer #3 and the named officer arrived as backup. Officer #1 was attempting to talk to the suspect in Spanish and other backup officers were asking the suspect, "What do you need? What's wrong? How can we help you?" The sergeant stated the suspect walked back and forth on the sidewalk.

The sergeant moved his patrol car to the immediate intersection next to the named officer, who was warning people in the area to move back. The sergeant then walked east in the roadway on the main street until he reached the suspect, who was still on the sidewalk. The sergeant stood in the street facing the suspect, with parked cars between him and the suspect, and holstered his handgun. The sergeant stated he showed the suspect his hands with the palms up in order to not appear threatening and told the suspect, "Hey guy, we're not here to hurt you. How can we help you?" The suspect did not make eye contact or respond and appeared to be "just not there mentally."

The sergeant drew and extended his retractable baton intending to use it to disarm the suspect of the box cutter. He moved between two parked cars and faced the suspect, who was on the sidewalk directly in front of him. The suspect made eye contact with him. The suspect then began moving quickly in an arc-like path towards the named officer, who was standing in the roadway on the passenger side of the sergeant's patrol car. The sergeant threw his baton in the roadway and drew his handgun.

The sergeant stated the named officer, who had her handgun drawn, moved backwards and appeared to be stumbling. The named officer raised her handgun and pointed it at the suspect, who briefly stopped three or four feet from the named officer. The suspect then moved the box cutter up and in an arc down towards

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the named officer's neck. The sergeant stated the named officer, who was next to the rear passenger side of the patrol car, discharged her handgun, striking the suspect twice in the chest. The sergeant estimated that the suspect was within inches of the named officer when she fired her handgun.

The named officer and another officer then placed the suspect in handcuffs. The sergeant stated he picked up the box cutter, which was on the ground "within an arm's reach" of the suspect and placed it in his back pocket in order to make the scene safe. Officers subsequently removed the suspect's handcuffs and began administering first aid, including CPR.

Statement of Witness Officer #1

The officer has retired from the San Francisco Police Department (SFPD) and could not be interviewed by the OCC. In a video-recorded interview with the SFPD's homicide detail investigators, the officer stated he was behind the sergeant's vehicle when the sergeant broadcast that he was following the suspect. The officer followed the sergeant's vehicle as it turned onto the main street and stopped his patrol car behind the sergeant's vehicle car and walked onto the sidewalk approximately 25 feet behind (to the east of) the suspect with his handgun drawn. The suspect, who had a box cutter in his right hand, turned with his back against the building and looked at the officer and the sergeant. The officer shouted at the suspect to drop the knife he was holding in his hand. The officer then holstered his gun and attempted to reassure the suspect, who appeared to be in an altered state of mind, that nothing was going to happen and told him to just drop the knife. The suspect appeared to possibly be Hispanic so the officer tried speaking to him in Spanish.

The officer stated the suspect turned and walked westbound 40 to 50 feet. The officer followed the suspect and heard a female officer, later identified as the named officer, repeatedly shouting at the suspect to stop. The suspect began moving faster. The suspect moved quickly from the sidewalk into the roadway towards the named officer, who was pointing her handgun at the suspect. The officer thought the suspect was going to harm the named officer. The suspect was approximately seven feet from the named officer when she fired her handgun twice, causing the suspect to fall to the ground.

Statement of Witness Officer #2

The officer stated she and her partner, Witness Officer # 3, drove in their patrol car to the main streets as backup for the sergeant who reported seeing the suspect in the stabbing at that location. She parked mid-way down the block and both exited the car. The officer stated she saw the suspect pacing back and forth on the sidewalk holding a knife or a box cutter in his left hand, prompting her to take a position of cover next to a tree about 20 feet from the suspect. The officer stated she spoke to the suspect in a low tone of voice and told him, "Police. We're here to help you. Just drop the weapon." The suspect did not speak or make eye contact with her.

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The officer stated she heard a request over the radio for an officer with a less lethal weapon to respond, and heard a nearby sergeant broadcast that he was responding with an Extended Range Impact Weapon (ERIW). The officer stated she had been trained to use an ERIW but did not have one in her patrol car.

The officer stated the suspect paced back and forth as he walked west on the main street. When he was near the corner of the building at the court, he started going south across the sidewalk towards the main street at a faster pace, and it appeared to her that “he was going to run away.” The officer stated that her view of the suspect was blocked by trees and parked cars. The officer stated she then heard shots fired, and as she moved west on the main street, she saw the suspect lying on the ground, near the passenger side of a parked patrol car. The officer and the named officer handcuffed the suspect. The officer did not see the box cutter. The officer stated she did not see the named officer fire her weapon and did not see the suspect approach the named officer because trees and parked cars blocked her view.

Statement of Witness Officer #3

The officer stated that she and her partner, Witness Officer # 2, drove from their police station to the incident scene on the main street in the same patrol car. They exited their car on the main street. The officer saw the sergeant, who was in the roadway, talking to the suspect, who was on the sidewalk, and saw Witness Officer # 1, who speaks Spanish, standing next to a parking meter to her west.

The officer stated she moved to the building line on the sidewalk approximately four car-lengths east of the suspect and remained at this location until she heard the gunshots. The officer stated she heard Witness Officer # 1 talking to the suspect in Spanish and heard the sergeant talking to the suspect in a calm tone of voice. She also saw the named officer, who was further west on the main street near a court (a block-long street closed to vehicle traffic), telling people to move away.

The officer stated the suspect was pacing back and forth with a “blank look, a blank stare.” She never heard him say anything or respond to the sergeant’s commands. She requested over her radio that an officer with a less lethal weapon respond and heard an officer from another station reply that he was responding Code 3 (Emergency Response). The officer stated she requested a less lethal weapon because she believed, based on her observations of the suspect, that he had mental health issues.

The officer stated the suspect moved closer to the curb in a southwesterly direction. The suspect’s arm went up, and she saw a green box-cutter in his hand. The suspect started moving towards the sergeant and towards the named officer, who was on the passenger side of a diagonally parked patrol car. The officer stated she saw the named officer backing away as the suspect moved towards her, then heard two gunshots, but did not see the suspect shot. The officer thinks the suspect was less than five feet from the named officer when he was shot. The officer thinks she reported over her radio that shots were fired and that an ambulance needed to respond for an emergency.

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Statement of the Named Officer

The named officer stated during her OCC interview and during her recorded interviews with the San Francisco Police Department's homicide inspectors and an internal affairs investigator that she was working alone in a marked patrol car when she heard dispatch broadcast a report of a stabbing at a pier by an employee. The named officer stated she heard an officer at the pier request an emergency ambulance, causing her to believe the stabbing victim was seriously injured.

The named officer stated she responded as backup for the sergeant to a main intersection. When she arrived, she saw several patrol cars stopped on the main street between two other streets. She got out of her vehicle and saw witness Officer #1 standing in the roadway looking at a man on the sidewalk who matched the suspect description. This man, later identified as the suspect, was holding a green knife in his hand. Witness Officer #1 was talking in Spanish in a calm tone of voice to the suspect. The named officer stated that she also saw the sergeant and several other officers at the scene.

The named officer stated she heard a request over the radio for an officer with a less lethal weapon to respond to the scene and heard an officer reply that he was responding with a less lethal weapon. Officers at the scene were talking calmly to the suspect, who was leaning against the wall of the building, but not acknowledging or responding to anything the officers said. The named officer stated she thought the situation seemed stable and that other officers were containing the suspect, apparently waiting for the less lethal weapon to arrive.

The named officer stated she walked west in the roadway on the main street in order to warn pedestrians in the immediate vicinity to move away from the area. She was concerned that the suspect had already seriously stabbed someone at the pier, wasn't following officers' commands or dropping the knife and had "a dazed look on him." She feared that the suspect posed a potentially serious threat to anyone who walked around the corner from the court onto the main street. As she walked past the suspect, who was on the sidewalk against the wall, the named officer told him, "Everything's gonna be okay. Don't worry, no one's going to hurt you." As she approached the main intersection, she saw numerous people standing in the area and yelled at them "to get out, leave the park area, we've got someone here with a knife. They need to leave."

The named officer stated she stopped in the roadway in the middle of the main intersection in the general area of the back of the patrol car that was parked diagonally at the curb. From this location, she could see north and south on one street and east along the main street, allowing her to watch the suspect and the other officers. The named officer stated that she could hear the sergeant, who was east of her and closer to the sidewalk than she was, talking to the suspect, but she could not hear what was being said.

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The named officer stated the suspect moved closer to the corner of the building line at the main street and the court. She knew that there was a supermarket and a popular coffee shop on the court and that residences flanked the court, including a high-rise building with entrances on the court. In addition, the named officer knew that residents of these buildings included numerous elderly individuals. She feared that if the suspect went north on the court or west along the main street, the suspect would pose a serious threat to anyone he might encounter.

The named officer stated that the sergeant pulled out and extended his expandable metal baton, which made “a kind of definite crack noise” and he snapped it open. The suspect looked back and forth at the sergeant and the named officer. The suspect took several steps west along the main street until he reached the corner at the court. The named officer, who had stopped on the passenger side of the patrol car, estimated that the suspect was approximately 20 feet from her at this point.

The named officer stated that the suspect moved towards her, prompting her to raise her left hand, palm out, in a “stop” motion. She then raised her handgun, which was in her right hand, pointed it at the suspect and ordered him to stop. The suspect flinched, raised his knife and began walking at an increasingly rapid pace towards the named officer, who moved backwards and repeatedly yelled at the suspect to stop. The named officer stated the suspect had a blank look on his face. The named officer stated she feared that she would trip and fall if she continued to move backwards and did not feel she could safely retreat. When the suspect was seven or eight feet from her, the named officer fired her handgun twice because she feared the suspect was about to stab her and she had no other way to stop the threat.

The named officer stated she did not attempt to use OC spray on the suspect because she didn’t think she could reach it in time due to the speed at which the suspect was approaching her. She stated that she is trained and certified to use an ERIW but did not have an ERIW in her car that day.

Video Footage

A closed circuit TV camera was mounted on the wall of the building on the east side of the court, approximately 150 feet from the curb on the north side of the main street, near where the shooting took place. The camera faces south on the court towards the main street. SFPD personnel from the forensic video unit retrieved the video footage. The video recording shows the contact between the named officer and the suspect. The video shows the named officer coming into the frame moving past the building line at the northwest corner of the main street and the court location.

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The named officer, who is on the passenger side of a patrol car near the front left door, appears to quickly raise her arm out and in front of her. The named officer is seen moving back along the passenger side of the patrol car towards the rear of the car. The suspect enters the frame (moving past the building line at the northwest corner of the main street and court). The named officer appears to continue to move towards the rear of the patrol car. The suspect appears to be elevating his arm or arms. The suspect abruptly begins moving down towards the ground and falls to the ground.

The OCC's review of the video recording appears to indicate that 10.25 seconds elapsed from the time the named officer moved past the building line and into camera view and when the suspect began falling to the ground (apparently after being shot).

Physical and Forensic Evidence

Physical evidence, including shell casings collected at the scene and an examination of the named officer's handgun, established that the named officer fired two rounds from her Department-issued handgun.

The San Francisco Medical Examiner's report indicated that the suspect sustained two gunshot wounds: one entered the left upper chest; the other entered the suspect's upper abdomen.

Department Crime Scene records state that the sergeant handed the box cutter he recovered at the scene to an officer from the Crime Scene Investigations unit. This officer took DNA swabs from the handle and the blade of the box cutter. The records provided to the OCC by the Department do not indicate that any testing was performed on these DNA swabs.

Photographs of the box cutter taken by SFPD personnel indicate that it is a green, "ULINE" brand box cutter, approximately seven inches in length (with the blade open) with an exposed, triangular-shaped blade approximately one inch in length on its longest side.

Civilian Witnesses

The San Francisco Police Department's Homicide Detail investigators interviewed several civilian witnesses on the day of the shooting. Three of the witnesses' interviews were audio-recorded and one witness provided a two-page statement. Two of the witnesses' vantage points ranged from 50 to 250 feet from the shooting range. One witness was on the 11th floor of a building overlooking the shooting incident, while another witness observed the incident from a balcony on the 15th floor of an apartment over the court location.

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Three of the witnesses provided consistent statements that the suspect moved, “charged” and ran towards the named officer prior to her firing her weapon. One witness reported the suspect approached the named officer with his hands up and extended and that the named officer backed up several steps as the suspect ran towards the named officer. Another witness stated he heard a female yell in what sounded like the beginning of the word “Halt.” The witnesses stated they heard or observed the named officer fire her handgun 2-3 times at the suspect. One witness stated it was clear that the suspect was moving towards the named officer and would have reached her within “a split second” if she had not fired her weapon.

A witness who appeared in a video posted online stated that he saw officers shoot the decedent after he was handcuffed, told SFPD Homicide Inspectors that he did not see the shooting and was approximately two-hundred feet away when he heard gunshots that he thought were firecrackers. This witness stated that when he arrived at the scene of the shooting, he saw the decedent on the ground as paramedics performed CPR. He stated that he did not see any officer discharge their firearm.

Initial Assault by the Suspect

Interviews conducted by the San Francisco Police Department at the suspect’s workplace indicated that the suspect assaulted a co-worker with a box cutter without any apparent provocation, and then chased the co-worker. Several workers stated the suspect had a blank or crazed look on his face, that he appeared to be in a daze and ignored statements they made to him, including requests to drop the box cutter. Workers at the facility called police and provided them with a description of the suspect and his direction of travel.

Statement of the Suspect’s Sister

The SFPD’s homicide investigators conducted an audio-recorded interview with the suspect’s sister who stated that the suspect, who lived with her and their family, suffered from schizophrenia. The suspect was detained by police and admitted to a psychiatric hospital several months before this incident after threatening to burn down the family’s house. A social worker or therapist at the psychiatric hospital told the suspect’s sister that the suspect was refusing to take his medication.

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Analysis and Conclusion

San Francisco Police Department General Order 5.01, USE OF FORCE, revised on October 4, 1995, states in pertinent part:

I. POLICY

- A. It is the policy of the San Francisco Police Department to accomplish the police mission as effectively as possible with the highest regard for dignity of all persons and with minimal reliance upon the use of physical force. The use of physical force shall be restricted to circumstances authorized by law and to the degree minimally necessary to accomplish a lawful police task.
- B. Officers are frequently confronted with situations where control must be exercised to effect arrests and to protect the public safety. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations that cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.
- A. Officers are permitted to use whatever force is reasonable and necessary to protect others or themselves, but no more. The purpose of this policy is not to restrict officers from using sufficient force to protect themselves or others, but to provide general guidelines under which force may be used. If exceptional circumstances occur which are not contemplated by this order, officers should use any force reasonably necessary to protect themselves or others; however, they must be able to articulate the reasons for employing such force.

B. CATEGORIES OF FORCE TO EMPLOY (IN ASCENDING ORDER OF GRAVITY)

- 1. When the use of force is necessary and appropriate, officers shall, to the extent possible, utilize an escalating scale of options and not employ more forceful measures unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. The scale of options, in order of increasing severity, is set forth below:
 - a. Verbal Persuasion
 - b. Physical Control (e.g., passive resister, bent wrist control, excluding the carotid restraint)

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- c. Liquid Chemical Agent (Mace/Oleoresin Capsicum)
- d. Carotid Restraint
- e. Department-issued Baton

1. It is not the intent of the order to require officers to try each of the options before escalating to the next. Clearly, good judgment and the circumstances of each situation will dictate the level at which an officer will start. Officers using any type of force are accountable for its use.

A. REASONABLE FORCE

1. Officers must frequently employ the use of force to effect arrests and ensure the public safety. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this order should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat with all its risks before resorting to the use of force that will more quickly, humanely and safely bring an arrestee under physical control.
2. Penal Code Section 835 a provides that, *“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such officer be deemed the aggressor or lose his/her right to self defense by the use of reasonable force to effect the arrest, or to prevent escape, or to overcome resistance.”*

A. CIRCUMSTANCES JUSTIFYING THE USE OF FORCE

1. Officers may use force in the performance of their duties in the following circumstances:
 - a. To prevent the commission of a public offense.
 - b. To prevent a person from injuring himself/herself.

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- c. To effect the lawful arrest/detention of persons resisting or attempting to evade that arrest/detention.
 - d. In self-defense or in the defense of another person.
1. Before using force, the officer should consider these questions:
- a. What actions on the part of the suspect justify the use of force?
 - b. What crime is being or has been committed?
 - c. Does the situation require the immediate use of force?

San Francisco Police Department General Order 5.02, USE OF FIREARMS, revised on May 16, 2011, states in pertinent part:

I. POLICY

A. GENERAL. Officers shall use their firearms in accordance with Department General Order 5.01, Use of Force, and this General Order.

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C. DISCHARGE OF FIREARMS

1. PERMISSIBLE CIRCUMSTANCES. Except as limited by Sections C.4 and C.5., an officer may discharge a firearm in any of the following circumstances:
- a. In self-defense when the officer has reasonable cause to believe that he or she is in imminent danger of death or serious bodily injury.
 - b. In defense of another person when the officer has reasonable cause to believe that the person is in imminent danger of death or serious bodily injury. However, an officer may not discharge a firearm at a person who presents a danger only to him or herself, and there is no reasonable cause to believe that the person poses an imminent danger of death or serious bodily injury to the officer or any other person.

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c. To apprehend a person when both of the following circumstances exists:

- (1) The officer has reasonable cause to believe that the person has committed or has attempted to commit a violent felony involving the use or threatened to use deadly force; AND
- (2) The officer has reasonable cause to believe that a substantial risk exists that the person will cause death or serious bodily injury to officers or others if the person's apprehension is delayed.

The evidence established the named officer was one of four officers who responded as backup for the sergeant, who spotted the suspect at a main intersection. All of the officers at the scene were aware that the suspect was involved in a stabbing and was armed with a bladed weapon (a box cutter). The evidence established the suspect ignored the officers' repeated attempts to communicate with him and ignored the officers' commands for him to drop the open box cutter he had in his hand. The evidence further established that the named officer did not initiate any contact with the suspect other than making some reassuring and calming statements to him as she walked past him in the roadway of the main street. The named officer then went on to warn pedestrians in the area to stay back.

Testimony from the witness officers and civilian witnesses corroborated the named officer's statement that she remained in the area of the main intersected streets, and that the suspect approached her. This was also corroborated by the CCTV video footage. The evidence established the named officer was in the roadway of the main street, seven to eleven feet from the curb line, as the suspect approached her at a rapid pace. The named officer did not move towards or confront the suspect. Instead, she attempted to move away from the suspect while ordering him to stop.

The physical evidence at the crime scene as well as the CCTV footage established that the named officer likely discharged her firearm at the suspect when he was between 5 and 15 feet from her, armed with a bladed weapon that he was holding raised up in a threatening manner. Physical and forensic evidence established that the named officer discharged her firearm at the suspect twice. The named officer fired in the direction of the cement wall of a building immediately behind the suspect.

The evidence established that at the time the named officer discharged her firearm at the suspect, she had reasonable belief that the suspect had committed an assault with a bladed weapon that caused serious bodily injury. She also knew, based on her observations at the scene, that the suspect was armed with a bladed weapon and had ignored repeated commands by officers to drop the weapon. There is overwhelming evidence that the suspect rapidly approached the named officer with the bladed weapon held in a threatening manner, and that the named officer was unable to safely retreat because of the

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proximity of a parked patrol car behind her and because of her uncertainty about what was behind her. At the time the named officer discharged her firearm, she had reasonable cause to believe that she was in imminent danger of death or great bodily injury from the suspect.

A preponderance of the evidence established that the named officer gave the suspect a verbal warning to stop before discharging her firearm. The evidence established that the named officer discharged her firearm in conformance with SFPD policy and procedures as described in Department General Order 5.01, Use of Force, and Department General Order, 5.02, Use of Firearms.

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 #2: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she is complaining about the tactics used by the police prior to the suspect, who had mental issues, being shot and killed by the police.

As described above, the named officer, a sergeant working alone in a marked patrol car, saw the suspect in an assault and requested backup. Four backup officers arrived on the scene, with the named officer taking a lead role in the tactics employed by the officers.

As described above, the evidence established that the named officer and the backup officers sought to contain the suspect and did not approach or initiate physical contact with him. The statements of the named officer and of witness officers established that several officers spoke to the suspect in a calm and reassuring manner, but that the suspect never responded to them.

At the time, the named officer and the four backup officers knew that the suspect was a suspect in an assault with a knife in which the victim sustained a serious injury. The officers also saw a bladed weapon in the suspect's hand, which he refused to drop after repeatedly being told to do so. As described above, the evidence established that the officer, who discharged her firearm, justifiably discharged her firearm at the suspect as he rapidly approached her with a bladed weapon after ignoring commands to stop.

Records from the Department of Emergency Management (DEM) established that officers at the scene requested that an officer with a less lethal Extended Range Impact Weapon (ERIW) respond, and that an officer from an adjacent police district reported that he was responding "Code 3" with an ERIW. Records from DEM further established that two minutes and thirty-nine seconds elapsed from the time the named officer saw the suspect walking to when the suspect was shot. One minute and twelve seconds elapsed from the time that an ERIW was requested to when the suspect was shot. Twenty-one seconds elapsed from the time an officer broadcast that the suspect was refusing to drop the box cutter to when the suspect was shot.

The short time frame gave the officers at the scene limited options. They encountered the suspect on the block of a main street between two other intersecting streets which were occupied by a parking garage with no entrances on the main street. As the suspect approached one of the intersecting streets and a court, the officers had justifiable concerns that he could encounter pedestrians entering or exiting one of several residential buildings flanking the court as well as several commercial businesses located on the court itself, including a supermarket, a drycleaners, a restaurant and a coffee shop. The officer who discharged her firearm, took up a position at the main street and the court to warn people in the area to stay back.

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SUMMARY OF ALLEGATION #2 continued:

The statements of officers at the scene indicated they were attempting to contain the suspect while they waited for an officer with a less lethal ERIW to arrive. The officers' statements also indicated that several of them attempted to communicate with the suspect in a calm, reassuring manner but that their attempts to engage him were unsuccessful.

The named officer stated that as the suspect approached the building line of the court, he holstered his firearm and drew his expandable baton, intending to attempt to disarm the suspect with his baton. The officer, who discharged her firearm at the suspect, and a civilian witness confirmed seeing or hearing the named officer draw and expand his baton. The named officer stated that he drew his handgun after moving his patrol car to the main and intersecting streets, then re-holstered it and drew his baton. A civilian witness stated the named officer drew and expanded his baton very soon after he exited his patrol car. The evidence, therefore, established that the named officer sought to employ non-lethal force (use of a Department-approved baton) to disarm the suspect as the suspect neared an area where members of the public might be at risk.

Several of the officers at the scene stated that the suspect's expression and manner made them suspect he might have mental health issues. As described above, subsequent investigation determined that the suspect suffered from schizophrenia. The actions of the officers at the scene, including the named officer, followed accepted practices for dealing with an armed suspect with mental health issues: The officers attempted to deescalate the situation by speaking to him in calm, reassuring tones; they did not approach or attempt to employ force on him; and summoned and were awaiting arrival of a less lethal ERIW.

The use of deadly force was necessitated by the suspect advancing on one of the officers in a threatening manner, giving the officer reasonable cause to believe that she was in imminent danger of death or great bodily injury. The actions employed by the named officer and by subordinate officers at the scene did not violate Department regulations or policies and appeared to be consistent with good practices that reasonable SFPD officers would employ in a similar situation. Their actions were consistent with the policies described in Department general Order 5.01, Use of Force, in that they used only verbal persuasion and drew their firearms in an attempt to deal with an armed suspect who had committed a serious assault. The named officer drew his baton with the intention of using it to disarm the suspect of a bladed weapon, a use of force that was justifiable under DGO 5.01.

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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DATE OF COMPLAINT: 03/02/14 **DATE OF COMPLETION:** 12/02/14 **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: In his written complaint, the complainant stated he was followed by unknown officers and pat searched. The complainant stated the officers did not find any contraband or weapons on him, and consequently, he was not arrested. The complainant believes the officers violated his rights. The complainant did not respond to OCC's request for an interview.

The named officer and another officer could not recall the incident in question.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was followed by unknown officers and pat searched. The complainant stated the officers did not find any contraband or weapons on him, and consequently, he was not arrested. The complainant believes the officers violated his rights. The complainant did not respond to OCC's request for an interview.

The named officer and another officer could not recall the incident in question.

No witnesses were identified.

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

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DATE OF COMPLAINT: 03/02/14 **DATE OF COMPLETION:** 12/02/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: In his written complaint, the complainant, who is African-American, stated he was followed by unknown “White” officers and pat searched. The complainant stated the officers did not find any contraband or weapons on him, and consequently, he was not arrested. The complainant believes the officers violated his rights. The complainant did not respond to OCC’s request for an interview.

The named officer and another officer were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. Both could not recall the incident in question.

No witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was followed by unknown officers and pat searched. The complainant stated the officers did not find any contraband or weapons on him, and consequently, he was not arrested. The complainant believes the officers violated his rights. The complainant did not respond to OCC’s request for an interview.

The named officer and another officer could not recall the incident in question.

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 detained the complainant without justification.

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

FINDINGS OF FACT: In his written complaint, the complainant stated he was followed by unknown officers and pat searched. The complainant stated the officers did not find any contraband or weapons on him, and consequently, he was not arrested. The complainant stated that one of the officers used profanity. The complainant did not respond to OCC's request for an interview.

The named officer and another officer could not recall the incident in question.

No witnesses were identified.

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

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DATE OF COMPLAINT: 03/25/14 **DATE OF COMPLETION:** 12/11/14 **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 the named officer wrongfully cited him for failing to stop at a stop sign. The complainant stated he stopped at the stop sign.

The named officer stated he watched the complainant fail to stop at a stop sign.

A witness officer stated he also saw the complainant fail to stop at the stop sign.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated the named officer detained him outside of his son's daycare center. The complainant stated he was already parked and unloading his son from the car when the named officer approached him. The complainant stated the named officer informed the complainant he was being cited for failing to stop at a stop sign a few blocks away. The complainant stated he stopped at the stop sign and the named officer had no reason to detain him.

The named officer stated he watched the complainant fail to stop at a stop sign. The named officer stated he detained the complainant in order to issue a traffic citation.

A witness officer stated he also saw the complainant fail to stop at a stop sign.

No independent witnesses were identified.

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

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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 the named officer searched him without cause during a traffic stop. The complainant stated he told the named officer he would refuse to sign any citation. The named officer then searched him by patting his clothing and reaching into his pockets. The complainant stated he eventually signed the citation because the named officer explained he would be arrested for refusing to sign the citation.

The named officer stated he conducted a pat search of the complainant after the complainant announced he would not sign a citation. The named officer stated he also searched the complainant due to his aggressive, hostile, and confrontational behavior.

A witness officer stated he also heard the complainant say he would not sign a citation.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the named officer used profanity several times while issuing a citation.

The named officer denied using profanity.

A witness officer stated the named officer did not use profanity.

No independent witnesses came forward.

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

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DATE OF COMPLAINT: 04/03/14 **DATE OF COMPLETION:** 12/24/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer harassed the complainant and her customers.

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

FINDINGS OF FACT: The complainant owns a convenience store. She complained that the named officer searched one of her customers for no apparent reason and found two cigarettes. She stated that some of her customers, in an effort to curb their smoking, leave their purchased cigarettes in the store and take one or two at a time to smoke. Because of this practice, there are frequently customers coming in and out to retrieve cigarettes. She also stated that on the date she complained of, the officer stood outside the store and shouted to her, "Why are people walking out without buying anything?"

The named officer denied harassing the complainant. He stated he had received complaints regarding suspicious behavior at the complainant's liquor store. The officer said over a year's time, he has observed numerous customers enter and exit the liquor store with nothing in their hands, which he found suspicious. On the date of the incident, he approached a customer leaving the store not holding anything in conversation and learned the customer's brother was a former classmate of the officer. The customer told the officer he had just purchased two individual cigarettes from the store. The named officer acknowledged asking the complainant why customers leave her store empty-handed. The officer wrote an incident report six days after this incident, stating that he reported the activity at the liquor store to the District's permits officer and the Department Liaison to Alcoholic Beverage Control, who asked him to document his observations. The officer said in the report that he questioned the liquor store operator, who responded, "You never saw me selling," and admonished a customer he spoke to about purchasing single cigarettes.

A witness, the complainant's son, saw the named officer patting a customer's pocket. The witness said the officer told him he had been monitoring the store for suspicious activity and confronted him about selling single cigarettes illegally, which the witness denied.

No other witnesses came forward.

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

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

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

FINDINGS OF FACT: The complainant was cited for double-parking, in violation of California Vehicle Code section 22500(h).

The complainant admitted she double-parked to pick up her daughter and her daughter's friend, who were waiting at the curbside. The complainant stated she double-parked because there were no parking spaces available.

Based on the complainant's own statement, the citation was properly issued.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer was rude and spoke to her in a harsh tone.

The named officer stated he saw several cars that were double-parked. He sounded the air-horn on the patrol car and gave a hand-motion to the drivers, which was a signal for them to move their vehicles. The officer stated that all of the other drivers complied with his order to move, except the complainant. He stated he walked up to the complainant's vehicle and informed her why she was going to be cited. The officer stated the complainant became argumentative. The officer denied being rude.

No independent witnesses were identified.

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

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SUMMARY OF ALLEGATION #3: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: The complainant stated the officer engaged in selective enforcement when he cited her and not others.

The named officer denied selectively enforcing the parking violation only against the complainant. He stated he saw several cars that were double-parked. He sounded the air-horn on the patrol car and gave a hand-motion to the drivers, which was a signal for them to move their vehicles. The officer stated that all of the other drivers complied with his order to move, except the complainant, prompting him to cite her.

No independent witnesses were identified.

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

SUMMARY OF ALLEGATION #4: The officer failed to wear his nametag.

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

FINDINGS OF FACT: The complainant stated the officer was not wearing his nametag when the officer contacted her and issued her a citation for being double-parked.

The named officer denied the allegation.

No independent witnesses were identified.

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

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DATE OF COMPLAINT: 04/08/14 **DATE OF COMPLETION:** 12/23/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The complainant admitted that he was under the influence of alcohol and was not sober when he was arrested. The complainant stated he did not recall the entire incident and that he might have been in the “wrong.”

The officers denied the allegation. The officers stated when they arrived on scene; the complainant was already detained and handcuffed by a sergeant. The officers stated the hospital personnel told the sergeant that the complainant fought with them and acted erratically. The officers stated the sergeant advised them to arrest the complainant for resisting and for an outstanding warrant.

A witness from hospital security stated the complainant refused to leave the hospital after the complainant was medically cleared and discharged. The witness stated the complainant was resistive, aggressive, yelling, and threatening security personnel. The witness stated he and another witness assisted the sergeant in taking the complainant into custody.

No other witnesses came forward.

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

SUMMARY OF ALLEGATION #3: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated the handcuffs were tight. The complainant stated he sustained injuries from the tight handcuffs.

The officer denied the allegation. The officer stated he checked the degree of tightness on the complainant’s handcuffs and concluded that the handcuffs were properly adjusted and locked.

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

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DATE OF COMPLAINT: 04/08/14 **DATE OF COMPLETION:** 12/23/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was missing personal property including his cell phone after he was released from County Jail.

The officer, who processed the complainant's property, denied the allegation. He stated he was responsible for logging the complainant's property during booking. The officer stated he inventoried the complainant's property in the presence of the complainant at the County Jail. The officer stated he advised the complainant that the complainant's cell phone was not with his property.

A witness officer stated he heard the complainant ask for his cell phone from hospital security personnel. A witness stated he heard the complainant inquire about his missing cell phone with the hospital staff before the police arrived on scene. The witness stated he and the hospital staff told the complainant that he did not have a cell phone. A witness stated that the complainant was adamant that hospital security took his cell phone

SFPD Property Inventory Arrest Record listed the complainant's personal property and there was no listing of the complainant's alleged missing property at the time of booking at County Jail. The SFPD records revealed that the complainant signed the property record when he was released from custody.

The identity of the officer who allegedly failed to properly process the complainant's property has not been established.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/14 **DATE OF COMPLETION:** 12/31/14 **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 the named officer grabbed his arm, wrenched it behind his back, and pushed his face towards his garage in the dirt. He stated that during the arrest, the officer re-injured his shoulder that he had surgery on. The complainant stated that he was “hyphie” during his contact with the officers.

The named officer stated that the complainant resisted arrest by tensing up his body, refusing to put his arms behind his back and pulling away. He stated that he eventually handcuffed the complainant with the assistance of four other officers. The named officer stated the complainant did not complain of pain.

Witness officers stated that they used necessary force to handcuff the complainant who resisted arrest. They stated that the complainant had no complaint of pain.

A witness stated he saw the complainant push the officers away, resisting arrest. The witness stated that it took about two officers to control the complainant.

No independent witnesses were identified.

There was insufficient evidence to either prove or disprove that the level of force used by the named officer was minimally necessary to accomplish the complainant’s arrest. As such, there was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer was unjust and condescending.

The 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: 04/19/14 **DATE OF COMPLETION:** 12/31/14 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated he was having a dispute with his landlord over marijuana when his landlord's wife called the police. The complainant stated that when the police arrived, he was arrested for no apparent reason.

The named officer, who was the supervisor on the scene, stated the complainant exhibited signs that he was under the influence of a controlled substance. The named officer stated the complainant also resisted. The named officer's assessment of the complainant was confirmed by a Drug Recognition Expert (DRE) officer.

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: This complaint raises matters outside OCC's jurisdiction.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/14/14 **DATE OF COMPLETION:** 12/30/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was sleeping on a cement bench near a park when he was approached by the named officer. The complainant stated the named officer told him that the complainant could not sleep in the park and began filling out a citation. The complainant told the officer that he could not afford to pay the ticket and told the officer that he would not sign the citation and demanded that he be taken before a magistrate. The complainant stated the officer took the citation and told the complainant to leave. The complainant agreed and left the area. The complainant stated he later received a courtesy notice in the mail regarding the citation that he had refused to sign.

The named officer admitted he did not intend to turn in the citation to be processed. The named officer stated he inadvertently turned in the citation. The officer stated that it was his intention to “void” out the citation.

The evidence established that the named officer violated San Francisco Police Department General Order 9.05, Traffic Citation Control, when he failed to void the citation.

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

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

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

FINDINGS OF FACT: The complainant stated the officer “got mad at him,” crumpled up the complainant’s mug shot and threw it at the complainant.

The officer denied the allegation. The named officer’s back up officers could not recall the incident in question.

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: 04/18/14 **DATE OF COMPLETION:** 12/29/14 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer used uncivil language.

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

FINDINGS OF FACT: The complainant said he called police to report vandalism to a gate on his property. The named officer was one of two officers who responded. The complainant said the named officer spoke to him rudely, addressed him “like a child” and suggested that the complainant’s gate was probably broken from an earlier incident of vandalism.

The named and one witness officer stated that the named officer remained calm and professional throughout the contact and did not speak rudely to the complainant.

One witness who heard a conversation between the complainant and the named officer thought the officer was rude but could not corroborate the statements alleged.

Another witness heard parts of the conversation but did not hear the alleged comments.

No other witnesses came forward.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/18/14 **DATE OF COMPLETION:** 12/29/14 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant said he told the named officer that he had “an attitude,” and asked the officer to provide his name and badge number. The complainant said the officer told him to “write it down yourself,” and did not respond when the complainant told him a medical condition affected his eyesight and that he could not see the name and star number on the officer’s uniform.

The named officer confirmed the complainant asked him to write down his name and star, but did not recall the complainant telling him he could not see the name and star on his uniform. The named officer said his name and star number were visible on his uniform and that he told the complainant that he could write them down if he wished to, and that they would be documented in the incident report. The named officer said he was not required to write down his name and star number.

One witness officer stated the named officer pointed to his name and star number and suggested the complainant could write down his identification if he wished. The witness officer also did not recall the complainant telling the officer he could not see the name and star number.

One witness who was present during the conversation confirmed that the officer told the complainant to write the star number and name down from the officer’s uniform if he wished to, despite the complainant telling him his infirmity prevented him from seeing the name and star on the uniform.

There were no other witnesses who heard the conversation.

San Francisco Department General Order 2.01 section 14 states that all officers “shall promptly and politely provide their name and star number upon request.”

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was arrested for an outstanding misdemeanor warrant.

Department records showed that the named officer and his partner responded to the complainant's apartment regarding a dispute. During a records check, the named officer learned that the complainant had an outstanding warrant, prompting the named officer 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 applied the handcuffs too tightly.

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

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

The named officer and his partner denied the allegation.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that one of the officers handcuffed the complainant's hands behind his back and intentionally raising the complainant's arms upwards, causing the complainant great pain. The complainant stated another officer twisted his fingers, almost breaking the complainant's fingers.

The named officers denied using unnecessary force, stating that the complainant resisted, intentionally falling to the ground a number of times. One of the named officers admitted applying a Department-approved finger lock control technique.

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: 04/21/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer choked the complainant.

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

FINDINGS OF FACT: The complainant stated that after he was handcuffed and fell to the ground, the named officer picked him up by the neck in a chokehold and carried him at least 100 feet to the staircase.

The named officer denied choking the complainant. The officer stated since the complainant was not complying by walking to the patrol car, the officer applied a technique he learned in the academy to control the complainant's head by placing his arm around the complainant's neck. The "V" part of the officer's arm was pointed away from the front part of the complainant's neck. The officer's upper arm was on one side of the complainant's neck, and the outside palm of the officer's hand was lightly against the complainant's cheekbone on the opposite side of the complainant's face. The named officer stated he did not apply any pressure to the complainant's carotid artery or the front part of the complainant's neck. The outer side of the officer's hand was used only to control the direction of the complainant's head.

No independent witnesses were identified. There was insufficient evidence to either prove or disprove that the level of force used by the officer was minimally necessary to accomplish his police task. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the named officer was impolite and accusatory, treating the complainant as a domestic violence perpetrator. The complainant admitted being as short and impolite to the officer.

The named officer stated she was respectful when she encountered the complainant. She denied being impolite and denied accusing the complainant of committing domestic violence.

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: 04/21/14 **DATE OF COMPLETION:** 12/31/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The complainant stated he was alone in a friend's vehicle when he was arrested for a firearms violation. The complainant stated he did not know there was a loaded firearm in the vehicle.

Department records indicated that the complainant was under surveillance as a suspect in a homicide. The complainant had a lengthy criminal record, was on active parole with a warrantless search condition, and was known to be in possession of a firearm. Officers stopped the complainant and executed a warrantless parole search. As a result of the search, the named officer and other officers found the complainant in possession of an assault rifle that was located in the vehicle the complainant was operating. The complainant was advised of his Miranda Rights and asserted his right to a lawyer.

The complainant stated that although he was innocent of all charges, he pled guilty to a Federal firearms charge because he received a reduced prison sentence.

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 misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the officer lied to the Grand Jury about knowing the complainant prior to the complainant's arrest in 2003, for which the officer was involved. The complainant, however, admitted having contact with the officer prior to the 2003 incident. The complainant also stated the officer also lied to the Grand Jury about the complainant's actions surrounding the complainant's arrest in 2003.

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: 04/28/14 **DATE OF COMPLETION:** 12/15/14 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer towed the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated that his son, the co-complainant, was driving the complainant's vehicle when his son was rear-ended. The complainant was not present when his son was rear-ended.

The co-complainant stated that the driver who had hit rear-ended him refused to exchange information, prompting a physical altercation between him and the driver. Thinking that the driver might leave the scene, the co-complainant grabbed the driver's keys. The co-complainant then left the scene and went home. Shortly thereafter, police showed up at his home, placed him under arrest, and towed the vehicle he was driving.

The named officer denied that the car was towed without justification. The officer stated that the car at issue was used in the commission of a robbery. The officer stated that police officers can tow vehicles that are used in the commission of a crime pursuant to the California Vehicle Code and the Department General Orders. The named officer also stated that the car was evidence.

A witness identified the co-complainant as the person driving the car at the time of the robbery. A second witness also provided a detailed physical description of the co-complainant and what he was wearing at the time of the robbery.

The investigation revealed that the complainant's car was being driven by the co-complainant and was used in the commission of a robbery. At the time the co-complainant was driving, he did not have a valid California driver's license. The co-complainant was on probation at the time of the incident and was driving on a suspended license, violating the terms of his probation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/28/14 **DATE OF COMPLETION:** 12/15/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer told him that he could reduce the fees associated with the towing and storage of the towed vehicle.

The officer denied having the conversation with the complainant, stating that he could reduce the fees associated with the towing and storage of the vehicle. The officer stated that he does not have the authority to reduce the fees.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/14 **DATE OF COMPLETION:** 12/24/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove recklessly and blocked pedestrian traffic.

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

FINDINGS OF FACT: The complainant stated the named officer made a reckless and illegal u-turn near a busy intersection before driving dangerously onto a sidewalk. The complainant stated the named officer parked his motorcycle on the sidewalk, which blocked a pedestrian with a stroller from passing. The complainant stated she knew the named officer did not drive on the sidewalk for an emergency purpose because he leisurely ate a snack after parking.

The named officer stated he drove in a safe manner. The named officer stated he did not recall making a u-turn. The named officer stated he drove and parked on the sidewalk because no street parking was available and he needed to park in close proximity to a high-risk traffic stop. The named officer stated the sidewalk was wide and he parked parallel and close to the curb so as not to block pedestrian traffic. The named officer stated there was more than enough room for pedestrians to pass.

A witness officer stated he asked the named officer for assistance with a Spanish translation during a traffic stop of an unlicensed driver. The witness officer stated he saw the named officer safely make a u-turn and safely drive on the sidewalk. The witness officer stated he saw the named officer park on the sidewalk, parallel to the street and close to the curb. The witness officer stated the named officer did not block pedestrian, stroller, or wheelchair traffic from passing.

A second witness officer stated she did not recall any details about the incident, except that the named officer asked her for assistance with a Spanish language translation.

A third witness officer did not recall any details about the incident.

Department records indicated the named officer provided backup during a 20-minute traffic stop of an unlicensed driver who only spoke Spanish.

Fieldwork revealed the sidewalk near the traffic stop was wide and landscaped with large trees and parking signs. A motorcycle parked in line with the trees would not likely infringe on the right-of-way of pedestrian, stroller, or wheelchair traffic. No video evidence was available.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 12/11/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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 November 25, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/14 **DATE OF COMPLETION:** 12/10/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer showed a lack of courtesy and professionalism during the traffic stop. The complainant stated that the officer was trying to bully her.

The officer denied the allegation. The officer stated he observed the complainant wearing earplugs in both ears while driving, which is a violation of the law. The officer stated he used his horn to get the complainant's attention, but she did not respond. The officer stated the complainant was using her cell phone at the time. The officer stated once he got the complainant's attention, he was able to speak to the complainant in a normal voice.

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: 05/05/14 **DATE OF COMPLETION:** 12/31/14 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when addressing him during the traffic stop.

The officer denied using profanity. The officer stated that while pulling the complainant over, the complainant “flipped him off” with the middle fingers of both his hands and used profanity throughout the traffic stop.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer threatened to arrest him.

The officer denied the allegation.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/05/14 **DATE OF COMPLETION:** 12/31/14 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer threatened to report him to the Department of Motor Vehicles for a re-examination.

The named officer stated that he did not threaten to report the complainant to the Department of Motor Vehicles. The officer stated that he advised the complainant that he did not demonstrate an adequate knowledge of the California Vehicle Code.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/02/14 **DATE OF COMPLETION:** 12/01/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misused his authority.

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

FINDINGS OF FACT: The complainant stated that the named officer provided information about him to an outside law enforcement agency.

The named officer admitted sharing information about his investigation concerning the complainant to another law enforcement agency, who was also investigating the complainant for impersonating individuals. The named officer stated that the complainant has a history of impersonating high-ranking individuals from the San Francisco Fire Department and other organizations.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/14 **DATE OF COMPLETION:** 12/10/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the license plate on her father's vehicle was stolen, prompting them to report the matter to the police. When the complainant and her father went to the DMV to get a new plate, they were told that the vehicle had been reported stolen, not just the license plate. The complainant and her father spent more than three hours at the DMV and believe that the San Francisco Police Department made the error in reporting the information to the State.

The incident report shows that the named officer responded to the complainant's residence and properly took the report of a stolen license plate. Information from the California Law Enforcement Telecommunications System (CLETS) shows that only the rear license plate was reported stolen.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/14 **DATE OF COMPLETION:** 12/24/14 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant stated she called police regarding a noise nuisance at a nearby restaurant. She stated the named officer told her the police do not handle noise complaints and that there was nothing he could do. When she insisted that she wanted to file a complaint, he told the complainant that his sergeant would look into the matter and be in contact with her. The complainant stated another officer called her later that day and agreed to speak to the restaurant to try to resolve the matter.

The named officer denied that he failed to take required action. The named officer stated he spoke to the complainant and the other party on scene. He stated that he informed the complainant that the noise was not malicious or willful and was therefore not against the law. He made contact with his sergeant and told the complainant he would look into the municipal codes and follow up with her the following day.

A witness officer stated that the named officer attempted to resolve the noise issue on the scene but was not able to. The witness officer said that the named officer attempted to find a department that handles non-criminal noise complaints but was unsuccessful, so he told the complainant he would investigate further and follow up with her about the situation.

The evidence proved that the named officer took appropriate actions to try to resolve the issue brought to his attention. After investigating further, the named officer followed up with the complainant the next day in an attempt to resolve her noise complaint.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/14 **DATE OF COMPLETION:** 12/24/14 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately

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

FINDINGS OF FACT: The complainant stated that after speaking to an officer by phone, she felt her noise issue was resolved. The following morning, around 5:30 A.M., the named officer called her to follow up on the matter. The complainant asked him to call back at 8:00 A.M., but he told her that he only works at night and would not be able to call her at the time requested. She agreed to speak with him and he reiterated what she had already been told by the other officer. The complainant felt it was odd that he called her after another officer had already resolved the issue. The complainant felt this had become personal since he called her at 5:30 A.M., even though the day prior she was upset about being woken so early.

The named officer confirmed that he called the complainant to follow up on her complaint. He said that he told her the day before that he would follow up with her the next day. He also stated that he documented his plan to follow up in his CAD. He also said he thought she'd be awake at 5:30 A.M., since she had called the police around the same time the previous day. He denied behaving inappropriately and stated that he was professional towards the complainant.

A witness officer stated that on the date of the original call, he heard the named officer tell the complainant that he would investigate further and follow up with her.

The CAD for this incident has a note stating that the officer would follow up with the reporting party the following day, after reviewing municipal codes.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/21/14 **DATE OF COMPLETION:** 12/11/14 **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 asleep on the sidewalk when an officer awakened her at 5:00 a.m. by shining his flashlight into her face. The complainant stated the officer told her they had received numerous complaints about homeless people sleeping in the area. The complainant stated the officer told her to leave the area. The complainant stated the officer made her feel like she was “dirt.” Because of their brief encounter in a poorly lit area, the complainant could only describe the officer as a 40-year old Caucasian male officer.

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: 07/22/14 **DATE OF COMPLETION:** 12/16/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was pulled over and cited for loud music and for failing to provide proof of insurance. The complainant denied these violations.

No independent witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated that the named officer asked for his keys. When he asked her why, the officer said, "Because you might try to run away from me." In addition, the complainant stated that the officer told him that people are usually "sorry" after being pulled over. The complainant found these comments inappropriate and offensive. The complainant admitted being agitated and demanding during his initial conversation with the officer.

The officer could not recall telling the complainant that he might try to run away from her. She stated she commented about people being sorry about being pulled over in an attempt to deescalate the situation.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/14 **DATE OF COMPLETION:** 12/16/14 **PAGE#** 2 of 2

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

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

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

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. She denied the allegation, stating that she did not become aware of the complainant's ethnicity until she approached him.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/14 **DATE OF COMPLETION:** 12/30/14 **PAGE #1 of 1**

SUMMARY OF ALLEGATIONS #1-2: The officer's behavior and comments were threatening and inappropriate.

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

FINDINGS OF FACT: The complainant stated that he called the police when an unknown male caused property damage to the complainant's vehicle. The complainant stated that officers arrived and investigated the vandalism. However, when the officers discovered that the complainant's vehicle was registered out of state, the officers advised the complainant that he could be arrested for violating state vehicle registration laws. The complainant stated that the officers were rude to others who were with him by talking over them.

The named officers denied the allegation. The officers stated that they conducted their investigation and then discovered that the complainant and his passengers were in a vehicle with out of state plates, although the complainant presented information that he resided in California. The officers stated that they then advised the complainant that he could be cited for a misdemeanor. The officers denied being rude and stated that they acted professionally throughout the encounter.

One witness stated that the officers were rude and lectured them on vehicle registration laws. The witness stated that it seemed like a waste of time for the officers to lecture to them about license plates after they had just been victimized.

No independent witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/14 **DATE OF COMPLETION:** 12/04/14 **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 said he was crossing a street on a green light, in a crosswalk, when he was stopped by the named officer for stepping off the curb.

The named officer said he stopped the complainant after he stepped into the roadway against a red light.

Two officers, who said they were at the scene of the incident, said they arrived after the violation.

No other witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant said the named officer detained and cited him only to cover up the bigoted, racist, biased nature of the officer. The complainant did not provide the name of a witness who he said he was speaking to when the officer approached him.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. He denied that he engaged in any action due to the race of the complainant, stating that he observed the complainant in a suspicious contact and then observed him step off a curb into the street against a red light, a violation of the state Vehicle Code, for which the officer cited the complainant.

Two officers, who said they were at the scene of the incident, said they arrived after the detention of the complainant and did not know why he was detained.

No other witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/14 **DATE OF COMPLETION:** 12/04/14 **PAGE #2 of 2**

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an incomplete citation.

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

FINDINGS OF FACT: The OCC investigation revealed that the named officer failed to complete a citation by including his identification on the citation form.

The named officer acknowledged the error, saying it was an oversight likely caused by his distraction in a chaotic incident.

The Traffic Court reported that the complainant did not respond to court to challenge the citation and did not pay the bail.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error cause harm to the complainant or others).

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/11/14 **DATE OF COMPLETION:** 12/11/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant and co-complainant stated they were in a verbal argument with the officer who was rude, aggressive, yelling, and disrespectful toward them.

The named officer denied the allegation. The officer stated the complainants were rude and racist towards him. The officer stated that he was calm and professional.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/26/14 **DATE OF COMPLETION:** 12/02/14 **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 and a friend were in a bar when they became involved in a payment dispute. She was removed by security and called the police. The complainant stated she was unable to retrieve her jacket and wanted a police report written regarding its loss and an alleged battery by the bouncer of the club.

The officer denied the allegation. He stated no crime had been committed. He said the complainant did not complain to him of pain or injury. He did not recall being informed regarding the alleged loss of the complainant's jacket.

A witness stated the complainant did not complain of pain to the officer in his presence, but he did not hear the entire conversation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer told her and her friend to leave or they would be arrested for being drunk. The complainant denied being drunk.

The officer denied the allegation.

A witness stated the officer's behavior was professional, but he did not hear the entire conversation.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/14 **DATE OF COMPLETION:** 12/23/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that she was walking on a street when a person tried to assault her. The complainant stated she called 911 and the person walked away. The complainant stated the responding officer tried to locate the person but could not find her. The complainant stated she asked the officer for a report, but the officer refused.

The officer stated there was no need to make a report because the complainant was not assaulted.

The complainant did not sustain injuries.

No witnesses were identified.

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

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

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

FINDINGS OF FACT: The complainant stated she saw a suspect from an earlier attempted assault and called for police assistance. The complainant stated the responding officers failed to arrest the suspect because it took the officers about an hour to arrive.

The named officers said they were engaged on another assigned call and responded to the complainant's location after completing the first call.

Department records showed about 38 minutes elapsed between the complainant's call for service and the officers' arrival. The records showed that the officers were engaged at another location, addressing another call for service when the complainant's call was received. The records showed also that the officers arrived at the complainant's location about 11 minutes after completing the call in which they had been engaged. While the evidence showed the officers were not responsible for the entire delay, the evidence did not prove that their reaction to the complainant's call was either timely or untimely.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/09/14 **DATE OF COMPLETION:** 12/16/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was walking down the hallway of his SRO residence when he overheard another resident use a racially derogatory term. The complainant stated he went to the police station to report this incident. He saw a male officer standing behind the lobby window and reported the incident to the officer. The complainant does not believe the officer said anything or asked him any questions about this incident. The complainant felt the officer should have taken a report even though the complainant did not ask the officer to do so. The complainant subsequently walked out of the station. The complainant stated that he did not obtain the officer's name or star number. The complainant stated that he could not identify the officer if he returned to the station.

An Officer Identification Poll was sent to the station and the commanding officer could not identify the alleged officer.

The identity of the alleged officer has not been established.

No witnesses were identified.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/14 **DATE OF COMPLETION:** 12/30/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was getting gas for his SUV when he noticed a uniformed officer watching him. Upon leaving the gas station, the complainant stated he was followed and subsequently pulled over by the officer. The complainant stated the officer told him that his fuel cap was open. The complainant stated the officer then asked him to exit his vehicle and close his fuel cap. The complainant stated he was not cited or searched. The complainant acknowledged that his fuel cap was open and not closed.

The officer denied the allegation. He stated he received an "A" priority call regarding an armed robbery occurring two blocks from the gas station within 30 minutes of the incident complained of. The victim stated two individuals fitting the general age and physical description had robbed him at gunpoint and fled driving a white car. The officer stated he observed the complainant at the gas station with a white SUV. The driver left the gas station with an open fuel cap, a violation of CVC §27155. The officer stated he performed a traffic stop, briefly detained the complainant and explained the reason why the vehicle was stopped.

California Vehicle Code section 27155 states in relevant part. "No motor vehicle shall be operated or parked upon any highway, unless the filling spout for the fuel tank is closed by a cap or cover of noncombustible material."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/19/14 **DATE OF COMPLETION:** 12/30/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer was interviewed pursuant to OCC's biased policing protocol.

The officer denied the allegation. He stated he received an "A" priority call regarding an armed robbery occurring two blocks from the gas station within 30 minutes of the incident complained of. The victim stated two individuals fitting the general age and physical description had robbed him at gunpoint and fled driving a white car. The officer stated he observed the complainant at the gas station with a white SUV. The driver left the gas station with an open fuel cap, a violation of CVC §27155. The officer stated he performed a traffic stop, briefly detained the complainant and explained the reason why the vehicle was stopped.

One of the witnesses was interviewed but did not speak to the entire experience.

No other witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: 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 he asked the officer for his name and star number, but the officer ignored his request.

The officer denied the allegation. The officer stated that at no time did he hear either the complainant or the passenger request the officer's identification.

One of the witnesses was interviewed but did not speak to the entire experience.

No independent witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/14 **DATE OF COMPLETION:** 12/16/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officers entered a residence without cause.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on December 9, 2014.

SUMMARY OF ALLEGATION #2: The officers 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 San Francisco Police Department, the complaint was mediated and resolved in a non-disciplinary manner on December 9, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was stopped and cited for violation of California Vehicle Code section 24603(b), Stop Lamp Requirements. The complainant admitted that one of her brake lights was out, but that she did not know.

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

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

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

FINDINGS OF FACT: The complainant was stopped and cited for violation of California Vehicle Code section 24603(b), Stoplamp Requirements. The complainant admitted that one of her brake lights was out, but that she did not know.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer told her she could have the citation signed off without paying anything. The complainant stated she got the citation signed off, but that she got billed for \$25.00.

The named officer stated that he explained to the complainant she had 30 days to fix the violation and that if she does it within the period, she would not have to pay the fine. The named officer stated that he did not discuss possible transaction fees and did not know that such fees apply to “fix it” citations.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/14 **DATE OF COMPLETION:** 12/23/14 **PAGE#** 1 of 1

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 at a supermarket with a group of seven friends, all Hispanic males in the early twenties. He stated a group of four Hispanic teens assaulted a customer. He stated the victim and the suspects fled. The complainant stated that officers arrived and he and a friend were briefly detained. He stated the officer told him that the victim identified him as a suspect. The complainant stated the officer did not have “probable cause” to detain him. The complainant did not respond to requests for identification and contact information of witnesses.

Records from the Department of Emergency Management (DEM) show that DEM received a 9-1-1 call from a store security guard stating that five to seven Hispanic males, 20-30 years old, were in a fight. The security guard later reported to dispatch that seven Hispanic males left in a vehicle. A second unidentified witness called dispatch stating seven subjects attacked a customer and left. That witness described the suspect as a 30 year-old Hispanic male.

The named officer and two witness officers stated the victim identified the complainant as a suspect. They stated that witnesses informed them that the suspects had already left the store. The named officer stated the victim later acknowledged he misidentified the complainant as a suspect, and stated he wanted no further police action. The officers stated they did not identify the victim or any witnesses.

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: 10/06/14 **DATE OF COMPLETION:** 12/16/14 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 15, 2014.

SUMMARY OF ALLEGATION #2: The officer prepared an inaccurate citation.

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 December 15, 2014.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/14 **DATE OF COMPLETION:** 12/16/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant stated the officer spoke inappropriately to her.

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

FINDINGS OF FACT: The complainant is a commercial bus driver. She double-parked her bus while waiting for passengers. The officer ordered her to immediately move her bus. She stated the officer spoke inappropriately to her and gave her inappropriate options and directions regarding where she could proceed.

The officer denied the allegation. He acknowledged he told the complainant to move her bus but denied ordering her to drive into a restricted area.

No witnesses came forward.

There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The complainant stated she was cited without cause.

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

FINDINGS OF FACT: The complainant stated the officer cited her without cause for impeding the roadway, a violation of CVC §22400(a). The complainant admitted parking in the roadway.

The officer denied the allegation. He stated the complainant refused to move following a verbal admonition so he performed a traffic stop and cited the driver.

California Vehicle Code section 22400(a) states, in part: “No person shall bring a vehicle to a complete stop upon the highway so as to impede or block the normal and reasonable movement of traffic unless the stop is necessary for safe operation.”

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/14 **DATE OF COMPLETION:** 12/24/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the Police Department annually collects fees from food truck operators but does not report it to the Controller's Office as required under Section 2.2 of the Police Code.

The evidence proved that the authority to regulate and collect fees from mobile food facility operators had been transferred to San Francisco Department of Public Works.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was driving her car and entered an intersection with the green light, but the light turned red before she was able to leave the intersection. The complainant stated that an officer directing traffic at the intersection walked over to her car, accused her of running the red light, and made inappropriate comments while yelling at her. The complainant stated that the officer's aggressive behavior made her feel anxious and threatened.

The named officer denied the allegation. The officer stated that he was working a traffic detail near a construction site. He observed the complainant enter the intersection while the light was red, which caused the complainant's vehicle to block the intersection. The officer stated that he approached the complainant and told her to move forward out of the intersection when the light changed.

The officer denied making inappropriate comments. The officer denied yelling at the complainant but stated that his tone of voice was louder than normal due to traffic and construction noise in the area.

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: 11/14/14 **DATE OF COMPLETION:** 12/17/14 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated he was exiting a store with an empty champagne bottle inside a closed bag. He wanted to save the bottle as a souvenir due to the San Francisco Giants winning the World Series that night. The complainant stated a police officer outside the store forcefully demanded to inspect the bag for safety purposes. The complainant stated he reluctantly opened the bag for the officer and the officer confiscated the bottle.

The witness stated the officer grabbed the bag from the complainant and opened it without probable cause.

An Officer Identification Poll was sent to the District Station and returned with negative results.

The identity of the alleged officer has not been established.

No other witnesses were identified.

There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/14 **DATE OF COMPLETION:** 12/15/14 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **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: 11/26/14 **DATE OF COMPLETION:** 12/23/14 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that officers refused to write an incident report regarding the complainant's neighbor disturbing the peace. The complainant stated that the officers did not speak to his neighbor as he requested.

Department records indicated that the officers documented this incident by preparing an incident report regarding the complainant's noise problem with his neighbor. The incident report showed that the officers attempted to contact the neighbor, but the neighbor did not respond to the officers knocking at the neighbor's door.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/02/14 **DATE OF COMPLETION:** 12/10/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was arrested for violating a stay-away order that had already been terminated.

Court records indicated that the stay-way order was terminated two days after the complainant's arrest.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/14 **DATE OF COMPLETION:** 12/05/14 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/14 **DATE OF COMPLETION:** 12/08/14 **PAGE#** 1 of 1

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

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

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

Fresno County Sheriff
Internal Affairs Division
2200 Fresno Street
Fresno, CA 93721

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/14 **DATE OF COMPLETION:** 12/10/14 **PAGE #1 of 1**

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 558
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/14 **DATE OF COMPLETION:** 12/16/14 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/14 **DATE OF COMPLETION:** 12/17/14 **PAGE #1 of 1**

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

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

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

San Francisco Sheriffs Department
Investigative Services Unit / TLO
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Police Department
Internal Affairs Division
850 Bryant Street, Room 545
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/15/14 **DATE OF COMPLETION:** 12/30/14 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she lives half a block from a police station. She stated she feels constantly unsafe. The complainant went to her nearby police station and spoke to a female officer at the front desk. The complainant requested that an officer walk her home from the station because she felt unsafe. The female keeper verified the complainant was not in any immediate physical danger and that this was not a matter of domestic violence. The female officer summoned an unknown male officer who told the complainant that he would watch her walk home from the front door of the station. The complainant confirmed that the officer watched her walk home; however, she felt the officer should have walked her home.

The complainant was not in any danger and did not report a criminal activity. The officer's action was proper.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/14 **DATE OF COMPLETION:** 12/19/14 **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: 10/27/14 **DATE OF COMPLETION:** 12/24/14 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officers failed to drive safely.

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

FINDINGS OF FACT: An anonymous complainant contacted the 3-1-1 system stating several motorcycle officers nearly struck him in a crosswalk. The complainant did not provide any details regarding the time or date of the incident. No information was provided in the complaint regarding the license plates of any of the involved vehicles. No descriptions were provided of the involved officers, their uniforms or their motorcycles.

The complainant provided no contact information except for a phone number. The OCC called the phone number and the person who answered the phone denied making the 3-1-1 complaint.

There was insufficient evidence to investigate this complaint. The complainant has not provided any other information to OCC that is needed to investigate the complaint.

The complainant failed to provide additional evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/14 **DATE OF COMPLETION:** 12/31/14 **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: 01/14/14 **DATE OF COMPLETION:** 12/05/14 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 - 2: The officers failed to accept a private person arrest.

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

FINDINGS OF FACT: The complainant stated she called for police assistance in arresting her two adult children. The complainant stated she told the named officers to arrest her children because they would only give her two cigarettes at a time.

One named officer stated the complainant instructed him to arrest her children because they rationed her cigarettes. The other named officer stated the complainant would not tell him why she wanted her children arrested. The named officers stated they investigated for signs of criminal activity, but found none. The named officers stated they did not arrest the complainant's children because rationing cigarettes is not a criminal offense and there was no probable cause to believe a crime had been committed.

The complainant's daughter stated the named officers investigated for signs of criminal activity.

No other witnesses came forward.

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: 01/14/14 **DATE OF COMPLETION:** 12/05/14 **PAGE#** 2 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated she called for police assistance in arresting her two adult children. Two officers responded. The complainant stated she told the named officer to arrest her children because they would only give her two cigarettes at a time.

The named officer stated the complainant instructed him to arrest her children but would not say why. A witness officer stated the complainant instructed him to arrest her children for rationing her cigarettes. Both officers stated they could not arrest the complainant's children because there were no signs of criminal activity. The named officer stated he did not prepare an incident report because the complainant did not allege a crime or make a formally worded demand, and therefore, did not request a private person arrest.

Department General Order 5.04, Arrests by Private Persons, requires an incident report to be prepared in all instances involving requests for a private person arrest. Although she lacked probable cause, the complainant tried to arrest her children when she told the named officers to take them into custody. Although they properly refused to accept the complainant's private person arrest, one of the responding officers was required by DGO 5.04 to prepare an incident report documenting the complainant's request. The responsibility of writing an incident report falls on the senior-ranking officer. The named officer was not the senior-ranking officer.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 12/05/14 **PAGE#** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated she called for police assistance in arresting her two adult children. The complainant stated she told the named officer to arrest her children because they would only give her two cigarettes at a time.

The named officer stated the complainant instructed him to arrest her children because they rationed her cigarettes. Another named officer stated the complainant would not tell him why she wanted her children arrested. Both officers stated they could not arrest the complainant's children because there were no signs of criminal activity. The named officer stated he did not prepare an incident report because the complainant did not allege a crime or make a formally worded demand, and therefore, did not request a private person arrest.

Department General Order 5.04, Arrests by Private Persons, requires an incident report to be prepared in all instances involving requests for a private person arrest. Although she lacked probable cause, the complainant tried to arrest her children when she told the named officer to take them into custody. While the named officer properly refused to accept the complainant's private person arrest, he was still obligated to prepare an incident report pursuant to DGO 5.04.

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

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DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 12/29/14 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officers entered his locked apartment without permission.

The named officers stated they entered the complainant's apartment to check on his well-being at the request of his apartment manager. The named officers stated the apartment manager told them the complainant was threatening staff members and other residents with violence and was potentially harming himself. The named officers stated the complainant did not respond to knocks on the door. The named officers stated the apartment manager unlocked the complainant's door and the officers went inside to check on the complainant.

The complainant's apartment manager stated he asked the named officers to check on the complainant, who he feared was about to harm himself and others. The apartment manager stated he told the officers the complainant was acting unstable. The apartment manager stated the complainant signed a special lease provision granting permission for well-being checks due to his past violent behavior.

Department records indicated the named officers were called to perform a well-being check on the complainant.

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.

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DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 12/29/14 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officers searched his apartment for his identification while detaining him. The complainant stated he told the named officers his identification was in his pocket, but the named officers continued searching his apartment anyway.

The named officers stated they needed to positively identify the complainant in order to detain him for a mental health evaluation. The named officers stated they briefly looked in the complainant's apartment for his identification. A named officer stated he found the complainant's identification on top of a small table. Another named officer stated he found the complainant's identification in the complainant's pocket after the complainant told him where to look. The named officers stated they stopped looking in the complainant's apartment as soon as the complainant was positively identified.

An apartment manager stated he heard the complainant and a named officer talk about the complainant's identification. The apartment manager stated he saw the named officer carefully reach into the complainant's pocket to find his identification. The apartment manager stated the named officers immediately left the complainant's apartment once the complainant was identified using his photo identification.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 01/14/14 **DATE OF COMPLETION:** 12/29/14 **PAGE#** 3 of 5

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

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

FINDINGS OF FACT: The complainant stated the named officers wrongfully handcuffed and arrested him for an assault he did not commit.

The named officers stated they contacted the complainant in order to perform a mental health well-being check. The named officers stated they initially handcuffed the complainant for safety reasons because they were forewarned of the complainant's alleged violent tendencies. During the initial detention, the named officers identified the complainant as a suspect in an ongoing felony battery investigation and placed him under arrest.

A witness stated he asked the named officers to perform a well-being check and warned the officers of the complainant's past violent threats and behavior. The victim in the felony battery investigation stated she spoke with the named officers and positively identified the complainant as the person who physically attacked her earlier that day.

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.

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SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the named officers arrested him for an assault he did not commit.

The named officers stated they arrested the complainant on suspicion of committing a battery. The named officers stated a witness identified the complainant as a suspect in an ongoing battery investigation. The named officers stated the battery victim positively identified the complainant as her attacker.

A witness stated he informed the named officers the complainant might be a suspect in an ongoing battery investigation. The battery victim stated she positively identified the complainant and told the named officers the complainant attacked her without provocation by punching and kicking her in the head.

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.

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SUMMARY OF ALLEGATIONS #9-10: The officers seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the named officers arrested him and took two external hard drives, one laptop computer, one projector, and multiple items of clothing from his apartment.

One named officer stated the only item he removed from the complainant's apartment was his identification card, which was necessary to book him. The other named officer stated he did not take any items from the complainant's apartment.

Two witness officers stated they did not see any officer remove items from the complainant's apartment.

The complainant's apartment manager stated he did not see any officer take the complainant's property. The apartment manager stated he locked the complainant's door after the officers left.

No other witnesses were identified.

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

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DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 12/02/14 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was stopped and questioned by undercover police officers even though he had done nothing wrong.

The officers stated that the complainant was driving over the speed limit and was acting suspiciously. After the complainant pulled over, they checked his license and decided not to give the complainant a citation.

No witnesses were identified.

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

SUMMARY OF ALLEGATIONS #3-4: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that he was followed and harassed by plainclothes officers on multiple occasions. On one encounter, the officers checked his driver's license. On the final encounter, the officers talked to the complainant's mother.

The officers stated that they encountered the complainant after he was driving faster than the speed limit and was acting suspiciously. They also talked to the complainant's mother because the mother wanted to talk to them. They denied having any other contact with the complainant.

No witnesses were identified.

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

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DATE OF COMPLAINT: 01/17/14 **DATE OF COMPLETION:** 12/02/14 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was detained by a police officer. When the complainant asked if he was free to go and tried to open his car door, the officer slammed the door shut.

The named officer denied slamming the complainant's door shut.

No witnesses were identified.

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