THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

Joyce M. Hicks
Executive Director

February 8, 2017

President L. Julius M. Turman and Members of the San Francisco Police Commission

Re: Department of Police Accountability Reports from January 2017, Summary of Cases Received in January 2017, Mediation of Complaints in January 2017, Discipline Proposed by the Chief of Police in January in Complaints Sustained by the Department of Police Accountability, and Comparative Statistical Reports from January 2016

Dear President Turman and San Francisco Police Commissioners,

Statistical reports, Summary of Complaints Received in January 2017 and Companion Reports

In compliance with San Francisco City Charter section 4.127 and Police Commission Resolution number 97-04 that require the Department of Police Accountability (DPA) formerly the Office of Citizen Complaints, (OCC) to provide the Police Commission with a monthly summary of complaints received including the number and type of complaints filed, attached please find a summary of cases received in January 2017, a comprehensive statistical report, a pending case list, and a how complaints were received report for the period January 1, 2017 through January 31, 2017 and for comparison purposes, a comprehensive statistical report, a pending case list and a how complaints were received report for the period January 1, 2016 through January 31, 2016.

Mediation of Complaints in January 2017

The OCC mediated one case in January, 2017. The OCC mediated nine cases in January 2016.

Chief's Proposed Discipline on DPA Sustained Complaints in January 2017

In January 2017, Acting Chief of Police Toney Chaplin and Chief William Scott who began his tenure on January 23, 2017, proposed discipline in nine cases investigated by the DPA and determined by the DPA Director Joyce M. Hicks to have sustainable allegations. The DPA Director's findings and recommended discipline and the Chief's proposed discipline are as follows:

1. Neglect of Duty – In four separate complaints, involving four separate officers, the officers violated Department Bulletin 14-059, by failing to collect traffic stop data.

The DPA Director recommended a written reprimand for each of the officers.

The Chief of Police concurred with the DPA Director for one officer and recommended a written reprimand. In that instance the officer had been previously admonished for conducting traffic enforcement while in plainclothes.

The Chief of Police did not concur with the DPA in the other three cases for the other three officers and admonished those officers for failing to collect traffic stop data.

According to the Police Commission Disciplinary Penalty and Referral Guidelines, the penalty for Class D neglect of duty misconduct is a written reprimand for a first offense, however; greater discipline is appropriate if the officer has a prior history of discipline, the offense is severe or if multiple acts of misconduct have occurred.

2. Conduct Reflecting Discredit, Sexual Slur and Biased Policing Based on Race– In violation of DGOs[1] 5.17, Policing Prohibiting Biased Policing, 11.07, Discrimination and Harassment and 2.01, General Rules of Conduct, an officer made comments to two other officers about members of the public during an investigation. During the conversation, in violation of DGO 2.01, General Rules of Conduct, the second officer used profanity and the third officer made inappropriate comments.

   The DPA Director recommended Commission level discipline for one officer and written reprimands for the other two officers. As to the first officer, the DPA Director filed charges with the Police Commission.

   The Chief of Police proposed a one-day suspension for the first officer and written reprimands for the other two officers.

   According to the Police Commission Disciplinary Penalty and Referral Guidelines, the penalty for Class B misconduct, Use of a Sexual Slur, is usually a referral to the Police Commission.

3. Neglect of Duty – In violation of DGO 5.20, Language Access for Limited English Proficient Persons, an officer, failed to provide translation service to a limited English Proficient Spanish Speaker. In violation of DGO 2.01, Rule 7, the officer failed to maintain knowledge relating to the narcotics presumptive testing process and the District Attorney dismissed the charges.

   The DPA Director recommended a one-day suspension for the officer due to consequences of the violations.

   The Chief of Police proposed a written reprimand and retraining.

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[1] DGO – Abbreviation for Department General Order

According to the Police Commission Disciplinary Penalty and Referral Guidelines, the penalty for Class D neglect of duty misconduct is a written reprimand for a first offense, however; greater discipline is appropriate if the officer has a prior history of discipline, the offense is severe or if multiple acts of misconduct have occurred.

4. Neglect of Duty – In violation of DGO 5.03, Investigative Detentions, an officer failed to issue a certificate of release after handcuffing a combative complaint whom the officer and his partner were escorting to an ambulance once they got the complainant to his feet. The officers had responded to a call that the complainant may have overdosed and they first found the complainant snoring but otherwise unresponsive. Once in the custody of San Francisco Fire Department paramedics, and chemically restrained, the officer removed the handcuffs.

   The DPA Director recommended written reprimand.

   The Chief of Police determined the omission was a policy failure.

   According to the Police Commission Disciplinary Penalty and Referral Guidelines, the penalty for Class D neglect of duty misconduct is a written reprimand for a first offense, however; greater discipline is appropriate if the officer has a prior history of discipline, the offense is severe or if multiple acts of misconduct have occurred.

5. Neglect of Duty – In violation of DGO 5.01, Use of Force and Department Bulletin 15-051, Use of Force Options: Reporting and Medical Assessment Requirement, a sergeant failed to record a complainant's complaint of pain which complainant later reported as arising from the incident.

   The DPA Director recommended a written reprimand.

   The Chief of Police concurred with the DPA Director and recommended a written reprimand and retraining.

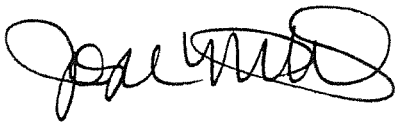
   According to the Police Commission Disciplinary Penalty and Referral Guidelines, the penalty for Class D neglect of duty misconduct is a written reprimand for a first offense, however; greater discipline is appropriate if the officer has a prior history of discipline, the offense is severe or if multiple acts of misconduct have occurred.

6. Conduct Reflecting Discredit – In violation of DGO 2.01, General Rules of Conduct, an officer used profanity.

   The DPA Director recommended a written reprimand.

   The Chief of Police concurred with the DPA Director and recommended a written reprimand and retraining

Joyce M. Hicks



Executive Director
Office of Citizen Complaints

Attachments

THE POLICE COMMISSION
DEPARTMENT OF POLICE ACCOUNTABILITY
CITY AND COUNTY OF SAN FRANCISCO

CASES RECEIVED
January 2017

Case #	Received	Synopsis of Case
0016-17	01/01/2017	ENTRY/SEARCH/COMMENTS & BEHAVIOR
0002-17	01/02/2017	INFORMATION ONLY
0001-17	01/03/2017	DISCOURTEOUS TREATMENT/SELECTIVE ENFORCEMENT
0003-17	01/03/2017	ARREST WITHOUT CAUSE AND USE OF EXCESSIVE FORCE
0004-17	01/03/2017	HARASSMENT DURING TRAFFIC STOP
0017-17	01/05/2017	DISPOSED OF PROPERTY/INAPPROPRIATE COMMENTS
0006-17	01/05/2017	UA
0005-17	01/05/2017	ARRESTED WITHOUT CAUSE/FAILED TO PROPERLY INVESTIGATE
0007-17	01/06/2017	FAILURE TO STOP PEOPLE SPREADING DISEASE ONTO COMP
0008-17	01/06/2017	DRIVING IMPROPERLY
0009-17	01/06/2017	HARRASSMENT DURING TRAFFIC STOP
0010-17	01/06/2017	OFFICER-INVOLVED SHOOTING
0011-17	01/06/2017	INFORMATION ONLY
0018-17	01/09/2017	FAILED TO MAKE ARREST
0012-17	01/09/2017	INAPPROPRIATE COMMENTS/BEHAVIOR DURING CALL TO STATION
0029-17	01/10/2017	SFPD CAR PARKED ON A HILL WITHOUT CURBING WHEELS
0013-17	01/12/2017	TOWED A VEHICLE WITHOUT JUSTIFICATION
0015-17	01/12/2017	FALSE INFORMATION IN POLICE REPORT/ARREST/BIAS
0020-17	01/16/2017	INAPPROPRIATE COMMENTS/BEHAVIOR/BIASED POLICING
0021-17	01/17/2017	INAPPROPRIATE BEHAVIOR
0032-17	01/18/2017	FAILURE TO TAKE REQUIRED ACTION
0019-17	01/18/2017	MISUSE OF AUTHORITY
0022-17	01/18/2017	DRIVING IMPROPERLY

Case #	Received	Synopsis of Case
0024-17	01/20/2017	USE OF FORCE
0025-17	01/20/2017	UNNECESSARY FORCE
0026-17	01/20/2017	INAPPROPRIATE BEHAVIOR/COMMENTS/USE OF EXCESSIVE FORCE/ARREST
0014-17	01/22/2017	CITED FOR LACK OF INSURANCE
0023-17	01/23/2017	USE OF FORCE
0028-17	01/23/2017	SEARCHED BAG WITHOUT CONSENT
0054-17	01/23/2017	IO-1
0030-17	01/24/2017	OFFICERS REPEATEDLY HARASSING COMPLAINANT'S PATRONS
0037-17	01/25/2017	LEFT ENTRYWAY GATE OPEN, ENDANGERING COMPLAINANT
0038-17	01/25/2017	FAILED TO LOCATE MAN IN MEDICAL DISTRESS
0031-17	01/26/2017	SEARCHED HOME WITHOUT CAUSE/UNNECESSARY FORCE
0033-17	01/26/2017	YELLING DURING A TRAFFIC STOP
0034-17	01/26/2017	IO-1
0035-17	01/27/2017	INAPPROPRIATE BEHAVIOR/AND COMMENTS
0036-17	01/27/2017	FAILURE TO TAKE REQUIRED ACTION
0027-17	01/30/2017	INAPPROPRIATE BEHAVIOR
0039-17	01/30/2017	FAILURE TO INVESTIGATE
0040-17	01/30/2017	FAILURE TO PROPERLY INVESTIGATE/UF
0041-17	01/30/2017	UA CITATION/SELECTIVE ENFORCEMENT/CRD
0042-17	01/31/2017	FORCE/DETENTION
0043-17	01/31/2017	FAILURE TO PROCESS PROPERTY
0044-17	01/31/2017	ISSUING AN INVALID ORDER

THE POLICE COMMISSION
OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

COMPREHENSIVE STATISTICAL REPORT

January 2017 - January 2017

CASE YEAR	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
CASES OPENED																	
2017	45	0	0	45	0	0	0	0	0	0	0	0	0	0	0	0	45
CASES CLOSED, BY YEAR CASE WAS FILED																	
2015	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
2016	40	0	0	40	0	0	0	0	0	0	0	0	0	0	0	0	40
2017	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
TOTAL	**48**	**0**	**0**	**48**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**48**
CASES OUTSIDE JURISDICTION																	
2016	8	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	8
2017	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
TOTAL	**11**	**0**	**0**	**11**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**11**
CASES SUSTAINED																	
2016	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
TOTAL	**10**	**0**	**0**	**10**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**10**

COMPREHENSIVE STATISTICAL REPORT

CASES PENDING, BY YEAR CASE WAS FILED

CASE YEAR	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
2011	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
2013	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
2014	5	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
2015	45	0	0	45	0	0	0	0	0	0	0	0	0	0	0	0	45
2016	317	0	0	317	0	0	0	0	0	0	0	0	0	0	0	0	317
2017	41	0	0	41	0	0	0	0	0	0	0	0	0	0	0	0	41
TOTAL	**411**	**0**	**0**	**411**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**411**

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CITY AND COUNTY OF SAN FRANCISCO

HOW COMPLAINTS WERE RECEIVED

January 2017 - January 2017

RECEIVED	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
IN PERSON	12	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
LETTER	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
MAIL	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
ONLINE	8	0	0	8	0	0	0	0	0	0	0	0	0	0	0	0	8
OTHER	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
PHONE	13	0	0	13	0	0	0	0	0	0	0	0	0	0	0	0	13
SFPD	6	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
TOTAL	**45**	**0**	**0**	**45**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**45**

THE POLICE COMMISSION

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO

COMPREHENSIVE STATISTICAL REPORT

January 2016 - January 2016

CASE YEAR	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
CASES OPENED																	
2016	44	0	0	44	0	0	0	0	0	0	0	0	0	0	0	0	44
CASES MERGED/VOIDED/WITHDRAWN																	
2016	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
CASES CLOSED, BY YEAR CASE WAS FILED																	
2014	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
2015	33	0	0	33	0	0	0	0	0	0	0	0	0	0	0	0	33
2016	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
TOTAL	**39**	**0**	**0**	**39**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**39**
CASES OUTSIDE JURISDICTION																	
2015	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
2016	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
TOTAL	**6**	**0**	**0**	**6**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**6**
CASES SUSTAINED																	
2015	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
TOTAL	**1**	**0**	**0**	**1**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**1**

COMPREHENSIVE STATISTICAL REPORT

CASES PENDING, BY YEAR CASE WAS FILED

CASE YEAR	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
2011	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
2013	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
2014	12	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
2015	331	0	0	331	0	0	0	0	0	0	0	0	0	0	0	0	331
2016	40	0	0	40	0	0	0	0	0	0	0	0	0	0	0	0	40
TOTAL	**387**	**0**	**0**	**387**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**387**

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OFFICE OF CITIZEN COMPLAINTS
CITY AND COUNTY OF SAN FRANCISCO

HOW COMPLAINTS WERE RECEIVED

January 2016 - January 2016

RECEIVED	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
IN PERSON	12	0	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
LETTER	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
MAIL	4	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	4
ONLINE	11	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	11
PHONE	11	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	11
SFPD	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2
TOTAL	**44**	**0**	**0**	**44**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**0**	**44**