

THE POLICE COMMISSION  
**OFFICE OF CITIZEN COMPLAINTS**

CITY AND COUNTY OF SAN FRANCISCO



Joyce M. Hicks  
Executive Director

October 12, 2016

President Suzy Loftus and Members of the San Francisco Police Commission

**Re: Office of Citizen Complaints Statistical Reports, Summary of Cases Received in September 2016, Mediation of Complaints in September 2016, Adjudication of Sustained Complaints in September 2016, and Companion Reports**

Dear President Loftus and San Francisco Police Commissioners,

**Statistical reports, Summary of Complaints Received in September 2016 and Companion Reports**

In compliance with San Francisco City Charter section 4.127 and Police Commission Resolution number 97-04 that require 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 September 2016, a comprehensive statistical report, a pending case list, and a how complaints were received report for the period January 1, 2016 through September 30, 2016 and for comparison purposes, the same reports for the period January 1, 2015 through September 30, 2015.

**Mediation of Complaints in September 2016**

The OCC mediated four cases in September 2016 with a total of 40 cases mediated from January 1, 2016 through September 30, 2016. The OCC mediated four cases in September 2015 with a total of 41 cases mediated from January 1, 2015 through September 30, 2015.

**Chief's Proposed Discipline on OCC Sustained Complaints in September 2016**

In September 2016, Acting Chief of Police Toney Chaplin proposed discipline in four cases investigated by the OCC and determined by the OCC Director Joyce M. Hicks to have sustainable allegations. The OCC's findings and recommended discipline and the Chief's proposed discipline are as follows:

1. In violation of DGO 5.08, Non-Uniformed Officers, and DGO 9.01, Traffic Enforcement, a plainclothes officer issued the complainant who was double parked, a citation for impeding the flow of traffic and for failing to provide proof of insurance. Since the complainant's violations did not create an exigency, the plainclothes officer should have instead called for a marked backup unit to cite the complainant.

**The OCC Director recommended a written reprimand and retraining.**

**The Chief of Police imposed an admonishment and retraining.**

**According to the Police Commission Disciplinary Penalty and Referral Guidelines, the penalty for Class D misconduct is a written reprimand for a first offense.**

2. In violation DGO 5.03, Investigative Detentions, a sergeant failed to issue the complainant a certificate of release after the complainant was handcuffed and then released.

**The OCC Director recommended a written reprimand.**

**The Chief of Police imposed an admonishment 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.**

3. In violation of Department General Order 5.04, Arrests by Private Persons, the officer failed to prepare an incident report after the complainant requested a private person's arrest.

**The OCC Director recommended a written reprimand.**

**The Chief of Police imposed 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.**

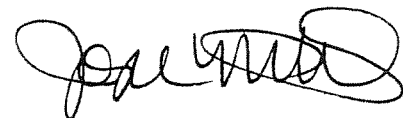
4. In violation of DGO 2.01, an officer wrote an inaccurate traffic citation an inaccurate traffic collision report by citing an incorrect vehicle code section.

**The OCC Director recommended a written reprimand.**

**The Chief of Police determined the violation was a training 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.**

Joyce M. Hicks



Executive Director  
Office of Citizen Complaints

**CASES RECEIVED**  
**September 2016**

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<b>Case #</b>	<b>Received</b>	<b>Synopsis of Case</b>
0412-16	09/01/2016	INAPPROPRIATE BEHAVIOR AND COMMENTS
0414-16	09/01/2016	FAILURE TO TAKE REQUIRED ACTION
0417-16	09/01/2016	INAPPROPRIATE BEHAVIOR
0418-16	09/02/2016	UF DURING OIS/INAPPROPRIATE BEHAVIOR
0419-16	09/06/2016	DETENTION/ARREST/INAPP BEHAVIOR/FAILURE TO TAKE REQUIRED ACTION
0420-16	09/06/2016	UA
0421-16	09/06/2016	CITATION/INAPP BEHAVIOR/INTERFERING WITH RIGHTS OF ONLOOKERS
0422-16	09/07/2016	DETENTION/BEHAVIOR/FORCE
0423-16	09/08/2016	INACCURATE TRAFFIC COLLISION REPORT
0424-16	09/09/2016	USE OF FORCE/TOW
0425-16	09/09/2016	REFUSED TO TAKE REPORT AND RUDE PHONE MANNERS
0429-16	09/09/2016	FAILURE TO INVESTIGATE
0426-16	09/09/2016	FAILURE TO INVESTIGATE STALKING AND HACKING
0427-16	09/09/2016	INACCURATE INCIDENT REPORT/FAILED TO ACCOMMODATE DISABILITY
0430-16	09/10/2016	CITATION WITHOUT CAUSE/INAPPROPRIATE BEHAVIOR-COMMENTS
0431-16	09/11/2016	INAPPROPRIATE BEHAVIOR
0432-16	09/11/2016	FAILURE TO TAKE REQUIRED ACTION
0428-16	09/12/2016	USE OF FORCE DURING ARREST
0433-16	09/12/2016	UNWARRANTED ACTION
0434-16	09/14/2016	MISUSE OF POLICE AUTHORITY
0435-16	09/14/2016	DETENTION/SEARCH
0436-16	09/14/2016	MISREPRESENTING THE TRUTH
0437-16	09/16/2016	DID NOT RESPOND IN TIMELY MANNER/FAILED TO TAKE REQUIRED ACTION

Case #	Received	Synopsis of Case
0438-16	09/16/2016	UF ON COMP'S SON AT BAYVIEW STATION
0439-16	09/16/2016	FAILURE TO TAKE REQUIRED ACTION
0440-16	09/16/2016	FAILURE TO DRIVE PROPERLY
0441-16	09/16/2016	ENTRY/BIASED POLICING
0442-16	09/19/2016	BARRING VISITATION BY COMP AT HOSPITAL/HUSBAND BEATEN
0443-16	09/22/2016	INAPPROPRIATE COMMENTS
0444-16	09/23/2016	DETENTION WITHOUT CAUSE/UNNECESSARY FORCE
0445-16	09/23/2016	HARASSMENT/MISUSE OF POLICE AUTHORITY
0446-16	09/23/2016	DETAINING AT GUNPOINT
0447-16	09/23/2016	FAILURE TO TAKE REQUIRED ACTION
0457-16	09/24/2016	FAILURE TO TAKE REQUIRED ACTION/INAPPROPRIATE BEHAVIOR
0448-16	09/26/2016	INAPPROPRIATE BEHAVIOR/COMMENTS AND INACCURATE REPORT
0449-16	09/26/2016	PULLED WEAPON AND CHASED INTO STREET
0450-16	09/27/2016	KNOCKED ON CAR WINDOW/SCARED THE DOG
0451-16	09/27/2016	INAPPROPRIATE COMMENTS
0452-16	09/28/2016	INAPPROPRIATE BEHAVIOR AND CITATION W/O CAUSE
0453-16	09/28/2016	DETENTION WITHOUT JUSTIFICATION
0454-16	09/29/2016	DISMISSIVE AND FAILED TO INVESTIGATE
0455-16	09/29/2016	RUDE, DISMISSIVE, FAIL TO INVESTIGATE
0456-16	09/29/2016	DISMISSIVE AND FAILED TO INVESTIGATE
0458-16	09/29/2016	INAPPROPRIATE BEHAVIOR
0459-16	09/29/2016	INAPPROPRIATE BEHAVIOR/CLETS MISUSE
0460-16	09/30/2016	FAILURE TO TAKE REQUIRED ACTION
0461-16	09/30/2016	ISSUING A CITATION WITHOUT CAUSE



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**COMPREHENSIVE STATISTICAL REPORT**  
 January 2016 - September 2016

CASE YEAR	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
<b>CASES OPENED</b>																	
2016	43	60	49	152	52	59	48	159	47	56	47	150	0	0	0	0	461
<b>CASES MERGED/VOIDED/WITHDRAWN</b>																	
2016	3	5	2	10	1	0	0	1	1	2	1	4	0	0	0	0	15
<b>CASES CLOSED, BY YEAR CASE WAS FILED</b>																	
2014	1	5	1	7	0	0	0	0	0	0	0	0	0	0	0	0	7
2015	33	37	43	113	31	25	25	81	23	41	15	79	0	0	0	0	273
2016	4	16	18	38	22	22	13	57	15	27	10	52	0	0	0	0	147
<b>TOTAL</b>	<b>38</b>	<b>58</b>	<b>62</b>	<b>158</b>	<b>53</b>	<b>47</b>	<b>38</b>	<b>138</b>	<b>38</b>	<b>68</b>	<b>25</b>	<b>131</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>427</b>
<b>CASES OUTSIDE JURISDICTION</b>																	
2015	3	1	0	4	0	0	0	0	0	1	0	1	0	0	0	0	5
2016	3	10	10	23	11	9	7	27	4	13	1	18	0	0	0	0	68
<b>TOTAL</b>	<b>6</b>	<b>11</b>	<b>10</b>	<b>27</b>	<b>11</b>	<b>9</b>	<b>7</b>	<b>27</b>	<b>4</b>	<b>14</b>	<b>1</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>73</b>
<b>CASES SUSTAINED</b>																	
2015	1	6	10	17	3	5	6	14	1	7	4	12	0	0	0	0	43
<b>TOTAL</b>	<b>1</b>	<b>6</b>	<b>10</b>	<b>17</b>	<b>3</b>	<b>5</b>	<b>6</b>	<b>14</b>	<b>1</b>	<b>7</b>	<b>4</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>43</b>

**COMPREHENSIVE STATISTICAL REPORT**

**CASES PENDING, BY YEAR CASE WAS FILED**

CASE YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
2011	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2
2013	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2
2014	0	0	0	0	0	0	0	0	7	7	0	0	0	0	7
2015	0	0	0	0	0	0	0	0	91	91	0	0	0	0	91
2016	0	0	0	0	0	0	0	0	314	314	0	0	0	0	314
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>416</b>	<b>416</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>416</b>



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**HOW COMPLAINTS WERE RECEIVED**  
 January 2016 - September 2016

RECEIVED	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
IN PERSON	12	14	8	34	13	19	13	45	21	18	17	56	0	0	0	0	135
LETTER	4	4	2	10	1	0	1	2	0	1	0	1	0	0	0	0	13
MAIL	3	10	10	23	11	9	4	24	6	3	9	18	0	0	0	0	65
ONLINE	11	12	8	31	10	11	5	26	5	15	9	29	0	0	0	0	86
OTHER	0	0	0	0	4	3	0	7	1	0	0	1	0	0	0	0	8
PHONE	11	17	17	45	10	16	22	48	10	18	11	39	0	0	0	0	132
SFPD	2	3	4	9	3	1	3	7	4	1	1	6	0	0	0	0	22
<b>TOTAL</b>	<b>43</b>	<b>60</b>	<b>49</b>	<b>152</b>	<b>52</b>	<b>59</b>	<b>48</b>	<b>159</b>	<b>47</b>	<b>56</b>	<b>47</b>	<b>150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>461</b>



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**COMPREHENSIVE STATISTICAL REPORT**  
 January 2015 - September 2015

CASE YEAR	JAN	FEB	MAR	1ST	APR	MAY	JUN	2ND	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
<b>CASES OPENED</b>																	
2015	59	59	62	180	61	45	64	170	55	64	55	174	0	0	0	0	524
<b>CASES MERGED/VOIDED/WITHDRAWN</b>																	
2015	2	3	1	6	0	2	2	4	2	4	3	9	0	0	0	0	19
<b>CASES CLOSED, BY YEAR CASE WAS FILED</b>																	
2013	1	2	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
2014	33	42	43	118	34	30	37	101	33	19	16	68	0	0	0	0	287
2015	5	18	15	38	26	8	27	61	35	35	33	103	0	0	0	0	202
<b>TOTAL</b>	<b>39</b>	<b>62</b>	<b>58</b>	<b>159</b>	<b>60</b>	<b>38</b>	<b>64</b>	<b>162</b>	<b>68</b>	<b>54</b>	<b>49</b>	<b>171</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>492</b>
<b>CASES OUTSIDE JURISDICTION</b>																	
2014	2	1	1	4	0	0	0	0	0	0	0	0	0	0	0	0	4
2015	3	12	5	20	11	1	12	24	7	6	11	24	0	0	0	0	68
<b>TOTAL</b>	<b>5</b>	<b>13</b>	<b>6</b>	<b>24</b>	<b>11</b>	<b>1</b>	<b>12</b>	<b>24</b>	<b>7</b>	<b>6</b>	<b>11</b>	<b>24</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>72</b>
<b>CASES SUSTAINED</b>																	
2014	2	1	5	8	8	7	4	19	0	3	4	7	0	0	0	0	34
2015	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	1
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>8</b>	<b>7</b>	<b>4</b>	<b>19</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>35</b>



**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	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2
2013	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0	2
2014	0	0	0	0	0	0	0	0	0	0	41	41	0	0	0	0	41
2015	0	0	0	0	0	0	0	0	0	0	322	322	0	0	0	0	322
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>367</b>	<b>367</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>367</b>



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**HOW COMPLAINTS WERE RECEIVED**  
 January 2015 - September 2015

RECEIVED	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	3RD	OCT	NOV	DEC	4TH	YTD
IN PERSON	27	23	22	26	15	31	20	32	19	71	0	0	0	0	215
LETTER	0	4	0	1	0	2	1	0	4	5	0	0	0	0	12
MAIL	7	4	8	13	5	7	11	10	6	27	0	0	0	0	71
ONLINE	6	7	3	0	2	2	1	0	6	7	0	0	0	0	27
OTHER	0	1	2	0	0	1	1	0	1	2	0	0	0	0	6
PHONE	18	17	23	17	19	19	18	20	14	52	0	0	0	0	165
SFPD	1	3	4	4	4	2	3	2	5	10	0	0	0	0	28
<b>TOTAL</b>	<b>59</b>	<b>59</b>	<b>62</b>	<b>61</b>	<b>45</b>	<b>64</b>	<b>55</b>	<b>64</b>	<b>55</b>	<b>174</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>524</b>