

OFFICE OF CITIZEN COMPLAINTS

CITY AND COUNTY OF SAN FRANCISCO



December 9, 2015

Joyce M. Hicks
Executive Director

Ms. Jami Tillotson
Deputy Public Defender
Office Of The Public Defender
555-7th Street
San Francisco, CA 94103

RE: OCC Case No. 0058-15

Dear Ms. Tillotson:

The Office of Citizen Complaints has conducted an investigation of the above-referenced complaint. A summary follows of the OCC's **preliminary** findings as to each allegation:

The allegation of **Unwarranted Action** against a police officer for making an arrest without cause is **Sustained**.

The allegation of **Unwarranted Action** against a police officer for detaining a person in an unduly prolonged manner without justification is **Sustained**.

The allegation of **Unwarranted Action** against a police officer for interfering with the right to counsel is **Policy Failure**.

The allegation of **Unwarranted Action** against a police officer for detaining two suspects without justification is **Proper Conduct**.

The allegation of **Unwarranted Action** against a police officer for issuing an invalid order is **Proper Conduct**.

The allegation of **Conduct Reflecting Discredit on the Department** against police officers for engaging in inappropriate behavior and making inappropriate comments is **Not Sustained**.

The allegation of **Unnecessary Force** against a police officer for using unnecessary force is **Not Sustained**.

The allegation of **Neglect of Duty** against a police officer for failing to comply with DGO 5.07, Rights of Onlookers is **Training Failure**.

The allegation of **Conduct Reflecting Discredit on the Department** against a police officer for making inappropriate comments to the media is **Policy Failure**.

The allegation of **Conduct Reflecting Discredit on the Department** against an unknown police officer for engaging in inappropriate behavior and making inappropriate comments is **No Finding**.

INVESTIGATIVE HEARINGS

The Director has discretionary authority to impanel an investigative hearing if it is requested by the complainant or an involved officer and it is determined that such a hearing will facilitate the fact finding process. Accordingly, your hearing request letter should establish one or more of the following grounds for a hearing:

- a) there is additional evidence, such as witness statements or other information that contradicts, supplements, or was not disclosed by the investigation;
- b) there is reason to question the conclusion of the investigation;
- c) an appearance in person by the parties would further the fact finding process;
- d) there has been an undue lapse of time since the occurrence of the incident;
- e) a hearing would advance public confidence in the complaint process;
- f) there are other factors that you believe make an investigative hearing necessary.

Please tell us in your letter your reasons for submitting the request for a hearing, and be as specific as possible. Please contact the investigator specified in the attached letter to review the evidence in the case before requesting a hearing. We will notify you by mail whether your request has been granted or denied.

DEFINITIONS OF FINDINGS

Sustained: 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.

Not Sustained: The investigation failed to disclose sufficient evidence to either prove or disprove the allegation made in the complaint.

Proper Conduct: The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

Unfounded: The evidence proved that the acts alleged in the complaint did not occur, or that the named member was not involved in the acts alleged.

Policy Failure: The evidence proved that the act by the member was justified by Department policy, procedure, or regulation; however, the OCC recommends a change in the particular policy, procedure, or regulation.

Supervision Failure: The evidence proved that the actions complained of were the result of inadequate supervision when viewed in light of applicable law, training, and Departmental policy and procedure.

Training Failure: The evidence proved that the action complained of was the result of inadequate or inappropriate training or the absence of needed training when viewed in light of Departmental policy and procedure.

Information Only: The evidence proved that the action complained of did not involve a sworn member of the Department, or that the action described was so obviously imaginary that their occurrence is not admissible by any competent authority. Information Only allegations are not counted as complaints against sworn members of the Department. Complaints against non-sworn employees of the Department are referred to Internal Affairs Division. Complaints against employees of other agencies, are referred to the appropriate agency.

No Finding: The complainant failed to provide additional requested evidence, or the complainant requested a withdrawal of the complaint.

Mediated: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner.