

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/29/12 **DATE OF COMPLETION:** 10/12/12 **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 OCC investigation found the arrest to have been proper. SFPD dispatch received a report from two witnesses of an assault and battery of domestic violence involving the complainant and his sixty-nine year old ex-girlfriend. The complainant was arrested at the scene and charged for domestic violence and elder abuse charges. The evidence proved that the acts which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that while he and his female friend were at the Special Victims Unit, the officer kept staring at the complainant's friend in a threatening manner. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that his female friend was raped and that the report prepared by the named officer was inaccurate. The evidence shows that the report prepared by the named officer was for a separate incident, involving the complainant's female friend. No report was located regarding the alleged rape incident. The evidence shows that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1, 2: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainants said officers failed to provide medical attention to a pedestrian struck by a car. The co-complainant acknowledged he told a dispatcher and responding officers that he did not need an ambulance. The named officers said the co-complainant appeared uninjured and told them he was uninjured and in no pain. Department records confirmed the co-complainant told the dispatcher he did not need an ambulance. One witness at the scene said officers asked the co-complainant if he needed an ambulance and he told them no. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #3, 4: The officers failed to write a report.

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

FINDINGS OF FACT: The complainant alleged a report should have been written. The co-complainant said he told responding officers he could not decide what to do regarding pressing charges. The named officers denied the allegations, stating that the complainant did not request a report. One witness at the scene said the co-complainant told officers he did not wish to press charges. Department regulations and the opinion of a department subject matter expert (SME) stated that no report was necessary given the information provided to the named officers. The circumstances considered in light of the SME's opinion, indicate the officers made a judgment call within their discretion; i.e., they had reasons to write a report, but discretion not to. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant claimed she told the named officer over the telephone that she wished to complain about two officers who had failed to take a report and the named officer did not take an OCC complaint. The named officer acknowledged speaking to the complainant but denied she asked to file a complaint. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was running with his dog in Golden Gate Park when an officer drove through the park on a motorcycle. The complainant's dog was not on a leash and ran towards the officer barking. The complainant stated that the officer was immediately aggressive and threatening as he cited the complainant for having the dog off-leash. The officer stated that the dog was barking in a threatening manner and had lunged at him in an effort to bite him. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that he was attacked by two men who insulted his sexual orientation. As he was fighting back, someone stole his bike, which is worth hundreds of dollars. The complainant flagged down an officer who said he was already investigating a robbery and couldn't help him. The complainant then went to the police station to file the report. The complainant did not get the name or star number of the officer who did not help him and the officer could not be identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 said the officer made inappropriate comments and acted unprofessionally. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 11-097.

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

FINDINGS OF FACT: The officer initiated a traffic stop and cited the complainant for making an illegal turn. The complainant admitted to the violation. Department Bulletin 11-097, TRAFFIC STOP DATA COLLECTION PROGRAM INFORMATION, requires members to continue to collect traffic stop data after all vehicle stops. The officer could not account for why there is no evidence of the E585 data having been entered for this traffic stop. 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 #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 the officer towed her vehicle without cause. The officer stated that the complainant's vehicle was towed because the driver was found to be operating the complainant's vehicle with a suspended license. Pursuant to Department General Order 9.06, the officer towed the complainant's vehicle. The complainant does not dispute that the driver of her vehicle had a suspended driver's license. 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 alleged that the officer behaved inappropriately. The complainant stated that the officer behaved in a threatening and intimidating manner and acted like a raving lunatic. The officer denied raising his voice and denied using profanity. The officer described his demeanor as "calm." No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/26/12 **DATE OF COMPLETION:** 10/03/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant alleged that the officer made a sexually derogatory comment toward her. The named officer and a witness officer denied the allegation. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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 alleged that the officer behaved inappropriately and/or made inappropriate comments. The named officer and a witness officer denied the allegation. 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer picked her out of a crowd and arrested her. The complainant stated she had just been released from jail a few days before when she was arrested by the same officer. The officer stated he had prior knowledge that the complainant was on felony probation and that she had a stay away order. He stated the complainant was arrested after he verified the stay away order, probation status, and during the search incident to arrest found narcotics on her person. The complainant admitted that she has a stay away order and is on probation. The evidence proved that the arrest was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated in her narrative that the officer searched her in the street as if she were a man and searched her breast area. The officer stated the complainant had a search condition and she was searched incident to arrest and at the station. The officers denied touching the complainant's breast. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that the rocks she had were fake “bunko” and believes the officer planted real rocks because the test came positive for cocaine. The named officer and his partner denied the allegation. The officers stated they conducted a presumptive test, which came back positive for cocaine base. The officers stated they followed the protocol for conducting the test. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer harassed the complainant.

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

FINDINGS OF FACT: The complainant stated the officer has arrested her for the past three times and thinks he is obsessed with her. She stated the officer wants her to become a confidential informant, but she refuses to do so. She believes he is arresting her as harassment because of her refusal to be a confidential informant. The officer denied the allegation and stated that the arrests have been based on facts and added that he would not consider her for a confidential informant. There were no witnesses to their conversation. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer had the complainants' motor home towed without cause.

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

FINDINGS OF FACT: The complainants stated that the officer had their motor home towed even though there were no tickets on it or problems with the registration. The officer stated that a computer check and confirmation with Scofflaw confirmed that the registration on the motor home had expired. The registration that the complainants provided to the OCC also showed that the registration had expired. The evidence proved that the acts which provided the basis for the allegation occurred. However, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainants and their friend stated that the officer failed to provide the complainants with an opportunity to exit the motor home before the tow truck operator hooked up the motor home, and resulting from that, one of the complainants fell upon exiting the vehicle while it was angled up in the air. The officer stated that she provided the complainants with ample time to exit the motor home and retrieve their personal belongings. Additionally, she did not observe the complainant falling from the motor home. The tow truck driver stated that the complainants were given ample time to collect their belongings and exit the vehicle. He observed the complainant exiting the vehicle each time without falling. No additional independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants and their friend stated that the officer scraped off the 2012 registration sticker off of the complainants' motor home license plate. The officer stated that she scraped off the sticker because it was illegally adhered to the license plate and she wanted to prevent it from being fraudulently used in the future. The officer stated that the complainants' registration was expired. The registration the complainants provided to the OCC also showed that the registration was expired. The evidence proved that the acts which provided the basis for the allegation occurred. However, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1-2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officers were not professional during the incident. The officers denied the allegation. The statement of a witness was inconclusive. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made a threatening statement.

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

FINDINGS OF FACT: The complainant stated that during his interrogation, the named officer threatened to “jack” his mother. The complainant perceived the named officer’s statement as a threat against the complainant’s mother. The named officer admitted making the alleged statement but denied that it was intended to threaten the complainant’s mother. The named officer stated he used the word “jack” to communicate to the complainant that the officer was going to talk to his mother. Additionally the named officer stated that the statement was used to get the complainant to confess to a robbery. The evidence established that the officer’s statement did not rise to a level of misconduct. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 10/09/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged that on April 28, 2012, the officer contacted and detained her nephew without any justification. The evidence shows that on the date in question, the officer was off-duty. The evidence further shows that there is no evidence that there was a contact between the officer and the complainant's nephew that took place on April 28, 2012. Furthermore, the complainant and her witnesses failed to come forward and provide additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer searched the complainant's nephew without cause.

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

FINDINGS OF FACT: The complainant alleged that the officer searched her nephew without cause. The evidence shows that on such date, the officer was off-duty. The evidence further shows that there is no evidence that there was a contact between the officer and the complainants nephew that took place on April 28, 2012. Furthermore, the complainant and her witnesses failed to come forward and provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant alleged that the officer purposely contacted and detained her nephew because of his race. The evidence shows that on the date in question the officer was off-duty. The evidence further shows that there is no evidence that there was a contact between the officer and the complainant's nephew that took place on April 28, 2012. Furthermore, the complainant and her witnesses failed to come forward and provide additional requested evidence.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officer did not properly investigate the incident. The officer said she properly investigated the incident. A review of the officer's investigation documents show that she actively investigated the incident for two months, after which she presented the evidence to the District Attorney who discharged the case. The evidence indicates that the officer took reasonable steps to investigate the matter. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION 2: The officer engaged in inappropriate behavior and/or comments.

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

FINDINGS OF FACT: The complainant said the officer asked her an inappropriate question and demonstrated a lack of compassion. The officer denied demonstrating a lack of compassion and said the question she asked the complainant was a relevant question related to her investigation. All the contacts between the officer and the complainant occurred over the telephone, therefore there were no witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force by grabbing and squeezing her arm. The officer denied the allegation. The officer stated that he used minimal force in guiding when escorting the complainant out of the office, because she refused repeated verbal orders to leave and became belligerent. The complainant surreptitiously recoded her interaction while at the Internal Affairs. In the recording that was reviewed by the OCC investigator the named officer can be heard introducing himself and listened to complainant's complaint and he ultimately asked her to leave the office. The named officer's tone was calm and professional. The officer further stated the complainant did not have any visible injuries nor complained of pain or injuries. Witness officers corroborated the named officer's statement. The officer's actions were proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: NA **FINDING:** IO1 **DEPT. ACTION:**

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officers did not offer him medical treatment. The officers denied the allegation. The witness recalls an ambulance being present. Both the incident report and the CAD document that an ambulance was summoned and that the complainant refused treatment. The officers' conduct was proper.

SUMMARY OF ALLEGATION #4: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated that he was the victim of an assault yet he was cited for trespassing. The complainant also stated that the officers did not search for the assailant nor viewed the stores video camera. The officers stated that they did search for the assailant but he was not found and the store manager was not able to access the footage of the camera. The officers stated the store manager signed a citizen's arrest form for trespassing because the complainant was belligerent and was told to leave the store many times. The witness corroborated that the complainant was belligerent and asked to leave many times. The information provided proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #1: The officer used sexually offensive language.

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

FINDINGS OF FACT: The complainant did not provide sufficient information to assist in identifying the officer. A witness officer stated he could not recall the identity of the other officer who responded to the scene and did not hear any conversation between that officer and the complainant. Department records did not identify any officers who responded to the scene. There were no identified witnesses and no additional evidence. The officer could not be identified.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer is unavailable to be interviewed by OCC due to his retirement from the Department.

SUMMARY OF ALLEGATION #2: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The named officer is unavailable to be interviewed by OCC due to his retirement from the Department.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer detained and searched an individual without justification.

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

FINDINGS OF FACT: The named officer is unavailable to be interviewed by OCC due to his retirement from the Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant accused the officer of not being open and objective in hearing both sides of the story prior to arresting him for violating a Stay Away Order. The complainant stated the officer only heard one side of the story, and it was not his side that the officer heard. The complainant stated that had the officer given him a fair chance to present his side of the story, the officer would have arrested the other parties involved in the incident. The officer said she was assigned this investigation after other uniformed officers responded to a call for service involving the violation of a Stay Away Order. Pursuant to her investigation, the officer acquired several items of evidentiary value including the pertinent Stay Away Order, video recordings, text messages, telephone records, voice-mail messages, independent eyewitness testimony, etc. to support the charge the complainant had violated the active Restraining Order on more than one occasion. The officer presented her evidence to an Assistant District Attorney who secured an arrest warrant for the complainant's arrest, and the complainant was subsequently arrested. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to the complainant's gender identity.

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

FINDINGS OF FACT: The complainant alleged the officer falsely arrested him and mistreated him throughout the officer's investigation because the complainant was of a different gender than the named officer. The officer denied this allegation. The officer stated she was assigned this case and went through her normal investigative procedures of gathering evidence to determine whether a violation of the law had been committed. The officer gathered and presented the evidence to the District Attorney's Office. The evidence supported the charge the complainant had violated the terms of a Stay Away Order on more than one occasion, and the officer obtained an arrest warrant authorized by the Superior Court. Whenever the officer came face-to-face with the complainant, it was either in the presence of the complainant's defense attorney or inside the Criminal Courts building where many people are present during normal business hours. The evidence proved that the act alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The complainant accused the officer of failure to properly investigate his wife's accusation that he violated a Stay Away Order his wife had obtained against him, the complainant. The complainant stated the officer only heard his wife's side of the story, and had the officer given the complainant a fair chance to present his side of the story, the officer would have arrested his wife and the other party involved in the incident. The officer said she was assigned this investigation after other uniformed officers responded to a call for service involving the violation of a Stay Away Order. Pursuant to her investigation, the officer acquired several items of evidentiary value including the pertinent Stay Away Order, video recordings, text messages, telephone records, voice-mail messages, independent eyewitness testimony, etc. to support the charge the complainant had violated the active Stay Away Order on more than one occasion. The officer presented her evidence to an Assistant District Attorney who produced an arrest warrant authorized by the Superior Court, and the complainant was subsequently arrested. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #4: The officer wrote an incomplete and/or inaccurate report.

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

FINDINGS OF FACT: The complainant alleged the officer failed to interview a key witness, identified by the complainant, who would have supported the complainant's alibi that he did not violate the terms of the Stay Away Order as it related to the subject incident. The complainant further alleged the officer failed to include the officer's contact with the witness in the officer's report. The officer stated she did interview the witness, and her contact with the witness is documented in the officer's report. The witness even disputed the complainant's version of this incident. The evidence proved that the act alleged in the complaint occurred, however said act was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/12 **DATE OF COMPLETION:** 10/15/12 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer acted in an inappropriate manner and made inappropriate comments.

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

FINDINGS OF FACT: The complainant was involved in a non-injury vehicle accident and had a heated argument with the occupants of the second vehicle. The complainant stated occupants threatened and allegedly assaulted her. She stated the officer told her to stop acting like a drama queen and threatened to give away her private information if she did not calm down. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made a sexually derogatory remark.

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

FINDINGS OF FACT: The complainant stated that the officer used a sexually derogatory term. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/12 **DATE OF COMPLETION:** 10/15/12 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer did not properly keep her safe from parties who had just collided with her vehicle. The evidence proved otherwise. The complainant admitted the officer separated the parties, and spoke to the parties apart from each other. The complainant further admitted that the officer offered to take a citizens arrest, but she turned the offer down. The evidence proved that the acts, which provided the basis for the allegations occurred; however, the acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

CATEGORY OF CONDUCT: **INDING:** **DEPT. ACTION:**

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/12 **DATE OF COMPLETION:** 10/01/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was involved in a non-injury accident. He stated when he returned to the scene to collect evidence, he was detained by police and accused of threatening the other party to the accident. The other party to the accident told the OCC that the complainant refused to provide her with his identification and insurance information and told her if she reported the accident to the police, she would “regret it.” She stated she reported this threat to police. Computer-Aided Dispatch records confirmed that a 911 dispatcher received this call and dispatched a unit to the scene. The two named officers stated they spoke to the female party and she told them she feared for her safety. The officers detained the complainant to conduct an investigation.

The investigation determined that the officers had reasonable suspicion to detain the complainant and conduct an investigation. Their conduct was proper.

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

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

FINDINGS OF FACT: The complainant acknowledged that he refused orders to exit his vehicle. He further stated he tried to close the door on the officer. He stated the officer grabbed his wrists and pushed him against the trunk. Then he swept his leg under the complainant’s leg and took him to the ground. The complainant stated he was not hurt or injured. He was handcuffed while on the ground and then seated on the curb. A witness officer stated the complainant was angry, irate and hostile and refused to exit his vehicle. The named officer stated the complainant locked his doors and refused to get out of his vehicle. When he did exit his car, he refused to place his hands on the back of his head. At one point, he raised his right fist at the officer. The officer stated he feared for his safety and conducted a Department-approved bar arm takedown. The officer stated the complainant did not complain of pain, did not have any visible injuries and did not request medical assistance. The officer’s conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/12 **DATE OF COMPLETION:** 10/01/12 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated his vehicle was searched without any reason.

A witness told the OCC that the complainant threatened her, left the scene of the accident and failed to share information with her. She called 911. Department records confirmed that telephone call.

A witness officer stated he used a flashlight to look inside the complainant's truck and saw a shotgun on the back seat in plain view. He opened the door and checked to see if it was loaded and legal. He stated he did not search the vehicle.

The named officer stated a female victim told him the complainant threatened her and she feared for her safety. The officer stated he observed a shotgun and ammunition inside the cab of the complainant's vehicle. Due to the nature of criminal threats by the complainant, the officer searched the vehicle and removed the shotgun and ammunition. The officer was investigating a call of terrorist threats and a hit and run accident. He observed a shotgun in the complainant's vehicle. He removed the shotgun and ammunition and determined that it was properly registered. The officer had probable cause to search the complainant's vehicle. His conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/12 **DATE OF COMPLETION:** 10/31/12 **PAGE** #1 of 2

SUMMARY OF ALLEGATION #1: The officer issued parking citations without cause.

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 October 16, 2012.

SUMMARY OF ALLEGATION #2: The officer engaged in selective enforcement.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 16, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/12 **DATE OF COMPLETION:** 10/31/12 **PAGE** #2 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 16, 2012.

SUMMARY OF ALLEGATION #4: The officer failed to provide his name and badge number when requested.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 16, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/12 **DATE OF COMPLETION:** 10/26/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The complainant was detained pursuant to Welfare and Institution without justification.

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

FINDINGS OF FACT: The complainant stated he was having difficulty obtaining pain medication from a mail order pharmacy and, in frustration, told the pharmacist during a telephone call that if he didn't get his medication, he was going to commit suicide. The complainant stated, however, that he was not a danger to himself. According to dispatch records, a pharmacist called 911 to report that the complainant told him on the telephone that he was on the top floor of a building and was going to jump. The dispatcher kept the pharmacist on the telephone until police arrived at the complainant's residence. The named officer's supervisor stated that he instructed the officer to detain the complainant and take him to the hospital for a psychiatric evaluation. The named officer stated he followed his supervisor's instruction. The named officer stated he asked the complainant if he wanted to hurt himself, and the complainant said yes. The complainant acknowledged that he told a third party he was going to commit suicide. The officer's conduct was proper.

SUMMARY OF ALLEGATION #2: The complainant stated that unnecessary force was used during his detention.

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

FINDINGS OF FACT: The complainant stated the named officer bent his arm behind his back so that his hand could touch the back of his head. He further stated his handcuffs were too tight. He stated they were not loosened until he began banging his head inside the patrol car. The named officer stated he did not bend the complainant's arm. He stated he escorted the complainant out of his apartment by holding on to his arm and placed him against a wall. He stated he did not use any physical controls or force. He stated he did not handcuff the complainant and did not recall the complainant complaining about tight handcuffs.

Two witness officers stated they did not see the named officer use force. They each stated the complainant was waving his arm around and they both grabbed the complainant to keep the complainant from hitting them. One witness officer stated he handcuffed the complainant, checked them for the proper degree of tightness, and double-locked them. He stated the complainant complained that the handcuffs were too tight. The officer stated he checked them again and determined they were not too tight. He did not loosen the handcuffs. He did not see any visible marks or injuries on the complainant. The second witness officer stated his partner handcuffed the complainant. He did not recall the complainant complaining of tight handcuffs. This officer did not see any visible marks or injuries on the complainant. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/12 **DATE OF COMPLETION:** 10/15/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated she was crossing the street when the officer slowly drove his patrol wagon too close to her while she was in the crosswalk in an attempt to intimidate her. The officer denied the allegation, said he knew the light would change so he drove his patrol wagon forward in order to stop northbound traffic when he saw that the complainant was walking slowly in high heels and would not make it in time for the light change. There were no witnesses so there is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer yelled something inappropriate to her when he passed by her on the crosswalk. The officer denied the allegation and stated he merely told the complainant to be careful that drivers don't always see people that late into crosswalks. There were no witnesses so there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/10/12 **DATE OF COMPLETION:** 10/31/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant accused the officer of not preparing a police report of the incident relating to another party assaulting him. Additionally, the complainant said the officer did not provide him with a copy of the Citizen's Arrest form. The officer stated he had difficulty communicating with the complainant, who was yelling, using profanity and walking away from the officer while the officer was attempting to get the complainant to describe what occurred. The complainant demanded to speak to the officer's supervisor. The officer notified his supervisor, who subsequently arrived at the scene of this incident. The supervisor also interviewed all of the parties involved in this incident and prepared a Citizen's Arrest form, Certificate of Release and an Incident Report. The supervising officer said the complainant walked away before the officer completed the Citizen's Arrest form and did not accept receipt of this form. Department records indicate the supervising officer included the Citizen's Arrest form as a property listing described in the incident report the officer prepared. The evidence proved that the act alleged in the complaint did occur, however, the officer's actions were appropriate.

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

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

FINDINGS OF FACT: The complainant stated the officer interrupted him several times during the complainant's description of the incident he was giving to the officer. Additionally, the complainant stated the officer laughed at him and made comments intended to belittle the complainant. The complainant indicated the officer gave more attention to the other parties involved in this incident than to the complainant. The officer said he had difficulty communicating with the complainant, who was yelling, using profanity and walking away from the officer while the officer was attempting to get the complainant to describe what occurred. The complainant even refused to talk to the officer. One of the other parties to this incident stated the complainant went into a verbal tirade without provocation, directing his (complainant's) profanities not only against them but also against the investigating officers, who were very professional in their conduct. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/14/12 **DATE OF COMPLETION:** 10/16/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate remarks/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated she had allergies and the officer made inappropriate remarks regarding her condition. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/03/12 **DATE OF COMPLETION:** 10/11/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the Park Station Newsletter included comments that were inappropriate. The complainant, who remains anonymous, failed to cooperate in the investigation. Without additional information from the complainant, the investigation could not be properly investigated. A review of the Park Station Newsletters did not locate any comments that were biased, derogatory or that compromised the privacy rights of suspects.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/16/12 **DATE OF COMPLETION:** 10/31/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officers issued an unlawful order.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the department, the complaint was mediated and resolved in a non-disciplinary manner on October 5, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/12 **DATE OF COMPLETION:** 10/31/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATIONS #1-2: 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 accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 16, 2012.

SUMMARY OF ALLEGATIONS #3-4: The officers 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 October 16, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 10/18/12 **PAGE #1 of 2**

SUMMARY OF ALLEGATION #1: The officer was rude in speaking to the complainant.

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

FINDINGS OF FACT: The named officer and one witness officer denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to provide their names or star numbers on request.

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

FINDINGS OF FACT: The named officers denied the allegation. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/24/12 **DATE OF COMPLETION:** 10/18/12 **PAGE** #2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers entered the complainant's apartment without cause.

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

FINDINGS OF FACT: The named officers denied the allegations. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/12 **DATE OF COMPLETION:** 10/03/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officers were required to take her citizen's arrest against her child's school principal (for violating Penal Code sections 11165.2 and 11165.3) at her request regardless of whether or not the officers believed there was probable cause that a crime had occurred. Pursuant to amendments in 2002 to California Penal Code section 142 and to section 847 in 2003, officers are no longer obligated to receive an arrest by a private person if that arrest is unsupported by probable cause to believe that a crime was committed, and the person being arrested committed the crime in question. The officer conducted an investigation of the events reported to school officials and determined there was no reasonable suspicion to detain the principal, nor probable cause to believe that the principal had committed a crime. The officers prepared a report as required per DGO 5.04 and forwarded it to Child Protective Services. The officer's actions were lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/12 **DATE OF COMPLETION:** 10/30/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The complainant stated she is being harassed.

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

FINDINGS OF FACT: The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The complainant alleged biased policing due to her age.

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

FINDINGS OF FACT: The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/12 **DATE OF COMPLETION:** 10/30/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The complainant alleged biased policing due to race.

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

FINDINGS OF FACT: The evidence was insufficient to either prove or disprove he allegation.

SUMMARY OF ALLEGATION#:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/12 **DATE of COMPLETION:** 10/01/12 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The complainant was spoken to, and treated, in an inappropriate manner.

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

FINDINGS OF FACT: The complainant brought forward issues that are outside the jurisdiction of the OCC. This complaint was forwarded to the San Francisco Public Library.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/12 **DATE OF COMPLETION:** 10/09/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant told the OCC that his roommate threatened him. The Incident Report documents that the reportee/victim called the police and upon their arrival the reportee/victim told the officers the complainant had threatened to kill him. The incident report documents that the complainant refused to provide a statement to the officers. The incident report documents that the officers requested and were issued an Emergency Protective Order (“EPO”) and that the officers served and explained the Emergency Protective Order to the complainant. The complainant was arrested. A copy of the signed Emergency Protective Order was attached to the incident report along with a handwritten statement prepared by the reportee/victim documenting the threat. Because an officer must demonstrate to a Judge that there are reasonable grounds for the issuance of an Emergency Protective Order, and because an Emergency Protective Order was issued, the OCC investigation concludes that the officers had probable cause to arrest the complainant. 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: 09/24/12 **DATE OF COMPLETION:** 10/09/12 **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 that the named officer arrested him for violating a restraining order. The complainant stated he was wrongfully arrested because he was never served with the restraining order. Records indicate that the complainant was in fact served with the restraining order. Additionally, the incident report reflects that the victim signed a Citizen's Arrest Form, making the arrest a private person's arrest. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary force.

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

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

SUMMARY OF ALLEGATION #

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/12 **DATE OF COMPLETION:** 10/12/12 **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 referred to:

U.S. Park Police – San Francisco Field Office
1217 Ralston Avenue
San Francisco, CA 94129

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/02/12 **DATE OF COMPLETION:** 10/15/12 **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: The allegation raises matters not rationally related to OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/09/12 **DATE OF COMPLETION:** 10/26/12 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters outside the OCC jurisdiction.
This complaint will be forwarded to:

San Francisco Police Department
Internal Affairs Division
850 Bryan Street, Room 558
San Francisco, CA 94103
(415)553-1091

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/25/12 **DATE OF COMPLETION:** 10/31/12 **PAGE# 1 of 1**

SUMMARY OF ALLEGATION #1: The officer engaged in rude behavior.

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

FINDINGS OF FACT: The complainant stated he was double-parked when a black and white SFPD car pulled up behind him. He heard the police vehicle air horn but did not immediately move his vehicle. The complainant then heard an officer's voice come over the public address system ordering him to move on "now," and he was obliged to move his car to park legally. The complainant admitted that he was double-parked which is illegal pursuant to the California Vehicle Code. The officer used the vehicle air horn to gain the complainant's attention and when the complainant failed to move his vehicle, the officer used the vehicle public address system to advise the complainant to immediately move his vehicle. Department records were researched and no local station officers were found to be in the area of this contact. The evidence showed that the actions complained of did occur; however the officer's actions were proper and lawful pursuant to Department procedures.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/12 **DATE OF COMPLETION:** 10/31/12 **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. The complaint has been referred for investigation to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/12 **DATE OF COMPLETION:** 10/31/12 **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 referred to:

San Francisco Sheriffs Department & Controller's Office	
Investigative Services	Claims Division
25 Van Ness Avenue, #350	1390 Market Street, 7 th Floor
San Francisco, CA 94102	San Francisco, CA 94102
(415) 554-2380	(415) 554-4700

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/24/11 **DATE OF COMPLETION:** 10/31/12 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/06/11 **DATE OF COMPLETION:** 10/05/12 **PAGE#** 1 of 5

SUMMARY OF ALLEGATION #1: The officer failed to take a police report.

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

FINDINGS OF FACT: The complainant said on February 4, 2011 he reported that his computer and phone equipment were being hacked into by persons overseas and requested the officer take a police report. The officer said he evaluated the circumstances described by the complainant and determined that no crime had been committed and the things described by the complainant were imaginary. The officer did not recall the complainant asking him to take a police report. The officer documented in the CAD that the complainant was mentally disturbed. There were no witnesses. 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:** PC **DEPT. ACTION:**

FINDINGS OF FACT: The complainant said on February 28, 2011, his neighbors called the police because they were concerned about him. The complainant said he was trying to interfere with whoever was hacking into his electrical equipment so he disconnected the dish on top of the building, disconnected the wires to the fire alarm in the apartment building lobby, the buzzer and electricity to his apartment. The officer said due to the complainant's tampering with the apartment building electrical wires, his own apartment electricity and because he was not making rational sense the officer determined that the complainant was a danger to himself and others. The complainant was detained and transported to the hospital psychiatric ward. Several witness officers did not recall the incident. One witness officer reported being advised by one of the apartment tenants that the complainant was tampering with the buildings electricity. The CAD documents the caller reporting that the complainant is mentally disturbed. There were no other available witnesses. Based on the evidence the officer was within his discretion to detain the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said two officers followed him into his apartment to get his identification. The complainant said he did not give the officers permission to enter. The named member said at the time he entered the apartment; he was investigating a report that the complainant was mentally disturbed. The officer said he entered the apartment as part of his investigation. The CAD documents a 911 call regarding a mentally disturbed person. The officer had sufficient exigency based on the evidence to enter the complainant's apartment without a warrant. The other officers who responded to the call denied being inside of the complainant's apartment. The investigation was unable to conclusively identify a second officer entering the complainant's apartment. There were no other available witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #5- 6: The officers searched the complaint's residence without cause.

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

FINDINGS OF FACT: The complainant said that after the officers unlawfully entered his apartment, they proceeded to unlawfully search the apartment by flashing their flashlights around the room. The officer said due to the complainant's wire tampering with the electrical fixture near the complainant's front door, the complainant having shut off his electricity to his unit and the disheveled condition of his apartment, he looked to see if any other electrical fixtures in the apartment had been tampered with that might cause a fire hazard. If lawfully inside a residence an officer may view objects in plain view. It is unclear from the evidence whether the officer exceeded the scope of the plain view rule in this complaint. The other officers who responded to the call denied being inside of the complainant's apartment. The investigation was unable to conclusively identify a second officer entering the complainant's apartment. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #7- 8: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers made inappropriate comments to him. The officers denied the allegation. Witness officers either did not recall the incident or denied hearing the alleged comments. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9:The officer mishandled the complainant's property.

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

FINDINGS OF FACT: The complainant said the officer did not properly secure his property (keys) when the complainant was admitted to the hospital. The officer could not recall the alleged behavior. The hospital patient care report substantiates the alleged behavior by the officer that the officer failed to immediately secure the complainant's property (keys) at the time the complainant was admitted to the hospital. Department General Order 6.14 requires that when detaining an individual for psychiatric evaluation and treatment, the officer must prepare an incident report and describe how the person's property was safeguarded or placed in police custody. The complainant's medical records document that the officer did not submit the complainant's keys to the hospital at the time of the complainant's admission and there is no documentation of the keys in the officer's incident report. At the time of his discharge from the hospital, the complainant coincidentally ran into the officer and demanded his keys. The officer recovered the complainant's keys from his pocket. 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 #10: The officer wrote an inaccurate police report.

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

FINDINGS OF FACT: The complainant alleged that there were inaccuracies in the police report. The officer said the information in the report is based on the information documented in the CAD and his own investigation. One witness officer substantiated information in the report. Several witness officers did not recall the incident. The information on the CAD and documented in the police report are substantively similar based on evidence. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #11: The officer failed to provide the required information.

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

FINDINGS OF FACT: The complainant said the officer failed to read him the required Advisements. The officer denied the allegation. The Advisement is signed by the officer. Witness officers did not recall whether the Advisement was read to the complainant. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #12: The officer engaged in harassing and retaliatory behavior.

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

FINDINGS OF FACT: The complainant said the officer is harassing him and retaliating against him. The officer denied the allegation. There are no witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said the officer behaved inappropriately. The officer denied engaging in the alleged behavior. Witness officers denied seeing the named member engage in the alleged behavior. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a random stranger attacked him and another man. An officer was flagged down to assist. When the officer arrived, the officer refused to go after the suspect and instead left the scene. No officer ever showed up to investigate the assault. The officer stated that he could not go after the suspect because it was unsafe to do so. He called the information into dispatch and dispatch told him other units would respond. The officer stated he left the scene to look for the suspect and when he could not find him after several minutes, he went back into service. A subject matter expert stated that the officer should have coordinated the investigation and written a report because he was the first to arrive on 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 made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that a random stranger attacked him and another man. An officer was flagged down to assist. The complainant became upset because the officer would not go after the suspect. The officer called dispatch and then told the complainant something to the effect of, "If you continue to give me attitude, I will call off the unit." The officer stated that he did not say anything to that effect. A witness who knew the complainant was unable to confirm the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force during a detention/arrest.

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

FINDINGS OF FACT: The complainant stated that she observed a video of San Francisco police officers shooting a man in a wheelchair. The complainant felt the officers used excessive force and that there was no need for the officers to shoot the man. The complainant stated that it was obvious from the video that the man had thrown the knife away and was giving up to the officers when they shot him. The co-complainant, the attorney representing the man shot by officers in a civil lawsuit, stated that the named officers used unnecessary force when they shot his client.

The evidence established that the man in the wheelchair (referred to here as the subject) went to a San Francisco Department of Health facility. The subject became upset when he was told by the Department of Health personnel that he needed an appointment. He went to the sidewalk in front of the building and punctured the tires of a city-owned vehicle. The subject also threw a piece of concrete and attempted to damage parking meters by stabbing them with his knife. The Department of Health personnel summoned police.

A motorcycle officer responded to the scene and contacted the subject on the sidewalk. The motorcycle officer stated that the subject swung a folding knife with a blade approximately four inches long at him while screaming profanities at him. The subject followed the motorcycle officer along the sidewalk, using his feet to propel himself in his wheelchair. The motorcycle officer asked police communications to have officers equipped with a less-lethal beanbag shotgun respond to the scene.

Four plainclothes officers, Officers A, B, C and D, were traveling past the scene, heard a radio communication concerning the incident and observed that the motorcycle officer was alone. They stopped their unmarked car and approached the sidewalk. They repeatedly ordered the subject to drop the knife he was waving in front of him but he refused to do so. Officer A sprayed the subject in the face with OC spray, which appeared to have little effect. The subject swung his arm, stabbing Officer A in the left arm.

The subject moved into traffic lanes of a one-way, multi-lane street, propelling himself using his feet. Officer A and Officer B and their partners, Officer C and Officer D, moved into the street. These four officers stated that they did so in an attempt to contain the subject, whom they feared might attack a pedestrian passerby. They also expressed concern about the subject being struck by a vehicle. The motorcycle officer moved further into the street and attempted to direct traffic around the area so the subject and the four plainclothes officers would not be struck.

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SUMMARY OF ALLEGATIONS #1-2 continued: The officers used unnecessary force during a detention/arrest.

All four plainclothes officers repeatedly ordered the subject to drop the knife but he failed to do so. Two uniformed officers, Officer E and Officer F, arrived on the scene. Officer E carried an extended range impact weapon (ERIW), a shotgun that fires a beanbag that is employed as a less than lethal weapon. Officer E pointed the ERIW at the subject and repeatedly ordered him to drop the knife. The subject did not drop the knife. Officer E fired the ERIW, and the beanbag struck the subject in the thigh. The subject displayed little reaction to being struck with the beanbag and did not drop the knife.

A cell phone video shot by a passerby from across the street shows that the subject moved his right arm, which was outstretched with the knife held in his right hand, backwards to a point just at or above his right shoulder. The subject then forcefully swung his right arm forward in a horizontal arc, throwing the knife forward in the direction of Officers A, B and C, who were standing ten to twenty feet from the subject. The subject's right arm continued swinging across his chest, causing his wheelchair to pivot to the left. A video of the incident indicates that the subject completed this swing of his arm in four-tenths of a second. Several officers at the scene stated that it clearly appeared that the subject was throwing the knife and that he was not dropping or attempting to drop it.

Officer B stated that the subject appeared to be throwing the knife at him with the intention of killing him and that he was in fear for his life. He stated that as the subject was throwing the knife, he fired his handgun once at the subject in order to prevent the subject from throwing the knife. Officer B stated that he felt an object strike his foot, and later observed what appeared to be a cut mark on his shoe that had not been present earlier that day. He also stated that he heard another shot fired immediately after he discharged his handgun.

Officer A stated that when he saw the subject swing his arm forward he believed the subject was throwing the knife at him and was in fear for his life. He stated that he discharged his handgun once in order to prevent the subject from throwing the knife.

Forensic evidence established that Officer A and Officer B each fired one round from their handguns. Photographs of the subject's wheelchair show what appear to be two bullet entrance holes on the left side of the wheelchair going in a general direction of back to front. The subject's medical records indicate he sustained two separate bullet wounds on the right thigh with a general direction of right to left and back to front.

A forensic video specialist superimposed a time-code on the cell phone video of the incident and determined when the two handgun discharges and the firing of the extended range impact weapon (ERIW) took place. An examination of the cell-phone video, with a time-code superimposed on it, indicated that the first gunshot is heard 1.098 seconds after the subject began swinging his arm forward and .931 seconds after the knife left the subject's hand. It also indicated that the second gunshot is heard 1.919 seconds after the subject began swinging his arm forward and 1.752 seconds after the knife left the subject's hand.

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SUMMARY OF ALLEGATIONS #1-2 continued: The officers used unnecessary force during a detention/arrest.

Both Officer A and Officer B stated that they fired their handguns in an attempt to prevent the subject from throwing a knife at them and that they were in fear of death or great bodily injury to themselves at the time. Evidence established that Officer A and Officer B were approximately 10 to 20 feet from the subject at the time. Evidence also established that the subject threw the knife in the direction of the officers with significant force and speed. At the moment Officer A and Officer B fired their handguns, they knew that the subject had stabbed Officer B in the arm and had ignored numerous commands to drop the knife he was brandishing. They also knew that OC spray deployed against the subject had not caused him to drop the knife nor had deployment and firing of an extended range impact weapon. At the time Officer A and Officer B fired their handguns, the subject was positioned in a traffic lane on a heavily trafficked street with numerous passenger and commercial vehicles, including trucks, passing by.

The evidence established that both officers discharged their firearms after the knife the subject was throwing left the subject's hand. There is insufficient evidence to prove or disprove whether, under the circumstances, the officers were justified in using deadly force. Therefore, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately and made inappropriate comments. The complainant stated, in part, that the officer criticized her for living with her parents. Additionally, the complainant stated the officer deliberately erased a video recording from her cellular phone. The officer denied the allegation. No witnesses were identified for this part of the incident. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant's vehicle was towed. The complainant stated that when she retrieved her vehicle, her digital camera was missing. The officers stated they did not see a digital camera in the vehicle. One of the officers stated he completed the Inventory of Towed Vehicle DPT form and listed all property left in the vehicle. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to state reason for detention.

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

FINDINGS OF FACT: The complainant stated the officer did not tell her why she was being arrested. SFPD records indicate that the complainant was not arrested but rather detained for interfering with the officers during the arrest of her boyfriend. The complainant was later issued a Certificate of Release documenting her detention. 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 #5: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer detained her for no apparent reason. The complainant believes that she was detained because she was seen videotaping her boyfriend being assaulted by the officers. The officer denied the allegation and stated that the complainant was detained for interfering with her boyfriend's arrest. The complainant's boyfriend did not come forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officer seized her cellular phone without cause. The complainant admitted she video recorded parts of her boyfriend's arrest using her cellular phone. The officer stated the complainant's phone was seized as evidence and her video recordings were viewed at the station in front of the complainant. The officer stated he issued a San Francisco Police Department 315 form for the seizure of complainant's property. Per DGO 6.15, when property is booked, officers are to issue a property receipt. The incident report lists the cell phone as evidence and a copy of the property receipt issued to the complainant was attached to the incident report. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #7: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The complainant stated the officer detained her for no apparent reason. The complainant believes that she was detained because she was seen videotaping her boyfriend being assaulted by the officers. The officer denied the allegation and stated that the complainant was detained for interfering with her boyfriend's arrest. The complainant's boyfriend did not come forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8-9: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that one of the officers punched and beat her boyfriend while he was in handcuffs. The officers stated the complainant's boyfriend resisted, forcing the officers to use force in order to taken him into custody. The complainant's boyfriend did not come forward. A civilian witness stated that the complainant's boyfriend resisted. The witness did not see any use of unnecessary force. No other witnesses came forward. There was insufficient evidence to either prove or prove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause. The named officer stated that he arrested the complainant because his watch commander informed him that the complainant had made threats against a police officer and if located, there was probable cause to arrest him. The named officer's watch commander stated that he advised officers at his station during roll-call of the contents of a printout on the reading clipboard that stated the complainant was wanted for threatening a police officer. The watch commander stated that he did not know who prepared this document, but assumed it came from the Station Investigative Team. The supervisor of the Station Investigative Team stated that she did not take any action concerning the complainant and is unaware of any actions taken by any members of the Station Investigative Team. She stated that she knew the complainant's mug shot was placed on the reading clipboard but did not know who did this. The members of the Station Investigative Team stated that they did not recall preparing any document for the reading clipboard concerning the complainant. The station captain stated that he did not direct this matter be handled by the Station Investigative Team and was unaware of any document being placed on the reading clipboard. The evidence established that the named officer arrested the complainant based upon instructions from a superior officer. However, the evidence did not establish who prepared the document the superior officer relied upon indicating the complainant was subject to arrest or how a determination was made that the complainant was subject to arrest. Therefore, there is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer searched him without cause. The named officer stated that he arrested the complainant because his watch commander informed him that the complainant had made threats against a police officer and if located, there was probable cause to arrest him. The named officer stated that he searched the complainant after placing him under arrest. The officers who arrested the complainant also stated that they determined the complainant was on probation with a search condition. The evidence established that the complainant was searched in conformance with his search condition. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers searched his car without cause. The named officers stated they searched the complainant's car pursuant to the complainant's arrest by other officers. The officers who arrested the complainant stated they determined the complainant was on probation with a search condition. The evidence established that the complainant's car was searched in conformance with his search condition. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer had his car transported to the station without cause. The named officer stated following the complainant's arrest, he and his partner began searching the complainant's vehicle pursuant to the complainant's search condition. He stated that he had the complainant's vehicle transported to the police station because there was a large amount of property inside, there was poor lighting at the scene of the arrest and the search could be completed more safely at the police station. The named officer's partner confirmed his statements. The evidence established that the named officer transported the complainant's car to the station pursuant to an arrest, based upon instructions from a superior officer. However, the evidence did not establish who prepared the document the superior officer relied upon indicating the complainant was subject to arrest or how a determination was made that the complainant was subject to arrest. Therefore, there is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity at the police station. The named officer denied the allegation. Other officers involved in the complainant's arrest and the search of his vehicle stated that they did not hear the named officer use profanity. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated an officer used profanity at the police station. Officers involved in the complainant's arrest and the search of his vehicle stated they did not use profanity and neither did any other officer use profanity. No other witnesses were identified. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated the named officer falsely claimed he had been at a store owned by his cousin asking questions about the named officer. The complainant stated he was at the store but denied asking questions about the named officer. The OCC was unable to contact and interview the complainant's cousin. The named officer wrote a memo to her commanding officer stating the store owner told her the complainant had been at the store inquiring about her. The named officer told OCC the store owner told her the complainant asked if he knew the named officer and the complainant referred to her with a derogatory term. An SFPD Inspector interviewed the store proprietor who the complainant identified as his cousin. According to the Inspector's investigative record, the store proprietor stated he was friends with the complainant many years ago but when the complainant came into his store he did not recognize him. This witness stated the complainant asked if he knew the named officer, referred to her with a derogatory term and said she had arrested him. The complainant asked the witness to tell the named officer that he was the complainant's cousin so she would stop harassing him. This witness denied that the complainant made any threats against the named officer. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that his brother used the complainant's name when his brother was stopped and cited by the named officer. The complainant alleged that the named officer failed to sufficiently establish the identity of the complainant's brother before issuing him the citation. The officer denied the allegation and said that the information that the complainant's brother provided matched the information on his computer. The complainant's brother did not come forward for an OCC interview. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to comply with DGO 9.01.

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

FINDINGS OF FACT: Department General Order 9.01(I)(B)(4) states that when issuing a moving violation, an officer shall reasonably ascertain the true identity of the violator. If this is not possible through valid identification or other efforts, the violator shall be booked and the inability to ascertain identity entered on the booking form as the reason for not issuing a citation. As previously discussed, the complainant stated that his brother used the complainant's name when his brother was stopped and cited by the named officer. The complainant alleged that the named officer failed to sufficiently establish the identity of the complainant's brother before issuing him the citation. The officer denied the allegation and said that the information that the complainant's brother provided matched the information on his computer. The complainant's brother did not come forward for an OCC interview. 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 comply with Department Bulletin 11-097.

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

FINDINGS OF FACT: Department Bulletin 11-097 provides that in all traffic stops, officers shall continue to collect traffic stop data. The officer stated that he made no entry for the traffic stop in question. 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 #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she called police regarding a dispute with her former friends, and the responding officer uttered profane language. When asked what she should dry out from, the complainant stated that the officer replied, "Whatever you're on...anger, alcohol..." The complainant denied being intoxicated. The named officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that while interacting with the officer, the officer repeatedly replied with profane and uncivil language. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to make a citizen's arrest per DGO 5.04.

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

FINDINGS OF FACT: The complainant stated that she wanted an arrest to be made but that the officer did not make one. The officer was unable to recall the incident but she denied the allegation. She stated that had an assault been reported to her, or had the complainant requested that an arrest be made, she would have done so. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with DGO 2.01.

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

FINDINGS OF FACT: This incident was reported to dispatch on two separate phone calls. The officer denied the allegation and stated that what is reported to dispatch does not always coincide with what the officer encounters upon arriving on scene. She further stated that had there been evidence of a crime, she would have made an arrest and/or generated an incident report. There was insufficient evidence that the officer was presented with evidence of a crime upon her arrival on scene. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated officers stopped him for investigation of a report of a sexual assault wherein the victim said the complainant made inappropriate advances toward her. The sexual assault took place aboard a Muni vehicle. The complainant stated he did not touch the girl but he did tell her she was beautiful. The complainant said he was arrested. The officers stated they had probable cause to make the arrest as they had evidence from Muni video and the victim's statement, and some of the complainant's clothes matched the video. The officers had probable cause to make an arrest.

SUMMARY OF ALLEGATION #3: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that when he was booked at the jail his shoes were confiscated but when he was released they were not returned to him and were not listed in the property receipt, nor was his jacket and hat. The officer stated that the property was seized and listed as evidence. The OCC investigation determined that the property was processed according to department policy, however, due to a typo on the initial incident report number it was difficult to track the evidence with the correct report number. The incident report and evidence tracking have been reconciled.

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OCC Added-Allegation

SUMMARY OF ALLEGATION #1: The officer failed to accurately record the case number on the police report.

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

FINDINGS OF FACT: The incident report for this case had the wrong case number. The officer recorded the wrong case number on the police report. The officer stated that it is possible that he was given the wrong case number or he could have heard it wrong. The CAD audio documents that the dispatcher verbally broadcast the wrong case number to the officer who recorded the case number that he was given. The evidence showed that the act, which provided the basis for the allegation occurred, however, such act was justified because the officer was given the wrong case number by dispatch.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer made rude comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer made a rude comment to her during a telephone conversation. The named officer denied making the rude comment described by the complainant, but admitted uttering a somewhat similar statement to himself as he was hanging up the phone. The named officer stated that this statement was not directed at the complainant and that he was unaware she had heard it. The evidence established that the officer made a rude statement. 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 failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that the officer, who was assigned to a district station's investigation team, failed to properly investigate a crime she had reported to police and failed to obtain a surveillance video, which she believes documented the incident. The complainant stated that during a telephone conversation with this officer, he told her that no crime had been committed and that he would not obtain the surveillance video. The named officer stated that he spoke with the complainant on behalf of another member of his station's investigation team and that the only request the complainant made was for the Department to obtain the surveillance video, which she said she planned to use in a civil lawsuit. The named officer stated that he explained the legal requirements for seizing a surveillance video and informed the complainant that based on his review of the police report she had filed, no crime had been committed. The investigator the complainant originally spoke with stated that she did not recall the substance of her discussion with the complainant, but that based on the police report, it appeared that the complainant documented the incident so she could sue the alleged perpetrator. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer is no longer a member of the Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The officer said he was traveling behind the complainant for several blocks and observed the complainant swerving in and out of traffic lanes without signaling and in speeds that exceeded the posted speed limit. The complainant denied driving in the alleged manner. The complainant's wife and his son said they did not know the speed at which they were traveling but stated that the flow of traffic was slower than normal and they were traveling with the flow of traffic. The speed limit on the road is 35 mph and the officer said he paced the speed of the complainant's vehicle over 50 mph. There were no other available witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment and/or behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant, his wife and his son stated that during the traffic stop, the officer had become agitated and threatened to revoke the complainant's driver's license. The officer denied the allegation. He stated that the complainant had not committed any act that would have resulted in the revocation of his driver's license. San Francisco Police Department General Order 2.01 prohibits officers from conducting themselves in a unofficer-like manner. The preponderance of the evidence establishes that the officer threatened to revoke, suspend or take away the complainant's driver's license. Based on the officer's own testimony, the complainant did not commit any act that would have resulted in the revocation of his driver's license. As such, the officer's statement about taking the complainant's driver's license away was a mere threat, reflecting discredit upon 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 #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant and his wife stated the officer misrepresented the truth in court when he testified that the complainant was traveling in excess of the posted speed limit. The officer denied the allegation. There were no transcripts of the traffic court hearing, preventing the OCC to establish what transpired during the court hearing. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 officer should not have cited him. The complainant stated the officer refused to accept his current proof of insurance card. The officer denied the allegation. The officer said the complainant did not provide a copy of his current proof of insurance card in violation of CVC § 16028(a) for no proof of insurance. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer towed the complainant's car without justification.

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

FINDINGS OF FACT: The complainant stated that the officer unjustifiably towed his vehicle. The complainant admitted his driver's license was not renewed and blamed it on the DMV for not processing his change of address timely. The complainant admitted he was not able to get someone to come to the scene and drive his vehicle in order to avoid a tow. The complainant stated the officer allowed him less than ten minutes to get a driver to come to the scene to drive his vehicle. The complainant said the officer told him the driver must have insurance on his car in order to drive it away. The officer denied the allegation. The officer stated that it is the Department policy to tow a vehicle driven by a motorist with an invalid driver's license. Under the San Francisco Traffic Offender Program (STOP), Department policy states a motorist in violation of CVC §12500(a) (invalid licensed motorist) should be cited and towed. The officer stated the complainant was allowed over 20 minutes to get a valid licensed driver to respond on his behalf and take control of his vehicle but was unable to do so. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers dragged him from his car and left him at a nearby residence doorstep area. The complainant stated the officers told him they would not tow his car if the complainant allowed them to search it. The officers denied they dragged the complainant but said the complainant, who is disabled, was a tall person and his feet may have touched the ground during the lift to the nearby residence's steps. The officers stated they gently escorted the complainant from his car to a nearby residence's steps where he sat during the incident. The officers denied they made a deal with the complainant if they were allowed to search the complainant's car. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5-6: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said the officers should have provided transport for him from the scene. The complainant said he is a disabled person unable to walk on his own. The complainant stated the officers abandoned and left him stranded at the scene. The complainant said he did not recall if the officers asked him if he wanted an ambulance. The complainant stated he did not ask the officers to call for an ambulance because he was not injured. The officers denied the allegation. The officers stated they stayed at the scene until the cab and tow truck arrived. The officers said they allowed the complainant to contact someone to come to the scene but the complainant could not get hold of anyone. The officers called a cab for the complainant and he refused it when it arrived due to a lack of funds. The officers stated the complainant refused a request for an ambulance to the scene that was offered by the officers. The officers said they stayed at the scene out of the complainant's view and waited until unknown individuals in a car arrived to pick the complainant up. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he spoke with a Sergeant to express his displeasure with an investigation done by a patrol officer. He stated that the Sergeant gave him the runaround and would not agree to send additional officers out to the scene until the complainant asked if the Sergeant was refusing. The Sergeant denied the allegation, stating that he offered several times to send another unit out to the scene and that he was not reluctant to do so. Further he stated that units made passing calls throughout the night and that he too conducted a passing call to the complainant's residence later in the morning. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: