

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/17/12 **DATE OF COMPLETION:** 12/06/12 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer searched the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated the officer searched his pockets without cause. The co-complainant stated the officers detained him after he discarded a cigarette butt on a sidewalk just prior to entering a supermarket. The co-complainant admitted he was littering, a violation of Section 33 of the San Francisco Municipal Police Code. The officers stated their search of the co-complainant was incident to the observed violation and after a person's query, which established he had an outstanding warrant for littering, and a failure to appear in a San Francisco Court. The officers also stated that when asked if he had anything in his pockets, the co-complainant replied he had a crack pipe. The co-complainant did not mention anything about a crack pipe. The officers' actions were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2 & 3: The officers harassed the complainants.

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

FINDINGS OF FACT: The co-complainant stated that since the officer already released him from another location, his second detention constituted harassment. The complainant stated he felt harassed based on the behavior by one officer during the second incident. The officers denied the allegation and stated that someone, later identified as the complainant, picked up the co-complainant in a vehicle shortly after they released him. The officers said they saw the vehicle suspiciously circle the block back to the same location where they had released the co-complainant, which was consistent with a possible narcotics transaction. There was insufficient evidence to prove that the actions by the officers constituted harassment or to disprove their reasonable suspicion since the officers did not know the complainant or his address at the time he picked up the co-complainant. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #4 & 5: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainants stated the officers profiled them and detained them due to their race. The officers were questioned relative to the OCC biased policing protocol and denied the allegation and stated they could not discern the race of the driver, and did not consider it a factor in the detentions. The officers stated that someone, later identified as the complainant, picked up the co-complainant in a vehicle shortly after they had released him and both circled the block back to the same location, which was consistent with a possible narcotics transaction. There is no dispute that the complainants drove around the block, but the evidence is insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer drew his firearm without justification.

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

FINDINGS OF FACT: The complainant stated the officer drew and exhibited his firearm as he stood on the driver's side of his vehicle, and ordered him twice to turn off the ignition. The complainant stated the officer drew his firearm a second time when he reached for the glove compartment to produce documentation requested by another officer. The officers denied the allegation and stated the officer drew his firearm in fear for their safety because they saw the complainant's vehicle move forward as the officer stood in front of it to detain the complainants inside the vehicle. DGO 5.02 considers an authorized circumstance when an officer draws or exhibits a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. There were conflicting statements about where the officer stood when he drew his firearm, and about the movement of the vehicle. Furthermore, the officer denied drawing his firearm a second time, but the co-complainant negated that it was done without justification. The OCC attempts to interview other potential witnesses were unsuccessful. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer's threatening behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer threatened to beat him up if he stepped out of his vehicle during an argument over the detentions. The officer denied the allegation and making any threatening or inappropriate remark. The co-complainant and the officer's partner verified there was a verbal argument between the parties, but they were unable to either verify or deny the allegation because they were having their own conversation. The OCC attempts to interview other potential witnesses were unsuccessful. 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 ALLEGATIONS # 1-2: The officers entered a residence without cause

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

FINDINGS OF FACT: The complainant stated she lives in a hotel apartment with her husband. The complainant stated her husband is on active felony parole and has a search condition. The complainant stated the apartment is registered under her husband's name. One of the named officers received information from an anonymous informant that a Black male and White female were selling drugs at an apartment which was registered to the complainant's husband, who was on active parole with a search condition. The officers made contact with the complainant at the apartment and entered the residence to conduct a parole search. 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 # 3-4: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated she lives in a hotel apartment with her husband. The complainant stated her husband is on active felony parole and has a search condition. The complainant stated the apartment is registered under her husband's name. One of the named officers received information from an anonymous informant that a Black male and White female were selling drugs at an apartment which was registered to the complainant's husband who was on active parole with a search condition. The officers made contact with the complainant at the apartment to conduct a parole search. 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 ALLEGATION #5: The officer failed to take required action (knock-notice requirement).

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

FINDINGS OF FACT: The complainant stated the officers used a pass key and opened her apartment door without knocking or asking permission to enter her residence. The named officer stated he knocked on the apartment door and announced that SFPD officers were present to exercise a search condition for a parole search. The officer said as he put the key into the lock, the complainant opened the door. Three witness officers stated the named officer knocked and announced their presence, as required. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer issued an invalid order to the complainant.

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

FINDINGS OF FACT: The complainant stated the plainclothes gentlemen, thought to be a federal agent, asked her to step out in the hallway, and she complied. The officer stated he used a polite and friendly tone with the complainant and asked if he could talk to her for a moment. The officer said he took her out of the apartment to separate her from her guest to speak with her privately. The officer stated the complainant cooperated and was cooperative the entire time. They talked for one to two minutes while he explained that they were there to exercise the search condition and were looking for any kind of contraband inside the apartment. The witness officers stated the officer's approach was very casual and the complainant walked out with the officer willingly and seemed perfectly fine with his request. 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 ALLEGATION #7: The officer misused his police authority by using threats and promises to secure evidence against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer told her if she had any drugs she should hand them over to him and he would not charge her, but if he searched and found them, she would be charged. The named officer denied the allegation. The officer stated the complainant was not charged because he gave her an option; to assist the police further with narcotic investigations and the complainant agreed to assist the police. The officer said there was nothing wrong with their contact and he was courteous while communicating with the complainant. According to the SFPD Informant manual, the officer acted within the scope of his authority. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #8: The officer misused his police authority by using threats and promises to secure evidence against the complainant.

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

FINDINGS OF FACT: The complainant stated the named officer contacted her by cell phone numerous times to gather information by threatening to charge her for a pending case. The named officer denied the allegation. The officer stated the complainant agreed to cooperate with SFPD to prevent charges being brought upon her. The officer stated it is his job to follow up with the complainant and evaluate her credibility. There is insufficient evidence to either prove or disprove the allegation.

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OCC ADDED SUMMARY OF ALLEGATION #1: The officer failed to provide the complainant her Miranda Rights.

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

FINDINGS OF FACT: The named officer stated the complainant was not provided her Miranda Rights because she was only detained and not placed under arrest. The officer stated the complainant was not handcuffed and her movement was not restricted; the complainant voluntarily stepped into the hallway to speak with him. The officer said he did not recall advising her she was a suspect. He informed the complainant that they were there to exercise the search condition and they were looking for any kind of contraband inside the apartment. 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 ALLEGATIONS #1-2: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated that the officers used profanity as they were arresting him. The officers denied using profanity during the arrest. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officers pulled and pushed him into the patrol car inappropriately and made rude comments while doing so. The complainant added that during booking, the officers made fun of a medical condition. The officers stated that the complainant needed to be pulled and pushed into the car because he was resisting going into the vehicle voluntarily. The officers denied making the rude comments. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he rode his bicycle towards an intersection when he was suddenly stopped by a police officer for no reason. The complainant admits that he got into a struggle with officers. The officers stated that the complainant was resisting arrest and had assaulted a police officer, inflicting a serious injury to the officer. The officers stated that the complainant was arrested for battery on a police officer and resisting arrest. 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 detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he was riding his bicycle towards an intersection where some construction was occurring. He was about to stop when he was suddenly pulled of his bike without any warning. He eventually realized the person was a police officer and does not believe the police officer had a right to stop him. The officer stated that the complainant was about to ride his bicycle into a restricted area and that would pose a danger to both himself and the workers at the construction site. The officer detained the complainant to avoid that dangerous situation. An independent witness stated that he did not think the complainant did anything wrong but did say that the complainant looked like he was going to ride his bike across the street before the officer made contact with him. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that he was riding his bike towards an intersection when he was suddenly pulled off his bike. He struggled with the man at first then realized that it was a police officer. The complainant stated that it was unnecessary for the officer to use force to take him off the bike and to struggle to arrest him. The complainant sustained bruises and scrapes as a result of the physical contact. The officer stated that the complainant was about to ride his bicycle into a restricted area and that would pose a danger to both himself and the workers at the construction site. He grabbed the complainant and took him off the bike. The complainant immediately began to struggle and then hit the officer with a closed fist, causing the officer to suffer a concussion and laceration. An independent witness stated that he saw the two men wrestling on the ground but did not think anyone was seriously injured. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #9: The officer failed to have required equipment.

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

FINDINGS OF FACT: The complainant stated that he approached an intersection on a bicycle and was suddenly tackled by a police officer. The complainant stated that the officer was not wearing any reflective clothing, which made it difficult to see the officer. The officer stated that he was working a 10-B assignment and had all his required equipment on him, including a whistle and a flashlight that he had in his hand at the time. The officer stated that he was not wearing any reflective clothing. There is no requirement for an officer to wear reflective clothing while performing traffic control at night in the Department General Orders or in the Specialized Law Enforcement Services Program manual. The evidence proved that the act by the member was justified by Departmental policy, procedure or regulation; however, the OCC recommends a change in the particular policy, procedure or regulation.

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SUMMARY OF ALLEGATION #10: The officer engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was detained due to the fact that he is Latino. He stated that the officer then tried to cover up this fact by claiming the complainant was Caucasian in the police report. The officer stated that he thought the complainant was Caucasian from the start and that he only realized the complainant could be Latino after seeing his name. The officer stated that race played absolutely no factor in the detention and subsequent arrest. There was insufficient evidence to either prove or disprove the allegations 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(s) entered a residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers entered a residence in which he was visiting even though he denied consent for the officers to enter. The named officer stated that officers responded to an A priority call of a person with a gun, loud crashing sounds, and a loud verbal argument. When the complainant answered the door, he seemed nervous and sweaty, and the named officer felt there was some merit to the call. The named officer stated that the complainant consented to have officers enter to perform a protective sweep, but that even had the complainant not consented, he would have ordered his officers to enter the apartment. Several other officers present at the scene stated that the complainant consented to entry by the officers. Several officers also stated that they had a duty to make entry in order to investigate the call for service, due to the exigency inherent in the details of the call to 911. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer(s) searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated that he denied consent for officers to enter the apartment in which he was staying in order to secure the premises, but that the officers entered anyway, and searched the apartment. The named officer stated that this was not a search but a protective sweep in which contraband was found in plain view. The named officer stated that the complainant granted entry to the officers to perform the protective sweep but that he would have ordered his officers to enter the apartment regardless, as they were duty-bound to investigate the report of a fight, locate any victims, and secure any weapons. Several officers stated that this was not a search but a protective sweep and that the contraband was found in plain view. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that two officers grabbed him and pushed him down onto a couch, and that another officer pushed him aside. He also stated that officers accused him of lying and that officers were banging on his door. Several officers stated that they did not push the complainant nor did they see any other officer push the complainant. Officers stated that the complainant consented to entry and stepped aside to allow entry to be made. Officers stated that the complainant was evasive about his identity and whether or not he lived in the apartment, but none recalled any accusations that the complainant was lying. Officers stated that one member knocked on the complainant's door in a manner consistent with general practice. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer(s) arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that he was arrested without cause. He stated that he did not live in the apartment where the drugs were found and implied that the drugs found on his person belonged to someone else as well. The named officer stated that methamphetamine was found in the pocket of a shirt on the complainant's person and that marijuana and methamphetamine were found in plain view on a desk in the apartment they lawfully entered. A witness officer stated that he found methamphetamine and marijuana in plain view as he walked through the apartment performing a protective sweep and that he found methamphetamine on the complainant's person. He further stated that the complainant was sweating, speaking rapidly, and that his eyes were dilated. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer(s) failed to take required action.

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

FINDINGS OF FACT: The complainant stated that the officers never read him his rights. The named officer stated that it was not appropriate to read him his rights in this circumstance. A witness officer stated that the complainant was never Mirandized because he was never interviewed or interrogated. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer(s) seized property.

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

FINDINGS OF FACT: The complainant stated that he could not be certain, but that he is suspicious that officers took his laptop computer when they returned to the apartment to execute a search warrant. Several officers stated that they did not take the complainant's laptop nor did they witness any officer taking the complainant's laptop. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #7: The officer(s) failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that he could not be certain, but that he is suspicious that officers took his laptop computer when they returned to the apartment to execute a search warrant. Several officers stated that they did not take the complainant's laptop nor did they witness any officer taking the complainant's laptop. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer neglected his duty by writing an inaccurate incident report.

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

FINDINGS OF FACT: The named officer stated that the complainant consented for officers to enter the apartment. Witness officers including the officer in command at the scene confirmed this description. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officer's detained the complainant without justification.

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

FINDINGS OF FACT: Office of Citizen Complaints made numerous attempts to contact the complainant to gather information and evidence. On October 10, 2012, the complainant stated he wish to withdraw his complaint but needed to speak with his attorney. Since that time, the complainant has failed to respond to continued calls and letters for immediate contact. The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATION #3: The officer's behavior and conduct was inappropriate.

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

FINDINGS OF FACT: Office of Citizen Complaints made numerous attempts to contact the complainant to gather information and evidence. On October 10, 2012, the complainant stated he wish to withdraw his complaint but needed to speak with his attorney. Since that time, the complainant has failed to respond to continued calls and letters for immediate contact. The complainant failed to provide additional requested evidence.

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SUMMARY OF ALLEGATION #4: The officers used force by applying tight handcuffs.

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

FINDINGS OF FACT: Office of Citizen Complaints made numerous attempts to contact the complainant to gather information and evidence. On October 10, 2012, the complainant stated he wish to withdraw his complaint but needed to speak with his attorney. Since that time, the complainant has failed to respond to continued calls and letters for immediate contact. The complainant failed to 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 arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said she should not have been arrested because the drugs and contraband were found inside the house and she did not live in the house. One witness said the complainant did not live there and another witness said the complainant did live there. The officer said she knows the complainant and the probationer to be in a relationship and living at the location of the arrest from prior contacts with both parties, from evidence found during her investigation and from information received by a confidential reliable informant. The arrest of the complainant was based on the evidence discovered during their probation search condition of the home and evidence found in possession of the complainant at the time of the detention. The officer had probable cause to believe that the complainant was engaged in criminal behavior and therefore had probable cause to arrest her. 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 behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said the officer engaged in inappropriate behavior while she was detained at the station and later in a written document. Witness officers denied seeing any of the alleged behavior. The officer denied engaging in any of the alleged behavior or stated that the alleged acts were not within the scope of her responsibilities. The actions alleged by the complainant cannot be conclusively resolved due to the lack of witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: The complainant said the incident report prepared by the officer wrongfully accuses her of engaging in criminal activity. A witness told the officer that the illegal evidence found inside the home did not belong to the complainant and that the complainant did not live at the house. A second witness contradicted the first witness's statement. The officer stated that her report was accurate. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers searched the complainant without cause.

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

FINDINGS OF FACT: The complainant said she was searched twice but could not identify the second officer that searched her. A witness said the complainant was searched twice by the same officer. Witness officers either did not see the complainant searched. One of the officers said a search would have been justified based on the complainant's verbally aggressive, angry and animated behavior and officer knowledge of the complainant's prior illegal conduct. The officer said she searched the complainant once pursuant to her arrest for alleged criminal conduct. The officer had both reasonable suspicion and probable cause to search the complainant based on the officers knowledge of the complainant's past illegal conduct, information obtained from a confidential reliable informant and her current investigation which resulted in the complainant's probable cause arrest. The investigation was unable to identify a second officer who may have searched 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 #6-7: The officers searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant said the vehicle that was searched belonged to her and therefore should not have been searched. A witness at the scene said the complainant gave the officers permission to search the vehicle. A witness officer and the named members said the vehicle was searched because the passenger was on probation with a warrantless search condition. The officers said a K9 unit was called to search the vehicle. The named member added that the car was searched as part of her ongoing investigation into a recent rise in stolen vehicles being found in the area and the probationer's history related to those types of crimes. The named member said her failure to document the use of the K9 unit in her report was an oversight. An officer is justified in conducting a warrantless probation search of the occupant of a vehicle and anything that may have been within the probationer's reach while seated in the vehicle. However, without the complainant's permission, the officers would not have been justified in searching areas outside the reach of the probationer or of using a K9 unit to search the entire cab of the vehicle, as it would have exceeded the scope of the area authorized by the probation search condition. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #8-10: The officers searched a house without cause.

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

FINDINGS OF FACT: The complainant said the officers did not have probable cause to search the house. The officers said the house was searched based on the probationer's warrantless search condition, an ongoing investigation into stolen vehicles recovered from the area and the investigative officers knowledge of the occupant's criminal history associated with stolen vehicles. The incident report documents the probationer's warrantless search condition through 2014. An Officer may not conduct probation searches for the purpose of harassing the probationer or for any arbitrary or capricious reason. There is sufficient evidence to support a lawful intent on the part of the officer's to conduct a probation search of the home. 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 #11-12: The officers conducted a strip search of the complainant without cause.

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

FINDINGS OF FACT: The complainant said the officers did not have probable cause to arrest her and therefore had no cause to conduct a strip search. The officers said that probable cause existed to arrest the complainant and that the complainant's behavior caused them to believe that she was hiding illegal drugs in her clothes or body parts. Drugs were obtained from the searched location and illegal paraphernalia was found on the complainant. A Strip Search Authorization Form was prepared and signed by a Sergeant. The SFPD Booking and Detention Manual states that if an officer has a reasonable suspicion based on specific and articulable facts that an arrestee is concealing contraband, she may conduct a strip search with the approval of a supervisor. The officers met the required burden for conducting a strip search of the complainant. 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 #13: The officer engaged in harassing behavior.

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

FINDINGS OF FACT: The complainant believes that the officer is engaged in a pattern of harassment against her that includes numerous unwanted contacts in the past and her arrest in this incident. The officer denied the allegation stating that the contacts with the complainant were either casual consensual contacts or contacts for legitimate law enforcement purposes. An officer is not prohibited from interacting with persons so long as her actions are not intended as harassment. The allegation is subjective. The complainant believes the officer is engaged in a pattern of harassment against her and the officer says that she is not harassing the complainant. 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: 03/20/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation, stating that the complainant was not detained. One witness officer was not present at the detention. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to accept a citizen's arrest.

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. One witness officer denied he was present at the incident. 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: 03/20/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #2** of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers failed to write a report.

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. 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
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DATE OF COMPLAINT: 03/22/12 **DATE OF COMPLETION:** 12/31/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification while he was walking home from school. The officers were part of an arrest team during a buy bust operation. The officers stated they acted in good faith based on the information from a cover officer who directed them to detain a suspect, whom he described as generally matching the description of the complainant. The evidence established the complainant and three other detainees resembled an outstanding suspect who got away. The evidence also established the complainant gave OCC inaccurate information of his actions during his detention. There were gaps in the evidence, which could not be resolved.

SUMMARY OF ALLEGATIONS #3-4: The officers used excessive force during the detention.

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

FINDINGS OF FACT: The officers stated they applied knee strikes to the complainant, which were necessary to overcome his resistance during his detention. Evidence from surveillance video footage of the detention suggested, but did not conclusively establish, that the force used may have been necessary to detain the complainant.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/28/12 **DATE OF COMPLETION:** 12/13/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant acknowledged she made criminal threats toward the victim. Two witness officers arrived at the scene and heard the complainant make criminal threats toward the victim. One of the witness officers stated the complainant was being held back by her boyfriend to prevent her from going back into the residence. The named officer gathered statements from the victim and witnesses to corroborate the complainant's actions and threats. The evidence proved that the acts, which, provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force during the arrest

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force while placing her into handcuffs and injured her arm/shoulder. The officers denied the allegation. Both officers stated the complainant willingly placed her hands behind her back and was handcuffed. The officers stated the complainant was not placed into a control hold and no force or pain compliance was used. One of the named officers said he observed the complainant's boyfriend holding her by her arms while she physically lunged her body towards the house.

The CAD report and the witness stated the complainant was attempting to break down their bedroom door prior to police arrival. The witness stated he did not hear the complainant complain of any pain or injury when the officers placed her into the patrol car. The witness stated the complainant was crazy and drunk, yet the police allowed her time to calm down and cared for her by talking to her. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/28/12 **DATE OF COMPLETION:** 12/13/12 **PAGE #** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to document the use of force.

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

FINDINGS OF FACT: The officer failed to document the use of force. The officer denied the allegation. The officer stated he did not report the use of force because no force was used on the complainant during the incident. The detaining officers placed the handcuffed complainant into their patrol car prior to his arrival. When the complainant complained of pain to her arm, the detaining officers added a second pair of handcuffs for the complainant's comfort and the pain was relieved. The named officer stated the detaining officers did not report to him a use of force or that the complainant had resisted arrest. When the complainant advised the station keeper at the station that her shoulder hurt, an ambulance was called and the complainant corroborated she refused medical treatment. There is 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
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DATE OF COMPLAINT: 04/09/12 **DATE OF COMPLETION:** 12/06/12 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that he sought assistance at a police station because he had a passenger in his taxi cab who was too drunk and asleep for the complainant to awaken. He stated that upon awakening, the passenger wanted to pay him for the fare, but the officer put the passenger in handcuffs and said he would be jailed until he sobered up. The complainant requested that the officer provide him with the passenger's information so that he could follow up with him to collect on the fare. According to the complainant, the officer said that he could not help him out with the passenger's information. The officer stated that he formed the opinion that the passenger was unable to care for himself. He stated that the passenger refused to pay the fare. He stated that he told the complainant that he could not compel the passenger to pay the complainant. The officer stated that he conferred with his superior about this issue and they concluded that the name and other identifying information about the passenger could not be provided to the complainant unless he was going to pursue the matter criminally. The officer stated that the complainant asked the officer to write a report about this incident and he said that he would. The officer stated that he gave the complainant a police 105 follow up form and a Marsy's card. The evidence shows that the officer acted appropriately.

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

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

FINDINGS OF FACT: The complainant stated that the officer's manner was unhelpful and obtuse. He feels the officer could be more courteous to people. The officer stated that he feels the complainant was angered because the officer could not compel the passenger to pay for the fare and that the complainant misunderstood the officer's lawful abilities under the circumstances. The officer denies acting inappropriately. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/12 **DATE OF COMPLETION:** 12/17/12 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated on his 293 that he has been detained several times for no reason. The officers denied the allegation. One officer stated he has stopped the complainant for traffic enforcement purposes on 4/9/12. The complainant has not responded for an interview. There are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated on his 293 that his car was searched for no reason. The officers denied the allegation. The complainant has not responded for an interview. There are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/09/12 **DATE OF COMPLETION:** 12/17/12 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #3: The officers harassed the complainant and exhibited inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated on his 293 that the officers harass him for no reason and ruin his personal property. The officers denied the allegation. The complainant has not responded for an interview. There are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officers made a racial derogatory comment.

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

FINDINGS OF FACT: The complainant stated in his 293 that the officers called him a derogatory term. The officers denied the allegation. The complainant has not responded for an interview. There are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/12 **DATE OF COMPLETION:** 12/17/12 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #5: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was issued a citation for no reason. The officer denied the allegation. The officer stated he issued a citation for a traffic violation. The complainant has not responded for an interview. There are no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/05/12 **DATE OF COMPLETION:** 12/20/12 **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 he is not an active criminal of major crimes and that the incident was unnecessary. The officer denied the allegation and stated that he recognized the complainant and arrested him for an outstanding warrant. Department records support that the complainant had an outstanding warrant for \$50,000 on the date of his arrest. No witnesses came forward. 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 harassed the complainant due to bias.

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

FINDINGS OF FACT: The complainant stated that he is an African American and that he does not deserve to be harassed by the officer. The officer denied the allegation and stated that he has never harassed the complainant. He further stated that the complainant's race did not contribute to the reason for his arrest. No witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/16/12 **DATE OF COMPLETION:** 12/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he should not have been arrested. The complainant said he did not do anything wrong. The evidence gathered by the OCC shows that he and the other person he was with had an outstanding warrant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant also stated that unnecessary force was used during his arrest. The evidence gathered by the OCC shows that he and the other person he was with had an outstanding warrant. Both were subsequently arrested. The named officers denied the allegation. The witness did not provide a statement but said he did not see what occurred between the officers and the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/26/12 **DATE OF COMPLETION** 12/27/12 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated two officers improperly detained him for jaywalking as he crossed an intersection controlled by a pedestrian crosswalk signal indicating a flashing red hand. The intersection where the complainant was detained does not have a pedestrian signal. The officers did not recall the incident or the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers handcuffed him without justification. The complainant had crossed the street at a controlled intersection and was cited for crossing against a red light. He stated he was ordered to sit down and complied with officers' orders. He stated the officers did not like the look he gave them and handcuffed him. The officers did not recall the incident or the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/26/12 **DATE OF COMPLETION:** 12/27/12 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that he had crossed a controlled intersection when two officers detained him. He stated the officer improperly searched him, going directly into his pockets without cause. The officers did not recall the incident or the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated two officers arrested him for jaywalking without probable cause. The complainant stated he was crossing an intersection with a pedestrian control flashing red when two officers detained him and then placed him under arrest for jaywalking. Although the intersection is controlled by a traffic signal, there is no pedestrian control signal at the intersection where the incident took place. The officers did not recall the incident or the complainant. The citation issued to the complainant indicated the complainant was cited for walking against a red light. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/26/12 **DATE OF COMPLETION:** 12/27/12 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #9-10: The officers transported the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was arrested for jaywalking and transported to a local police station. The complainant stated he was crossing at a controlled intersection when two officers detained him and then placed him under arrest. The complainant received a citation for crossing against a red light, an infraction. The complainant gave conflicting information regarding whether he had identification in his possession. The officers did not recall the incident or the complainant. They released and cited the complainant from a local police station after performing a computer-based identification procedure. The complainant's citation contained a notation that the complainant had no identification at the scene. There was no way to independently confirm whether officers ran the complainant for warrants and warrants in the field based on a documented or verbal query. The officers stated they would not transport an individual who had committed an infraction unless they could not identify the violator at the scene. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #11-12: The officers detained the complainant for a prolonged period of time.

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

FINDINGS OF FACT: The complainant stated he was arrested for jaywalking and transported to a local police station, where he was held for a protracted period of time. The officers did not recall the incident or the complainant. They stated that based on the citation issued to the complainant, he likely did not have identification on his person and had to be transported to their station for identification. They stated that administrative delays at their station could have occurred, based on other business being conducted. Department records indicate the officers' unit cleared out of the call within one hour. However, Department records also indicate that a dispatcher cleared the call for the officers, while the complainant's citation indicates an earlier release time. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/26/12 **DATE OF COMPLETION:** 12/27/12 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #13: The officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that during his contact with an arresting officer, the officer told him he did not like the look he was giving him and told him he was going to jail. The officer did not recall the incident or the complainant. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #14: The officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that when he was at a local police station, an officer at the station paged through his mobile phones and looked at his text messages. The complainant stated the officer also told him he was going to jail. When one of the phones rang, the officer cancelled the call. Based on the complainant's description of the officer, the OCC was unable to identify the officer. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant stated he was initially stopped for not wearing a seatbelt. The complainant denied that he was not wearing his seatbelt and said that he took his seatbelt off after he had been pulled over. The officer stated he stopped the complainant for not wearing a seatbelt and for having expired tabs. Additionally, the officer stated he observed a trailer hitch ball obstructing the rear license plate's middle letters. The complainant admitted that his rear license plate was partially blocked, providing the officer reasonable suspicion to detain the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant was cited for numerous vehicle code violations. The complainant was also charged with resisting arrest and battery on a peace officer. The complainant denied the violations and charges listed on the citation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #2** of 4

SUMMARY OF ALLEGATIONS #3-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested for refusing to sign the citation. The complainant essentially admitted to repeatedly refusing to sign the citation. The complainant was taken into custody and taken to the station. While at the station, the complainant agreed to sign the citation. He was then released. The evidence therefore proved that the act, which provided basis for the allegation, occurred; however, such act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #5-6: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force. The complainant stated his hands were placed behind his back and pulled upward, injuring his wrists. The complainant stated he was manhandled and forcibly placed in a patrol car. The complainant denied resisting. The officers stated the complainant resisted while being placed under arrest. The officers stated the complainant tensed up his hands and pulled them away when the officers were attempting to place him in handcuffs. The officers stated the complainant further resisted by refusing to enter the patrol car. The complainant's mother and the complainant's mother's ex-boyfriend both stated that the officers used unnecessary force. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #3** of 4

SUMMARY OF ALLEGATIONS #7-8: The officers placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The complainant stated the officers placed him in tight handcuffs. The officers denied the allegation. The officers stated the complainant never complained about his handcuffs being too tight and that the complainant had no visible injuries on his wrists. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-11: The officers failed to loosen the complainant's handcuffs.

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

FINDINGS OF FACT: The complainant stated that he complained about the handcuffs being too tight and the officers refused to loosen them. The officers denied the allegation and stated that the complainant made no complaint about his handcuffs being too tight. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 05/08/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #**4 of 4

SUMMARY OF ALLEGATION #12: The officer failed to comply with DGO 5.06.

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

FINDINGS OF FACT: DGO 5.06 provides, in part, that an officer may arrest a person if the person refuses to sign the citation or refuses to give a written promise to appear. The DGO further states that when taking the person to a police facility after refusal to sign the citation, the officer (1) has to remind the person that signing the citation (promise to appear) does not constitute an arrest, (2) give the person one more chance to sign the citation prior to booking, (3) notify the lieutenant if the person still refuses to sign the citation, and (4) after booking the person, write an incident report and include in the report that the reminder and the second chance were given to the person prior to booking. The complainant told the OCC that the above procedures were not followed. The named officer and another officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #13: 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 was aggressive and confrontational during the contact. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/09/12 **DATE OF COMPLETION:** 12/07/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated in his OCC complaint narrative that he was driving his truck around 3:00 P.M. when officers followed him. He stopped at a corner store and the officers parked behind him and waited until he came out of the store. The complainant asked the officers why they were following him and the officers responded that they liked the paint on his truck and laughed. The complainant went inside his car to record the officers with his phone and stated the officers then drove off. The identity of the officers has not been established. The complainant did not come forward for an interview. The officer polls to several SFPD departments came back with negative results. A sniffer request for the date of the incident returned negative. There is insufficient evidence to make a determination without additional information from the complainant.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 05/23/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATIONS # 1-2: The officers detained the complainant for a mental health detention without cause.

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

FINDINGS OF FACT: The complainant stated that the officers detained him for fighting with his brother but instead of taking him to jail they decided to take him for a mental health evaluation. The officers stated the complainant met the criteria for a mental health evaluation because he was a danger to others. The witness corroborated that his son is bipolar and was fighting with his other son. The officers performed their duties per DGO 6.14. The information provided proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officers failed to process property.

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

FINDINGS OF FACT: The complainant stated that he asked the officers to retrieve his keys from his bedroom and believed they did so however, they kept his keys. The officers denied the allegation. The witness corroborated that the officers did not take his son's keys and stated he took his son's keys because he did not want him to drive due to his mental health disorder. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/12 **DATE OF COMPLETION:** 12/12/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer did not monitor his landlord, as the landlord made repairs on the complainant's apartment while the complainant was not present. The complainant stated that because of this failure, the landlord stole several valuables. The officer stated that he accompanied the landlord at the landlord's request because there were problems between the landlord and the complainant. The officer stated that the landlord had provided a written notice 24 hours beforehand to the complainant. The complainant confirmed this. Once the landlord and officer entered the apartment and saw that there would be no conflict because the complainant was not there, the officer left the landlord to complete his work. When the complainant called later to report the missing items, the officer returned to review surveillance footage and filed a police report. The evidence proved that the acts, which provided the basis for the allegation did occur; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer watched a surveillance video and when the officer showed up in the video, he said something to the effect of, "Don't I look good on video." The officer stated that he did say something to that effect. He made the statement because he was attempting to bring humor to the situation in order to calm the complainant. The evidence proved that the acts, which provided the basis for the allegation did occur; however, without the video we do not know what was transpiring between the complainant and the officer. We do not know if their interaction was contentious and if the officer's utterance about how well he looks was an attempt to mollify the complainant. Hence, there is insufficient evidence to either prove or disprove the allegation. The comment attributed does not rise to the level of sustainable misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/04/12 **DATE OF COMPLETION:** 12/13/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant wrote in her complaint that the police responded to her apartment regarding a noise complaint. The complainant wrote that the named officer got “smart” with her and walked away. The named officer and his partner denied the allegation. The named officer described his behavior towards the complainant as “calm and professional,” while trying to address the noise complaint. No witnesses were 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: An officer retaliated against the complainant.

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

FINDINGS OF FACT: The complainant stated that a tire on her vehicle was intentionally damaged, and she suspected that a San Francisco Police officer caused the damage. The only known officer to the complainant was questioned, and denied the allegation. Further, he was not scheduled to be working on the date in question. 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated he complained to the police about the noise caused by street musicians outside his office, but the noise continued. The complainant initially agreed to mediate this matter but subsequently failed to respond to repeated contact attempts by this office. A search of Computer-Aided Dispatch records revealed one 911 call by the complainant. The responding officer was questioned but he stated he had no independent recollection of any contact with the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/12 **DATE OF COMPLETION:** 12/13/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he wanted to remind the San Francisco Police Department that they are required to enforce all laws of the city, county, state and the federal government. The complainant stated that failure to enforce the law is discrimination and stated the Department should pay particular attention to CVC 27803 (Safety helmet restrictions) because there are no exceptions to this rule. The complainant did not provide any information about any specific or general incident, location or officer although he stated that his complaint involved persons riding motorcycles without helmets in the Pride Parade. Department General Order 9.01 allows officers discretion when issuing traffic citations. Pursuant to current Department General Orders, the officers' conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/12 **DATE OF COMPLETION:** 12/20/12 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated that the officer damaged his driver's license. The officer denied the allegation. There were no witnesses. There is insufficient evidence to 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: 06/28/12 **DATE OF COMPLETION:** 12/13/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer slammed him to the floor when the officer approached and arrested him, after the complainant had simply walked into a grocery store. The officer stated he had previous contacts with the complainant. Based on these previous contacts, the officer knew: the complainant had several felony arrests, many of which were for illegal drug dealing activity; the complainant was on active probation; and the complainant had an active warrantless search clause attached to his probation status. On the date of the subject incident, the officer saw the complainant acting suspiciously when the complainant first noticed the officer in the patrol car. The officer suspected the complainant was attempting to avoid contact with the officer. The officer exited the patrol car and followed the complainant into the store. He ordered the complainant to stop but the complainant ignored the officer's orders and continued walking away. The officer said he grabbed hold of the complainant's backpack, pulling the complainant towards him, but the complainant accidentally fell to the ground. The officer helped the complainant to stand up. The complainant never mentioned that he was in pain or had been injured. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2 & 3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers stated they had previous contacts with the complainant. Based on these previous contacts, the officers knew: the complainant had several felony arrests, many of which were for illegal drug dealing activity; the complainant was on active probation; and the complainant had an active warrantless search clause attached to his probation status. On the date of the subject incident, the officers saw the complainant acting suspiciously when the complainant first noticed the officers in the patrol car. The officers suspected the complainant was attempting avoid contact with the officers because the complainant may have been in possession of controlled substances. The officers exited the patrol car and followed the complainant into the store. One of the officers ordered the complainant to stop, but the complainant ignored the officer's orders and continued walking away. The officer stopped the complainant and the other officer searched him. They found the complainant to be in possession of suspected controlled substances, and arrested him. 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: 06/28/12 **DATE OF COMPLETION:** 12/13/12 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4 & 5: The officers conducted a strip search without cause.

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

FINDINGS OF FACT: The complainant stated the officers subjected him to an illegal strip search. The officers stated they arrested the complainant for being in possession of controlled substances. They found the complainant in possession of a controlled substance incident to a pat search. The officers stated that based on their training and experience, they knew that drug dealers secreted additional drugs on their person, in their undergarments and near their genitals in order to prevent law enforcement officers from finding these substances. Armed with this knowledge, the officers obtained the approval of a supervising officer to conduct a strip search of the complainant. The supervising officer approved the strip search and the officers conducted the strip search. As a result of this search, the officers found additional substances, which they suspected of being controlled substances, in the area of the complainant's genitals. 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 #6 & 7: The officers searched the complainant's property without cause.

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

FINDINGS OF FACT: The complainant indicated the officers searched his property without cause. The officers indicated they found that the complainant was in possession of a cell phone when they searched him incident to his arrest. The officers knew that drug dealers routinely used cellular telephones in their drug dealing activities. They knew from prior contacts with the complainant that he was involved in illegal drug sales. The officers scrolled through the complainant's cell phone for text messages as evidence of his suspected illegal drug dealing activity. In scrolling through these messages, the officers found messages they suspected were evidence of his drug dealing activities. 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: 07/05/12 **DATE OF COMPLETION:** 12/18/12 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer's comments and behavior were intimidating and threatening.

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he explained the process to the complainant regarding a citizen's arrest, the consequences of refusing to sign a citation and the options of the Department in securing his service dog upon his arrest. The witness officer corroborated the account of the named officer. The witness stated the officer handled the call with objectivity and respectfulness and explained their rights and options in resolving their domestic disturbance for both parties. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers denied the allegation. The officers stated they investigated the incident and advised both parties of the process for making a citizen's arrest against one another. The officers stated the complainant declined to sign a citation in regards to the citizen's arrest because he felt the other party was at fault. The officers stated the complainant became irate and told the officers to get out of his house. The witness corroborated he told the officers he would request a citizen's arrest on the complainant because the complainant pushed him. The complainant acknowledged he declined to be arrested, declined to follow up with a police report or the citizen arrest and declined to be medically treated because he was worried and frightened about the safety of his service dog. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/12 **DATE OF COMPLETION:** 12/18/12 **PAGE #** 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers failed to provide their name and star number upon request.

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

FINDINGS OF FACT: The officers denied the allegation. One named officer stated he responded to the complainant's request by showing him the information on the bottom of the follow-up form. The other named officer stated he verbally told the complainant his name and star number and that it was written on the follow-up form. There were no other witnesses. There is insufficient evidence to 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: 07/09/12 **DATE OF COMPLETION:** 12/11/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that two officers arrived at his home to facilitate a child custody exchange. He stated that the officers yelled at him and refused to listen to his side of the story. The officers denied the allegations and described the scene as chaotic. They stated that the complainant would not open the door and continuously yelled at and interrupted them. A witness also denied the allegations against the officers and described their demeanor as calm. No other witnesses came forward. There is 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: 07/09/12 **DATE OF COMPLETION:** 12/17/12 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer, who he knew from a prior contact, contacted him at the van he was living in and stated he was going to issue him a citation. After the complainant referred to their previous encounter, the officer handcuffed and arrested the complainant. The named officer stated he contacted the complainant to investigate a report that the complainant had threatened a nearby security guard. The named officer stated he arrested the complainant for making threats after the security guard said he wanted the complainant arrested. The named officer also stated he arrested the complainant for an outstanding warrant for failure to pay the fine for a citation for having an off-leash dog. The security guard stated he and his manager summoned the police to talk to the complainant about his behavior and to file a report, but that they didn't intend for the complainant to be arrested and he never told the named officer he wanted to press charges against the complainant. The security guard's manager stated she did not tell the named officer she wanted to press charges against the complainant and that she didn't recall the security guard saying this. Despite the discrepancy between the statements of the named officer and the civilian witnesses, the evidence established that the officer had cause to arrest the complainant for the outstanding warrant and for the alleged threats. 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 made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated the officer told him his dog would be taken to Animal Care and Control and that he'd have fifteen days to retrieve it or the dog would be destroyed. The named officer stated that he told the complainant that his dog was in the care of Animal Care and Control, which would hold his dog for fourteen days. The named officer denied telling the complainant his dog would be destroyed. No witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/09/12 **DATE OF COMPLETION:** 12/17/12 **PAGE# 2 of 2**

SUMMARY OF ALLEGATIONS #3 & 4: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the two officers bent his wrists upwards in a painful manner as they led him to the patrol car for transport to the station. Both named officers stated that their only physical contact with the complainant was leading him to their patrol car. They both described the complainant as being extremely belligerent. One of the named officers stated he did not recall whether he or his partner bent the complainant's wrists up. The other named officer stated that neither of them bent the complainant's wrists up. A supervisor at the scene stated that she did not see the named officers bend the complainant's wrists up. The officer who arrested the complainant stated that the only physical contact he saw the named officers have with the complainant was escorting him to their car and that he did not know whether they ever bent up the complainant's wrists. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officer towed his vehicle, which had been parked in a two-hour limit parking space on and off for several months, without cause. The named officer stated he towed the vehicle on the advice and approval of his superior because the complainant was in custody and the vehicle could not be legally parked at that location for twenty-four hours. The named officer's supervisor stated she made the decision to tow the complainant's vehicle because he was in custody and the vehicle was not parked in a place that would be legal for at least twenty-four hours from the time of arrest. 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: 07/12/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1 & 2: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated he was detained, handcuffed and made no efforts to resist arrest when one of the officers kned him in the back of his calf and threw him to the ground. The complainant stated that during this process, one of the officers twisted his “pinky and ring finger” with more than enough force that was needed. He further stated the officers slammed his head and face into the pavement and bushes. One of the officers then jammed his knee into the complainant’s lower back and spine. The complainant stated he was later admitted to the hospital. The officers stated they arrested the complainant as a result of a drug deal the complainant had negotiated with an undercover police officer earlier in the day. Before the scheduled undercover meeting, officers determined the complainant had an outstanding no bail, felony arrest warrant held against him, and the complainant, a convicted felon, was also subject to a warrantless search. The officers stated the complainant initially submitted to his arrest and was handcuffed without any problem. While the officers were searching him, the complainant attempted to move away from the officers in an attempt to discard some evidence, which the officers later recovered. This evidence was analyzed at the crime laboratory and determined to be oxycodone and methamphetamine. The officers stated they ordered the complainant to get on his knees and the complainant complied. The complainant attempted to get up, and the officers pulled the complainant’s legs causing him to fall forward into the bushes. The complainant continued struggling, and one of the officers applied a department-approved finger control lock and bent wrist control lock in order to gain control. The officers denied slamming the complainant’s head into the pavement. The complainant later complained of pain to his fingers and was taken to the hospital, where the complainant was medically evaluated, cleared and released for intake to the County Jail. No independent witnesses were developed to corroborate the complainant’s allegations. There is insufficient evidence to either prove or disprove the allegation.

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 described missing two cell phones as a result of his arrest. In the incident report that he prepared, the officer listed two cell phones as evidence that were seized pursuant to the arrest of the complainant. The officer further stated the cell phones were retained as evidence since the complainant used one or both of these phones to discuss the drug deal with the officer, who was acting in an undercover capacity. 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: 07/12/12 **DATE OF COMPLETION:** 12/03/12 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer heckled and threatened him by calling him a “punk snitch.” The officer also allegedly told the complainant that he was going to let everyone in jail know the complainant was a “snitch.” Departmental records indicate the officer was not working on the date of this incident. Furthermore, the officer was not part of the same unit that participated in this incident. The officers questioned who participated in this incident denied making the comments or hearing any other officer make these comments. The evidence proved that the act alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer directed profanity at him. Departmental records indicate the officer was not working on the date of this incident. Furthermore, the officer was not part of the same unit that participated in this incident. The officers questioned who participated in this incident denied using, or hearing any other officer use profanity when they came in contact with the complainant. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/16/12 **DATE OF COMPLETION:** 12/27/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant was cited for running a stop sign but denied doing so. He provided the following reasons to support his argument. He said he had been driving for a number of years and had retired from an occupation that employed him as a driver. As such, he made it a practice to obey the rules of the road. Furthermore, he resided in the neighborhood where the stop sign was located and was very familiar with the stop sign. The officer's partner said the district where the officers worked had received several complaints about vehicles running the stop sign at the location of this incident. Accordingly, management personnel at the police district took a proactive approach to accident prevention by directing officers to enforce the traffic laws at this location. The officer and her partner had set up stationary surveillance at this location and had a clear view of the complainant failing to stop for the stop sign. Both officers stated the complainant did not comply with the law in stopping for this stop sign. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2 & 3: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant denied running the stop sign for which he was cited and accused the officer of citing him because of the complainant's race. The complainant thought there was only one officer in the patrol car; however, Department records indicate there were two officers in the patrol car. The officer driving the patrol car got out of the patrol car and communicated with the complainant. The officer in the passenger's seat of the patrol car wrote the citation and never spoke to the complainant. The officers were questioned relative to the OCC biased policing protocol and denied stopping and citing the complainant because of the complainant's race. The officers stated they stopped the complainant on the basis of the violation both officers saw the complainant commit. The officers stated their patrol car was approximately seventy-five feet away from the complainant's vehicle when the complainant ran the stop sign, and they could not see to distinguish the complainant's race prior to the stop. No independent witnesses were developed to corroborate the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/05/12 **DATE OF COMPLETION:** 12/13/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer stated he cited the complainant for making an illegal turn, in violation of California Vehicle Code §22101(d). The complainant denied the alleged violation. No witnesses were identified. There was 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 stated that the officer was rude, yelling and tried to intimidate her during the traffic stop. The officer denied the alleged behavior described by the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1 & 2: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated the officers did not have any reason to strike him with a metal baton, choke him or spray him with OC spray when he was seated as a spectator watching a 49er game. Weeks prior to the start of the subject game and due to previous violent incidents at local professional sporting events, NFL and city officials widely publicized a zero tolerance policy concerning rowdy fan behavior. During the NFC Championship Game, a stadium usher approached the officer, who was in full uniform and watching the crowd of fans. The usher requested the officer to eject a rowdy and intoxicated fan (complainant) who was using profanity, standing up and blocking the view of other seated fans watching the game. The complainant reportedly was also spilling beer on other fans while he was standing and using profanities. The officer said he approached the complainant and told him he had to leave the stadium. The officer said the complainant not only refused, but also told the officer to make him move. The officer called for backup and other officers began to arrive. The complainant prevented the officers from grabbing his arms by clinching them tightly into his chest and he refused to comply with any of the officers' orders. While the officers were struggling with the complainant, the complainant grabbed hold of the officer's gun belt and refused to let go. The officer delivered several baton strikes to the complainant in order to force the complainant's hand from the officer's gun belt, and to prevent the complainant's erratic behavior from escalating. As officers were struggling with the complainant, another officer approached the complainant from behind and attempted to place the complainant in a carotid restraint; however, the complainant tucked in his chin, bent his body forward and attempted to flip the officer over rows of the steep upper deck bleacher seats. The officer was unable to apply the carotid restraint and sprayed the complainant with her Department-issued OC spray. Four officers eventually brought the complainant under control. Officers handcuffed, arrested and booked the complainant on several misdemeanor charges. Neither the complainant nor the stadium employee have responded to OCC requests for interviews, there are no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #3 - 5: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officers did not provide him with a reason for removing him from his seat at a 49er game and detaining him. The officers stated that at line-up, prior to the start of the NFC Championship Game, a supervising officer advised the officers of the widely publicized policy by NFL and city officials that rowdy fan behavior would not be tolerated due to several previous violent incidents at professional sporting events. During the NFC Championship Game, a stadium usher approached the officer, who was in full uniform and watching the crowd of fans. The usher requested the officer to eject a rowdy and intoxicated fan (complainant) who was using profanity, standing up and blocking the view of other seated fans watching the game. The complainant reportedly was also spilling beer on other fans while he was standing and cussing. The officer observed the complainant's behavior, approached him and told him he had to leave the stadium. The officer said the complainant not only refused, but also told the officer to make him leave. Officers had to struggle with the complainant, but eventually brought him under control. Officers handcuffed, arrested and booked the complainant on several misdemeanor charges. Neither the complainant nor the stadium employee have responded to OCC requests for interviews, there are no independent witnesses. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/12 **DATE OF COMPLETION:** 12/24/12 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated while he searched for his Muni transfer, the officer pulled his wallet out of his pocket without permission. The officer denied the allegation. The officer stated while detained for a fare violation, the complainant refused to present his identification to him and the fare inspector after numerous requests. The officer stated he recognized the complainant from prior fare enforcement operations and knew the complainant had identification. The officer stated he observed the complainant's wallet sticking out of his right rear pocket and took the complainant's wallet out of his pocket and found his identification, which was presented to the fare inspector to complete the citation for the complainant. A video by CBS 5 dated July 17, 2012, recorded the complainant failing to cooperate and walk away from a female fare inspector, which caused the officer to stop and contact the complainant. The Peace Officers Legal Sourcebook relayed an officer would be allowed to conduct a limited search on an individual after giving the person ample opportunities to produce his identification. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer denied the allegation. The officer stated he provided his name and star number when the complainant requested the information. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/12 **DATE OF COMPLETION:** 12/24/12 **PAGE # 2 of 2**

SUMMARY OF ALLEGATION #3: The officer's comments were inappropriate.

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

FINDINGS OF FACT: The officer denied the inappropriate comments made to the complainant. There is 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: 07/25/12 **DATE OF COMPLETION:** 12/27/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers towed the complainant's vehicle.

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

FINDINGS OF FACT: The complainant, who previously reported that her car had been stolen, was subsequently notified it was recovered. She was also made aware that she had twenty minutes by which to arrive at the location where her car had been found in order to take possession of the vehicle. As an option, she could designate a representative to go to the location to retrieve the vehicle if she could not arrive there in time. The complainant elected to designate a representative to retrieve the vehicle; however, the complainant's representative arrived at the location approximately one hour after being notified. Department General Order (DGO) 9.06 provides the authoritative support to officers for requesting a vehicle tow. Even though the complainant's representative arrived at the location before the vehicle was towed, he did not have the keys to drive the vehicle away; therefore, the officers ordered the vehicle to be towed. When the representative does not have the keys to move the vehicle, the officers are not required to allow the vehicle to remain in the location of the recovery with the representative to watch over the vehicle until the registered owner arrives. 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: 08/17/12 **DATE OF COMPLETION:** 12/07/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that based on the officer's actions and overall demeanor when the complainant approached the officer, the officer appeared to be annoyed and was rude in responding to questions the complainant asked concerning the complainant's vehicle that had been towed. The officer stated he did not remember the complainant or the incident because the officer handles fifteen to twenty tow releases per night in the officer's job assignment, and the complainant's tow did not stand out among the others. The officer stated that as a general rule, he tries to be courteous and respectful to someone making inquiry about their vehicle being towed. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant, who is of foreign origin, stated that in communicating the license plate number of his vehicle to the officer, the officer became upset when the complainant individually said each letter/number on the license plate. The officer allegedly responded, "You god-damned people can not even speak English!" The officer stated he did not remember the complainant or the incident because the officer handles fifteen to twenty tow releases per night in the officer's job assignment, and the complainant's tow did not stand out among the others. The officer stated in general terms that he would not make such a statement to someone inquiring about his vehicle. 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: 09/07/12 **DATE OF COMPLETION:** 12/12/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: Both complainants admitted that one of them entered the roadway with her front bicycle tire while facing a steady circular red or red pedestrian arrow signal, which is a violation of Section 21453(d) of the California Vehicle Code. Whether or not the complainant refused to remove the tire from the roadway or ignored the officer's calls to return to the sidewalk, the admissions by the complainants confirm the violation. The officer's actions were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer's behavior and comments were inappropriate.

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

FINDINGS OF FACT: The complainants stated the named officer acted inappropriately and called one of the complainants ignorant. The named officer and his partner denied the allegation. There were no other witnesses so there is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/12 **DATE OF COMPLETION:** 12/18/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers used profane and uncivil language.

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

FINDINGS OF FACT: The complainant stated that her daughters told her that the officers used profane language and made derogatory comments. The complainant would not disclose her daughters' telephone numbers. The daughters did not respond to OCC written requests for interviews. Other witnesses at the scene of the arrests were unable to confirm or contradict the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers used sexually derogatory language.

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

FINDINGS OF FACT: The complainant stated that her daughters told her that the officers called them sexually derogatory names during the arrests and at the police station. The complainant would not disclose her daughters' telephone numbers. The daughters did not respond to OCC written requests for interviews. Other witnesses at the scene of the arrests were unable to confirm or contradict the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The San Francisco Police Department has harassed the complainant.

CATEGORY OF CONDUCT: CRD **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: 09/17/12 **DATE OF COMPLETION:** 12/14/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was at San Francisco International Airport when she parked and left her vehicle unattended at the curbside to assist a disabled relative into the airport terminal. She stated that when she returned to the vehicle, the officer was rude, unprofessional, threatened to issue her a citation and made inappropriate comments to her. The officer denied the allegation. The officer stated that the complainant's vehicle was illegally parked and unattended in a high security area of the airport. A witness stated that the officer was polite and professional and did not make the alleged comments. The identified witness, an airport employee, stated that he did not hear or observe the entire incident that lasted approximately two – three minutes. No independent witnesses were identified for this incident. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/12 **DATE OF COMPLETION:** 12/27/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 4, 2012.

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:** 12/27/12 **PAGE #1** of 2

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 November 30, 2012.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to prepare an incident report.

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 November 30, 2012.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/27/12 **DATE OF COMPLETION:** 12/27/12 **PAGE #2** of 2

SUMMARY OF ALLEGATION #5: 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 November 30, 2012.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/12 **DATE OF COMPLETION:** 12/12/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated his adult stepson informed him that he was detained and handcuffed by two plain clothed police officers driving a silver sport utility vehicle. The complainant could not provide contact information for his stepson. The complainant's stepson did not make himself available for an OCC interview.

No records of any police contact with the complainant's stepson on or around the date of the incident were located. The Department has two silver sport utility vehicles and the drivers of those vehicles did not have contact with the complainant's stepson. Without additional information from the complainant's stepson, the officers could not be identified.

SUMMARY OF ALLEGATIONS #3 & 4: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated his adult stepson informed him that two plain clothed police officers took \$300 from him and failed to return it. The complainant could not provide contact information for his stepson. The complainant's stepson did not make himself available for an OCC interview. Without additional information from the complainant's stepson, the officers could not be identified.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/28/12 **DATE OF COMPLETION:** 12/24/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was holding her cell phone but was not talking and the officer cited her anyway. The officer stated that holding a cell phone as of July 1, 2011 is a violation of CVC 23123 (a) because it is supposed to be "hands free." The officer provided a copy of the complainant's court disposition in which she was found guilty. The information provided 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:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/12 **DATE OF COMPLETION:** 12/06/12 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: An unknown officer failed to investigate a crime.

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

FINDINGS OF FACT: The complainant stated that she reported a crime to an officer in 1998 and she does not believe any action was ever taken. The complainant was unable to provide sufficient information to identify the involved officer. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: An unknown officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that while she confronted an alleged criminal in 1998, police took the complainant into custody. There was no record of the complainant being arrested in 1998. The complainant was unable to provide sufficient information to identify the involved officer. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/11 **DATE OF COMPLETION:** 12/05/12 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer improperly detained the complainant.

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

FINDINGS OF FACT: The complainant stated that officers forced entry into her residence with a search warrant, that they detained her and her children, and that they did not give her children a chance to dress properly. Department records showed that 23 officers responded to the complainant's residence to perform a high-risk service of a duly-issued search warrant naming the residence and the complainant and her son as a place and persons to be searched in connection with an attempted murder. The complainant provided a copy of the warrant and the return. The incident report duly noted the circumstances of the forced entry after "knock and notice" and detailed the damage to the premises. The officer in charge of the investigation stated that the officers extracted the complainant and her three children and that the children were all clothed, albeit possibly in pajamas. The officer produced a Certificate of Release that was issued to the complainant. The search warrant and affidavit are sealed by the court. The officer's conduct was proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/01/12 **DATE OF COMPLETION:** 12/31/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

SUMMARY OF ALLEGATIONS #3-4: The officers made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/03/12 **DATE OF COMPLETION:** 12/13/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that her husband left home early in the morning, driving in his vehicle to a local produce market. She stated her husband had a specific sum of cash and checks in his possession and had packaged the cash in a specific manner. The complainant stated that soon after her husband's departure, he phoned her, explained he had been in a traffic accident and that he had lost consciousness during the accident. The complainant stated her husband said he went directly to the market and made no other stops before the accident occurred.

Members of the SFPD, SFFD and a tow vehicle came to the scene of the accident in response to 911 calls from independent witnesses who were on scene. The Fire Department records indicate that the complainant's husband was unconscious and required extrication from his vehicle. Paramedics transported the complainant's husband to the hospital where he was admitted for treatment. The complainant later visited her husband at the hospital whereupon he asked about the money. The complainant retrieved her husband's property box at the hospital where it had been secured by hospital staff. The complainant stated the box contained the checks and only some of the cash. The remaining cash was missing. The cash was no longer packaged in the manner she and her husband prepared it when he left the house. The OCC contacted the complainant's husband several times but he did not come forward to provide information necessary to further investigate the complaint regarding missing money. Another witness contacted by the OCC did not see the entire incident. The co-complainant withdrew her complaint. The complainant and witnesses failed to provide additional requested evidence needed to investigate the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer damaged the complainant's personal property.

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

FINDINGS OF FACT: The complainant stated that during his arrest, the officer pulled a "dog tag" necklace from his neck and broke it. The necklace was listed on the property receipt the complainant signed and was later returned to him. The complainant stated that when he was released from custody, he was told his necklace was found inside the transporting van. A property receipt prepared by the San Francisco Sheriff's Department documented that his necklace was returned to the complainant upon his release from custody. Five officers, including the named officer, responded to the scene. Each of those officers denied the allegation. A witness stated the complainant seemed high on drugs. He stated the complainant was arrested for assaulting the witness' co-worker. The witness stated he had physical contact with the complainant, and the complainant was not wearing a necklace. He stated he saw the complainant pat searched by police and placed in the police van. He stated an officer did not grab a necklace from the complainant's neck. 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: 10/26/12 **DATE OF COMPLETION:** 12/11/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer threatened to detain him for an involuntary psychiatric evaluation and called the complainant “a loser” and “crazy.”

The officer is deceased.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/12 **DATE OF COMPLETION:** 12/24/12 **Page #1 of 1**

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

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate comments and acted in an inappropriate way. The civilian witness did not overhear the verbal contact between the officer and the complainant. No additional witnesses came forward. 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: 11/03/11 **DATE OF COMPLETION:** 12/14/12 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 4: The officers entered and searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers entered and searched his home without his permission. The officers stated that there was a search warrant for the complainants' residence. A judge approved a search warrant and the officers entered and searched the residence on the authority of that search warrant. 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 #5: The officer entered and searched the residence without cause.

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

FINDINGS OF FACT: The officer is no longer with the Department and is not subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/03/11 **DATE OF COMPLETION:** 12/14/12 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #6 - 9: The officers arrested the complainants without cause.

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

FINDINGS OF FACT: The complainants stated that they were arrested after officers entered and searched the residence without cause. The officers stated that the complainants were living in a residence where illegal drugs were found. The officers had a search warrant to enter the residence to perform the search. 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 #10: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The officer is no longer with the Department and is not subject to discipline.

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DATE OF COMPLAINT: 11/03/11 **DATE OF COMPLETION:** 12/14/12 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #11 - 14: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that officers searched his residence and seized property. While most of the property was booked into evidence, a stack of bills totaling \$10,000 went missing from the complainant's room. The officers stated that they seized a large amount of money that was booked into evidence. The officers stated they had no knowledge of any other money that was not booked into evidence. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #15: The officer failed to properly process property.

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

FINDINGS OF FACT: The officer is no longer with the Department and is not subject to discipline.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/11 **DATE OF COMPLETION:** 12/14/12 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #16: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant stated that the author of the police report failed to mention that some of his valuables were located in a locked safe and that the officers had used the complainant's keys to open the safe. The officer stated that he was truthful in his report. The officer stated that the safe was not locked and that the valuables confiscated by police were found in a wooden jewelry box that was not in the safe. There were no independent witnesses. 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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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/11 **DATE OF COMPLETION:** 12/24/12 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers entered and searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that the officers entered and searched his home without his permission. The officers stated that there was a search warrant for the complainants' residence. A judge approved a search warrant and the officers entered and searched the residence on the authority of that search warrant. 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 #4: The officer entered and searched the residence without cause.

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

FINDINGS OF FACT: The officer is no longer with the Department and is not subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/03/11 **DATE OF COMPLETION:** 12/24/12 **PAGE#** 2 of 2

SMMARY OF ALLEGATIONS #5-6: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that his room was searched by multiple officers. After he returned to his room after being in jail, he realized that his wallet had been searched and there was money missing. The officers denied knowing anything about the wallet or the money. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #7: The officer failed to properly process property.

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

FINDINGS OF FACT: The officer is no longer with the department and is not subject to discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/11 **DATE OF COMPLETION:** 12/13/12 **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 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: 11/28/12 **DATE OF COMPLETION:** 12/13/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that he telephoned the named officer to inquire about another officer's conduct in writing an incident report. The complaint stated that the named officer advised the complainant that he was forwarding the matter to the OCC as a complaint. The complainant stated that he did not want to file a complaint. The complainant stated that, despite his request to withdraw the complaint, the named officer then forwarded the complaint to the OCC. Department policies and procedures encourage members of the public to file complaints against sworn members and the Department General Orders require officers accepting those complaints to forward the complaints to the OCC for investigation or be in violation of Department policy. The evidence proved that the act alleged did occur, however, the officer's conduct was proper pursuant to current Department policy and procedures.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/03/12 **DATE OF COMPLETION:** 12/18/12 **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 Police Department
Internal Affairs Division
850 Bryant Street
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: 12/03/12 **DATE OF COMPLETION:** 12/17/12 **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: This complaint raises matters not rationally within 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: 12/05/12 **DATE OF COMPLETION:** 12/31/12 **PAGE #1 of 1**

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

CATEGORY OF CONDUCT: NA **FINDING:** IO-1 **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 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: 12/06/12 **DATE OF COMPLETION:** 12/14/12 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters not rationally within the 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: 12/07/12 **DATE OF COMPLETION:** 12/10/12 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Department of Parking & Traffic
11 South Van Ness Avenue
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: 12/07/12 **DATE OF COMPLETION:** 12/26/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated his friend was murdered. The complainant wanted to speak with the Homicide Detail detective assigned to investigate the death and testify at trial.

The complainant wanted contact information and did not have a complaint about a sworn member of the SFPD. The complainant was given the phone number for the Homicide Detail, the name of the officer in charge, and the phone number for the Homicide Tip-Line.

This complaint is for informational purposes only and will not be referred.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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 the following agencies:

San Francisco Public Defender's Office
555 7th Street
San Francisco, CA 94103

:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated she called the police to report an incident she had with her next-door neighbor. The complainant alleged that the responding officers failed to prepare a police report as requested. Department records show that the named officers prepared an incident report as requested by the complainant, documenting their contact with the complainant and the next-door neighbor. The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/12 **DATE OF COMPLETION:** 12/20/12 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises matters not rationally within 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: 12/20/12 **DATE OF COMPLETION:** 12/31/12 **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 the officer incorrectly directed officers to arrest him pursuant an expired restraining order. The evidence established that the complainant violated a family court domestic violence restraining order that was still in effect at the time of his arrest. The officer's actions were 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: 12/24/11 **DATE OF COMPLETION:** 12/07/12 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that her boyfriend assaulted her but the officers did not investigate the incident as a domestic violence case. The officers took her boyfriend's side, her injuries were not visible, they did not take her seriously, and she was given no paperwork. The officers determined there was no domestic violence crime and that this was a verbal dispute, therefore, they did not provide the complainant a Domestic Violence Referral Card or a CAD number as required. The officers' actions were not consistent with DGO 6.09 and as such the officers' conduct was improper, therefore, the allegation is sustained.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/13/12 **DATE OF COMPLETION:** 12/13/12 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that her son told her that the officer choked him during his arrest. The complainant was not present during her son's arrest. The complainant's son stated that while being arrested for entering a parade without permission, the officer kneeled on top of him and choked him for 30-45 seconds. The son's friend, who was also taken into custody, stated that the complainant's son was choked for several seconds. The named officer and four witness officers denied the allegation. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that her son told her that the officer threatened him. The complainant was not present when the alleged threat was made. The complainant's son stated that the officer threatened to take him to jail and made a threat about harming him, although he could not recall the specific statement. The complainant's son's friend stated that the officer threatened to kill the complainant's son. The named officer and four witness officers denied the allegation. The four witness officers denied hearing any inappropriate comments or threats. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.