

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant stated he went to the station to file a complaint against an officer. The complainant alleged that the named officer refused to take his OCC complaint. The officer denied the allegation. No witnesses were identified. 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: 11/02/12 **DATE OF COMPLETION:** 03/06/13 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION # 1: The officer harassed the complainant

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

FINDINGS OF FACT: The officer denied the allegation of harassing the complainant. The named officer stated he is aware that the complainant is on felony probation and has an active search condition until November 2014. The officer stated in his district he sees the complainant several times throughout the week. However, the officer stated he does not engage the complainant unless he observes her involved in criminal activity. The named officer stated contact with the complainant is for crime prevention and for probation compliance. There was no recorded documentation of the officer making contact with the complainant on the alleged dates. No witnesses were identified. 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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DATE OF COMPLAINT: 11/05/12 **DATE OF COMPLETION:** 03/28/13 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-2: The officers behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 18, 2012 and March 15, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/07/12 **DATE OF COMPLETION:** 03/06/13 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer spoke and behaved inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant told a police sergeant that a plainclothes officer had argued with him, gave him a star number, and when the complainant asked to complain about him, had told the complainant, "Complain to my sergeant." The complainant failed to respond to requests by the OCC for further evidence. The named officer acknowledged giving a star number to the complainant when he asked, but denied that he argued with the complainant and said he did not tell the complainant, "complain to my sergeant." One witness officer said he was away from the scene during the named officer's contact, and said he did not speak to anyone. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to accept an OCC complaint.

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

FINDINGS OF FACT: The complainant told a police sergeant the named officer failed to accept an OCC complaint when the complainant asked to make one. The complainant failed to respond to requests for an OCC interview. The named officer acknowledged speaking to the complainant, and acknowledged giving the complainant his star number, but denied the complainant ever raised a complaint or asked to complain about an officer. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/13/12 **DATE OF COMPLETION:** 03/26/13 **PAGE #** 1 of 3

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

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

FINDINGS OF FACT: The involved officer is no longer a member of the department.

SUMMARY OF ALLEGATION #2: The officer made threatening and intimidating comments toward the complainant.

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

FINDINGS OF FACT: The involved officer is no longer a member of the department.

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SUMMARY OF ALLEGATION #3: The officer used unnecessary force during the detention.

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

FINDINGS OF FACT: The involved officer is no longer a member of the department.

SUMMARY OF ALLEGATION #4: The officer entered a residence without cause.

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

FINDINGS OF FACT: The involved officer is no longer a member of the department.

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DATE OF COMPLAINT: 11/13/12 **DATE OF COMPLETION:** 03/26/13 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #5: The officer seized the complainant's property.

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

FINDINGS OF FACT: The involved officer is no longer a member of the department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/28/12 **DATE OF COMPLETION:** 03/11/13 **PAGE#** 1 of 2

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 drank a bottle of gin and got into an argument with an elderly neighbor, who was armed with a stun gun. The complainant stated he knocked the stun gun out of his neighbor's hands. The complainant stated when police arrived, he told them he had mental health issues. The complainant was transported to a psychiatric facility against his wishes.

Emergency Communications documents state the complainant's neighbor called 911, saying the complainant was "banging on the walls, screaming at the top of his lungs and threatening everyone." Another neighbor called 911 saying the complainant broke his window.

The complainant's medical records stated the complainant was extremely intoxicated and in an acute psychotic state. He arrived at the hospital in four-point restraints due to his aggressive behavior.

The named officer stated the complainant was incoherent, irritable and paranoid. The officer stated the complainant was detained because he attacked his neighbor. The officer stated the complainant's behavior indicated he was mentally and emotionally distraught.

The named officer's partner stated the complainant was detained after he attacked an elderly neighbor.

This officer stated the complainant was in altered mental state. The officer further stated the complainant struck the officer's chest with his right shoulder while being escorted to the ambulance. Once in the ambulance, the complainant had to be placed in four-point restraints.

Based on a preponderance of evidence, the complainant was properly deemed to be a danger to others.

The officer's conduct was proper.

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DATE OF COMPLAINT: 11/28/12 **DATE OF COMPLETION:** 03/11/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer failed to return the complainant's identification.

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

FINDINGS OF FACT: The complainant stated he was involuntarily detained by police for a psychiatric evaluation. When the complainant returned home the following day, he discovered that his driver's license was missing from his wallet. He went to the district station the following day to ask about his driver's license. He told the officer he had been kidnapped and assaulted and his driver's license was missing. The complainant stated the detaining officer later told him that he did not take the complainant's driver's license. The officer's partner stated he didn't recall who took the complainant's driver's license. The detaining officer stated he did not seize the complainant's driver's license. There were no other witnesses and no additional evidence to further 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: 12/04/12 **DATE OF COMPLETION:** 03/18/13 **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 he was arrested without cause. The officer denied the allegation. The reporting party completed a citizen's arrest form against the complainant for trespassing. The officer then accepted the citizen's arrest pursuant to department policy. Furthermore, the complainant's arrest became custodial when the complainant failed to produce identification. Pursuant to Department procedures, the complainant was taken to the district station to be properly identified. 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 #2: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched him without cause. The officer denied the allegation and stated that he performed a search incident to the complainant's arrest. The evidence showed that the complainant was taken into custody and pursuant to Department policy and procedures a search was conducted incident to the custodial arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 12/04/12 **DATE OF COMPLETION:** 03/18/13 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer behaved inappropriately by putting hands on him and refusing to apologize. The officer and a witness officer stated that the complainant refused to comply with requests to leave the building. The officer and a witness officer both stated that the named officer then placed hands on the complainant and guided him out of the building. No 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
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SUMMARY OF ALLEGATIONS #1 & 2: The officers entered a room without cause

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

FINDINGS OF FACT: The complainant alleged that the officers entered her bedroom without cause. The officers stated that they responded to a dispatched call of an assault. They met with the reporting party who led them to the complainant's closed bedroom door. The officers stated that they knocked on the bedroom door and announced they were SFPD. Both officers stated the complainant told them to come in so the officers opened the bedroom door and entered the room. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #3: The complainant alleged the officer's behavior and/comments were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer was aggressive towards her and would not allow her to get water from her kitchen. The named officer and his partner denied the allegation. There were no independent witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #4 & 5: The officers failed to properly identify himself.

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

FINDINGS OF FACT: The complainant said the officers failed to provide their names and star numbers upon request. The officers denied the allegation. The officers stated they verbally provided the requested information to the complainant. There were no independent witnesses to this contact. 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
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DATE OF COMPLAINT: 12/11/12 **DATE OF COMPLETION:** 03/28/13 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officers failed to take the required actions.

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 February 15, 2013.

SUMMARY OF ALLEGATION #2: The officers behaved inappropriately and 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 February 15, 2013.

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DATE OF COMPLAINT: 12/12/12 **DATE OF COMPLETION:** 03/22/13 **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:

California Department of Corrections
Division of Adult Parole, Region 2
1515 Clay Street, 10th Floor
Oakland, CA 94612

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/14/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer shouted at the complainant.

CATEGORY OF CONDUCT: D **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 February 15, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/19/12 **DATE OF COMPLETION:** 03/08/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to take a report of vehicle tampering. The officer stated that he provided the complainant with a blank incident report statement form before leaving the room to make a phone call on the complainant's behalf. The officer stated that when he returned to assist the complainant, the complainant was gone and had left behind the blank form. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled and almost screamed at her while she attempted to file a police report. The officer stated that he spoke in a normal tone of voice throughout the contact. No 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: 11/23/12 **DATE OF COMPLETION:** 03/18/13 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer 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 February 2, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/27/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer 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 February 14, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/27/12 **DATE OF COMPLETION:** 03/13/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer stopped him while he was walking on the street. The officer asked for the complainant's identification and whether the complainant was on probation or parole. The complainant acknowledged that he had prior contacts with the officer. The complainant stated that the entire encounter lasted about five minutes. The officer stated that he stopped to speak with the complainant because he recognized the complainant as a parolee from previous contacts. The officer stated that he asked to see the complainant's identification and whether the complaint was still on probation or parole. The officer queried the complainant's record to verify his parole status and informed the complainant that he was free to go. The officer described his encounter with the complainant as consensual. Department records show that the encounter lasted approximately five minutes. No witnesses came forward. There was insufficient evidence to either prove or disprove that the officer's encounter with the complainant was consensual. As such, there was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: Officers are conspiring to harass the complainant.

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

FINDINGS OF FACT: The complainant stated members of the department frequently stop him on the street in order to harass him. The complainant believes members of the department are conspiring to harass him. One officer interviewed by the OCC denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/02/13 **DATE OF COMPLETION:** 03/26/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer 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 March 22, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/13 **DATE OF COMPLETION:** 03/08/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued the complainant a Notice of Priority Re-Examination without cause.

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

FINDINGS OF FACT: Following a non-injury accident, the eighty-nine year old complainant was cited for not having a valid driver's license and issued a Notice of Priority Re-Examination of Driver. The named officer stated the complainant appeared confused, prompting him to issue the notice, as he did not feel that the complainant was fit to operate a motor vehicle. The named officer's supervisor stated that the complainant was slightly agitated at times and did not understand why she could not legally drive her vehicle, knowing that she did not have a valid driver's license.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/17/13 **DATE OF COMPLETION:** 03/15/13 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

FINDINGS OF FACT: The evidence proved that the person complained of is not a sworn member of the San Francisco Police Department. This complaint raises matters outside OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 03/18/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with department policy.

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

FINDINGS OF FACT: The complainant stated she witnessed an officer talking on his/her cellular phone while driving a police vehicle. California Vehicle Code Section 23123 CVC allows emergency services professional to use a wireless telephone while operating an authorized emergency vehicle in the course and scope of their duties. The preponderance of the evidence established that the named officer was using her cellular phone in the course and scope of her duties. The evidence proved that the act, which provided the basis of the allegation, occurred; however the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 03/04/13 **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 a karate teacher at a community center battered and bruised her minor son and that the named officer failed to take the teacher into custody. Instead, the teacher was cited and released at the scene. OCC's investigation established that the officer's action was in compliance with Department General Orders 5.04 and 5.06. As such, the evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 03/07/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant owns and operates a limousine business. On the day of the incident, the complainant stated he went to SFO to drop off a client. The complainant stated that his client allowed a friend to come along. The friend was not on the waybill. After dropping off his client at the upper level at the curb of Alaska Airlines, the complainant stated his client asked him to bring the friend back to the hotel. The complainant's client asked him to wait and allow the friend to walk the complainant into the airport. The complainant agreed and stood outside his limousine and lit a cigarette. The complainant stated that an Alaska Airlines employee told him he could not smoke, but the complainant disregarded the warning, prompting the employee to call the police. When the named officer arrived, the complainant was cited for the following violations: 1) 4.7(B)(1)(b), Limousine Operators – Unloading or Loading in Unauthorized Areas, and 2) 4.7(B)(1)(e), Limousine Driver Not Possessing A Valid Waybill. Based on the complainant's testimony, the complainant violated the Rules and Regulations of the San Francisco International Airport. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 01/29/13 **DATE OF COMPLETION:** 03/07/13 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: CRD **FINDING:** NF **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:

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DATE OF COMPLAINT: 02/07/13 **DATE OF COMPLETION:** 03/06/13 **PAGE #** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #2: The officer failed to make an arrest.

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/14/13 **DATE OF COMPLETION:** 03/06/13 **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: This complaint raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 02/14/13 **DATE OF COMPLETION:** 03/05/13 **PAGE#** 1 of 2

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

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

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

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

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

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

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DATE OF COMPLAINT: 02/14/13 **DATE OF COMPLETION:** 03/05/13 **PAGE#** 2 of 2

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

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

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

SUMMARY OF ALLEGATION #4: The officer seized personal property.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/15/13 **DATE OF COMPLETION:** 03/01/13 **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: 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
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DATE OF COMPLAINT: 02/20/13 **DATE OF COMPLETION:** 03/25/13 **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 Municipal Transportation Agency
1 So. Van Ness Avenue
San Francisco, CA 94103
Attn: Proof of Payment Department
Telephone # (415) 516-2409

SUMMARY OF ALLEGATION #:

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

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DATE OF COMPLAINT: 02/27/13 **DATE OF COMPLETION:** 03/26/13 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officer issued an invalid order regarding a dog that had attacked and bitten a horse from another law enforcement agency. The evidence showed that pursuant to current and applicable City and County of San Francisco Codes and San Francisco Police Department General Orders, the officer had full authority to issue any and all orders and directives regarding vicious and dangerous dogs due to his capacity as the hearing officer for this type of incident.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/16/12 **DATE OF COMPLETION:** 03/08/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.04.

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

FINDINGS OF FACT: The complainant said she told the officer she wanted to press charges against her roommate. The complainant said she told the officer that she was physically attacked by her roommate but that she did not believe she had any physical injuries. The complainant said she did not know at the time if any of her property was damaged and said the officer did not give her time to examine the property to determine if it was damaged. The officer did not recall the complainant telling him she wanted to press charges against her roommate. The officer said the incident did not involve a crime but two people arguing and struggling over a set of keys. The officer said there was no report of a physical confrontation, physical injuries or property damage. The officer said he followed proper procedures. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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 said the officer hurried her and made her leave her property behind without having the opportunity to examine the property for damage. The officer denied being in a hurry or hurrying the complainant. The officer said the complainant could only take what she could carry because she did not have a car or anyway or anywhere to transport the rest of her belongings. The officer advised the complainant to call SFPD and arrange for a Civil Stand-by when she came back for the rest of her property. The complainant said when she told the officer that she wanted charges pressed against her roommate the officer told her it would be her word against his. The officer denied making this comment. The officer said the complainant asked him to give her a ride to her friend's home, which he did. There were no other available witnesses. 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: 02/16/12 **DATE OF COMPLETION:** 03/08/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant said the officer hurried her to collect her belongings from the apartment and told her that she would have to return to get the rest of her property. The officer said the complainant had no means of removing all of her property from the apartment nor did she have a location to store her property. The officer said he resolved the matter by advising her to call SFPD and arranging for a Civil Stand-by when she came back for the rest of her property. The officer said the complainant asked him to give her a ride to her friend's home, which he did. There were no other available witnesses. 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: 03/11/13 **DATE OF COMPLETION:** 03/19/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officer has retired from the department.

SUMMARY OF ALLEGATION #2: The complainant's vehicle was towed without cause.

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

FINDINGS OF FACT: The officer has retired from the department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/13 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 1

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

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

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

California Highway Patrol
San Francisco Bureau
455 8th Street
San Francisco, CA 94103
(415)557-1094

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/13 **DATE OF COMPLETION:** 03/26/13 **PAGE #1** of 1

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

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

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

State of California
Department of Corrections and Rehabilitation
Division of Adult Parole Operations
San Francisco Parole Unit #4
1727 Mission Street, 2nd Floor
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: 03/20/13 **DATE OF COMPLETION:** 03/27/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate conduct/behavior.

CATEGORY OF CONDUCT: N/A **FINDING:** IO1 **DEPT. ACTION:**

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

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

SUMMARY OF ALLEGATION:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 03/25/13 **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:

Officer in Charge
The California Highway Patrol Department
Attn: Internal Affairs
455 8th 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: 03/22/13 **DATE OF COMPLETION:** 03/25/13 **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:

Officer in Charge
San Francisco Municipal Transportation Agency
Attn: Proof of Payment Department
1 South Van Ness Avenue 7th Floor
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: 03/26/13 **DATE OF COMPLETION:** 03/27/13 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO1. **DEPT. ACTION:**

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

Office of The Mayor
Attn: Steve Kawa
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Controller's Office
City Hall, Room 316
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Department of Public Works
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/12 **DATE OF COMPLETION:** 03/20/13 **PAGE#** 1 of 3

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 detained for no reason after exiting a friend's truck in the parking lot of the hotel where he was staying. He stated he returned to the parking lot shortly after leaving because he forgot his wallet.

The named officer and two witness officers stated they were conducting surveillance on the complainant, whom they knew from prior narcotics-related contacts. A witness officer stated he followed the truck as it circled the block once and returned to the parking lot. The named officer and both witness officers stated they suspected the complainant had conducted a narcotics transaction inside the vehicle. The complainant was detained for a narcotics-related investigation.

The named officer and the witness officer further stated that, based on their training and experience, drug dealers often rent hotel rooms to hide their drugs and conduct drug transactions in vehicles to avoid detection. The officers had reasonable suspicion to detain the complainant for an investigation. Their conduct was proper.

SUMMARY OF ALLEGATION #2: The officer used force to detain the complainant.

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

FINDINGS OF FACT: The complainant stated that when he was detained, an officer threw him to the ground and handcuffed him. The named officer denied throwing the complainant to the ground. The officer stated the complainant was cooperative and no force or physical controls were required to detain him. Two witness officers stated the complainant was not thrown to the ground. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/12 **DATE OF COMPLETION:** 03/20/13 **PAGE#** 2 of 3

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 wrongfully arrested for selling drugs. The named officers stated they detained the complainant after they suspected he had conducted a narcotics transaction while inside a vehicle. One named officer stated he observed the driver of the vehicle dump a bag of suspected narcotics on the floor of the truck and smear the substance with his foot. A photo showing scattered white powder on the floorboard was attached to the incident report. The substance tested presumptive positive for the presence of methamphetamine. The officers had probable cause to arrest the complainant. Their conduct was proper.

SUMMARY OF ALLEGATIONS #5 & 6: The officers entered and searched the complainant's hotel room without cause or consent.

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

FINDINGS OF FACT: Following the complainant's arrest for possession of narcotics for sale, a search warrant was obtained to search his hotel room for additional evidence. The officers searched the room pursuant to a valid search warrant. Their conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/12 **DATE OF COMPLETION:** 03/20/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: In his written narrative, the complainant stated money and valuables were seized from his vehicle. In his subsequent OCC interview, he stated he did not see any officers search his vehicle. He stated after he was released from custody, he returned to his parked vehicle and found it unlocked and the items missing. He stated he could not make the claim that officers stole his property. The three officers involved in this incident denied searching the complainant's vehicle. The allegation is unfounded.

SUMMARY OF ALLEGATION #9: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: In his written complaint, the complainant stated the named officer took \$300 from his pocket. He further stated that money and valuables were seized from his vehicle by unknown officers. In his subsequent OCC interview, he stated he did not see any officers search his vehicle. He stated after he was released from custody, he returned to his parked vehicle and found it unlocked and the items missing. He stated he could not make the claim that officers stole his property. The three arresting officers denied searching the complainant's vehicle or seizing any items from it. The named officer stated he seized a cell phone and \$255 from the complainant during the arrest search. This property seizure was properly documented in the incident report, and the seized property was listed on a property receipt form signed by the complainant. There was insufficient evidence to prove or disprove how much money was seized from the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/12 **DATE OF COMPLETION:** 03/27/13 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated that he was stopped and cited for making an improper lane change, which he denied. The named officer and a witness officer both denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was further detained when he refused to sign the citation. The named officer stated that when the complainant repeatedly refused to sign the citation, the officer asked the complainant to exit his vehicle and placed him in handcuffs. The complainant denied that he repeatedly refused to sign the citation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/12 **DATE OF COMPLETION:** 03/27/13 **PAGE #2** of 3

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

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

FINDINGS OF FACT: The complainant stated that while he was being detained, the officer told his wife, "You can thank your husband for ruining your anniversary." The named officer and two witness officers denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to comply with DGO 5.06

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

FINDINGS OF FACT: The complainant stated that after being issued a citation and failing to sign it, he was removed from his vehicle and placed into a patrol car. DGO 5.06 states that a person shall be subject to custodial arrest rather than citation release if they demand to immediately see a magistrate or refuse to give their written promise to appear. The complainant denied that he repeatedly refused to sign the citation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/12 **DATE OF COMPLETION:** 03/27/13 **PAGE #3** of 3

SUMMARY OF ALLEGATION #5: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that after being issued a citation and failing to sign it, the officer told him to get out of his vehicle and put his hands behind his back. He stated that upon exiting his vehicle, the officer placed him in handcuffs. The named officer stated that the complainant was placed in handcuffs because he refused to sign the citation, which is a violation of CVC 40302. Furthermore, DGO 5.06 allows the officer to place the complainant under custodial arrest for refusing to give his written promise to appear. The complainant denied that he repeatedly refused to sign the citation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: An unidentified officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated after getting out of his vehicle and being placed in handcuffs, an unknown officer reached into his pocket and removed his cell phone. He stated that the officer then gave the cell phone to his wife. The responding officers all denied the allegation. 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: 05/02/12 **DATE OF COMPLETION:** 03/20/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the named officer used excessive force during the complainant's arrest. Department records show that the police were dispatched to the complainant's apartment building regarding a battery in progress. The victim identified the complainant as the suspect. When the initial officers attempted to take the complainant into custody, the complainant actively resisted. Surveillance video of the complainant's arrest shows the complainant actively resisting during his arrest, prompting the named officer to deliver several closed fist strikes to the complainant's head and face area to gain compliance. The surveillance video also shows no additional force being used after the complainant was placed in handcuffs. The evidence proved that the acts, which provided the basis for the allegation, occurred. However the acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/12 **DATE OF COMPLETION:** 03/18/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant called police because she wanted a threat made to her via a third party to be documented on a police report. She stated the officer did not prepare a police report. The officer denied the allegation. The officer stated the complainant wanted an arrest however he determined that there was no basis of an arrest, but he offered to write a report. The officer stated the complainant walked away angrily and he had no basis for detaining the complainant to get her information to prepare a report. The officer said he did the next best thing, which was to make a “K” comment in the CAD. The witness stated that the complainant would not listen to what the officer had to say. There were no other witnesses that came forward. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT:. The complainant stated the officer mocked her for having a mental health condition. The officer denied the allegation. A witness stated that he did not hear the officer mock the complainant nor did he hear him raise his voice at the complainant. No other witnesses came forward. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/12 **DATE OF COMPLETION:** 03/27/13 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant said she was legally parked in a commercial loading zone and that the named officer had no basis for ordering her to move her car. The named officer denied the allegation, stating that the complainant's passenger vehicle was not allowed to park in a loading zone that specified large, six-wheeled trucks. A review of San Francisco parking laws corroborated the officer's interpretation of the law. 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 #2: The officer displayed a rude demeanor.

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

FINDINGS OF FACT: The complainant said the named officer was "screaming and yelling" at her to move her vehicle, and refused to explain what law she was violating. The officer denied displaying rude demeanor. One witness, the sister of the complainant, corroborated the complainant's description of the officer's demeanor, but the witness acknowledged that she and the complainant were not both present for all conversations the complainant had with the officer. 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: 05/11/12 **DATE OF COMPLETION:** 03/27/13 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior and made rude comments.

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

FINDINGS OF FACT: The complainant said when she challenged the named officer and asked if he was going to cite other people for what she had done, he told her, “Now you’re telling me how to do my job” and, threatened to cite her. The complainant acknowledged the officer did not cite her. The named officer denied the allegation. One witness said she heard the officer ask if the complainant wanted him to do his job, he would do so and cite her. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-Added ALLEGATION #1: The officer ran a civilian’s name in a law enforcement database without necessity.

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

FINDINGS OF FACT: The Officer stated during an OCC interview that he ran the name of the complainant on a CLETS terminal in preparation for his OCC interview. The officer denied that the action was unnecessary, stating that when he received the complaint, he did not recall the complainant and needed to refresh his memory of who she was. He stated further that his use of CLETS in this instance was to fulfill a law enforcement purpose because he is required to answer questions put to him by the OCC and thought the identification of the complainant was relevant. A subject matter expert who works for the SFPD stated that an officer can run a name in the CLETS system for recollection purposes if he is engaged in a duty required of his job. There is not enough evidence to determine if the officer recalled the complainant at the time of the interview. There is not enough evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/16/12 **DATE OF COMPLETION:** 03/26/13 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1: The officer placed the complainant in tight handcuffs.

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

FINDINGS OF FACT: The co-complainant stated while leaving the general assistance office an officer stopped him saying that he matched the description of a suspect. The officer asked for his identification, searched him, and placed him in tight handcuffs.

The officer denied the allegation. While manning his post at the general assistance office, the officer stated that a female approached him saying she was a victim in a robbery fourteen months prior and that she saw the suspect in the building. The officer stated the victim pointed out and positively identified the co-complainant as the suspect who robbed her. The officer stated he detained the co-complainant for investigation and placed him in handcuffs. The officer stated the co-complainant did not complain about his handcuffs. The officer stated had the co-complainant said that his handcuffs were tight, the officer would have had loosened them. The victim stated she did not see how the co-complainant was placed in handcuffs but stated that she saw him by the window being placed inside a patrol car in handcuffs. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer arrested the co-complainant without cause.

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

FINDINGS OF FACT: The complainant stated that her boyfriend, the co-complainant in this case, was arrested for a robbery he did not commit. The co-complainant denied committing the robbery and knowing the victim. The co-complainant stated he was sleeping at a shelter with a curfew at the time of the robbery. The evidence shows that the co-complainant was detained and transported to a police station for further investigation. The named officer conducted an investigation and interviewed the co-complainant regarding his involvement in the robbery incident. Although the victim positively identified the co-complainant as the person who had robbed her, the victim's description of the suspect varied. Additionally, the victim identified the co-complainant as the suspect about 14 months after the robbery took place. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 03/12/13 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS # 1-2: The officers failed to comply with DGO 5.08.

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

FINDINGS OF FACT: The complainant stated he was stopped at a red light when he was pulled over by an unmarked police car. Department General Order 5.08, NON-UNIFORM OFFICERS, states, in part, that non-uniformed officers shall not initiate traffic stops, except when witnessing an aggravated situation requiring immediate action to protect life or property such as drunk driving. The officers stated they stopped the complainant after smelling a very strong and pungent smell of marijuana emitting from the complainant's vehicle, prompting the officers to conduct an immediate investigation to prevent injury to others. The complainant admitted having possession of marijuana and smoking it while driving. 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 handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was placed in handcuffs when he could not produce a valid driver's license or identification. The officers stated the complainant did not have valid identification, prompting officers to establish the complainant's identity at the station. The complainant was handcuffed and subsequently transported to the station, where he was cited and released after adequately establishing his identity. 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: 05/30/12 **DATE OF COMPLETION:** 03/12/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The evidence established that the complainant was driving with a suspended driver's license, prompting the officers to tow his vehicle. Pursuant to Department General Order 9.06, VEHICLE TOWS, the officers conducted an inventory search of the vehicle. 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 #7: The officer used profane language.

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

FINDINGS OF FACT: The complainant stated the officer used profane language towards him on scene and at the police station. The named officer and other officers denied the allegation. Two other witnesses on scene did not respond to OCC requests for an interview. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 03/12/13 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #8-9: The officers used excessive force.

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

FINDINGS OF FACT: The complainant stated the officers slammed him to the ground. The named officers and other officers denied the allegation. Two other witnesses on scene did not respond to OCC requests for an interview. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #10-11: The officers towed a vehicle without justification.

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

FINDINGS OF FACT: The complainant was driving with a suspended driver's license. The officers towed the complainant's vehicle pursuant to DGO 9.06. The evidence proved that the acts, which provided the basis of the allegation, occurred. However, such act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 03/12/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #12: The officer's retaliatory behavior was inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer retaliated by unnecessarily having him transported to a police station. The officer denied the allegation and stated he was required to adequately establish the complainant's identity at the station because the complainant did not have a valid identification. The evidence proved that the conduct complained of did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/30/12 **DATE OF COMPLETION:** 03/07/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 2.01.

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

FINDINGS OF FACT: The complainant stated he is divorcing his wife. He provided a one-minute cell phone videotape he stated was made by his wife. He stated that at the time the video was made, his wife was having an extra-marital affair with a member of the SFPD. In the video, a woman is seen driving over the Bay Bridge and recording herself on her cell phone. She states she is being escorted by two patrol cars. A patrol car can be seen a few car lengths ahead of her. The number of the patrol car was not visible. The complainant believed the officer who was having an affair with his wife was driving the patrol car.

According to Department records, the accused officer was assigned to foot patrol and was handling calls at the time the video was being made. He denied being involved in this alleged police escort. The complainant's wife declined to cooperate with the investigation. Without additional information from the complainant's wife, the driver of the patrol car could not be identified.

The complainant further stated that seven months later, an exchange of property with his wife was arranged at their home. A friend picked up the complainant's property. The complainant stated his friend told him a patrol car was parked in front of the house during the property exchange and she provided him with the patrol car's number. However, the friend told the OCC that she could not recall the number of the patrol car but did provide it to the complainant or his attorney. She said two officers were inside the patrol car and the complainant's wife was speaking with them in a friendly manner. The friend stated she was at the house between 3-4 P.M.

According to Department dispatch records, the complainant called dispatch 911 at 3:08 PM requesting a citizen standby at his home. The dispatcher advised him there was going to be a 90-minute wait. He cancelled the stand-by request at 4:15 PM.

According to Department Records, the Department does not have patrol car with the number provided by the complainant's friend. There were no records of any officers being dispatched to the complainant's home on that date.

There were no witnesses and no additional evidence to identify the officer or prove or disprove that any misconduct had occurred.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officers and several other members of the San Francisco Police Department refused to enforce her restraining order against her neighbor. OCC's investigation established that the complainant's complaints of restraining order violations have resulted in arrests and, if no arrest was made, the incidents were documented in incident reports. The two named officers denied the complainant's allegation for failing to make an arrest. The subject of the restraining order denied committing the alleged violations. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers behaved in an inappropriate manner and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers discredited her reports and one of the officer's was harsh with her and raised her voice inappropriately. The officers denied the allegations. A witness officer denied witnessing the alleged behavior. Another witness did not recall the incident and said in one instance it was not the officer who mischaracterized the complainant, but the reportee. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers engaged in biased policing due to gender identity.

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

FINDINGS OF FACT: The complainant believes that officers are biased against her gender identity and that it was affecting their impartiality in enforcing her restraining order. The officers denied the allegation. A witness stated she did not believe that officers have behaved in a biased manner. The officers were interviewed pursuant to the OCC biased policing protocol and there was no evidence to conclude that the officers' conduct was affected due to the alleged bias. 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: 06/11/12 **DATE OF COMPLETION:** 03/18/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare an incident report.

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

FINDINGS OF FACT: The complainant stated that he was assaulted aboard a Muni bus by another passenger, who left the scene. The complainant notified the bus driver and asked her to summon police so he could file a report. The complainant told the named officer that he'd been assaulted and asked him to prepare a police report, but the officer failed to do so. The named officer stated that he did not prepare a report because the complainant abruptly left the scene before providing all of the information the officer needed to prepare a report. The evidence established that the complainant reported being the victim of a crime and provided the named officer with his identification information and other information necessary for the officer to prepare a report, and that according to Department regulations, the officer should have prepared a report. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer failed to provide his star number when requested.

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide his star number when requested. The named officer denied that the complainant ever requested his star number. A witness officer stated that he did not overhear the named officer's conversation with the complainant. A civilian witness declined to be interviewed. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/13/12 **DATE OF COMPLETION:** 03/18/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated while she was taking a shower someone knocked hard on her door and later kicked on the door claiming that he was a police officer. The complainant stated she was frightened and called the police to verify whether an officer had been sent to her address. The complainant stated, in part, that the named officer was rude and treated her as if her complaint was not real. The complainant stated she overheard the named officer call her crazy. The named officer and his partner denied the allegation. The named officer stated that he tried to explain to the complainant that the person who knocked on her door was a patrol special officer who was conducting a well-being check. The named officer stated the complainant yelled the whole time and refused to listen to him. Two witness officers corroborated the complainant was upset and yelling while the named officer tried to calm her down. No other witnesses came forward to corroborate the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2 & 3: The officers failed to properly investigate.

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

FINDINGS OF FACT: In her typed complaint, the complainant alleged that the officers failed to properly investigate the incident. The officers denied the allegation. No other witnesses came forward to corroborate the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 06/13/12 **DATE OF COMPLETION:** 03/18/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4 & 5: The officers exhibited biased policing.

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

FINDINGS OF FACT: In her typed complaint, the complainant alleged that the officers were biased because they ignored her complaint and took the side of the other party. The officers denied the allegation. No other witnesses came forward to corroborate the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/12 **DATE OF COMPLETION:** 03/11/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-4: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained for no reason. According to dispatch records, the complainant's neighbor called 911 to report that her neighbor (the complainant) threatened to break her legs. The neighbor identified the complainant in a cold show. The officers stated they detained the complainant to conduct a felony terrorist threat investigation. Based on the evidence obtained, the officers had reasonable suspicion to detain the complainant to conduct an investigation. Their conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated an officer put his foot inside the complainant's residence and refused to allow the complainant to shut his door. He stated two other officers arrived later and entered his residence without his consent. One officer stated that while waiting for his supervisor to arrive to continue a felony threats investigation, he placed his foot in the complainant's door so that the complainant could not shut the door. His partner stated that this was done to prevent the complainant from potentially arming himself or barricading himself inside the apartment. Two supervising officers stated they arrived later and entered the complainant's residence with the complainant's consent. A witness officer stated the officers entered the residence with the complainant's consent. There were no other available witnesses or additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 06/13/12 **DATE OF COMPLETION:** 03/11/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #7: The officer forced the complainant to provide identification.

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

FINDINGS OF FACT: The complainant stated the officer forced him to provide identification while he was being detained. The complainant stated the officer repeatedly asked him to show his identification; he did not physically force him to show identification. The complainant stated that, at one point, his wife advised him to show the officers his identification and he complied. The officer stated the complainant was convinced, not forced, to show his identification. The complainant was a suspect in a felony threats investigation. The officer did not physically force the complainant to show identification. After repeatedly refusing to show identification, the complainant complied on the advice of his wife. The allegation is unfounded.

SUMMARY OF ALLEGATION #8: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that while being detained, the officer yelled at him and pointed his finger in his face. The officer and three witness officers denied this behavior occurred. The video does not show this conduct. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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DATE OF COMPLAINT: 06/14/12 **DATE OF COMPLETION:** 03/22/13 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the officer did not investigate her complaint of noise and vandalism properly. The officer denied the allegation. One witness did not see who committed the vandalism and did not recall the sequence of events. Another witness did not observe the incident and only became aware of it from what the complainant told her. Two other witnesses stated the officer talked to them and questioned them about noise and throwing items at the complainant's window. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer wrote an incomplete and/or inaccurate report by failing to mention the vandalism the complainant had reported. The officer denied the allegation. The officer stated that the complainant did not report any act of vandalism during the officer's conversation with the complainant. There were no witnesses to the conversation between the officer and complainant. There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/12 **DATE OF COMPLETION:** 03/22/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued an invalid order

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

FINDINGS OF FACT: The complainant said the officer took her client's keys, ordered him to vacate his unit, and threatened him with arrest. The complainant stated she informed the officer that this was a civil matter in which he did not have jurisdiction. The officer denied the allegation. The officer stated he was investigating the "squatters" tenancy and made contact on behalf of the reportee who was afraid to make contact believing the squatter may have been on drugs. The officer relayed the new owner information and asked him when he was going to move. The complainant's client stated the officer threatened him with arrest if he did not move within a month. The reportee did not respond to OCC's request for an interview. There were no witnesses to the conversation between the officer and the complainant's client. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer accused her client of having drugs. The complainant also stated that the officer was verbally aggressive, yelled, and hung up on her. The officer denied the allegation. The complainant was not present during the officer's conversation with her client. The complainant's client did not hear the officer's entire telephone conversation between the officer and the complainant. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 06/21/12 **DATE OF COMPLETION:** 03/15/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated, in part, that she felt bullied during a traffic stop. The complainant did not respond to OCC's request for an interview. The named officer and his partner denied the allegation. The officer stated the complainant was cited for not wearing a seatbelt while driving. The complainant admitted to this violation in her written complaint. The named officer stated he was calm and respectful towards the complainant. No other 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
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DATE OF COMPLAINT: 06/22/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 1

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

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 February 12, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 07/05/12 **DATE OF COMPLETION:** 03/05/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer was rude, condescending, and yelled at him for no apparent reason. Neither the complainant nor the named member were able to identify a witness on scene, and OCC attempts to interview another potential witness 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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DATE OF COMPLAINT: 07/04/12 **DATE OF COMPLETION:** 03/08/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The complainant admitted that he walked across the street against a traffic light. He further admitted he had been drinking. Both officers stated that they observed the complainant walk against a red light and that he appeared intoxicated. The officers stated they then detained him for further investigation. The evidence proved that the acts, which provide the basis for the allegations, occurred; however, the acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed his left shoulder and tried to trip him by sweeping his feet out from under him. The officer denied the allegation. He stated the complainant had crossed against the light and ignored multiple orders to stop and talk to him and be seated. The officer said he applied pressure to the complainant's shoulder and arm to guide him down to the ground to a sitting position. He denied using a leg sweep. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #4: The officer made inappropriate remarks and behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that during the course of the detention, the officer made inappropriate remarks and behaved in an inappropriate manner. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #1: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant walked against a red light and admitted that he had been drinking. The named officer and the witness officer stated that they contacted the complainant after they observed the complainant walk against the red light, and that the complainant appeared to be intoxicated. The complainant stated that the named officer used a leg sweep to physically restrain him. The named officer stated that the complainant would not follow the officer's advisements to sit on the ground for safety purposes. The named officer stated that he then applied pressure to the complainant's shoulder and arm to guide the complainant to the ground to make the complainant comply with the officer's request to sit down for safety purposes. The officer denied that he used a leg sweep. The officer did not issue the complainant a Certificate of Release when the contact concluded. The officer said the complainant was not physically restrained and that no handcuffs or hobbles were used during the detention. The officer stated that the complainant was not moved any distance nor was he detained for any length of time. The evidence showed that the contact lasted less than five minutes and ended when the officers left the scene to make an immediate response to an "A" priority dispatch call. There were no independent witnesses to this contact to corroborate the type of restraint or compliance hold that was used by the officer. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 07/13/12 **DATE OF COMPLETION:** 03/25/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. The complainant admitted that he was on probation. The officers stated that they knew the complainant from a prior contact. From that prior contact the officers had knowledge that the complainant was on probation with a search condition through 2013. The officers observed the complainant on different dates and exercised their right to detain the complainant to conduct a search. The evidence showed that the conduct complained of occurred, however the conduct was proper and lawful pursuant to the conditions of the complainant's probation that included a search condition.

SUMMARY OF ALLEGATIONS #3-4: The complainant alleged the officers made threatening and inappropriate comments.

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

FINDINGS OF FACT: The officers denied the allegation. No witnesses were identified during the investigation or came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 07/13/12 **DATE OF COMPLETION:** 03/25/13 **PAGE#** 2 of 3

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 said the officers arrested him without cause. The officers stated that they knew the complainant was on probation so they conducted a probation search on the complainant. During the search of the complainant and the vehicle that he was in possession of when stopped, the officers located contraband that they booked into evidence. The complainant allegedly made threatening comments to the officers for which they also charged him. The complainant also had an outstanding warrant for which he was taken into custody. The evidence showed that the officers had probable cause to arrest the complainant.

SUMMARY OF ALLEGATION #7: The officer searched a vehicle without cause.

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

FINDINGS OF FACT: The complainant admitted that he was on probation. The officer and his partner stated they observed the complainant and contacted him to exercise the search condition of the complainant's probation. The officer stated that pursuant to the complainant's search condition, he searched the vehicle that the complainant was sitting in when the officers contacted him. The evidence showed that the act alleged in the complaint occurred, however the act was proper and lawful pursuant to the complainant's search condition of his probation.

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SUMMARY OF ALLEGATIONS #8-9: The officers harassed the complainant.

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

FINDINGS OF FACT: The complainant stated that the officers harassed him. The officers denied the allegation and stated they were just doing their job. No independent witnesses were identified or came forward during the investigation. 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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DATE OF COMPLAINT: 07/18/12 **DATE OF COMPLETION:** 03/22/13 **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: During the OCC interview, the complainant stated that the named officer wrongfully arrested him. The complainant denied committing a crime and said that he was the victim. The named officer and his partner stated four individuals identified the complainant as the subject of criminal acts. Several witnesses said the complainant was physically and verbally abusive and threatening. The four individuals filed Citizen's Arrests against the complainant. The officer arrested the complainant pursuant to Department General Order 5.04, Arrests by Private Persons. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: During the OCC interview, the complainant said the officer did not secure his property when they arrested him. The officer and his partner denied the allegation stating they contacted the Department of Public Works (DPW) to pick up the complainant's property. However, before DPW arrived the complainant's behavior endangered himself and others so the officers left the property and transported the complainant to the station. The incident report documents that the complainant's property was strewn along the sidewalk at the time of the arrest. DPW records documented that the complainant's property was strewn along the sidewalk when they arrived and that not all of the property was salvageable. DPW picked up what was salvageable, tagged and transported it for storage. The complainant never retrieved his property and relied upon the statement of a DPW worker as to the condition of his property. There was no evidence to substantiate that any of the complainant's property was stolen or damaged between the time the complainant left his property on the sidewalk and the time DPW arrived, bagged, tagged and transported the property for storage. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated that his friend was riding his bicycle near Dolores Park when police stopped him. The officers searched his friend's backpack without any reason and then let the friend leave. The complainant's friend was unavailable for an interview and could not be located through database searches. With the minimal details provided by the complainant, no such incident was identified through Department records. 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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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 03/07/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer grabbed and jerked her arm without cause. The officer denied the allegation. The officer admitted to grabbing the complainant's arm for a brief moment in order to prevent her from getting hit by a vehicle. There is no dispute the complainant jaywalked. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was detained without justification. The complainant said she was with other pedestrians who jaywalked. The officer denied the allegation of detaining the complainant. The officer said he observed the complainant jaywalk and gave her verbal orders to stop and not jaywalk. The officer stated for safety reasons he briefly grabbed the complainant's arm, but she pulled away and left the area. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened her with an arrest if she did not get out of the street. The officer denied the allegation. The officer said he asked the complainant to stop jaywalking and she refused. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when he told her to get out of the street. The officer denied the allegation. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 03/04/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he went shopping at a downtown department store. After leaving the store, the complainant stated he discovered that some of the items he had purchased were not in his shopping bag. The complainant went back to the store to find the store was closed. The complainant saw a sales clerk inside the store and she instructed him to go to the side door. The complainant went to the store's side exit door and was stopped by the named officer who accused him of not paying for the items in his bag. The complainant became upset and showed the officer his purchase receipt, but the officer told him not to come back into the store or face an arrest for trespassing. The complainant stated the officer pushed him for no apparent reason and threatened him. The officer denied the allegation. The officer stated the complainant became argumentative, yelling and screaming at one of the store clerks. The officer stated he suggested to the complainant to leave the store and to come back the next day to settle his complaint with the store manager. The officer denied threatening the complainant. A witness stated he did not observe the incident in the store and other witnesses did not provide statements. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the officer pushed him for no reason. The officer denied the allegation. The officer denied assaulting the complainant and said the complainant quickly came towards him. The officer stated he thought the complainant might knock him over, so the officer placed his hand on the complainant's chest area in order to stop him. The officer said the complainant did not sustain any visible injuries. A witness stated he did not observe the incident in the store and other witnesses did not provide statements. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant wrote that the officer made an inappropriate comment about her weight. One of the co-complainants wrote that he heard the officer make a comment about the complainant's weight. The second co-complainant did not hear the officer make a comment about the primary complainant's weight. The witness officer denied hearing the alleged comment. The named member denied making the alleged comment. The primary complainant and a co-complainant that heard the officer make the derogatory comment did not make themselves available for an OCC interview. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant wrote that as the officers sat in their patrol car she stood next to the patrol car window and video taped them. The complainant said one of the officers exited the patrol car, slapped the video camera from her hand and told her she was under arrest as he grabbed her hand and placed it behind her back. The complainant admitted to passively resisting the officers attempt to arrest her by going limp. Both of the co-complainants said they observed the complainant video taping the officers at the patrol car window and saw the officer get out of the car and smack the cell phone out of the complainant's hand. The officer then told the complainant to put her hands behind her back. One of the co-complainants said the officer did not tell the complainant that she was under arrest until the complainant accused the officer of assaulting her. The witness officer said that while seated in the patrol car the complainant was flashing an object at the passenger window. The witness officer said the complainant was extremely aggressive banging on the patrol car windows and using obscenities. The named officer said the complainant refused orders to back away from the patrol car and get out of the street and onto the sidewalk. The named member said the complainant pushed the patrol car door striking his leg and was arrested and cited for battery on a police officer. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer interfered with the rights of onlookers.

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

FINDINGS OF FACT: The primary complainant said while video taping officers one of the officers slapped her camera from her hand, breaking the camera. Both co-complainants observed the alleged behavior. The witness officer denied seeing the alleged behavior. The named member admitted to the alleged behavior stating that he acted in the manner alleged after observing the complainant holding a stick, after she ignored officers' orders, and after she thrust the unknown object at him. The police report documents that there was an occupy SF encampment in the area and the members were yelling at the officers. The complainant approached the officers and was yelling and waving an unidentified black object and banging on the patrol car window. The named member exited the car and the complainant stood near him acting in an aggressive manner while holding the unidentified black object in her hand. Not knowing if the black object was a weapon the officer knocked the object from the complainant's hand. Department policy provide bystanders with the right to record police activities so long as they do not violate the law in doing so and authorize an officer to order onlookers to move back if they are violating the law. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer used unnecessary force.

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

FINDINGS OF FACT: The complainant wrote that the officer grabbed her hand, placed it behind her back, and took her to the ground where she passively resisted by going limp. The complainant wrote that she told the officers she had asthma. The responding ambulance administered medical aid to the complainant. The co-complainants said after the named officer exited the patrol car he slapped the phone from the complainant's hand. One of the co-complainants said the officer pushed the complainant and told her to put her hands behind her back. The other co-complainant said the officer yanked the complainant's arms in a violent manner. The witness officer denied that the named member used any unnecessary force. The named member denied using any unnecessary force. The police report documents that the complainant complained of pain to her arm and shoulder and after being transported to the hospital. The complainant also complained of knee and hand pain. An entry was made in the Use of Force Log. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/01/12 **DATE OF COMPLETION:** 03/28/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant wrote that the officer intentionally smacked the videophone from her hand breaking the videophone. Both co-complainants wrote that they witnessed the officer slap the phone out of the complainant's hand. The witness officer denied seeing the alleged behavior. The named member admitted to the alleged conduct stating that at the time he knocked the object out of the complainant's hand he did not know what the object was and believed it might be a weapon. The incident report documents that the officer knocked an unidentified object from the complainant's hand not knowing at the time whether or not it was a weapon. The complainant admitted to pointing the videophone at the officer as she videotaped him at close range. The two co-complainants stated that the complainant was video taping the officers from the patrol car window. The named member's partner saw the complainant standing at the patrol car window with an object and although he did not know what it was he assumed it was some type of video camera. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/08/12 **DATE OF COMPLETION:** 03/28/13 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer did not arrest another tenant at his request. The officer stated that the complainant did ask for an arrest while rambling off about many other things. The officer said the complainant was all over the place and was not thinking linearly. The officer stated that, based on his observations of the complainant's behavior and what the manager complained about, he conducted a well being check of complainant to determine if he was unable to care for himself, per §5150 H&SC. The officer determined the complainant did not meet all of the criteria. The officer stated that at the end of his contact he asked the complainant what he wanted him to do and he just requested that he escort him out of the building. The witness stated that he heard the complainant "yell in his psychosis" that he wanted him arrested; however, he did not witness the conversation between the officer and the complainant. The CAD documents that the hotel management believed the complaint's behavior was "crazy." In his OCC interview, the complainant made statements that were not linear. The complainant's video recordings do not corroborate his version of events. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior

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

FINDINGS OF FACT: The complainant stated the officer was unprofessional, kept interrupting him, and was hostile. The officer stated he did have to interrupt the complainant because he kept going off on tangents. The officer denied being unprofessional and hostile. There were no witnesses to the contact between the officer and the complainant. The video submitted by the complainant does not capture any unprofessional behavior or hostility. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: In his Member Response Form (MRF,) the officer stated that the complainant did ask for an arrest; however the officer determined that no crime was committed. The officer also stated in his MRF that he did not prepare an incident report. Per DGO 5.04 Section II 8., the officer was required to prepare an incident report. In his OCC interview, the officer articulated that the complainant said he wanted an arrest, but was rambling and going off on such tangents as the noise that the construction workers were making, the management of the hotel, and the food. The officer stated that the complainant was not thinking linearly and when the complainant was done talking and the officer had completed his mental health evaluation, he asked the complainant what he wanted him to do; the officer stated that the complainant merely asked that he be escorted out of the building so he could get a burrito. There were no witnesses to the interaction between the officer and the complainant. Therefore there is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/09/12 **DATE OF COMPLETION:** 03/13/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that officer responded to the scene after he'd been involved in a fight. The complainant stated that he asked for a citizen's arrest to be made, but that the officers took no action. The complainant also stated that he asked for an ambulance but the officers laughed at him. The named officers denied the allegation. They both described the complainant as intoxicated and belligerent. They stated that the complainant was uncooperative in providing any information about the suspects in order for the officers to locate them. Both named officers stated that medical assistance was offered to the complainant, but that he refused to cooperate and locked himself inside of his residence. A witness officer described the complainant as uncooperative and denied that he ever requested medical assistance. No other 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 made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that officers laughed at him and called him a "punk." The named officers and a witness officer all denied the allegation. No other 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: 08/09/12 **DATE OF COMPLETION:** 03/13/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5 & 6: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated that the officers called him a “motherfucker.” The named officers and a witness officer all denied the allegation. No other 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:

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DATE OF COMPLAINT: 08/16/12 **DATE OF COMPLETION:** 03/01/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant was involved in a non-injury vehicle accident. While exchanging information with the other driver, the complainant stated the other driver grabbed a piece of paper from the complainant's hand in a violent manner. The police were then called to respond to the scene. The complainant stated he told the named officer that he wanted a police report, alleging that he had been assaulted. The complainant stated the officer refused to take a police report. The officer denied that the complainant asked him for a police report. Additionally, the officer stated that no crime was committed based on his investigation. The officer stated he facilitated the exchange of information between the complainant and the other driver who was involved in a non-injury vehicle accident. There was insufficient evidence to either prove or disprove that the complainant specifically asked the named officer for a police report.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/16/12 **DATE OF COMPLETION:** 03/20/13 **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 provided copies of citations indicating the officer cited his vehicle on two separate dates. One date indicated the vehicle was cited for being parked within 100 feet of an intersection. Another citation disclosed the complainant's vehicle was cited for being parked in the same parking space for more than seventy-two hours. The complainant provided documents, which appeared to indicate the vehicle was moved within the seventy-two hour time period. The complainant therefore argued the vehicle should not have been cited for the seventy-two hour violation. The officer argued the vehicle had not been moved, and the officer described procedures she takes to ensure the vehicle was not moved. Department records relating to this event did not indicate the complainant's vehicle was moved despite minor discrepancies in notations made by the officer of where the vehicle was parked. Additionally, the officer stated that when she was about to issue a citation on the vehicle for the seventy-two hour violation, an acquaintance of the complainant appeared. The officer stated the complainant's acquaintance did not have the keys to move the vehicle. The acquaintance also indicated the complainant forgot to move the vehicle. 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 towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant provided documents, which appeared to indicate the vehicle was moved within the seventy-two hour time period; therefore, the vehicle should not have been towed for the seventy-two hour violation. The officer argued the vehicle had not been moved, and the officer described procedures she takes to ensure the vehicle was not moved. Department records relating to this event did not reveal the complainant's vehicle was moved despite minor discrepancies in notations made by the officer of the location where she cited the vehicle for another violation two days prior to the tow. Additionally, the officer stated that when she was about to have the vehicle towed because of the seventy-two hour violation, an acquaintance of the complainant appeared. The officer would have given the acquaintance the opportunity to move the vehicle, but the acquaintance did not have the keys. The acquaintance also stated the complainant forgot to move the vehicle. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/17/12 **DATE OF COMPLETION:** 03/25/13 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant alleged the officers stopped her minor son without justification. The complainant stated she had given her son permission to drive and pick up his friend who was getting off work. The complainant stated there was a total of three male teenagers in the car when the officers stopped them. The complainant was not present during the traffic stop. The officers stated they saw a vehicle being driven at nighttime without its headlamps turned on. Additionally, the officers stated the driver, later identified as the complainant's son, failed to stop for a stop sign and was driving erratically. The officers conducted a traffic stop. The complainant's son failed to respond to OCC's request for an interview and his passengers did not want to get involved, according to their parents. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer handcuffed one of the complainant's son's passengers without justification.

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

FINDINGS OF FACT: The complainant alleged the officers stopped her minor son without justification. The complainant stated she had given her son permission to drive and pick up his friend who was getting off work. The complainant stated there was a total of three male teenagers in the car when the officers stopped them, and that one of the passengers was placed in handcuffs. The named officer stated he stopped the vehicle in an area commonly known for its street gang activity and high rate of crime. Additionally, the named officer stated he knew the complainant's son socialized with gang members. The named officer stated that he found one of the passengers of the vehicle was on probation. For the officer's safety as well as the safety of the named officer's partner, the named officer handcuffed the passenger found to be on probation. The complainant's son failed to respond to OCC's request for an interview and his passengers did not want to get involved, according to their parents. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/17/12 **DATE OF COMPLETION:** 03/25/13 **PAGE #2 of 3**

SUMMARY OF ALLEGATION #4: The officer searched the vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officer searched her son's vehicle, including the trunk. The officer stated, in part, that he searched the vehicle because one of the complainant's passengers was on probation and subject to a warrantless search condition. The officer denied searching the trunk of the vehicle as alleged. The complainant's son failed to respond to OCC's request for an interview and his passengers did not want to get involved, according to their parents. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5 & 6: The officers pat-searched the complainant's son and his passengers without justification.

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

FINDINGS OF FACT: The complainant stated the officers searched her son and two male passengers who were riding in a vehicle being driven by her son. The officers stated that they saw a suspicious vehicle being driven in an area commonly known for its high rate of crime. The officers stated they knew the complainant's son socialized with members of a street gang, which operated in the area. The officers also found that one of the passengers was on probation and subject to a warrantless search as a condition of his probation. The officers stated that for safety reasons, they searched the complainant's son and the two male passengers for weapons. The complainant's son failed to respond to OCC's request for an interview and his passengers did not want to get involved, according to their parents. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/17/12 **DATE OF COMPLETION:** 03/25/13 **PAGE #3** of 3

SUMMARY OF ALLEGATION #7: The officer failed to issue a Certificate of Release.

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

FINDINGS OF FACT: The complainant stated the officer handcuffed the passenger, but did not issue any paperwork as a result of the contact. The officer admitted handcuffing the passenger, and releasing him after the officer conducted his investigation of a suspicious incident. The officer stated he did not issue a Certificate of Release to the passenger because the officer did not consider the stop a prolonged detention, and he believed the applicable Department General Order did not mandate that he complete a Certificate of Release in this particular incident. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

SUMMARY OF ALLEGATION #8: The officer made threatening and inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer threatened her son. The named officer and his partner denied the allegation. The complainant's son failed to respond to OCC's request for an interview and his passengers did not want to get involved, according to their parents. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/20/12 **DATE OF COMPLETION:** 03/22/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: In his written narrative, the complainant alleged that the officers detained him without justification. The complainant stated he was walking on the street when the officers pulled up and stopped him. The complainant stated the officers told him that he matched the description of a suspect. The complainant stated the officers questioned him and released him after 20 minutes when they realized that he was not the suspect they were looking for. The evidence shows that the officers were responding to a robbery call and were looking for the suspect in the area when they saw the complainant and detained him. The evidence further shows that the complainant matched the suspect's description. 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 behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: In his written narrative, the complainant stated the officers told him to sit on the ground. One of the named officers said if he would not comply, she would take him to the ground. The complainant stated when he told the officer that he would file a complaint against her, the officer told him to do what he had to do and that she was worried and scared about his complaint. One of the officers denied the allegation while the other stated that she could not recall the incident. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer failed to promptly provide her name upon request.

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

FINDINGS OF FACT: During his OCC interview, the complainant stated the named officer failed to provide her complete name when asked. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 08/30/12 **DATE OF COMPLETION:** 03/22/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #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 asked two of his friends to drop him off to another friend's house. Before entering his friend's house, the complainant stated his two friends went to a nearby driveway and urinated. Neighbors saw the complainant's friends and asked the complainant what his friends were doing. The complainant told the neighbors that his friends were simply relieving themselves. The complainant stated he and his friends stayed at his friend's house for about 45 minutes and then left. The complainant told his friends that he would instead take the bus home and began jogging. The complainant stated he was jogging towards the bus stop when he looked over his shoulder and saw a person behind him. The complainant later found out that this person was a plainclothes officer. The complainant stated he did not hear what this officer said to him because the complainant had his Ipod earphones in his ears. Additionally, the complainant stated this officer did not have his star displayed. The complainant stated this officer immediately used force, hitting the complainant with his baton. The complainant stated the officer's partner also used force, receiving punches from both officers with closed fists. The complainant told the OCC that both named officers continued to use force even after he was placed in handcuffs. The complainant was later charged with resisting arrest, among with other charges. The named officers stated they responded to the area after hearing a broadcast of a possible burglary in the area. The officers stated the complainant and his friends matched the description of the suspects. When the officers attempted to detain the complainant and his friends, the complainant ran. One of the named officers pursued the complainant and, when the officer caught up with the complainant and attempted to take him into custody, the complainant resisted. This officer admitted using force, but denied using excessive force as alleged by the complainant. The reportee who had reported the complainant and his friends to the police was interviewed by the OCC. During his interview, he stated he called the police after witnessing two people trying to manipulate the door of one of the houses in the area. He stated that these people's behavior appear suspicious, prompting him to call the police. When the police arrived, one of the three subjects ran, prompting one of the officers to give chase. The complainant's friends did not come forward. No other witnesses came forward. By a preponderance of the evidence, the officers had probable cause to arrest the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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DATE OF COMPLAINT: 08/30/12 **DATE OF COMPLETION:** 03/22/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers used excessive force. The officers denied the allegation and said that the complainant resisted when one of the officers attempted to take him into custody. No witnesses came forward to corroborate the complainant's allegation against the named officers. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 08/31/12 **DATE OF COMPLETION:** 03/22/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated that she was involved in a traffic collision with another party, who appeared aggressive and possibly intoxicated. She stated that the responding officers exchanged contact information among the involved drivers but did speak to potential witnesses or test the other party for intoxication. The officers denied the allegation. They denied that either involved party appeared to be intoxicated and denied that they were informed of any potential witnesses. A passenger in the complainant's vehicle also denied that either driver appeared to be drunk. No other 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: 09/04/12 **DATE OF COMPLETION:** 03/15/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she was assaulted by another employee at her workplace. The complainant stated she reported the assault to the police and that the police failed to properly investigate her criminal case. The complainant alleged that the police never went to her place of employment to secure possible video footage of the assault and never interviewed anyone at her workplace. OCC's investigation established that the complainant's case was assigned to an investigator who made contact with the complainant and the complainant's employer. The assigned investigator established that there were no surveillance cameras that captured the alleged assault and that there were no witnesses. The assigned investigator presented the complainant's case to the District Attorney's Office who declined to issue a warrant, citing lack of corroboration. The evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/19/12 **DATE OF COMPLETION:** 03/08/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant said he witnessed and reported a threat situation on a bus and said the responding officer did not interview witnesses. The named officer denied the allegation, stating he responded to the call, spoke to the reported suspect and the apparent victims, and determined that no crime had occurred. The man listed in the incident as the suspect did not respond to attempts to reach him, and no other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to document witnesses.

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

FINDINGS OF FACT: The complainant said the named officer failed to document the names of witnesses to a crime. The named officer denied the allegation, stating that his investigation showed that no crime took place. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/18/12 **DATE OF COMPLETION:** 03/12/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he got into a verbal argument with a bus driver and refused to get off the bus. He stated he called police and when they arrived, they detained him. According to dispatch records, the bus driver called the dispatcher, stating there was a hostile passenger on the bus and she was afraid of him. The bus driver did not respond to contact attempts by the OCC. The officers stated when they arrived, the complainant and the bus driver were on the bus. They escorted the complainant off the bus, ran him for wants and warrants and released him at the scene. The officers had reasonable suspicion to detain the complainant. Their conduct was proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant stated he was not given the opportunity to tell his side of what had happened. He stated the officers only asked him for identification and whether he had been arrested before.

One officer stated he had limited interaction with the complainant and mainly spoke with the bus driver. He stated the complainant was “very agitated, yelling and speaking incoherently.” The officer stated the complainant was detained only to run wants/warrants. The second officer stated he responded to a bus driver’s driver request for assistance with an unruly passenger. He stated the complainant was defiant and yelling and refused three orders to exit the bus. The officer stated he escorted the complainant off the bus. The officer stated the bus driver did not want to press charges and no one at the scene wanted to give a statement. The bus driver did not come forward. The complainant’s friend stated she left the scene shortly after the police arrived. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/18/12 **DATE OF COMPLETION:** 03/12/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer failed to provide identification.

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

FINDINGS OF FACT: The complainant stated he had contact with two officers. He stated one officer provided his star number but the other officer did not. A friend of the complainant stated her primary language is Cantonese and she did not understand the conversation that occurred between the complainant and the officers. She stated she left the scene shortly after police arrived. The named officer's partner stated he did not recall the complainant asking the named officer for identification. The named officer stated the complainant asked his partner for identification; he did not ask the named officer for identification. The named officer stated he would have provided his identification if the complainant had asked him. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer used force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated the officer twisted his left hand behind his back and pushed him against a wall. The complainant's friend stated she was not sure if the officers made physical contact with the complainant. She stated she left the scene shortly after the police arrived. The named officer's partner stated he did not recall the named officer using any force or physical controls during the complainant's detention. The named officer stated the complainant refused to obey three orders to remove his hands from his pockets. The officer stated he pulled the complainant's hands out of his pockets. He stated when he tried to place the complainant against a wall, the complainant pulled away. The officer stated he employed a Department-approved rear wristlock to place the complainant against the wall. He denied pushing the complainant. The officer further stated the complainant did not complain of pain, did not ask for medical attention and did not have any visible injuries. There were no other available witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer used profane language.

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

FINDINGS OF FACT: The complainant said the officer made profane remarks toward him. The officer denied the allegation. Witnesses made statements that did not support the allegation. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer told him to shut up, called him a pedophile and made other inappropriate and insensitive remarks. The officer denied the allegation. Witness statements were inconsistent with each other. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer failed to provide her name and star number upon request, and ignored his request to summon a supervisor. The officer denied the allegation. One witness officer contradicted the complainant's statement and the other witness officer did not recall the exchange. Another witness did not hear the exchange between the complainant and the officer. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers transported the complainant in a negligent manner.

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

FINDINGS OF FACT: The officers could not recall whether or not either one of them secured the complainant with a seat belt prior to his transportation to a police station. Two witnesses did not provide conclusive evidence. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated he did not know how the screen of his wireless telephone was damaged while he was in police custody. Two officers acknowledged they took possession and transported the phone inside a property envelope to the police station, but denied damaging the phone. No member noted the condition of the telephone screen while the complainant was in custody with the SFPD or the Sheriff's department. There is insufficient evidence to either prove or disprove the allegation or condition of the phone before or after the complainant's arrest.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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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 she filed a police report and that no one from the Department contacted her about investigating her case. The officer-in-charge (O.I.C.) of the Station Investigations Team told the OCC that what the complainant reported did not indicate that a crime occurred. The O.I.C. also told the OCC that the complainant essentially reported that the suspect called her bad names (free speech). The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she flagged down the officer to report a lewd act she had observed between an adult and a child. She said the officer did not take down any information and did not provide her a case number. The officer could not recall the incident in question. The officer's history shows he was working a 10B assignment. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she called the station to report an incident that a female had verbally abused, threatened, and attempted to rob her while at an ATM. She stated the officer she spoke with did not provide her with a new case number and told her that her case would be merged with her previous case. The officer denied the allegation. No witnesses were identified. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated she went to the bank to report an incident, but the bank referred her to the police. The complainant stated she spoke with the officer who refused to provide her with a case number. The officer denied the allegation. There were no witnesses to the complainant's interaction with the officer. There is insufficient evidence to either prove or disprove the allegation.

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

CATEGORY OF CONDUCT: ND **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: