

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/12 **DATE OF COMPLETION:** 06/03/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers entered the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated that two officers forced their way into his apartment. One of the named officers stated he made contact with the reporting party/roommate who had observed blood in the hallway floor leading to the complainant's bedroom and kitchen knives on the hallway floor. The other named officer stated the reporting party/roommate said the complainant was having a "mental episode," was throwing things around in his bedroom and that there was blood in the hallway. The officers stated that the reporting party/roommate gave them permission to enter the house and had left the front door opened. The officers entered the complainant's house through the opened front door to conduct a well being check on the complainant. Upon entry of the complainant's residence and finding blood and knives near the interior bedroom door, the officers entered the complainant's bedroom and detained the complainant who was bleeding from a hand laceration. Due to exigent circumstances, the officers were authorized to enter without a warrant to render aid and prevent the imminent threat of further injury to the complainant and/or others. The CAD (computer assisted dispatch) record corroborated that the reporting party/roommate had called police to report that the complainant was throwing things around, was having some kind of "episode" and that he observed blood in the hallway. No witnesses came forward. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated officers wrongfully detained him. The officers denied the allegation. The officers received a call of a well being check on a person. The officers stated the reporting party advised them that the complainant was inside the residence having some type of "mental episode," was throwing things around and the reporting party saw some blood and knives on the floor outside the complainant's bedroom. The officers entered the house to conduct a well being check on the complainant. Upon entering the complainant's house and finding blood and knives near the interior bedroom door, the officers entered the complainant's bedroom and detained the complainant who was bleeding from a hand laceration. The complainant gave inconsistent statements regarding how he obtained the cut to his hand and was admittedly under the influence of alcohol. Believing the complainant's wound was self-inflicted and that he was under the influence of alcohol, the officers detained the complainant per Welfare and Institutions Code 5150. No other witnesses came forward. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to make an arrest.

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

FINDINGS OF FACT: The complainant stated the officers failed to make an arrest. The officers denied the allegation. The officers received a call of a well being check on a person. The officers stated the reporting party advised them that the complainant was inside the residence having some type of “mental episode,” was throwing things around and the reporting party saw some blood and knives on the floor outside the complainant’s bedroom. The officers entered the complainant’s house to conduct a well being check. Upon entering the complainant’s house entry and finding blood and knives near the interior bedroom door, the officers entered the complainant’s bedroom and detained the complainant who was bleeding from a hand laceration. The complainant gave inconsistent statements regarding how he obtained the cut to his hand and was admittedly under the influence of alcohol. One of the named officers said that the complainant told him that the reportee had assaulted and battered him. Based on the evidence presented, the officers believed the complainant’s wound was self-inflicted and that he was under the influence of alcohol. The officers detained the complainant per Welfare and Institutions Code 5150. The reporting party did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation .

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

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

FINDINGS OF FACT: The complainant stated that after being asked by staff at a local nightclub to leave, she was escorted out and then taunted by people outside. She said that officers came and arrested her for “public drunkenness” but denied that the officer ever asked her for her side of the story and stated that the officers ignored her when she told them that she was actually a victim of slander and assault. The named officers and two witness officers denied the allegation. They stated that they interviewed the involved parties and that the complainant never told them she was the victim of a crime, nor did she appear as if she had been victimized. No civilian witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that after being asked to leave a local club, she walked away and was then arrested for public drunkenness. The named officer and 3 witness officers denied the allegation. They described the complainant as intoxicated and stated that she was not making sense with her mood rapidly changing from happy to angry to sad. The named officer stated that he told the complainant to leave the area and go home, but she merely walked away and began yelling at another civilian. The officer stated that he determined that the complainant’s level of sobriety was not sufficient and she was unable to care for herself. Documentation obtained during the investigation revealed that the complainant was arrested for public intoxication and was described as having bloodshot eyes, an unsteady gait and a strong alcoholic odor. No civilian witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer failed to write an incident report.

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

FINDINGS OF FACT: The complainant wrote in her narrative that the police did not take a report when she told them that she was actually the victim and not a criminal. The named officer and 3 witness officers all denied the allegation. The officers denied that the complainant ever told them that she was a victim of any crime. All officers denied the allegation and several of them cited the Public Intoxication Report as the written evidence that was completed in order to document the incident and arrest. No other witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated the officers detained him without justification. He stated that he approached a couple sitting on a corner and asked for directions. As he walked away, two officers in a patrol car told him to stop. When the complainant asked why they wanted him to stop, one of the officers said he was attempting to commit a robbery, told the complainant to approach him and reached for his handcuffs. This officer attempted to grab the complainant's hand, but before he did, the complainant ran from the officers. The complainant stated he ran because he was on parole and knew that any contact with police would result in his parole being revoked. The named officers stated that they were patrolling an area after midnight where there had been numerous street robberies. They saw the complainant walking diagonally across an intersection towards a couple seated on a bench at an aggressive rate with his hands in his front waistband while looking around the area. They stated that when the complainant saw their patrol car, he quickly changed direction. They stated that they drove around the block, exited their patrol car and contacted the complainant, who they told to stop. Both officers stated that they were conducting a consensual encounter with the complainant. They stated that the complainant had his hands inside his clothing, out of view and ignored instructions to make them visible. One of the officers stated that he approached the complainant and grabbed his wrist to remove it from his waistband area, but that the complainant pulled away and ran from the scene. No witnesses to this part of the incident were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause. The named officer stated that he and his partner contacted the complainant after seeing him engage in behavior making them suspect he was about to commit a robbery. The complainant fled from the scene and led officers on a foot pursuit through several backyards. The named officer stated that the complainant resisted the officers who attempted to handcuff him and was found to be in possession of a crack pipe. The named officer's partner confirmed that the complainant fled on foot, and communications records establish that officers pursued the complainant through several backyards and established a perimeter. There was insufficient evidence to either prove or disprove that the detention/arrest was proper.

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

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

FINDINGS OF FACT: The complainant stated that he fled from two police officers and ran through a series of backyards. He stated that when officers found him, they pulled him down a slope. The complainant was face down on the ground and one of his hands may have been underneath his body as officers repeatedly yelled "give me your hands." The complainant stated that one officer struck him several times in the back and side of his head. The two officers who initially contacted the complainant stated that he ran from them and ran between two residential buildings into a series of backyards. Communications records established that multiple officers responded to search for the complainant and establish a perimeter. Witness officers stated that when they found the complainant hiding in the dark rear area of a hilly backyard, he ignored their commands and that after he was dragged down a hill he kept his hands under his body and ignored repeated commands to remove them. The named officer stated that he and another officer tried unsuccessfully to pull one of the complainant's hands, which was underneath his body, out so they could handcuff him. He stated that he struck the complainant once on the side of his face/head area with his fist as a distraction to aid him in removing the complainant's hand. Several civilian witnesses stated that they heard officers yelling for the complainant to stop resisting. There is insufficient evidence to determine the level of force necessary to arrest the complainant.

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SUMMARY OF ALLEGATION #5: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer directed his dog to bite the complainant after he was already handcuffed. The named officer stated that two other officers were unsuccessfully attempting to pull the complainant's arms, which were underneath his body near his waistline, out from under him. The complainant ignored their repeated commands to remove his arms. The named officer repeatedly warned the complainant that if he didn't comply with the officers' directions, the dog would bite him. When the complainant failed to comply, the named officer directed his dog to bite the complainant's leg while telling the complainant that if he gave the officers his hands, he would remove the dog. He stated that the complainant responded that he would remove his hands after the dog ceased biting him. The named officer stated that he had his dog stop biting the complainant as soon as the complainant was handcuffed. The two officers who attempted to handcuff the complainant stated that they didn't see the dog bite the complainant because they were facing in the other direction and it was very dark, but that they heard the complainant yell for officers to get the dog off him while they were struggling to handcuff him. They stated that the dog did not bite the complainant after he was handcuffed. One civilian witness stated that he heard the sound of a dog and of the complainant screaming, then heard officers yelling "Show me your hands." There is insufficient evidence to determine the level of force necessary to arrest the complainant.

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SUMMARY OF ALLEGATION #6: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that an unidentified officer made inappropriate comments to him as he was being led from the backyard where he was arrested to the sidewalk, and that an officer made an inappropriate comment to him at the hospital. The officers who were present denied that anyone made the comments described by the complainant. Several civilian witnesses stated that they did not hear an officer make the inappropriate comments. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that officers searched and seized property, including a cell phone, from him when he was arrested, but this property was missing when he was released from the county jail. One of the officers who arrested the complainant stated that he conducted a pat search for weapons after the complainant was handcuffed and seized a crack pipe, but didn't recall seizing anything else from the complainant. Other officers who participated in the complainant's arrest stated that they didn't search the complainant and did not recall him being searched. The complainant's property records from the county jail make no mention of the property he claims was seized from him. Attempts to contact the complainant to obtain more details about the missing property were unsuccessful. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer ordered her to leave a sports venue following a confrontation she had with her boyfriend's ex-wife. The officer denied the allegation. The officer stated that he was called to the scene by private security following a report of an altercation between the complainant and another party. He stated the complainant was uncooperative, confrontational and yelled profanities at the other party who had small children. The named officer said he did not know how the solution was reached, but the complainant and her boyfriend chose to leave the sports venue. The witness stated she got into an altercation with the complainant at the sports venue near the restroom. The witness said she heard the officer explain how the complainant and her ex-husband could leave on their own and forfeit their tickets. The witness officer stated he recalled that the parties agreed to leave the sports venue. The evidence proved that sports game took place on private property and sports attendees are subject to the house rules, which includes expulsion for fighting and arguing. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide proper identification.

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

FINDINGS OF FACT: The complainant stated the officer failed to properly identify himself when asked. The officer denied that the complainant made the request for his identification. The witness said she did not hear the entire conversation. No other available 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 #3: The officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer tore up her business card and threw it on the ground, made inappropriate remarks, and allegedly pushed her against a wall. The complainant did not complain of pain as a result of being pushed by the officer. The complainant stated the officer separated her from her husband's ex-wife during their altercation at the sports venue. The officer denied the allegation. The officer stated several officers and security separated the parties and believed that no one was contacted physically. The witness stated officers separated her from her ex-husband's girlfriend who confronted her at the sports venue near the restroom. The witness denied the officer pushed the complainant. She stated two male officers got between them and separated them. The witness stated she saw the contents of the complainant's purse on the ground at the conclusion of the incident, but denied seeing a business card torn in pieces. The witness officer denied observing the inappropriate actions alleged. No other available witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officer would not interview witnesses or review the validity of her court orders. The complainant stated she was protected by a stay away order against her husband's ex-wife. The complainant stated the officer would not allow her to leave the ballpark to retrieve the court order from her car. The officer denied the allegation. The officer stated he was asked by security at the ballpark to respond to a reported argument between the complainant and another party. The officer stated he observed a loud argument or fight in progress between the two parties. The evidence proved that the sports venue have established rules, which state on the back of the ticket, that fighting/arguing is a violation of the terms of their entry and grounds for expulsion. Furthermore, either a Giant's staff member or an SFPD officer may enforce the rules of the ballpark. The officer stated he attempted to calm the party down and was not obligated to investigate the incident any further. During the OCC investigation, the complainant provided the stay away order, which proved to be invalid at the time of the incident. The evidence proved that the acts, which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated she was assaulted and that the officers failed to properly investigate it. The complainant stated she told the officers about the assault and that she wanted the suspect, who was still inside the club, arrested. The complainant stated the officers told her to go home, because they were busy and could not do anything for her. The complainant stated the officers did not even bother to go inside the club and talk to the suspect. The complainant's female companion stated she saw the complainant talking with the officers outside the club. She stated she heard one of the officers tell the complainant that what happened to her was not very serious and that they were more concerned with their duties associated with the celebration of the baseball world series. She stated she did not hear most of the complainant's conversation with the officers. The officers stated that they were unable to investigate the incident further because the complainant refused to sign a citizen's arrest form and walked away from them without providing her name and information. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers failed to write a report. The complainant stated she asked the officers for a report so she could file a restraining order against the suspect, but the officers refused. The complainant's female companion stated she did not hear most of the conversation between the complainant and officers because she was approximately 9 feet away and there was excessive noise on the street from the baseball world series' celebration. One of the officers stated that no report was prepared because the complainant was uncooperative and would not sign an arrest form. The officer stated the complainant walked away without providing her name and information, and they were also receiving numerous calls for police assistance that night. The other officer stated that he could not recall the complainant asking for a report. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide their names and star numbers upon request.

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

FINDINGS OF FACT: The complainant stated the officers failed to provide their names and star numbers. The officers denied the allegation. The complainant's companion did not hear the complainant's entire conversation with the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATION #7: The officer behaved in a rude and threatening manner.

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

FINDINGS OF FACT: The complainant stated the officer was rude to her and her companion during the contact. The complainant stated the officer made rude comments and told her to go home. The complainant further stated that the officer threatened to take her and her companion to jail if she would call the police again. The complainant's companion stated that the officer rudely told her to step away or he would take her into custody. The officer and his partner denied the allegation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she came home one evening and found that the doorknob to her apartment door had been removed. Thinking that she was burglarized, she went to her local police station to report the incident. The complainant stated she subsequently spoke with the named officer who told her that her door had to be forced open because water was leaking out of her unit. With the approval of the landlord, the officer and the handyman went inside the complainant's apartment to stop the leak. The complainant stated the officer promised her that a report would be written.

The officer stated he initially responded to the complainant's apartment regarding a fight. When he arrived at the scene, the maintenance person/manager for the property told him that the water had been continuously running for the last two days from the sink in the complainant's apartment. The maintenance person and the owner were concerned that the running water would cause serious damage to the building. With the permission from the owner, the maintenance person had to force open the top lock of the apartment because the complainant had changed the top lock and did not provide a copy of the key to management as required. The officer and the maintenance person entered the apartment and the maintenance person stopped the running water by shutting off the main valve under the sink.

The officer stated that although he was not required to prepare a report, he did so as requested by the complainant. The OCC's investigation established that the officer prepared a police report as requested by the complainant. 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 #2: The officer entered a residence without cause.

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

FINDINGS OF FACT: As stated above, the named officer and the maintenance person entered the complainant's apartment to address the emergency – the leaking water coming from the complainant's unit. 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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SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that he saw the passenger officer in a marked police SUV drop litter from the vehicle into the street. The officer who was driving this vehicle on that date stated that he didn't recall being at the location of this incident at the time described by the complainant and didn't recall whether anyone else was in the vehicle at the time. He did not recall anyone in his vehicle dropping anything into the street. The OCC could not identify the involved officer. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated that the officer's report was inaccurate. The complainant alleged the officer wrongfully assigned blame for a traffic collision to her based on a witness statement. The officer denied the allegation.

A witness stated that he had a clear view of the complainant as she drove through a red light and hit another vehicle. The witness' statement during his OCC interview matched the statement included by the officer in his Traffic Collision Report.

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

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

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

FINDINGS OF FACT: The complainant stated that the officer was rude, aggressive, and pushy. The complainant further stated that the officer threatened her and warned her not to fight with him. The officer denied the allegation.

The witnesses did not see the entire incident. No other 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 #3: The officer engaged in biased policing due to gender.

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

FINDINGS OF FACT: The complainant felt that her rights as a woman were violated during the officer's investigation. She further stated that she felt intimidated because the officer came very close to her face while speaking with her. The named officer was interviewed pursuant to OCC's biased policing investigation protocol and he denied the complainant's allegation of biased policing. The witnesses did not see the entire incident. 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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SUMMARY OF ALLEGATIONS #1 - 2: The officers arrested the complainant's without cause.

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

FINDINGS OF FACT: The complainants felt they were the new and rightful owners of a building after simply filing a handwritten Grant Deed with the city and county for the property, which they believed had unbearable living conditions. This investigation determined the complainants did not fulfill the normal legal process of purchasing or acquiring property. The actual legal owner who purchased the property (legally), and had been paying property taxes on the building, had no idea the complainants had filed a fraudulent Grant Deed on the property and were living inside the building. The actual legal owner only became aware the complainants had been illegally squatting in the building when rent paying-tenants notified him that they (the legal tenants) entered the building and found their offices had been ransacked. Some of the tenants and the actual owner called police and informed them that the suspected violators (squatters) were still inside the building at the same time the tenants were there. Police responded and found the complainants inside. The officers determined the complainants had been illegally squatting in the building and were in possession of suspected stolen property from the building's offices. Officers subsequently arrested the complainants, who claimed their arrests were illegal. 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 #3: The officer illegally searched the complainant's personal property.

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

FINDINGS OF FACT: One of the complainants stated that pursuant to her arrest, the officer illegally searched a bag she had been carrying. The officer determined the complainant had an outstanding arrest warrant for battery, which justified the subsequent search. The officer searched the bag and inventoried its contents pursuant to Department policy. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #4: The officer made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainants alleged the officer called the female complainant sexually derogatory names. The officer denied making any sexually derogatory comments to either of the complainants. 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 #5: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant said the officer told her that he was arresting her because she had filed previous OCC complaints against officers. The officer said he never had any contact with the complainant prior to this incident and he did not know anything about her. He denied that any retaliation was involved in the complainant's arrest. The officer stated the complainant was arrested on the basis of an outstanding arrest warrant being held against her. 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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SUMMARY OF ALLEGATION #6: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: One of the complainants alleged the officer failed to Mirandize her pursuant to her arrest. The officer stated he responded to the scene of this incident based on a Call for Service concerning a burglary. The officer arrived at the scene of this incident and separated the parties involved. He spoke to all of the parties. At the time of his initial response, the criminal history database was down and the officer could not run the complainants' names for criminal histories. The officer stated the complainants voluntarily provided him with a Grant Deed that showed the complainants were the new owners of the subject property. The officer initially determined and informed the parties that since opposing parties claimed possession of the same property, the matter had to be settled in civil court. The named officer and other officers then left the scene. The officer was called to the scene a second time. The criminal history database was working on the subsequent occasion, and the officer queried the complainants' names a second time. The officer found that one of the complainants had an outstanding arrest warrant held against her. Consequently, the officer arrested her. Since the officer did not interrogate the complainant about the incident, he did not advise her of her Miranda Rights. 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 failed to properly process the complainant's property.

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

FINDINGS OF FACT: One of the complainants alleged that certain items of her personal property were not returned to her at the time she was released from jail. The officer stated that pursuant to the complainant's arrest, the property described by the complainant was held as evidence. Consequently, these items were deemed to be needed in a criminal court proceeding against the complainant as a defendant. Under these circumstances, the property could not be returned to her until the court determined their disposition. 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: 11/26/12 **DATE OF COMPLETION:** 06/27/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #8 - 9: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainants accused the officers of failing to investigate an incident in which they (complainants) claimed to be the legal owners of a building. The complainants produced a Grant Deed, which the complainants had drafted and which, after officers investigated, was determined to be fraudulent. The investigation found that the complainants did not fulfill the normal legal process of purchasing or acquiring the property. The officers determined that in addition to illegally breaking into the building, the complainants were illegally squatting on the property. The rightful owner and one of the complainants even got into a physical altercation inside the building, when the rightful owner entered the building and suddenly discovered the complainant was still inside. The complainant was injured as a result of this confrontation. 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: 11/29/12 **DATE OF COMPLETION:** 06/18/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated the library security guards detained and handcuffed her, then brought her to the ground floor where they handcuffed her to a steel bar. The complainant stated the named officer should not have been involved in the complainant's detention at the main library. The officer denied the allegation, stating she did not detain the complainant. The named officer stated she was working in the main library detail and was asked by a female security agent to assist her with a trespasser. The officer said she found the complainant in the security office already detained and in handcuffs, sitting on a bench. The officer stated a male security agent told her there was no need for a citizen's arrest form to be signed, because they would prepare a library incident report and suspend the complainant's privileges for the use of all city public libraries. With that in mind, the officer removed the handcuffs from the complainant, explained the trespass notice to her and the male security agent provided the complainant with the trespass form.

Shortly after, the complainant responded to the police station and reported that the library security agents had assaulted her and security agents had aggravated her arthritis condition by placing her in handcuffs. The named officer responded to the police station and took an incident report of the complainant's incident at the library. The officer offered the complainant medical assistance several times, however, the complainant refused each time. The city library and the Department's incident report corroborated that the complainant was detained by the city library security agents and the named officer was summoned by the security agents. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged. The complainant was detained by the security agents at the library.

SUMMARY OF ALLEGATION #2: This complaint raises matters 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 partial complaint has been referred to:

San Francisco Main Public Library
Attn: Luis Herrera, Security Chief
100 Larkin Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/06/12 **DATE OF COMPLETION:** 06/25/13 **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 the jurisdiction of the OCC. This complaint has been referred to:

U.S. Park Police
1217 Ralston Avenue
San Francisco, CA 94128
(415) 561-3000

SUMMARY OF ALLEGATION #2: 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 the jurisdiction of the OCC. This complaint has been referred to:

San Francisco Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Suite 350
San Francisco, CA 94102
(415) 554-2392

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/12/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that an acquaintance burglarized his home when he briefly left her alone while he ran to the store. He stated that he encountered the officer in the street as the officer approached the area and stated that the officer was rude to him. The complainant also stated that the named officer returned to his apartment and later laughed at the complainant and was disrespectful. The named officer denied the allegation. He confirmed that he briefly spoke to the complainant on the street while en route to the scene of the incident. He stated that the complainant briefly explained the situation and gave a description of the suspect. The named officer stated that he and his partner instructed the complainant to return home to wait for another unit, while they searched the area for the suspect. He described his own demeanor as professional and denied being rude to the complainant. The named officer and his partner denied ever responding to the complainant's apartment, as alleged. No other witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he did not think that the officers did a thorough investigation because they did not take fingerprints or photos while they were initially at his home. He stated that while the named officer was writing the incident report, he was not sympathetic and acted like he didn't care. The named officer denied the allegation and denied ever responding to the complainant's apartment, or taking the incident report, as alleged. A witness officer also denied the allegation, stating that he and the named officer searched the area for a suspect, while a different unit responded to the complainant's apartment to take the incident report. The incident report was not written by the named officer, as the complainant alleged. No other witnesses were located during the investigation. The evidence proved that the named member was not involved in the alleged acts.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/12/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3-5: The officers made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that several officers responded to his home to take a report of burglary. He stated that the officers were disrespectful and acted as if they did not care. He stated that the officers laughed at him and told him that it was his own fault that his home had been burglarized. All of the named officers denied the allegation. They stated that they responded to the complainant's apartment and conducted a theft investigation. They all denied laughing at the complainant or hearing any other officer laugh at the complainant. They each denied telling the complainant that the theft was his fault, and they denied hearing any other officer state that. No witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #6-8: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he did not think that the officers did a thorough investigation because they did not take fingerprints or photos while they were initially at his home. The named officers all denied the allegation. They stated that they responded to the complainant's home to take a theft report. The complainant was given several forms regarding his case, as well as an officer's email address so that he could send a photo of the suspect, which was subsequently booked as evidence. They located the route, which the suspect had fled with the stolen items and attempted to secure video surveillance footage from the front desk person. When the video footage could not be secured, they obtained contact information so future investigators could try again. They stated that no photos were taken of the scene because there was no forced entry and the complainant had admitted to disturbing or changing the scene prior to police arrival. They stated that no fingerprints were taken because the suspect was known. They all denied the allegation of failing to properly investigate the incident. No witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/12/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #9: The officer made inappropriate comments and/or behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that he went to Tenderloin Station to follow up on his case. He stated that the officer, whom he spoke to at the front desk, told him that all of the officers in the back were laughing at how stupid the complainant is. The complainant was unable to provide details about the time and date of this encounter, or a description of the officer. The OCC was unsuccessful in identifying the officer who allegedly made the statement to the complainant and no witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/12/12 **DATE OF COMPLETION:** 06/25/13 **PAGE#** 1 of 1

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 that he was seeking shelter from the rain on a hill somewhere near Bernal Heights. He stated that two officers yelled at him to come down from the hill and then instructed him to put his hands on his head and provide them with his identification. The complainant complied with the officers' orders and stated that they then instructed him to leave the area. The complainant denied that he was doing anything wrong, stating that he was merely seeking shelter from the rain.

The officers denied the allegation, stating that they responded to a call regarding a suspicious person standing on a residence's steps, possibly casing the home. They approached the complainant and confirmed that he did not live at the residence. They ran a warrant/record check and then advised the complainant to move along, away from the residence at which he did not reside. They denied detaining him without justification. Police documentation confirms a 911 call concerning a suspicious person standing on a neighbor's doorstep, possibly casing the home. The reporting party was unresponsive to the OCC's request for an interview and no other witnesses were located during the investigation. 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 #3: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: The complainant stated that after being detained, the officer slammed his head against a wall. The named officer denied the allegation and denied having any physical contact with the complainant. A witness officer also denied seeing any physical contact between the named officer and the complainant and stated that they merely checked the complainant's identification and then advised him to move along. No witnesses were located during the investigation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/11/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 3: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated the named officers used unnecessary force on him outside a nightclub, stating that the officers punched and kicked him after he was taken to the ground. The complainant admitted pulling his arms away from the officers and moving while he was on the ground. The complainant admitted he had a hammer in his pocket. He stated he complied with officer orders to remove the hammer from his pocket and set it down as ordered. The co-complainant provided a similar statement.

The officers denied the allegation, stating the complainant failed to comply with their orders. They stated they responded to a call for help following physical threats made by the complainant. They stated they employed necessary force to overcome the complainant's resistance, comprised of academy-approved physical control holds. They stated the complainant did not complain of injury or pain at the scene.

Two witnesses were interviewed by the OCC. The involved witnesses stated that the complainant resisted. No independent witnesses came forward. There was insufficient evidence to either prove or disprove that the level of force used by the officers was minimally necessary to accomplish their lawful police task.

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DATE OF COMPLAINT: 12/11/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated the officer filed a false report. The OCC reviewed the report, interviewed all available witnesses and all directly involved officers, including the reporting officer. The named officer denied the allegation and no independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that when he was released from County Jail, there was a large sum of money missing from his wallet. The complainant did not cooperate with the OCC regarding the investigation of his alleged missing funds during his interview and failed to provide requested supporting documentation. Department records tend to refute the complainant's claim. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/11/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #6 - 7: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated the officers failed to return his phone. The officers denied the allegation. The officer who transported the complainant from the scene to the station stated he found the complainant's telephone in his patrol car after bringing the complainant inside the station. He explained that he turned the telephone in to one of the arresting officers of record. The arresting officer stated he placed the phone in a property envelope with the complainant's name on it and booked it for safekeeping. A station supervisor later released the phone to the complainant. The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

SUMMARY OF ALLEGATIONS #8 - 10: The officers engaged in biased policing based on the complainant's sexual orientation.

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

FINDINGS OF FACT: The complainant stated the officers who arrested him and took him into custody perpetrated a hate crime by arresting him because he is gay. The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 12/11/12 **DATE OF COMPLETION:** 06/26/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #11 - 12: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated he requested but was denied medical attention at a local police station. The OCC questioned the involved officers, who denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #13: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that while he was at a local police station, the officer told him he would have to wait for medical attention once he reached County Jail. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 12/13/12 **DATE OF COMPLETION:** 06/18/13 **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 was involved in a dispute with a store employee in which the complainant stated that he was assaulted. He stated that the officer dissuaded him from having action taken against the employee and then later refused to issue a citation because the complainant had already agreed to resolve the matter through an alternate dispute resolution process. The named officer denied the allegation and stated that her investigation revealed that no crime had occurred. The officer stated that the complainant said he wanted an apology and the other party eventually apologized so she felt comfortable that no further police action was necessary. The employee confirmed that the complainant agreed to make use of the store's internal investigation process. She stated that the police asked the complainant what he wanted them to do and he walked away. No other witnesses were located. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer engaged in biased policing due to gender.

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

FINDINGS OF FACT: The complainant stated that after being assaulted by a female store employee, the officer told him that he wasn't really hurt and also stated, "You have to understand she's a woman." The officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied the allegation and did not recall making a statement about the complainant's size and/or strength in relation to the store employee. The named officer denied that either party's gender had anything to do with how she handled the situation. No witnesses were located in relation to the allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The complainant stated that the SFPD Event History record for this incident states, "Spoke with both parties, no further PD action requested." The complainant states this was not true because he wanted the other party to be cited. The named officer denied the allegation and stated that the complainant said he wanted an apology and the other party eventually apologized. She stated that at the end, everything was peaceful between the involved parties. The other involved party also denied the allegation, stating that the complainant was satisfied with handling the matter through an alternate option, and that when the officer asked him what he wanted to be done, the complainant walked away. No other witnesses were located. 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: 01/11/13 **DATE OF COMPLETION:** 06/14/13 **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 alleged the officer would not listen to her explanation of the facts of an incident, and that the officer told her that he would take her to the station if she wanted to pursue the matter. The officer stated he determined the complainant and the complainant's friend were intoxicated and created a disturbance at a bar. Officers interviewed the bartender, security personnel and the other party involved in this incident. All of these individuals stated it was the complainant who created the disturbance. The complainant almost threw a drink at the other party but was stopped during the process. The officer stated he reviewed surveillance video at the bar, which confirmed statements made by the bartender, security personnel and the other party involved in this incident. The complainant accused the other party of grabbing her friend, but the video did not reveal this occurred. The officer told the complainant and the complainant's friend several times to go home but they refused. The officer told the subjects that if they did not go home, they would be arrested. The officer stated the subjects complied and left. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers responded to a call for service from the complainant's friend, which indicated that security had kicked her and the complainant out of a local bar for being too intoxicated. The complainant alleged the officers did not investigate her accusation that the other party grabbed her friend. The officers stated they interviewed the bartender, security personnel and the other party involved in this incident. All of these individuals stated it was the complainant who created the disturbance; therefore, security told the subjects to leave. The complainant almost threw a drink at the other party but was stopped during the process. The officer stated he reviewed surveillance video at the bar, which confirmed statements made by the bartender, security personnel and the other party involved in this incident. The video did not reveal the other party grabbed the complainant's friend. The officers determined the complainant and the complainant's friend were intoxicated, and told them several times to go home. The officers stated the subjects subsequently complied and left. 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: 01/24/13 **DATE OF COMPLETION:** 06/27/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer seized the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated his vehicle was seized upon his arrest. He stated that the seizure was improper because a jury subsequently found him not guilty. According to Department records, an anonymous tipster called 911 to report she overheard the complainant tell someone he had robbed a check-cashing store. She provided a description of the complainant and his vehicle and the area where he was last seen. The complainant was detained and subsequently arrested when narcotics were found in his vehicle. The officer stated he was assigned to investigate the complainant's robbery case. He stated the complainant's vehicle was held as evidence until the charges against the complainant were adjudicated.

The officer had probable cause to seize the complainant's vehicle as evidence following the complainant's arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to properly process property.

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

FINDINGS OF FACT: The complainant stated his vehicle was impounded for one year while he was in jail and was subsequently sold by Auto Return. He stated his wife attempted to get the car out of storage when the hold was lifted, but she was unable to pay the storage and tow fees. The complainant stated he should not have to pay these fees because his car was unjustly taken from him for a crime he did not commit.

The officer stated the complainant's vehicle was held as evidence while the charges against the complainant were still pending. He stated vehicles are routinely held as evidence until charges are adjudicated. He stated the decision to release vehicles is up to the court, not police.

Section III.F. of DGO 9.06 allows officers to place a hold on vehicles when evidence related to the investigation of a crime may be obtained from the vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/30/13 **DATE OF COMPLETION:** 06/24/13 **PAGE#** 1 of 1

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/07/13 **DATE OF COMPLETION:** 06/17/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was detained for public intoxication. She denied being intoxicated. She stated the bartender would not serve her alcohol because she is African American. One officer stated she and her partner responded to a call from a bartender about an intoxicated woman who refused to leave the bar. The officer stated that the complainant was staggering and could not maintain her balance and at one point dropped her bag and purse on the street. The officer stated she smelled a strong odor of alcoholic beverage on the complainant's breath and her eyes were red and watery. The officer stated the bartender and security told her they asked the complainant to leave the bar more than once, but she came back yelling and screaming. The second officer stated upon first contacting the complainant, she appeared calm and cooperative but quickly became irate, uncooperative and unresponsive to his questions. She refused to provide her name or date of birth. This officer stated the complainant had an unsteady gait and a problem maintaining balance. She dropped her bag and purse into the street as she approached him. The complainant had a strong odor of alcohol on her breath. This officer stated the complainant was detained because she could not care for her own safety or the safety of others. Records from the Department of Emergency Services document a 911 call to police by a bar employee who requested police assistance with an intoxicated woman who refused to leave. The woman's race, sex, age and clothing description matched the complainant. The bar employee failed to respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/07/13 **DATE OF COMPLETION:** 06/17/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #3-4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated she wanted the officers to take her statement regarding an assault, administer a Breathalyzer test, and call an African American officer to the scene. One officer stated the complainant was shouting and being argumentative when she was questioned about her reported assault. The officer stated the complainant refused to provide her name, date birth or any other information. The complainant demanded to speak with an African American officer. The officer stated she told the complainant that she was entitled to have a Breathalyzer test administered by a third party. The complainant was informed she would have to pay for the test.

The second officer stated the complainant did not ask to speak to an African American officer nor did she ask for Breathalyzer, blood or field sobriety tests. This officer further stated the complainant did not tell him she had been assaulted. Records from the Department of Emergency Services document a 911 call to police by a bar employee who requested police assistance with an intoxicated woman who refused to leave. The woman's race, sex, age and clothing description matched the complainant. The bar employee failed to respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/07/13 **DATE OF COMPLETION:** 06/17/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that when she told officers she was planning on taking the San Francisco Police Department's upcoming officer examination, one officer laughed and stated something to the effect of, "Well, we'll make sure that doesn't happen. Who's giving that test? We'll make sure you don't [do well]." One officer stated she did not recall the complainant saying she was planning on taking the upcoming officer examination. The second officer stated that the complainant mentioned that she was going to take the upcoming San Francisco Police Department peace officer examination. He stated he did not respond to, or engage in any conversation with, the complainant. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/11/13 **DATE OF COMPLETION:** 06/21/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: During his OCC interview, the complainant stated that SFPD officers have been targeting him for the last ten years, issuing him numerous citations. The complainant could not provide specific dates and/or citations. The OCC asked the complainant for additional information, but the complainant failed to provide additional requested evidence. No other information was provided that would have allowed the OCC to conduct further investigation into the complainant's allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/07/13 **DATE OF COMPLETION:** 06/21/13 **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 officer and his partner were on patrol when they saw the complainant walking on the street. They stopped the complainant and searched him. During the search, the officer found a knife in the complainant's pocket. The officer then arrested the complainant for possession of the knife. The complainant alleged that he was arrested without cause. The evidence shows that the complainant was searched pursuant to his parole status. During the search, the officer located a switchblade knife, in violation of California Penal Code section 653(K). The evidence proved that the act, which provided the basis for the allegations, occurred. However, such act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The officers searched the complainant's person and backpack. The complainant alleged that the search was illegal and without cause. The evidence shows that the complainant was searched pursuant to his parole status. The evidence proved that the act, which provided the basis for the allegations, occurred. However, such act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/07/13 **DATE OF COMPLETION:** 06/21/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4 & 5: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant alleged that the officers failed to properly process property by failing to return his knife. The evidence shows that the knife was booked into evidence. The evidence proved that the act, which provided the basis for the allegations, occurred. However, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/08/13 **DATE OF COMPLETION:** 06/13/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the officer took his California ID card and never returned it to him. The complainant's Booking Card shows that the complainant's ID was booked with him at County Jail No. 1. 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 #2: 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. A copy of this complaint has been hand-delivered to the San Francisco Sheriff's Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/13 **DATE OF COMPLETION:** 06/21/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers harassed the complainant.

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 June 11, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/13 **DATE OF COMPLETION:** 06/06/13 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
c/o Department of Parking and Traffic
1 South Van Ness Ave
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/13 **DATE OF COMPLETION:** 06/17/13 **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 that he was walking his dog when the officers detained him without justification. The officers stated they detained the complainant after seeing his dog off leash. The complainant admitted that he did not have his dog on a leash. The evidence proved that the act, which provided the basis for the allegations, occurred. However, such act was justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The complainant stated he was cited without cause. The evidence shows that the complainant was cited for having his dog off leash. The complainant admitted that he did not have his dog on a leash. The evidence proved that the act, which provided the basis for the allegations, occurred. However, such act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/25/13 **DATE OF COMPLETION:** 06/17/13 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force. The complainant stated the officer grabbed him and forced him down to the ground. The named officer and his partner denied the allegation. 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: 03/08/13 **DATE OF COMPLETION:** 06/12/13 **PAGE#** 1 of 2

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 an officer detained him for no reason. The complainant did not respond to OCC's request for additional information. The identity of the alleged officer has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he was searched by an officer. The complainant did not respond to OCC's request for additional information. The identity of the alleged officer has not been established. No witnesses were identified. 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: 03/08/13 **DATE OF COMPLETION:** 06/12/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that property was seized from him. The complainant did not respond to OCC's request for additional information. The identity of the alleged officer has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/13 **DATE OF COMPLETION:** 06/03/13 **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: The complainant did not respond to OCC's request for an interview. In his written complaint, the complainant alleged that the officer threatened him. Additionally, the complainant also alleged that the officer behaved inappropriately and made inappropriate comments. 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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/13 **DATE OF COMPLETION:** 06/04/13 **PAGE #** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant said an officer who responded to investigate a burglary told her if she felt unsafe in her home, she should “just go.” Three officers who responded to the reported burglary denied making or hearing the comment. No other witnesses came forward. There was insufficient evidence to identify the officer or either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant said the officer who investigated a burglary at her apartment did not take pictures of broken glass at the scene and failed to ask her if she knew of a suspect. The named and one witness officer denied the allegation, stating that the glass broken at the scene did not support the burglary allegation, and that the named officer asked for suspects and the complainant declined to name any. There were no other witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/19/13 **DATE OF COMPLETION:** 06/04/13 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The named officer denied the allegation, acknowledging that the complainant called him after filing a report and suggested a friend of hers should be charged with burglary. The officer stated that as he was explaining that there was no evidence to support a charge against the suspect she named, the complainant hung up on him. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/21/13 **DATE OF COMPLETION:** 06/27/13 **PAGE** #1 of 1

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 improperly detained him in the common area of an apartment complex. The complainant stated a tenant of the complex gave him permission to make entry and provided him with a key to the premises. The complainant stated he was never handcuffed during the detention. The officers denied the allegation. The officers stated they received a call from the reporting party who saw a suspicious vehicle in the driveway when no one was home, then heard footsteps and activity in close proximity to her residence. The reporting party feared for her safety and called the police. The officers responded and found the complainant in the laundry area. The officers detained the complainant for a brief period to verify his identity and rights as a guest with the tenant. The witness confirmed the complainant was not handcuffed, only made to sit down for a portion of the detention. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated he was detained during a police investigation and was asked numerous questions. The complainant stated the named officer was “very aggressive, almost threatening.” The complainant said he asked why the named officer was being so aggressive, and that he did not need to act that way because they were all adults. The complainant stated the officer “snapped,” got in his face and ordered him to sit on the ground, telling him if he wanted to, he could put his face into the cement. The officer denied the allegations. The named officer said he responded to a high priority call of a “hot prowler” burglary call and knew that the district was experiencing a danger pattern of burglars making violent entries into dwellings. The officer said the complainant was an alleged intruder who became argumentative and emotionally agitated. The officer said he felt it necessary to order the complainant to sit down as a safety tactic to render the scene safe from a hostile suspect. The witness stated the complainant acted nervous and was not complying very well. The witness further stated the officers presented themselves well and were clear on why it was necessary to investigate the complainant’s presence. The witness stated the named officer raised his voice at the complainant, and asked questions in a more aggressive manner. The witness said the officers explained to the complainant that a series of violent break-ins had occurred in the area. She stated the officer asked some questions that she found to be irrelevant to the investigation. There were no additional witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/13 **DATE OF COMPLETION:** 06/13/13 **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 May 31, 2013.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 31, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/11/13 **DATE OF COMPLETION:** 06/11/13 **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 stated he was sitting on a lawn with 50 other people and the officer issued citations to him and his wife for camping on a wall or monument. The officer denied the allegation, stating that he observed the complainant and his wife camping on a monument in violation of the Park Code. The complainant's wife did not respond to requests for an interview. No other witnesses came forward. There was insufficient evidence to identify the officer or either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity in speaking to the complainant.

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

FINDINGS OF FACT: The complainant said the officer used profanity in speaking to his wife. The named officer denied the allegation. The complainant's wife did not respond to requests for an interview. 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: 04/11/13 **DATE OF COMPLETION:** 06/04/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to follow Department policy.

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

FINDINGS OF FACT: The complainant said the officer violated department policy by smoking and using his wireless telephone while driving a patrol car. The officer and his partner denied the allegation and stated they were at County Jail with a prisoner at the time of the alleged occurrence. The evidence established the officer and his partner were transporting a prisoner, who did not respond to OCC requests for an interview. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/07/13 **DATE OF COMPLETION:** 06/24/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant did not respond to requests for further information. The officer named by the complainant as the agent of the inappropriate behavior was not on duty on the date in question. A witness officer the complainant said was on the scene did not recall any contact with the complainant and denied seeing any actions as described by the complainant. No other witnesses came forward. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer spoke and acted inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/13 **DATE OF COMPLETION:** 06/07/13 **PAGE#**1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that his EBT debit card was not returned to him when he was released from custody.

The complainant's property receipt was prepared by the named officer. The receipt listed an unidentified credit card along with other property. The San Francisco Sheriff's Department Inmate Property Release Report lists the complainant's clothing and a sealed envelope with undisclosed contents. The complainant signed both forms. The Sheriff's Department released the complainant's property to the complainant.

There was no additional evidence and no available witnesses to further 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: 05/01/13 **DATE OF COMPLETION:** 06/27/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that after she reported a burglary, the officer came to her home to dust for fingerprints. The complainant stated she left the officer alone in her bedroom where her jewelry and jewelry box were on the bed. She stated he left the house without telling her. She stated that she later discovered that jewelry and jewelry box were missing. She suspected the officer took these items. The officer denied taking any property from the complainant. He stated that he was alone in the upstairs bedroom for no more than ten or fifteen minutes. When he went downstairs, no one was home. He stated he secured the home before leaving. 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: 05/20/13 **DATE OF COMPLETION:** 06/21/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer misused Department computer/CLETS.

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

FINDINGS OF FACT: The complainant said an officer accessed his CLETS record without justification. Department records indicated that someone using the User ID of the named officer searched the complainant's name on CLETS. The named officer has retired and is no longer within the OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/13 **DATE OF COMPLETION:** 06/18/13 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer misused Department property.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department Internal Affairs Division.

SUMMARY OF ALLEGATION #2: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Police Department Internal Affairs Division.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/13 **DATE OF COMPLETION:** 06/17/13 **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 the San Francisco District Attorney's Office.

SUMMARY OF ALLEGATION #2: 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 the San Francisco District Attorney's Office.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that numerous unknown officers have been following him and conducting surveillance of him in an effort to entrap him into committing a crime and/or to cause him to go insane. The complainant was unable to provide specific dates, times, locations or involved officers. He stated that this surveillance has been ongoing for at least a year and has involved officers and confidential criminal informants from San Francisco as well as other cities and government agencies. The OCC was unable to locate any evidence to support the complainant's allegation and no witnesses were provided or located. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/13 **DATE OF COMPLETION:** 06/13/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters not rationally within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/12 **DATE OF COMPLETION:** 06/06/13 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1 - 3: The officers detained the complainants without justification.

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

FINDINGS OF FACT: The complainants had a verbal dispute with an out of county cab driver over their form of payment with a city paratransit card. The complainants got out of the cab and one of the complainants reentered the right rear of the cab to secure identification from the driver. The complainants said the cab driver refused to cooperate, then drove off while dragging the complainant's leg on the ground. When the cab driver stopped his car, the complainant and the driver wrestled for the car keys. The officers denied the allegation, stating they responded to a call of a verbal altercation with a cab driver and a possible robbery. The officers said they separated the parties, and made them sit on the sidewalk while they investigated the incident. The complainants were not free to leave. The officers spoke to several witnesses, checked for injuries, asked the complainants for identification, spoke with their supervisor and called a city taxi for the complainants. Two assisting officers queried the criminal system on the complainants for wants and warrants. One of the officers admitted the parties were detained while the incident was sorted out. The witness reported the passenger was choking the cab driver, which prompted him to call 911. Another witness stated the complainants tried to rob the cab driver. A third witness saw the complainants detained but did not know what the detention was about. SFPD event history substantiated the incident was handled in 34 minutes. There was no evidence to prove the detention was prolonged or unwarranted in light of an incident with several involved parties and witnesses. The evidence proved that the acts, which provided the basis for the allegations occurred, however, the acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/12 **DATE OF COMPLETION:** 06/06/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainants stated the officer slammed the co-complainant onto a car hood when he asked them to be seated on the sidewalk. The officer was called to the scene of a high priority verbal argument, a possible assault, and possible robbery. The complainants admitted they heard the officer's order to sit down. The complainant stated he complied. The co-complainant stated he was upset and did not understand the order was for him. The officer denied the allegation. The officer said the co-complainant would not comply with his order. The officer stated he patted him on his arm and the co-complainant sat down on his own. The witnesses did not observe the incident. There were no additional witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #5 - 7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainants stated the officers failed to write an incident report. The officers detained the complaints regarding an "A" priority verbal argument involving an out of county cab driver over a taxi fare. The incident was also tagged as a possible robbery. When the complainant tried to identify the driver, the driver refused to cooperate, and drove off, allegedly dragging the complainant. The cab stopped, and the complainant and driver wrestled for the car keys. The officers denied the allegation. They stated the incident was suspicious, required police attention, but denied the incident required a report. None of the witnesses observed the entire incident. Some only saw a portion of the incident. One witness thought the complainant was choking the driver and called 911. There were no additional independent witnesses to this incident who came forward. 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: 06/05/12 **DATE OF COMPLETION:** 06/06/13 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #8 - 10: The officers engaged in biased policing based on sexual orientation and/or physical disability.

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

FINDINGS OF FACT: The complainants stated the officers failed to enforce the city paratransit regulations against an out of town cab driver based on their sexual orientation and/or disability. The officers denied the allegation. The witnesses did not see the entire incident. The officers were interviewed pursuant to OCC biased policing protocol and there was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #11 - 13: The officers made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainants stated two officers made inappropriate comments regarding their property. The officers denied the allegation. The complainants stated the third officer did “nothing” except stand around and tell them to shut up and not talk. The officers denied the allegation. The witnesses did not see the entire incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/12 **DATE OF COMPLETION:** 06/06/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #14: The officer engaged in negligent supervision.

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

FINDINGS OF FACT: The supervising officer came to the scene as a primary officer. He observed two subordinates, including a probationary officer, take control and manage the scene of a dispute between two complainants and their cab driver. The complainants were disabled and attempted to use a city paratransit card for a taxi ride with a cab driver from another county. The cab driver admitted that he picked the parties up in violation of a local statute. The complainants stated that the driver had taken off and tried to drag one of them when they tried to identify him. The officer denied the allegation. Available witnesses only saw part of what occurred. No independent available witnesses observed the entire incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/25/13 **DATE OF COMPLETION:** 06/26/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: This complaint raises matters not rationally within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/26/13 **DATE OF COMPLETION:** 06/27/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: This complaint raises matters not rationally within the OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant said the officers acted uninterested and attempted to undermine his report. The officers denied the allegation. The co-complainant gave conflicting statements about the officers' behavior during the complainant's interview. The officers stated that once the interviewing officer realized the complainant was sensitive to questions related to his sobriety, the officer avoided the subject. The officers stated they conducted their investigation the best way they could despite no suspect or first victim on scene. A witness on scene did not witness the complainant's interview. Another witness did not respond to OCC requests for an interview. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said he felt the officers and the SFPD did not take a crime committed against him seriously and did not actively investigate it. The complainant said he followed up by calling and leaving a message to the investigative team the following morning, but nobody returned his call. The reporting officers denied the allegation and said they submitted the incident report through the station chain of command, and did everything required of them to reassign and forward this crime to the investigative team of another station, where the crime occurred. Department records could not establish which SFPD member was at fault for failure to forward the incident report in a timely manner to the appropriate investigative team at the station where the crime occurred. The evidence established and Department members acknowledged that the antiquated manual procedures and unsupported software system in use at the time of this incident failed to accurately record case reassignments or how many details are simultaneously investigating any case at any given time. Therefore, the OCC finds that there was a procedure failure, which the Department purports to address through future updates of the Crime Data Warehouse.

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SUMMARY OF ALLEGATIONS #6-7: The officers failed to write an accurate report.

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

FINDINGS OF FACT: The complainants said the officers failed to accurately report his account of a hate crime against an unknown victim by an unknown suspect who was no longer on scene. The officers denied the allegation and stated that without the first victim and the suspect, they only had an assaulted bystander victim of a robbery by force, who could not attest as to why the first victim was victimized or what was the suspect's motivation. Therefore, without the victim and the suspect of the first fight, the officers said it would have been inaccurate to entitle their report as a hate crime, and they focused on the assault and robbery by force against the complainant. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS # 1-2: The officers used force at the scene.

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

FINDINGS OF FACT: The complainant stated she and her son were pushed against a wall. The officers stated they used verbal commands and gestures to keep the complainant at the scene while they conducted their criminal investigation. The complainant's son stated he was pushed causing his head to make contact with the wall. The complainant's son did not seek medical treatment and did not complain of any injury or pain at the scene. The complainant did not complain of any pain or injury at the scene but sought medical treatment the following day for pain to her shoulder and back. There were no other witnesses. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled, intimidated, and threatened to arrest her and her children except for her four-year-old child who would be taken to Child Protective Services. The complainant had requested an interpreter and a certified bilingual officer had been notified but was delayed in responding to the scene. The officer acknowledged telling the complainant that she might be arrested and that her 4-year-old child would be taken into custody by Child Protective Services. The officer's statements were not consistent with the Department's policy concerning an arrest of a parent. Additionally, the officer's manner of continuing to speak to the complainant in English about arresting the complainant and Child Protective Services taking her child from her without the complainant having an interpreter to understand and to respond to the officer's statements was inappropriate. A preponderance of the evidence established that the officer's conduct brought discredit upon the Department, thereby violating Department General Order 2.01, Rule 9.

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SUMMARY OF ALLEGATIONS # 4-5: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated that she was not allowed to call to her husband to request that he take their four-year-old child from the scene while she and her other children were being investigated. One of the officers denied hearing the complainant's request. The other officers stated that initially the complainant was not allowed to make a call but later she was permitted to do so. Ultimately the police arrested her eldest child and released her from the scene. The Department Bulletin 11-110 (06/02/11), Children of Arrested Parents discusses that children of an arrested parent shall be placed with the non-arrested parent unless there is compelling evidence to the contrary. The Department Bulletin does not specify when and who should contact the non-arrested parent. As currently written, the Department Bulletin does not address how police should investigate a parent suspect who is accompanied by a child. The OCC recommends that the Children of Arrested Parents' Department Bulletin be converted into a Department General Order that includes police procedures for investigating a parent suspect who is accompanied by a child.

SUMMARY OF ALLEGATION # 6: The officer failed to comply with DGO 5.20

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

FINDINGS OF FACT: The complainant requested a Spanish-speaking officer. Dispatch located a certified Spanish speaker officer who intended to respond to the scene but was not immediately available. The named officer is not a certified Spanish speaker and acknowledged that while detaining the complainant, she spoke Spanish and English to her. The evidence established that the complainant never had the opportunity to explain her conduct and answer the officer's questions in her primary language. The named officer's written statement referred to in the incident report did not include that the complainant is Spanish-speaking and that the named officer spoke to the complainant in Spanish. The named officer did not comply with the requirements of DGO 5.20

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SUMMARY OF ALLEGATION #7: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: While the named officer detained the complainant, the complainant requested a Spanish-speaking officer. The named officer informed dispatch of the request. The named officer knew that a certified bilingual officer intended to respond to the scene but was delayed. The named officer continued speaking to the complainant in English about substantive matters including informing the complainant that if she is arrested, Child Protective Services would have to take custody of her child. The named officer did not comply with the requirements of DGO 5.20

SUMMARY OF ALLEGATION # 8: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The named officer wrote the incident report. The incident report did not document that the complainant's primary language was Spanish, the person who provided the interpretation, and the manner in which interpretation services were provided as required by Department General Order 5.20. The officer admitted that he did not include this information in his incident report. A preponderance of the evidence proved that the conduct complained of did occur and that it was improper.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The senior officer failed to supervise.

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

FINDINGS OF FACT: The senior officer who was in charge of the scene knew that the complainant was a Spanish speaker, that a certified bilingual officer had been requested to respond but was currently delayed. The evidence established that officers spoke to the complainant in English, including the senior officer, about substantive matters including the complainant's culpability, her possible arrest, the possible arrest of her two eldest children, and the possible need for Child Protective Services to take custody of her four-year-child. At times a non-certified officer spoke to the complainant in Spanish and English. The complainant's son also interpreted for the complainant. The senior officer decided upon the disposition of the complainant and her three children without the complainant having the benefit of a certified interpreter to understand and to respond to police questioning.

The senior officer also ordered subordinates to transport the arrested juvenile to the district station instead of contacting the juvenile probation officer at Community Assessment and Referral Center (CARC) from the scene and transporting the juvenile to CARC as established by Department General Order 7.01. Additionally, the incident report did not document the complainant's primary language, the person who provided the interpretation, and the manner in which interpretation services were provided. A preponderance of the evidence established that the senior officer failed to supervise when the senior officer's own actions and those of the senior officer's subordinates violated the Department's language access and juvenile policies and procedures.

SUMMARY OF OCC-ADDED ALLEGATION #2: The senior officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The senior officer provided incomplete Miranda advisements to each juvenile, omitting to inform each juvenile that if he could not afford an attorney, an attorney would be appointed free of charge before questioning. The senior officer did not obtain Miranda waivers from either juvenile. The senior officer discussed taking the 9-year old child to jail with both the complainant and the child even though DGO 7.01 requires officers to book any child under the age of eleven at the Child Protection Center instead of the Juvenile Probation Center. Additionally, the senior officer ordered subordinates to take the juvenile from the scene to the station instead of ordering subordinates to contact the juvenile probation officer assigned to the Community Assessment and Referral Center to transfer the juvenile from the scene to CARC. At the scene the officers had completed their investigation, issued certificates of release to the adult and the 9-year old child, and had arrested the 14-year old juvenile. A preponderance of the evidence established that the senior officer did not comply with juvenile policing procedures.

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SUMMARY OF ALLEGATION #1: The officer entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers came to her door and told her they wanted to come into the residence. The complainant told the officers they could not come in unless they had a warrant. The officers entered the residence regardless. The named officer, who was the first officer to cross the threshold of the residence, stated that he knew that a known gang member with a search condition as part of his probation lived at the address. The other officers followed the named officer as back up officers. A person with a search condition did live at that address. The evidence proved that the act, which provided the basis for the allegation, occurred; however, the act was justified, lawful and proper.

SUMMARY OF ALLEGATIONS #2-5: The officers detained others without justification.

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

FINDINGS OF FACT: The complainant stated that she and her boyfriend were detained for no apparent reason as they had done nothing wrong. Two named officers stated that they believed the complainant's boyfriend had a gun and he ran away from them when they attempted to stop him. The boyfriend ran inside a residence and would not come out. The officer who detained the complainant stated that he did it for her safety as officers went inside to detain her boyfriend. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #6: The officer displayed a firearm without justification.

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

FINDINGS OF FACT: The complainant stated that an officer pointed his firearm at her boyfriend for no reason. The officer stated he had his firearm drawn as he was clearing several rooms in the residence. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #7-9: The officers failed to display their star numbers.

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

FINDINGS OF FACT: The complainant stated that plainclothes officers entered her home without displaying their stars. The officers stated they were wearing their stars in full view around their necks. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATIONS #10-11: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that officers trying to get into her residence made several inappropriate comments to get her to open the door, such as that she would be evicted if she did not let them in, that they already had a warrant and that they would kick the door down if she did not let them in. The officers denied saying anything to this effect. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #12-15: The officers used unnecessary force during the detention.

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

FINDINGS OF FACT: The complainant stated that officers entered her home and grabbed her boyfriend. They threw her boyfriend onto a glass that was on a table. The glass shattered and cut her boyfriend on the chest. His jaw was also injured. The officers stated that they attempted to detain the complainant's boyfriend but he resisted arrest. It took several officers to control him and at one point they all fell onto the table. The boyfriend's injuries were noted and logged in the police report and use of force log. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #16: The sergeant failed to properly supervise.

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

FINDINGS OF FACT: The complainant stated that a sergeant was supervising several officers who entered her home and used force on her boyfriend. The sergeant did nothing to stop the force from occurring. The sergeant stated that the officers entered the residence lawfully and used force because someone resisted arrest. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #17: The sergeant made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that a sergeant was speaking to her about an incident that just occurred and he called her “momma.” The sergeant stated that he could not remember if he used the term. He stated that he has used the term before, as it is a common term of familiarity in the neighborhood. The sergeant stated he did not believe it was a derogatory term. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATION #18: The officer issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated that her boyfriend was given a citation for resisting arrest but that officers should have never tried to arrest him in the first place. The officer stated that they were investigating a crime and that there was a struggle when the complainant's boyfriend refused to cooperate. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer gave orders to search the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant stated officers searched her home without a warrant or consent. The complainant stated she lives at her home with her son (witness/suspect) and her grandson. The named officer said a confidential victim reported a crime of a felony sexual assault hours earlier and the victim verbally identified the location of the crime as the complainant's residence. The named officer was the officer in charge, who had prior knowledge that the witness/suspect and the complainant's grandson both lived in the residence and both had prior weapons related charges. The officer stated the grandson was on parole from a felony conviction involving a firearm. The officer said due to the history of the residents' violent felonies, the Tactical Team responded to the complainant's residence. The witness/suspect said he was present in his mother's home and came out of the house as ordered, through the garage door, where he was arrested and handcuffed. The witness/suspect acknowledged that he gave officers permission to search his mother's house at the time of his arrest and then later at the station he signed a Department "Permission to Search" form. The named officer, after seeing a person in the window of the home that did not fit the description of the suspect, directed officers to conduct a protective sweep of the home. The officer said the protective sweep was conducted to determine if there was another person in the residence that might pose a threat to officers. The named officer stated his officers acted in "Fresh Pursuit" with probable cause that the suspect had just committed a violent felony inside the residence and he had a lawful exigency to authorize a Protective Sweep of the residence. The SFPD incident report further corroborated the victim had positively identified the witness/suspect at the scene upon his exit from the complainant's house. There were no other available witnesses. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #2: The officer gave orders to enter the complainant's residence without cause.

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

FINDINGS OF FACT: The complainant said officers entered her home while she was away and without a warrant or consent. The complainant stated she lives with her son in her home. The witness/suspect stated he walked out of the complainant's house as ordered and was arrested. The witness/suspect said he gave officers permission to search his mother's house at the time of his arrest and then later at the station he signed a Department "Permission to Search" form. The named officer, after seeing a person in the window of the home that did not fit the description of the suspect, directed officers to conduct a protective sweep of the home. The officer said the protective sweep was conducted to determine if there was another person in the residence that might pose a threat to officers. The named officer stated his officers acted in "Fresh Pursuit" with probable cause that the suspect had just committed a violent felony inside the residence and he had a lawful exigency to authorize a Protective Sweep of the residence. The SFPD incident report further corroborated the victim had positively identified the witness/suspect at the scene upon his exit from the complainant's house. There were no other available witnesses. The evidence proved that the acts, which provided the basis for the allegations, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer gave orders to search the complainant's personal property without cause.

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

FINDINGS OF FACT: The complainant said officers unnecessarily removed items from her closet during the search. The named member was the officer in charge and ordered the protective sweep of the home, which resulted in the removal of some of the complainant's clothing from a closet. The officers who removed the clothing from the closets during the protective sweep said they did so to determine if there was anyone hiding within the closet areas and within the clothing. The officers' actions were not outside the scope of what is reasonably expected during a protective sweep. Protective sweeps authorize officers to inspect those places and things in which a person might be hiding. There were no other available witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATIONS #4-11: The officers displayed their weapons without justification.

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

FINDINGS OF FACT: The complainant was not at her residence at the time of the search but her daughter was present and told her that officers brandished their weapons. The complainant's daughter confirmed that officers had their guns drawn. Another witness at the scene reported seeing officers with their guns drawn. Numerous officers admitted to having their guns drawn during the incident for both their safety and the safety of others. This incident involved a suspect with a prior weapons charge who was alleged to have committed a violent felony on the day of the incident. Department General Orders permit officers to draw or exhibit a firearm in the line of duty when the officer has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others. There were no other available witnesses. The evidence proved that the acts, which provided the basis for the allegation, occurred. However, the acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #12: The officer intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant said when officers searched her home they broke an interior door. The named member was the officer in charge who ordered the entry into the home to conduct a protective sweep. The officer said he was not aware that officers had damaged a door. One of the searching officers said the door was breached because it was locked and the occupant that was arrested from the home told him he did not have a key to the door. The suspect/witness said he told the officer that he did have a key and asked them not to break the door down. The door was breached to gain entry and verify that no one was hiding inside. The damage to the door was documented in a supplemental report. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #13: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said she had a set of car keys in the house at the time the officers searched her home and the keys have gone missing. The complainant believes that the officers who searched the house took her keys. The named member was the officer in charge who stated that he had no knowledge of any keys having been removed from the home. Witnesses had no knowledge of keys having been removed from the home. Officers at the scene all denied removing any keys from the complainant's home. No keys were booked into evidence per the incident report. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #14: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the searching officers went through her closets, looked under her mattresses and left her home in disarray without justification. The named member was the officer in charge and said that he did not enter or search the home and had no knowledge of the home having been left in disarray. Witness officers who conducted the protective search of the home either denied or did not recall leaving the house in disarray. A protective sweep authorizes officers to inspect those places and things in which a person might be hiding. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was detained for no apparent reason. Department records show that the Communications Division received a 911 regarding a person being stalked by his neighbors. The complainant was identified as one of the suspects, causing him to be detained. The named officer was ordered by the reporting officer to detain the complainant as part of an ongoing investigation. After the investigation was completed, the complainant was released and issued a Certificate of Release pursuant to California Penal Code section 849b. The evidence proved that the act, which provide the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer ordered him to stop talking to his female partner, and told his friend to shut up when he offered the officers a piece of gum. The complainant stated the officer's female partner requested his phone number for an incident report. The complainant said he jokingly asked the female officer if she wanted his number for personal reasons. The officer denied the allegation, stating he told the complainant that it was not a joke, and ordered the complainant to call his female partner either "ma'am" or "officer." The other officers and witnesses on scene did not hear what occurred between the named officer and the complainant. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant and his witnesses stated the officer approached him, drew his flashlight and held the flashlight against his throat for several seconds. The complainant stated he could not breathe for a few seconds. 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 ALLEGATION #4: The officer failed to properly investigate.

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

FINDINGS OF FACT: The officer responded to a report of a stalking. When the officer arrived, he did not find evidence of any predicate acts indicating a stalking had occurred. However, the officer investigated all of the available potential suspects indicated to him by the complainant, and detained three people. He also knocked on the door of a potential suspect, but no one answered the door. There was no evidence of an exigency, so the officer did not make entry. The officer detained three individuals pointed out to him as potential suspects. Following the investigation, the officer found there was no probable cause for an arrest. The officer conferred with his supervisor to verify that all correct procedures had been followed and filed an incident report. The evidence proved that the acts, which provide the basis for the allegations occurred, however, the acts were justified, lawful and proper.

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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 said he was detained without justification. The reportee, the complainant's mother, wrote that the complainant was detained based on voice mail and text messages she had received from him earlier in the day, which led her to believe her son needed to be detained for his own well-being and the safety of his family. The officers stated they determined the complainant met the criteria to be detained per the Health and Safety Code section 5150. Based on the complainant's own statement to the OCC and the written statement received from his mother, the detention was justified. 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 #3: The officer provided inaccurate information.

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

FINDINGS OF FACT: The complainant said he heard that the officer told one of his colleagues he had been arrested, which resulted in the loss of his job. The officer and witness officer both denied the allegation. The named officer stated he told the store employee that the complainant was not under arrest and he could not provide her with any other information. In her written statement to the OCC, the complainant's mother, who was present at the scene, stated that her son's allegations against the officer(s) had no merit. The employee who allegedly received the information about the complainant denied being told the complainant had been arrested. The evidence proved that the act alleged in the complaint did not occur.

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SUMMARY OF ALLEGATIONS #1 - 5: The officers arrested the complainant without cause.

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

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

SUMMARY OF ALLEGATIONS #6 - 10: The officers used unnecessary force.

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

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

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SUMMARY OF ALLEGATIONS #11 - 15: The officers failed to properly identify self.

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

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

SUMMARY OF ALLEGATION #16: The officer made inappropriate comments.

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

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

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SUMMARY OF ALLEGATIONS #17 The officer interfered with the rights of onlookers.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/07/12 **DATE OF COMPLETION:** 06/17/13 **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 an African American male was on the sidewalk sitting on a bucket drumming on tin cans, pans, buckets, etc. The complainant stated he observed a patrol car pull up, the driver stepping out of the patrol car and shoving the man to the ground. The named officer and his partner denied the allegation. The officers stated they made contact with the man after receiving a noise complaint.

SFPD records show that dispatch received a call about an African American male in front of a diner harassing customers and refusing to leave. The named officer and his partner were dispatched to the scene. The 911 caller was interviewed by the OCC. Although he could not recall the exact incident when he called the police, he did recall an incident when he called the police because an African American male had entered the restaurant, bothering his customers. When the witness asked the man to leave, the man started calling him names, prompting the witness to call the police. The witness said he did not see any physical contact between the police and the man.

The African American male was located by the OCC. However, he refused to be interviewed. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/07/12 **DATE OF COMPLETION:** 06/17/13 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #2: The officer issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officer ordered him to leave the scene even though he was not doing anything illegal. The officer stated the complainant was interrupting, confrontational, trying to intervene. The named officer stated the complainant was interfering by getting close within arms reach. He said the complainant was about a foot away from him and made him uneasy because he didn't know whom he was and what his intentions were, so he told him repeatedly to step back and that it was time for him to leave. The officer's partner stated that he did not have contact with the complainant but noticed that the complainant was close to his partner and his partner telling the complainant to step back. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer behaved inappropriately towards him and the male subject. The named officer and his partner denied the allegation. The African American male was located by the OCC. However, he refused to be interviewed. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 09/11/12

DATE OF COMPLETION: 06/04/13

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

CATEGORY OF CONDUCT: UA

FINDING: NS

DEPT. ACTION:

FINDINGS OF FACT: The complainant stated that he made a permitted U-turn on a green light and was stopped by the officer stating he made an illegal U-Turn. The officer denied the allegation. The officer stated he observed the complainant make a U-turn on a red light. The complainant presented photographs that demonstrated that it would have been impossible for the officer to see the light signal from his position at the intersection. The officer presented a detailed diagram showing his position asserting he saw the light signal from his position. The witness, the complainant's dad, stated the complainant called him during the incident and relayed to him what happened. A visit to the field demonstrated that both the complainant and officers position are possible depending on the parked position of the officer. The witness was not present at the scene. There were no other witnesses. There is insufficient evidence to 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 led him to believe at the time of the incident that he stopped him for making an illegal U-turn. However, when he appeared in court, the officer stated that the stop was for a red light violation, which was not the sequence of events presented at the scene. The complainant also stated the officer prevented him from photographing him while issuing the citation. The officer denied the allegation. He stated that the citation clearly states that it was a red light violation and that he presented the same sequence of events as he did in court. The officer stated that he did prevent the complainant from photographing him for officer safety reasons. The complainant admitted that he was so distraught at the time of the incident that he did not notice the red light violation listed on the citation until after his court hearing. The witness was not present at the scene. There were no other witnesses. There is insufficient evidence to prove or disprove that photographing the officer posed a safety issue and what was said at the scene as to the violation.

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DATE OF COMPLAINT: 09/11/12 **DATE OF COMPLETION:** 06/04/13 **PAGE** #2 of 2

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

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

FINDINGS OF FACT: The officer initiated a traffic stop and cited the complainant for a red light violation. The complainant did not admit to the violation. Department Bulletin 11-097, TRAFFIC STOP DATA COLLECTION PROGRAM INFORMATION, requires members to continue to collect traffic stop data after all vehicle stops. The officer did not know if he made the E585 data entry for this traffic stop. The SFPD Legal's Division confirmed that there was no entry made for this incident by the officer. A preponderance of the evidence proved that the conduct complained of did occur and that, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant was arrested. Upon his release, the complainant stated that his California State Identification card went missing. The named officer admitted that he misplaced the complainant's Identification card. However, the named officer stated he later found the complainant's Identification card and returned it to the complainant. The evidence shows that the named officer returned the complainant's Identification card several weeks later after the complainant's arrest. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: One of the complainants stated the officer placed a citation on his police vehicle to misrepresent his purpose for parking in the bicycle lane. The officer denied the allegation. The officer said he returned to his parked police car and located an anonymous note that suggested he not park in the bicycle lane. The photo of the police car did not clearly reveal a traffic citation but rather a white note affixed onto the police car's windshield. There were no witnesses to provide a statement. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants stated a police vehicle parked in the bicycle lane, which blocked the passage for bicyclists. The complainants stated that bicyclists were forced to go around the parked police car and into the adjoining traffic lane. The named member admitted he parked his patrol car in the bicycle lane while attending a court deposition during his watch and was not on an emergency call. The OCC found that by parking a police vehicle in a non-emergency situation in the bicycle lane, the officer, in fact, failed to comply with the rules of the road and violated the relevant section of the California Vehicle Code (CVC) 21211(B), an obstruction of bikeways or bicycle paths or trails by a vehicle. The officer further admitted he did not follow the rules of the road and did not find other options to legally park his car in a non-emergency situation. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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SUMMARY OF ALLEGATION #1: The officer had an intimidating manner.

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

FINDINGS OF FACT: The complainant, who stated that he is bi-polar, claimed that the named officer had an intimidating manner. The named officer denied the allegation. He stated that he used verbal persuasion to calm the complainant, who was initially angry and aggressive, and that he spoke to the complainant for over an hour to help mediate a dispute the complainant was having with a neighbor. The building manager, who was present during the officer's contact with the complainant, stated that the officer's manner was not intimidating and that he did not make the intimidating statements described by the complainant. The manager stated that the complainant was initially upset and hostile and that the officer spoke to him in a very professional and calming manner for over an hour about an ongoing dispute the complainant was having with a neighbor. A preponderance of the evidence proved that the officer's manner was not intimidating and that the acts alleged in the complaint did not occur.

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DATE OF COMPLAINT: 09/19/12 **DATE OF COMPLETION:** 06/17/13 **PAGE** #1 of 3

SUMMARY OF ALLEGATION #1: The officer made an inappropriate comment.

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

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

SUMMARY OF ALLEGATION #2: The officer displayed an intimidating manner.

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

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

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SUMMARY OF ALLEGATION #3: The officer served papers or assisted in a civil case.

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

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

SUMMARY OF ALLEGATION #4: The officer filed an inaccurate or incomplete incident report.

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

FINDINGS OF FACT: The complainant stated that the incident report did not include statements he and his son made during an investigation. The named officer and one witness officer denied the allegation, stating that they did not hear the complainant and his son's statements. One witness officer has retired and is no longer available to answer queries. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer served papers or assisted in a civil case.

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

FINDINGS OF FACT: The complainant said the named officer gave him a copy of a custody order, and implied he would be the subject of police action if he did not force his son to comply with the civil document. The named officer acknowledged giving a copy of the custody order to the complainant, but denied he enforced it, stating that the complainant's son complied on his own free will. A witness officer denied that the named officer had enforced or served any civil documents or assisted in a civil dispute. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT: