

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/14/13 **DATE OF COMPLETION:** 11/14/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers entered the complainant's backyard without consent.

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

FINDINGS OF FACT: The complainant stated the officers entered his backyard without consent, invading his privacy.

One of the named officers stated that he could not recall entering the complainant's backyard. However, he noted that he and the officers were in a fresh pursuit of a fleeing felon and, therefore, did not need consent from the complainant to enter his backyard. The other named officer and a witness stated that the complainant gave them consent and cooperated with the officers' effort to locate a probationer who was named as a suspect in a recent burglary call.

The evidence shows that the named officers responded to a burglary call and the victim identified a suspect. The officers then went to the suspect's house and attempted to conduct a probation search. The suspect was seen in one of the neighbors' yard, prompting the officers to establish a perimeter. The officers then searched for the suspect but were unsuccessful in locating him.

The evidence shows that the officers were in hot pursuit, allowing them to enter the complainant's backyard without consent. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #3 & 4: The officers damaged personal property.

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

FINDINGS OF FACT: The complainant stated an unidentified officer landed on top of the complainant's planter box and broke it. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/13 **DATE OF COMPLETION:** 11/21/13 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant said that while walking down the street, he was stopped by the officers for no apparent reason and then subsequently arrested without cause.

The officers said the complainant was detained because they observed him litter and wanted to investigate whether the item he had discarded was an illegal substance or narcotics. The officers said that when they approached the complainant, he charged at them in an aggressive and threatening manner. The officers stated they had to physically restrain the complainant who was verbally aggressive and noncompliant. The officers said the complainant was subsequently arrested for resisting and obstructing a peace officer's duties.

The Incident Report documents that the complainant was observed throwing something into the street and during the police investigation, the complainant threatened and resisted the officers, causing injury to one of the officers. The Incident Report also documents that the officers physically restrained the complainant using a control hold to gain compliance.

No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/13 **DATE OF COMPLETION:** 11/21/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant said that while being detained, an officer grabbed his arm, forced him against a patrol car, shoved his right arm up his back, and then struck him in the back of the head with his elbow. The complainant said the officer also twisted his fingers as he was handcuffed, causing injury to his hand. The complainant said he reported the pain and injury to the station keeper and was thereafter transported to SFGH where he was cited and released. The complainant left the hospital without treatment and did not seek subsequent medical attention.

The named officer and his partner said that when they approached the complainant, he charged at them in an aggressive and threatening manner. The officers admitted to using physical control techniques, which they said were necessary to restrain the resisting and threatening complainant. The named officer denied using any unnecessary force and said the complainant made no complaint of pain or injury at the scene. His partner said the named member only used necessary force to restrain and handcuff the complainant.

The named officer and his partner officers said that at the station, the complainant reported an injury to his hand and was transported to the hospital, where he was cited and released. The Use of Force Log documented the injuries to both the complainant and the named officer. The Incident Report documented that the officers physically restrained the complainant using a Department trained control hold to gain compliance.

The back-up officers either denied seeing any use of unnecessary force or could not recall the incident in question. A civilian witness provided his contact information to the complainant, but the witness failed to respond to OCC's request for a statement.

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: 02/22/13 **DATE OF COMPLETION:** 11/21/13 **PAGE#** 3 of 4

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

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

FINDINGS OF FACT: The complainant said that while he was being restrained, one of the officers made inappropriate comments. The named officer and his partner denied the allegation.

The back-up officers either denied hearing any use of inappropriate comments or could not recall the incident in question. A civilian witness provided his contact information to the complainant, but the witness failed to respond to OCC's request for a statement.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer cited the complainant for littering, resisting arrest and for battery on a police officer.

The complainant denied these charges. A civilian witness provided his contact information to the complainant, but the witness failed to respond to OCC's request for a statement.

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: 02/22/13 **DATE OF COMPLETION:** 11/21/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #6: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant said that while being detained, one of the officers used unnecessary force against him. The complainant stated he called out to the named officer for help, but the named officer did nothing to stop his partner's use of unnecessary force. The complainant said the named officer had a duty to stop the assault and battery against him by his partner.

The named officer denied hearing the complainant make any plea for help, and said the physical control techniques used by his partner were reasonable, due to the complainant's resistant behavior.

The back-up officers either denied seeing any use of unnecessary force or could not recall the incident in question. A civilian witness provided his contact information to the complainant, but the witness failed to respond to OCC's request for a statement.

No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was searched without justification. The named officer said that he searched the complainant pursuant to his arrest. There was insufficient evidence to either prove or disprove that the complainant's initial detention and subsequent arrest were lawful.

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: 02/22/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 3

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 he stopped for a pedestrian and made a legal right turn after the pedestrian looked at him and waived him on to proceed.

The officer denied the allegation. The officer stated he and several officers were conducting a pedestrian enforcement operation at the time and the pedestrian was an undercover officer. The officer stated he conducted a traffic stop on the complainant because he failed to stop for a pedestrian that was crossing the street at the crosswalk. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer cited the complainant for failing to yield to a pedestrian. The complainant denied the violation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer pat searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated the officer had no right to ask him to exit his vehicle and pat search him. The complainant said he told the officer that the complainant had completed his probation, and that he was no longer on probation.

The officer stated the complainant told him that the complainant was on active felony probation. Additionally, the officer stated that the Department of Emergency Communication (DEM) advised him that the complainant was on probation with a search condition, prompting the officer to search the complainant.

OCC's investigation established that the complainant was not on probation at the time of the stop, and that the DEM mistakenly provided the officer with information on a different person with a similar name who was on probation with a search condition.¹ There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4 & 5: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers had no right to search his vehicle. The complainant stated he told one of the named officers that the complainant had completed his probation, and that he was no longer on probation.

One of the named officers stated the complainant told him that the complainant was on active felony probation. Additionally, this officer stated that the Department of Emergency Communication (DEM) advised him that the complainant was on probation with a search condition, prompting the officers to search the complainant's vehicle.

OCC's investigation established that the complainant was not on probation at the time of the stop, and that the DEM mistakenly provided the officers with information on a different person with a similar name who was on probation with a search condition. There was insufficient evidence to either prove or disprove the allegation.

¹ Part of this complainant has been referred to the Department of Emergency Management.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: 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 the officer searched the complainant's vehicle, the complainant's wristwatch went missing from the center console.

The named officer stated he did not search the vehicle but instructed another officer to do so. The named officer denied having any knowledge of the alleged property being removed from the vehicle. The officer who was asked to search the complainant's vehicle denied removing the alleged property from the complainant's vehicle. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: Part of this complaint raises matters outside OCC's jurisdiction.

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

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

Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/04/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant was cited for speeding and for not having possession of his driver's license. During the traffic stop, the complainant stated the officer was insulting, disrespectful, and used profanity towards him.

The officer denied the allegation. The officer stated that during the traffic stop, the complainant was very angry and uncooperative, refusing to provide his name. The officer stated he was patient with the complainant and only escalated his voice to get the complainant to put his hands behind his back.

A civilian witness stated that the officer's tone was "intimidating." The witness also stated that he heard the officer use profanity but could not articulate or recall the exact words or phrases used by the officer. The witness stated the complainant was "distressed," but not combative or abrasive towards the officer. The video provided by this witness offered no corroborating evidence to support the alleged inappropriate behavior by the officer.

No other civilian witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for speeding, which the complainant denied. The witness statement in regards to the placement of the vehicles and the movement prior to entering the intersection were inconsistent with the account of the officer and the complainant. No other witnesses 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: 03/04/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained for over an hour in a police patrol car.

The officer denied the allegation. The officer stated he affected a traffic stop on the complainant and subsequently cited him for the Vehicle Code violations. The complainant acknowledged that he did not have his driver's license with him. The officer said the complainant only gave him "spurts" of information and did not answer his questions nor did he initially provide his name. Because the complainant did not have his driver's license with him and was uncooperative, the officer handcuffed and detained the complainant for further investigation. The officer stated that the complainant was detained for less than an hour.

The event history detail of the traffic stop documented the incident was less than forty minutes. The DEM audio recording of the event did not reveal that the traffic stop was prolonged for an unreasonable amount of time. A witness said he was at the scene for an hour as he video recorded the end of the incident. Yet, the video recording provided by the witness only recorded about 5 minutes of the traffic stop.

No other civilian witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer handcuffed the complainant without justification

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him. The officer acknowledged that he handcuffed the complainant, due to officer safety. The officer stated he was alone when he affected the traffic stop. During the traffic stop, the officer said the complainant was very angry and uncooperative, refusing to provide his name. The officer said the complainant tensed his body and even raised his voice towards him. A witness stated the complainant appeared "distressed" but was not abusive or combative.

No other civilian witnesses 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: 03/04/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity during the traffic stop.

The officer stated he did not recall using profanity during his contact with the complainant.

A witness said he heard “cussing” from the officer but could not articulate or recall the words or phrases the officer used. The video provided by the witness offered no corroborating evidence of the alleged use of profanity. Witness officers denied the named officer used any profanity or profane language while they were at the scene.

No other witnesses 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: 03/08/13 **DATE OF COMPLETION:** 11/20/13 **PAGE #** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers used excessive force during an arrest.

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

FINDINGS OF FACT: The complainant said officers used force by swinging her son, the co-complainant, around by his injured ankle and trying to break his fingers. The complainant was not at the scene and had no first-hand knowledge of what occurred. The co-complainant declined to be interviewed. The named officers acknowledged their presence at the scene but denied any of them used any force at the scene. There was no statement by any officers to a sergeant present during the arrest that any of them used force. Medical records indicated the co-complainant told doctors he hurt his ankle jumping over a fence. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer tried to frame her son, the co-complainant. The complainant was not present at the arrest or the subsequent flight from the scene by the co-complainant. The co-complainant declined to provide an interview to the Office of Citizen Complaints. The named officer and four witness officers stated that the named officer was not present when the arresting officers saw the actions that led to the arrest and charging of the co-complainant. There was no credible evidence provided by the complainant or anyone else that the named officer engaged in the alleged behavior. The evidence proved that the actions complained of did not occur or that the named officer was engaged in the acts alleged by the complainant.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/13 **DATE OF COMPLETION:** 11/20/13 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #5: The officer failed to transfer an injured prisoner to medical treatment in a timely fashion.

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

FINDINGS OF FACT: The complainant stated that police detained her son, the co-complainant, at the station so long the hospital could not immediately fix his ankle. The co-complainant declined to be interviewed. The named officer acknowledged making the decision to take the complainant to the station and not the hospital because there was no complaint of pain or injury. Four witness officers said that the co-complainant did not complain of pain or injury at the scene of his arrest, and when he did, an ambulance was called. The medical records do not indicate there was any delay that resulted in a change of the treatment procedure. 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: 03/08/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that after her boyfriend was arrested, officers found the complainant's car keys in his possession and searched her vehicle. The complainant was not present during this incident. The named officers stated that the complainant's boyfriend was on probation and was arrested for narcotics offenses. They stated the complainant's boyfriend had car keys and a car alarm on a lanyard around his neck. They stated the vehicle was parked directly across the street from the complainant's boyfriend. The officers stated they conducted a probation search of the vehicle, which was under the control of the complainant's boyfriend. Officers are allowed to conduct probation searches of a probationer's residence and vehicle without cause or consent. The complainant's vehicle was under the care and control of the complainant's boyfriend at the time of his arrest. The officers' conduct was proper.

SUMMARY OF ALLEGATIONS #3-4: The officers damaged the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated she noticed that her car was damaged after officers had searched it. These damages included stains on the upholstery and lining pulled away from roof and trunk. The complainant provided eighteen photos of her vehicle, which show stained seats and debris inside the vehicle. The officers denied damaging the complainant's vehicle. One officer stated he did a very thorough search of the vehicle for drugs. He stated he was taught in the Academy and by the California Narcotics Officers Association to look under the hood, to lift the lining in the trunk and to look behind items that were loose, such as stereo faceplates. He stated that the car was very dirty and messy. He denied doing any damage to the car and did not spill anything on the seats. He returned everything to its original position.

The other officer stated the car was very dirty and the seats were stained. This officer also stated she searched the interior and her partner searched the trunk and under the hood. She stated she was taught to search behind loose faceplates and look for contraband with a flashlight. She stated she did not cause any damage to the vehicle; she stated the metal plate around the gear shifter was intact. She did not pull out the stereo or speakers. There were no available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to prepare a complete and accurate incident report.

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

FINDINGS OF FACT: The officer did not document the vehicle search that occurred at the time of the probationer's arrest in her incident report. The named officer stated that vehicle searches are required to be documented only if contraband is found or the vehicle is damaged. The Department's report writing manual states that an officer's narrative must show compliance with the laws of search and seizure. The Department's report writing manual does not include exceptions for cases where no evidence or contraband is found. The Department's subject matter expert on report writing stated that documenting a vehicle search conducted during an arrest would not be required if nothing was seized, and the vehicle was neither damaged or towed. The Department's expert also said that while it was not required, it would be "best practices." To comply with best practice standards, the Office of Citizen Complaints recommends that the Department amend its report writing manual and training to require officers to document any search or seizure of an individual's car, home, or personal property, even when no contraband or evidence is seized or the item searched is not damaged. The Office of Citizen Complaints finds that the allegation of neglect of duty is the result of a policy failure.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated that while driving her Vespa scooter, a man stepped into the roadway indicating that he wanted her to stop. The complainant was uncertain of who the man was, but eventually realized that he was a police officer. She stated that he requested that she turn off her engine and she asked him, "why?" The complainant stated that at that point, he rotated her keys, turning off the engine and then placed the keys into his pocket, thereby preventing the complainant from leaving. The complainant admitted to making an illegal left turn, prior to being stopped by the officer. The officer stated that, while standing near his motorcycle, he witnessed the complainant make a prohibited left turn and he then conducted a traffic stop by stepping into the roadway and flagging the complainant down. He stated that she refused to obey his commands and at one point attempted to go around him. He used her keys to turn off her scooter engine and then placed the keys in his pocket for the duration of the traffic stop. An independent witness stated that he saw the complainant try to go around the officer with her scooter. The evidence proved that the acts, which provided the basis for the allegation, occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that after being stopped while riding her Vespa scooter, the officer instructed her to "get off the bike". The complainant did not follow his order and stated that the officer then placed both hands on her shoulders and physically removed her from her scooter before walking her over to a fence and placing her on the ground. The complainant stated that the officer held her down on the ground until other officers arrived. The officer denied using unnecessary force, stating that the amount of force used was necessary for both his and the complainant's safety. He stated that he asked her to move to the sidewalk, but she refused and dialed 911 on her cell phone. He stated that he grabbed her right arm and moved her off the scooter and then walked her to a fence near the sidewalk. He stated that she pushed off the fence and fell to the ground and then used her feet to kick him in an attempt to keep him away from her. He stated that he put her in a prone position on the ground and held his knee to her back until backup officers arrived to assist with placing her in handcuffs. The officer sustained minor injury during the contact. An independent witness stated that the complainant would not obey the officer's orders and was hitting, kicking and slapping the officer. 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: 03/13/13 **DATE OF COMPLETION:** 11/26/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to provide a reason for the detention.

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

FINDINGS OF FACT: The complainant stated that the officer never told her why he had stopped her. She stated that she did not find out the reason for the traffic stop until after she was at the police station. The officer denied the allegation, stating that he did tell the complainant that he was stopping her because she had made an illegal left turn from Powell to Sutter. An independent witness stated that he saw that the officer had stopped a woman riding a motor scooter and was instructing her to pull to the side of the road, out of traffic. The woman was refusing to do so, stating that the officer needed to give her a reason for the stop. The officer continued to insist that she pull to the side of the road and the woman continued to demand a reason for the stop. He denied that the officer acted inappropriately but confirmed that the officer did not immediately provide a reason for the stop when the complainant demanded it. He did not observe the entire encounter so he could not say when, if ever, the officer provided a reason for the traffic stop to the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she was cited for making an illegal left turn, not having plates on her scooter and not having an M1 license to drive the scooter. She admitted to these charges. The complainant also stated that she was charged with battery on a police officer, which she denied. The officer stated that after witnessing the complainant make an illegal left turn, he conducted a traffic stop. He stated that the complainant refused to obey his orders and at one point attempted to go around him as he was stopping her. He stated that he had to physically remove her from the scooter when she continued refusing to follow his orders. He stated that at one point the complainant fell to the ground and used her feet to kick him in an effort to keep him away. He stated that he sustained a cut to his thumb as a result. An independent witness stated that the complainant was hitting, slapping and kicking at the officer and would not obey his commands. No other witnesses were located who saw the physical contact between the complainant and the officer. Based on the officer and the independent witness' account, along with the documentation of the officer's injured thumb, 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: 03/13/13 **DATE OF COMPLETION:** 11/26/13 **PAGE#** 3 of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 12-188.

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

FINDINGS OF FACT: Department Bulletin 12-188, Traffic Stop Data Collection Program Information, states that members shall collect traffic stop data after all vehicle stops. On the date of this incident, the officer made a traffic stop which was documented through the CAD and incident report, along with statements made by the complainant, the officer, other backup officers and several witnesses. The officer's unit history shows he made 6 traffic stops that day. SFPD Legal could not provide any documents showing any E585 entries made by the officer on the date of the incident. The officer denied the allegation and stated that he did make the entry during or after the report writing process, while at the Traffic Company. 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/20/13 **DATE OF COMPLETION:** 11/20/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer failed to promptly respond to the scene.

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

FINDINGS OF FACT: The complainant stated she called for police assistance because people were following her in a store. The complainant stated the officer arrived 30 to 40 minutes after she had communicated her location to dispatch. The officer stated he arrived seven minutes after being dispatched to the call. The Computer Aided Dispatch (CAD) indicates the officer was situated approximately seven blocks from the incident location prior to the call assignment and took seven minutes to arrive. SFPD policy requires an officer to promptly respond to assigned calls and to observe all traffic laws and regulations when responding to non-emergency calls. The CAD indicates the complainant's call was of a non-emergency nature, and that it was initially placed on "HOLD." The CAD shows the complainant's call was categorized as a "B" priority with no indication of imminent serious injury to a person. Because the complainant's call was of a non-emergency nature, department policy requires the officer to obey all traffic laws and regulations while traveling to the complainant's location. The evidence proved 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 take required action.

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

FINDINGS OF FACT: The complainant stated the officer failed to investigate people who were following her. The complainant said the officer pulled to the curb upon arrival, but did not get out of his car. The complainant admitted being confused during her encounter with the officer and did not reply to the officer when he asked if she needed help. The named officer and his partner denied the allegation, stating that the complainant was gone when they arrived at the scene. 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: 03/20/13 **DATE OF COMPLETION:** 11/20/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer called her names and made inappropriate political comments. The named officer and his partner denied the allegation, stating that the named officer had no conversation with the complainant. The named officer and his partner stated that the complainant was no longer at the scene when they arrived. 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: 03/27/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that after getting into a dispute with a Muni Fare Inspector, the named officer arrived and immediately placed her in handcuffs. The complainant stated that the fare inspector had struggled with her and sustained a cut to his hand, but she denied assaulting him.

The named officer stated that prior to responding to the scene, he received a report of an SFMTA Fare Inspector being assaulted. The named officer stated he handcuffed the complainant because she was under arrest for assaulting the fare inspector.

While the fare inspector (victim) and two other fare inspectors failed to respond to OCC's request for an interview, their written statements were attached to the incident report, including the complainant's statement.

DGO 5.03, INVESTIGATIVE DETENTION, states that an officer may briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

The evidence proved that the named officer had reasonable suspicion to detain and place the complainant in handcuffs. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that after getting into a dispute with a Muni Fare Inspector, the named officer arrived and immediately placed her under arrest for assaulting the fare inspector, which she denied.

The incident report shows that the victim and two other fare inspectors provided written statements, providing the named officer probable cause to arrest the complainant.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer continually interrupted her as she tried to explain her side of the incident.

The incident report shows that the victim and two other fare inspectors provided written statements, providing the named officer probable cause to arrest the complainant. The incident report also shows that the complainant was given the opportunity to prepare a written statement, which she did. The complainant's written statement is attached to the incident report.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/27/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant stated that the named officer initially told her she would be cited and released but enhanced her charge from a misdemeanor to a felony when she began questioning him about her rights, telling her that she had just bought herself a ticket to county jail. She also stated that he took a photo of her and informed her that he was documenting injuries. She stated that she showed him her ripped jacket and indicated that her knees were bruised. The complainant stated that the officer told her, "Those are not real injuries." The officer denied the allegation and stated that he initially told the complainant that she might be cited, but once he read the section of the Penal Code, he realized the charge was a felony and explained his mistake to the complainant. He also stated that he was not the officer that took photos of the injuries. He further denied making any of the alleged statements to the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/13 **DATE OF COMPLETION:** 11/13/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated she was detained after she honked her horn once at the officer and the driver ahead of her. The officer stated as she was speaking to a witness to a nearby injury accident, the complainant was honking her horn so excessively the officer could not hear the witness or broadcast the accident. The officer stated she detained the complainant to determine why she was honking her horn. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments to her during a traffic stop. The officer denied making inappropriate comments. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/13 **DATE OF COMPLETION:** 11/13/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The complainant was cited without cause.

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

FINDINGS OF FACT: The complainant stated she was cited for excessive use of her horn. The complainant stated she only honked her horn once. The officer stated as she was speaking to a witness to a nearby injury accident, the complainant was honking her horn so excessively the officer could not hear the witness or broadcast the accident. The officer stated she cited the complainant for excessive use of her horn. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated when she asked the officer for identification, the officer told her it was on the citation. The complainant asked a second time, and the officer provided her last name but would not spell it for the complainant. The officer stated she provided her identification to the complainant upon her request. There were no available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/04/13 **DATE OF COMPLETION:** 11/13/13 **PAGE#** 3 of 3

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to collect traffic stop data.

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

FINDINGS OF FACT: The officer stated she entered traffic stop data as required by Department Bulletin 11-097 but neither she nor the San Francisco Police Department's Legal Division could provide any evidence of this entry. A preponderance of the evidence proved the officer failed to collect traffic stop data as required by Department Bulletin 11-097. The allegation is sustained.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/13 **DATE OF COMPLETION:** 11/21/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 7, 2013.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 7, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/02/13 **DATE OF COMPLETION:** 11/21/13 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 7, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 16, 2013.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 16, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant said that while at the police station, the officers called him “stupid”. The officers denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated he told the officer that he had lived in the United States for over 30 years and had never been treated so badly by officers. The complainant said the officer called him “stupid” for having lived in the United States for over 30 years and not learning English. The officer denied the allegation. A witness officer denied hearing the named member make the alleged comment. 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: 04/09/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer used unnecessary force by placing handcuffs tightly around the complainant's wrists.

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

FINDINGS OF FACT: The complainant stated the officer twisted his shoulder when he handcuffed him. The complainant said that while being transported to the police station, the handcuffs became so tight around his wrists that they caused him pain, bruising and bleeding. The officer denied placing the complainant in handcuffs and said that he double-checked the handcuffs for the proper degree of tightness. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant said he should not have been handcuffed and taken to the station. The complainant said that he was the victim and that he was the one who was threatened by the female subject. The officer said the complainant was not "arrested," he was "detained." The officer said the complainant was taken to the station for investigation and released due to the lack of information. The officer was the sole investigating officer. The officer said that at the station, his supervising officer authorized the complainant's release pending further information and follow-up. The officer issued the complainant a Certificate of Release. The issuance of the Certificate of Release was documented in the Incident Report and provided to OCC through the Department. The Incident Report documents that the complainant was detained for making terrorists threats to a 70 year-old female victim. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/09/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer failed to comply with Department General Order 5.20.

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

FINDINGS OF FACT: The complainant stated that when the officer first spoke to him, the officer asked the complainant if he spoke English. The complainant said he told the officer that he spoke a little English. The complainant said the officer never offered to provide a Korean translator until he had been handcuffed and placed into the back seat of a patrol car and driven him to the police station. The complainant said that once at the police station, a Korean translator was provided over the telephone. The officer said that due to the complainant's limited English speaking skills, he requested a Korean translator to respond to the scene. When he received no response to his request for a Korean translator after approximately 17 minutes later, he decided to transport the complainant to the station since it was only two blocks from the incident. The officer stated upon their arrival at the police station, a translator was provided over the telephone for the complainant. Department policy requires that when officers encounter a limited English proficient person, they are to take every reasonable step to ensure timely and accurate communication. Furthermore, if a bilingual police officer is unavailable, officers are to contact a professional interpretation service either in person or over the telephone. The event history detail documented that there were no Korean-speaking unit available to respond to the scene. The Incident Report documented that the complainant refused to speak to the officer through the translator, without the presence of his attorney. There was no evidence to suggest that the officer failed to comply with department policy. 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: 04/10/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The complainant stated he was actually the victim of the assault and should not have been arrested. The complainant admitted to having the victim's food stamp card and refused to return the food stamp card to the victim. The complainant admitted that he was engaged in a physical altercation in public with the victim. The officers denied the allegation. The officers stated they witnessed the complainant and victim in a physical altercation. The officers stated they found the victim's food stamp card in the complainant's possession. The officers stated the arrest was made based on the evidence, the victim's and witnesses' statements, which identified the complainant as the perpetrator. A witness stated he saw the two men engaged in a fight and summoned the police. The other witness also heard the victim yelling at the complainant to give him his card back. No other witnesses came forward. OCC's investigation established that the officers had probable cause to arrest the complainant for the assault and robbery charges. 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 failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said the officer took his money and did not provide him with a property receipt. The complainant further stated the officer wrongfully booked the money as the property of the victim. The officer denied the allegation. The officer admitted that he confiscated the money from the complainant; however, the evidence supported that the money belonged to the victim. The officer said he reasonably concluded that the currency was the property of the victim and processed it as such. The officer said he based his conclusion on the conflicting statements of the victim and complainant, the witness statements, the complainant's possession of the victim's food stamp card, and the physical altercation. Moreover, the officer stated the victim was able to identify with specificity, the amount of money taken from him and the denominations of the currency. The witness officer stated he confiscated the money from the complainant and there was a dispute over the ownership of the money. The Inspector's Chronology Report of the Investigation documented that he interviewed the victim who told him that the complainant stole his food stamp card and money from his pocket and then attempted to leave. The Inspector's report also documented that he attempted to interview the complainant, but he refused to provide a statement. The complainant corroborated that he refused to speak with the Inspector. The victim has not been located 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: 04/10/13 **DATE OF COMPLETION:** 11/27/13 **PAGE# 2 of 4**

SUMMARY OF ALLEGATION #4: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant said the officer arrested him in retaliation for his having filed an OCC complaint against him in the past. The officer denied the allegation. The officer stated that the complainant brought up a past OCC complaint that he had filed against him several times during the incident. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: The officer behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant said that after he was released from jail, he went to the police station where he spoke to the officer. The complainant said that when he complained to the officer about his inappropriate behavior, the officer laughed at him. The officer denied that he laughed at the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/10/13 **DATE OF COMPLETION:** 11/27/13 **PAGE# 3 of 4**

SUMMARY OF ALLEGATION #6: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant alleged that the officer engaged in biased policing due to his race. The officer was interviewed pursuant to the OCC Biased Policing Investigation Protocol. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant said the officer did not call a superior officer to the booking area when he requested one. The complainant acknowledged while at the police station, he refused to provide a statement to an Inspector handling the case. The officer denied the allegation. The officer said he told the complainant that there was no superior officer at the station at the time. The officer stated he told the complainant if he wanted to speak with the captain that he could arrange a meeting with the captain after the complainant had been booked. A witness officer said he believed there was a superior officer at the station. The Inspector's chronology report documented that he met with the complainant and the complainant refused to speak with him. 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: 04/10/13 **DATE OF COMPLETION:** 11/27/13 **PAGE# 4 of 4**

SUMMARY OF ALLEGATION 8: The officer displayed a weapon without justification.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/17/13 **DATE OF COMPLETION:** 11/06/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant was walking with his dog on 4th Street in front of the Marriot Hotel when he had a verbal altercation with the hotel's doorman. The complainant stated the doorman verbally harassed him. He went inside the hotel to file a complaint but no one was at the front desk. He then exited the hotel and called the police. The complainant stated the officer arrived and later arrested him without cause. The evidence shows that both parties called the police and that the officer conducted an investigation. The evidence further shows that one of the hotel's security officers signed an arrest form, prompting the officer to cite the complainant for trespassing. The evidence proved that the act, which provided basis for the allegation, occurred. However, the act was justified, valid, and lawful.

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

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

FINDINGS OF FACT: The complainant alleged that the officer cited him without cause. The evidence shows that the complainant was cited pursuant to a private person's arrest. The evidence proved that the act, which provided basis for the allegation, occurred. However, the act was justified, valid, and lawful.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/24/13 **DATE OF COMPLETION:** 11/05/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer arrested a person without cause.

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

FINDINGS OF FACT: The complainant alleged that a woman was kidnapped and illegally arrested by the San Francisco Police Department because she was exercising her constitutional rights to protest peacefully in front of the Federal Reserve Bank as part of the Occupy San Francisco movement. The complainant was not at the scene and thus did not witness the arrest. The San Francisco Police Department records indicate that an employee of the bank called police. The bank employee was interviewed by the Office of Citizen Complaints and stated that he called 911 to alert them that an unidentified male, wearing a bandana covering his face, placed a parcel in front of the bank entrance and ran away. Based on other violent incidents across the country and in San Francisco involving the Occupy movement, the bank employee suspected the parcel might be a bomb. The bank employee stated that for safety reasons, he immediately removed bank customers and employees to a different part of the bank and called police. The bank employee stated that a short time later, the same unidentified male returned and removed the parcel from the bank entrance. The bank employee stated that he observed a female videotaping the male placing the parcel in front of the bank and later removing it and he believed her to be involved in the incident. While he was talking to the named officer, the bank employee saw both the male and the female suspects in the area and pointed them out to the officer. The bank employee stated that he saw the interaction between the officer and the woman. He stated that the woman was resisting the officer's attempts to detain her and subsequently the woman was placed under arrest. The named officer stated that he responded to a DEM call for service from a bank employee who explained the reasons for the 911 call. The officer saw the woman and the man in the area and he and other officers detained and then arrested them. The named officer and other witness responding officers noted that the woman committed a jaywalking offense and then resisted their efforts to detain her. The female suspect was subsequently booked for a bomb threat, conspiracy and the jaywalking offense. The suspect parcel was later determined to be a fake bomb. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/13 **DATE OF COMPLETION:** 11/25/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to safely operate a Department issued motorcycle.

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

FINDINGS OF FACT: The complainant stated that while at a park, he saw an officer riding his motorcycle on the sidewalk surrounding the park. The complainant stated someone in the park later told him that the officer also rode his motorcycle on the park's grass. The officer acknowledged that, as a member of the Department's Tactical Honda Unit, part of his duties is to ride his motorcycle on the sidewalk. The officer stated he is trained to ride on sidewalks, stairs, dirt paths, sand and grass areas, parks, beaches, and in some cases, even inside a building if there is a need to. A lieutenant of the Department's Tactical Honda Unit stated that his unit is tasked to patrol on dirt bikes in any public park or areas inaccessible by foot in order to enforce any of the several municipal, vehicle, park, and other codes that may be violated. 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 behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer yelled at an individual in the park. The officer 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: 05/13/13 **DATE OF COMPLETION:** 11/20/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate and/or incomplete incident report.

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

FINDINGS OF FACT: The officer arrested the complainant for driving while intoxicated. The complainant stated the BAC figures in the officer's police report were "false," and that the officer only obtained a single valid reading from the Intoxilyzer 5000, a device used to obtain breath samples in DUI arrests. The named officer and another officer, who administered the chemical test of the complainant's breath on the Intoxilyzer 5000, denied the allegation, stating that two valid samples were obtained. The named officer stated that the results were properly documented in his incident report. It should be noted that the complainant went to court on his DUI and was subsequently convicted for DUI. No other witnesses were identified. There was insufficient evidence to either prove or disprove the evidence made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant was arrested and taken to the district station for further investigation. An officer arrested the complainant for driving while intoxicated. The complainant stated that while one officer administered a BAC test at the local station, another officer told the complainant that the complainant was trying to "rig" the test. The complainant could not provide a description of the officer who made the alleged statement. There were no witnesses to the incident. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she was double-parked waiting for her daughter when she was cited for double-parking. Based on the complainant's own testimony, the citation was properly issued. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated she was cited for being double-parked. She stated that another moving vehicle was blocking the officer's path, but the officer did not cite the other vehicle and only cited her. The officer stated that he only cited the complainant because her vehicle was the only vehicle that was double-parked on the street. Based on the complainant's own testimony, the other vehicle that she believed should have been cited was not double-parked. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in selective enforcement.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate comment after being cited for double-parking. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 11/18/13 **PAGE# 1 of 2**

SUMMARY OF ALLEGATIONS #1-3: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officers behaved in an aggressive and intimidating manner toward him and left him out on the street with no place to go. The officers denied the allegation. The officers described themselves as professional, calm, patient, focused and helpful. A witness employee of the shelter, who called the police, said she did not observe any misconduct on the officers' part. No other witnesses were identified or came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers refused to provide their names and star numbers upon request. The named officers and a witness, who called the police, denied the allegation. No other witnesses were identified or came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 11/18/13 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #6: The officer displayed his weapon without justification.

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

FINDINGS OF FACT: The complainant said that while preparing to leave the shelter, he opened his backpack to insert some items and the officer responded by pulling out his gun, holding it against his body and asking him if he was going to be combative. The officer denied the allegation, stating that he never took out his firearm during the incident. Two witness officers at the scene denied that the officer un-holstered his gun. Department policy permits officers to use whatever force is reasonable and necessary and states that an officer may draw or exhibit a firearm in the line of duty whenever he or she has reasonable cause to believe it may be necessary for his/her safety or the safety of others. No other witnesses were identified or came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/13 **DATE OF COMPLETION:** 08/22/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant and her husband were involved in a vehicle accident resulting in injury. The complainant's husband was found to be the cause of the accident because he failed to stop at a red light. The complainant stated that the named officer misrepresented the time of the accident in the Traffic Collision Report. In addition, the complainant stated the named officer identified witnesses when there were none. The complainant stated the accident occurred at about 5:45 P.M., not at 5:55 P.M. as reflected in the officer's Traffic Collision Report. Department records show that the Department of Emergency Management (DEM) received a 911 call at 5:59 P.M. The records also show that the named officer arrived on scene at 6:14 P.M.

The time difference between the complainant's reported time of the accident and what is listed in the Traffic Accident Report is 10 minutes. This time difference does not materially affect the evidence in regards to determining who caused the accident. The named officer located witnesses at the scene and listed these witness in her report as required. 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 failed to properly investigate.

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

FINDINGS OF FACT: The complainant and her husband were involved in a vehicle accident resulting in injury. The complainant's husband was found to be the cause of the accident because he failed to stop at a red light. Department records show that the complainant's husband was found to be at fault by the named officer after the officer interviewed witnesses who witnessed the accident. 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/13 **DATE OF COMPLETION:** 11/13/13 **PAGE#** 1 of 1

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 while asleep in the lobby of her apartment building, she was raped by an unknown person. She stated that she awoke fully clothed, with no knowledge of the rape, until she went back to her apartment and used the restroom. She stated that two officers responded and interviewed her about the incident but that she never heard anything further. The officers both denied the allegation. One officer stated that she interviewed the complainant, who made numerous irrational statements about being raped by people who come through cracks in the walls and pipes underground. The second officer stated that he interviewed the front desk clerk who told him that she'd been present while the complainant slept, and that no one had gone near the complainant, let alone raped her. Both officers stated that no further action was taken because they determined that no crime had been committed. The OCC was unable to locate any witnesses. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/14/13 **DATE OF COMPLETION:** 11/13/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that she called police but that no officers ever came. She stated that while waiting for the police to arrive, she received a call from dispatch stating that the officers could not get in. The complainant stated that she went down to inquire with the building clerk, who informed her that the officers had already left.

The officers stated they went to the complainant's apartment and knocked on the door, but she didn't answer. They stated they announced their presence and asked her to open the door, but she did not respond. They then contacted dispatch to request a call back to the complainant. They stated they exhausted their efforts to make contact with the complainant and left.

The building clerk confirmed that the officers arrived and took an elevator up to the complainant's floor. He did not accompany them and was unable to confirm if they went to her apartment or knocked on her door. He stated the officers returned downstairs and said that the complainant would not open her door.

No other witnesses were located. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/24/13 **DATE OF COMPLETION:** 11/14/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant and her husband stated that the officer cited her for failing to stop for a pedestrian. The complainant and her husband stated that the pedestrian light was not activated and that the pedestrian motioned for the complainant to proceed. The officer denied the allegation. The officer, who was behind the complainant on a motorcycle, said he clearly saw the crosswalk light activated and the pedestrian about to enter the crosswalk when the complainant continued to proceed, failing to yield to the pedestrian, in violation of 21950(a). No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant said the officer lied in traffic court. The complainant stated the pedestrian cross walk light was not activated as she proceeded into the crosswalk. The officer denied the allegation. The officer said he clearly observed the crossing pedestrian traffic light activated and flashing as the complainant passed through the crosswalk. No independent 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: 06/27/13 **DATE OF COMPLETION:** 11/15/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he was detained and arrested for not having identification. The officer stated the complainant was detained for riding his bicycle on the sidewalk and for refusing to provide identification in order to be cited for the violation. The complainant admitted to not having a helmet while riding his bicycle, not having identification, and refusing to provide his name.

DGO 5.03, Investigative Detentions, allows an officer to briefly detain a person for questioning or request identification only if the officer has a reasonable suspicion that the person's behavior is related to criminal activity.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer used force at the scene.

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

FINDINGS OF FACT: The complainant stated that the officer pushed him against a wall aggressively and grabbed and twisted his arm. The complainant stated he was in pain and began to cry.

The officer denied the allegation and stated that he did not use any force and the complainant did not complain of any pain or injury during the incident.

The complainant did not sign the medical release. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/13 **DATE OF COMPLETION:** 11/15/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that officers made fun of him during the transport but could not elaborate how they made fun of him. The named officer and another officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/13 **DATE OF COMPLETION:** 11/26/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate and/or incomplete report.

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

FINDINGS OF FACT: The complainant stated he received information from an unidentified source regarding the content of the incident report, which he believed to be inaccurate.

The complainant's son, the co-complainant, who was the victim of the incident, stated he had no complaint against the named officer. The co-complainant stated that the incident report accurately reflect what he told the named officer.

The officer stated that his report is an accurate reflection of what he was told by the co-complainant.

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

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

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

FINDINGS OF FACT: The complainant said he received a phone call from the co-complainant reporting that he had been a victim of an aggravated assault. The complainant was concerned that the officer did not insist on the co-complainant going to the hospital and did not take other investigative measures. The complainant said the officer failed to return his telephone messages.

The co-complainant had no complaint against the named officer. The co-complainant stated he was treated by paramedics at the scene and provided his statement to the officer.

The officer denied the allegation, stating that he conducted a thorough investigation and took all required action. The officer said he did not photograph the co-complainant's injuries because he did not have access to a camera. The officer denied receiving any phone messages from the complainant.

The Incident Report documents all of the required information of the assault. The event history detail documented that the officer broadcast a description and direction of travel of the suspect. Medical reports documented the co-complainant's injuries. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/13 **DATE OF COMPLETION:** 11/26/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to receive a complaint.

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

FINDINGS OF FACT: The complainant stated he called the station and complained about an officer. The complainant said the officer did not offer to take his complaint.

The officer said he spoke to the complainant about the incident and explained the OCC complaint process. The officer said the complainant acknowledged that he was aware of the process. The officer said he felt that the complainant was satisfied with their conversation.

Department policy requires officers to encourage citizens to bring forward grievances regarding inadequate police service or official misconduct by officers. The complainant and the officer provided inconsistent statements of their interaction. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainants said the day after the incident, the co-complainant saw the assailant involved in the incident from the night before. The co-complainant approached nearby officers and requested that the officers arrest the assailant. The complainants said the officers were dismissive toward them and left the scene without taking any action.

The co-complainant was unable to identify the officers or the patrol cars. An Officer Poll was sent to the relevant district, which resulted in negative results. The investigation revealed that during the time and location of the incident, the co-complainant was in an area along with thousands of others celebrating the post Pride Parade. SFPD reported that numerous squads and additional units from outside districts were sent to the area for crowd control.

The identity of the alleged officers has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/13 **DATE OF COMPLETION:** 11/15/13 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer drove unsafely.

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

FINDINGS OF FACT: The complainant said the officer drove a Department vehicle in an unsafe manner. The officer denied the allegation. The complainant's witness did not come forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/10/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated the officer cited a vehicle belonging to the complainant's employee without cause. The complainant's employee stated she purchased the used car several weeks earlier, and the dealer taped a temporary registration to the windshield.¹ She stated the tags on the license plates were expired. She stated when she confronted the officer, he refused to look at the temporary registration taped to the windshield.

The officer stated he cited an unoccupied vehicle with expired registration tags. He stated several minutes later, the owner of the vehicle appeared and asked why her vehicle was cited. The officer stated the vehicle had expired registration tabs. The officer stated he saw a document taped on the corner of her windshield, but it only showed the VIN numbers, not the date of issuance.

There was insufficient evidence to establish what portion of the Used Vehicle Dealer Notice/Temporary Identification form the officer observed prior to issuing the citation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer cited a vehicle belonging to the complainant's employee solely because his employee is African American. The complainant's employee stated she did not believe the officer cited her vehicle because she is African American.

The officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer stated he cited an unoccupied, parked vehicle with expired registration tags. The evidence proved that the act alleged in the complainant did not occur, or that the named member was not involved in the act alleged.

¹ The complainant provided a copy of the document that was affixed to her windshield at the time the citation was issue. The document was a "Used Vehicle Dealer Notice/Temporary Identification."

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated she went to a district station to file a police report about a sexual assault. The complainant stated the named officer talked to her about it and acted as though it was not important. The officer then ignored her and she left without filing a report.

The officer stated he listened to the complainant and asked for her identification in order to file a report. The complainant refused to give him her identification. The officer believed that because of the sensitivity of the subject, she might need to talk to someone else, so he asked if she would be open to some services that would help her. The station was busy and the officer needed to help others. He gave her a paper to start writing a summary of what happened and then she left the station.

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 engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that she went to a district station to file a police report about a sexual assault. The complainant stated the named officer talked to her about it and acted as though it was not important. The complainant stated that when a Caucasian man walked in to get some help, the officer immediately helped the man and ignored the complainant, who is African American.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied that the complainant's race played a factor in how he handled the situation. The named officer stated he did take the complainant seriously, but she refused to give him her identification.

As he was talking to her, a man came in who also needed help. The officer told her to have a seat and write down what happened. She eventually left. 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: 07/24/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that she went to a district station to file a police report about a sexual assault. The complainant stated the named officer talked to her about it and acted as though it was not important. She believes the officer was trying to prevent her from filing a police report.

The officer stated that he tried to file a police report, but the complainant refused to provide her identification. He suggested that she contact some services in order to assist her with filing the report and coping with the assault, but she refused.

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: 07/29/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 3: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers tried to embarrass and intimidate him by making several inappropriate statements. The statements varied from comments regarding prior contacts with the officers to comments about the complainant's identification, money and accusations of urinating in his pants. The complainant stated the officers intended to ruin his planned birthday celebration by issuing him a stay-away order for the park where he intended to have his party.

The officers denied the allegation. The officers stated they acted professionally and denied trying to embarrass or intimidate the complainant.

A witness to the arrest was unable to hear the conversations between the officers and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #4 & 5: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was arrested without cause while walking around a public park talking to people and exercising. The officers denied the allegation. The officer stated they arrested the complainant for transporting and selling marijuana and for violating a stay-away order. The officers stated they watched the complainant approach and converse with several apparent strangers.

A witness interviewed by the OCC stated he bought a cookie from the complainant and witnessed the complainant's arrest. The incident report shows that the named officers interviewed the same witness who told them that he had purchased a suspected marijuana cookie from the complainant for five dollars.

OCC's investigation shows the officers had probable cause to arrest the complainant for transporting and selling suspected marijuana based on the officer's observations, the complainant's behavior, and a witness statement. Additionally, the officers learned at the police station that a stay-away order barring the complainant from the park was in effect at the time of his arrest. The evidence proved the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6 - 8: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated his property, consisting of cash and some personal items, was not returned upon his release from custody. The officers denied the allegation. The officers stated they either booked or assisted in booking the complainant's various property items. One officer stated he issued the complainant a property receipt for his personal items.

OCC's investigation shows that the complainant's property was properly documented and stored in the Property Control Section of the SFPD. During the course of the investigation, the complainant retrieved his cash from the SFPD Property Control Section and acknowledged that his other property was available for pickup at the Property Control Section.

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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/13 **DATE OF COMPLETION:** 11/20/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers issued a citation without cause.

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

FINDINGS OF FACT: The complainant stated the officers issued him a traffic citation for failure to stop for a stop sign, which he denied.

The officers stated they were parked about one car length from the traffic intersection they were monitoring when they saw the complainant fail to stop for a stop sign. The officers stated the complainant slowed for the stop sign but did not stop. The complainant then made a right turn. The officers indicated that they had a clear view of the intersection and maintained visual contact with the complainant's vehicle until they stopped it. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3 & 4: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant alleged the officers cited him because of racial bias. The complainant stated he felt there was racial bias because police officers had never issued him a traffic citation anywhere else in the city other than the area where he was cited. He identified the area as having a large African-American population. Furthermore, he claimed the type of high-end vehicle he was driving attracted the attention of the officers, whom the complainant believed had their mindset that African-American males are unable to afford this type of high-end vehicle.

The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied citing the complainant because of his race. The officers also denied stopping the complainant's vehicle because it was considered a high-end (expensive) vehicle. The officers stated they stopped the complainant's vehicle on the basis of the violation they saw when it did not stop for a stop sign. The officers stated they did not know the race of the driver until they got out of the patrol car, approached the complainant's vehicle and saw the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/12 **DATE OF COMPLETION:** 11/25/13 **PAGE# 1 of 2**

SUMMARY OF ALLEGATION #1: The officer failed to comply with SFPD General Order 5.20, Language Access Services for Limited English Proficient (LEP) Person.

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

FINDINGS OF FACT: The complainant, a limited English proficient (LEP) person, called 911 to report that her apartment had been burglarized. The complainant spoke in Spanish to 911 and requested a Spanish-speaking officer to take her report. The complainant stated the named officer, who is not a Spanish-speaking officer, responded to her apartment and took the burglary report in English. The complainant stated that the incident report that the named officer wrote was inaccurate. The complainant stated that the burglar entered through the bathroom window, not through the front door as articulated in the incident report. Although the officer was aware that the complainant had requested a Spanish-speaking officer, the officer told the OCC that the complainant communicated with him in English without a problem. The officer stated he did not ask Headquarters for a certified Spanish-speaking officer or identify the complainant as a Spanish-speaker in his report because according to the named officer, she communicated with him in English without any problem. SFPD Department General Order 5.20, Language Access Services for Limited English Proficient (LEP) Persons, requires members to provide free language assistance to LEP individuals whom they encounter or whenever an LEP person requests language assistance services. DGO 5.20 states, "the accuracy of victim and witness statements is a priority in criminal investigations." When qualified interpreters are not available to provide service in person, DGO 5.20 instructs officers to use a telephone interpreter. (See DGO 5.20 (III)(D)(3).) Additionally, DGO 5.20 requires members to identify the primary language spoken by the LEP individual in the incident report. The evidence demonstrated that the complainant was a Limited English Proficient crime victim who requested a Spanish-speaking officer to enable her to provide an accurate and detailed account of the burglary of her home. The named officer violated Department General Order 5.20 when he failed to use a phone interpreter to take the complainant's report. A preponderance of the evidence proves that the act complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/12 **DATE OF COMPLETION:** 11/25/13 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #2: The officer failed to prepare an accurate report.

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

FINDINGS OF FACT: The complainant, a limited English proficient (LEP) person, called 911 to report that her apartment had been burglarized. The complainant spoke in Spanish to 911 and requested a Spanish-speaking officer to take her report. The complainant stated the named officer, who is not a Spanish-speaking officer, responded to her apartment and took the burglary report in English. The complainant stated that the incident report that the named officer wrote was inaccurate. The complainant stated that the burglar entered through the bathroom window, not through the front door as articulated in the incident report. The officer denied the allegation and said that the complainant communicated with him in English without a problem. The officer's failure to provide language assistance impacted the investigation and incident report and is addressed in a separate allegation. Because there were no other witnesses or physical evidence, there was insufficient evidence to either prove or disprove this allegation.

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

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

FINDINGS OF FACT: The complainant, a limited English proficient (LEP) person, called 911 to report that her apartment had been burglarized. The complainant spoke in Spanish to 911 and requested a Spanish-speaking officer to take her report. The named officer is a certified bilingual officer and was the patrol supervisor of the officer who responded to the complainant's apartment. The named officer stated she was not aware that the complainant needed a Spanish-speaker officer and that the responding officer did not notify the named officer that the complainant was an LEP person. 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.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/08/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complaint was mediated and resolved in a non-disciplinary manner on November 26, 2013.

SUMMARY OF ALLEGATION #3: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on November 26, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/13 **DATE OF COMPLETION:** 11/28/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer(s) detained the complainant without justification

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

FINDINGS OF FACT: The complainant stated in a letter that in 2004 she was unjustifiably detained and taken to SFGH/PES by San Francisco Police officers. The OCC attempted to interview the complainant but she refused to provide a telephone interview and failed to appear for an appointment for an in-person interview. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/21/13 **DATE OF COMPLETION:** 11/13/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated a man in a wheelchair deliberately hit her, causing her to fall down. She stated the officer failed to take the names of a witness and the name of the man in the wheelchair.

The man in the wheelchair stated the complainant was walking ahead of him, to his right. He stated the complainant suddenly moved to the left side of the sidewalk and ran into his wheelchair. He stated the officer took statements from him and the complainant and called for an ambulance. He stated a bicyclist arrived at the scene at about the same time as the officer. He stated he didn't think the bicyclist witnessed the incident. He also stated he thought the officer had witnessed the collision.

The officer stated she was driving by and saw the complainant on the ground. A bicyclist was attending to her. The officer stated she asked the bicyclist if he had seen what happened. He said when he arrived, the complainant was already on the ground. The officer stated she called an ambulance and got statements from both parties. She stated she also looked for cameras that might have captured the incident but didn't see anything. She then called her sergeant and he told her to prepare an aided case report.

There is insufficient evidence to prove or disprove whether the contact between the officer and the bicyclist resembled the complainant's version, nor whether the bicyclist did or did not witness the collision.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/22/13 **DATE OF COMPLETION:** 11/25/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer detained him at gunpoint. The complainant stated he was an innocent bystander. The officer stated he responded to a call of a man brandishing a knife. He stated he was one block from the scene and responded within one minute. He stated he did not have a description of the suspect until after he detained the complainant. He stated he was directed by witnesses to an alley where the complainant and two other men were standing. He stated that he drew his firearm due to the dangerous nature of the call. The CAD audio supported the named officer's account of what led to the complainant's detention. Department General Order 5.02 states an officer may draw or exhibit a firearm if he reasonably believes it is necessary for his own safety and the safety of others. If he does draw a weapon, he must be able to articulate the reasons for doing so. The officer articulated his reasons for drawing his weapon. 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 used unnecessary force during the complainant's detention.

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

FINDINGS OF FACT: The complainant stated that when the officer began handcuffing him, he told the officer to be careful with his shoulder as he had reconstructive surgery a year earlier, but the officer told the complainant he didn't care and "wrenched" the complainant's right arm around until the complainant's right hand was touching his left side. The complainant stated he did not require medical attention. The complainant's friend stated he saw an officer force the complainant to his knees by roughly "yanking" the complainant's arm. He could not describe exactly what the officer did with the complainant's arm. He stated the officer had an "aggressive" attitude. He further stated he could not hear anything the officer or the complainant said because of loud traffic. He stated the complainant was cooperating with the officer at all times. Another officer at the scene stated he did not see the complainant being handcuffed. He stated that when he walked to his vehicle to retrieve something, he walked by the complainant. He heard the complainant say something about "something hurt." The officer could not recall what the complainant actually said. A second officer at the scene stated he did not observe the complainant's detention and didn't know who handcuffed the complainant. He stated he didn't hear any complaints of pain from the complainant. A third officer at the scene stated heard a detainee mention that he had some sort of previous injury to his shoulder. The named officer stated he handcuffed the complainant and asked him if he was in any pain and the complainant said he had a bad shoulder and didn't like being in handcuffs. The officer denied wrenching the complainant's left arm. The officer did not recall the complainant say he was in pain. 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: 08/26/13 **DATE OF COMPLETION:** 11/21/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to provide his name and star number when requested.

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide his name and star number when the complainant requested that information. The officer denied the allegation, stating he provided his last name and star number to the complainant. Witness officers on scene stated they did not hear the complainant request this information. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments to him. The officer denied the allegation. Witness officers on scene denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/28/13 **DATE OF COMPLETION:** 11/13/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant requested that the complaint be withdrawn.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used selective enforcement.

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

FINDINGS OF FACT: The complainant stated that she saw a male officer selectively kicking people out of a park. She stated that a well-dressed man, sleeping in the park, was left alone; while homeless people, sleeping in the park, were told to leave. The complainant did not get the officer's name or star number.

The OCC conducted a sector query and was unable to locate any calls related to the incident in question. The OCC also sent an Officer Poll to Northern Station and the commanding officer was unable to identify the alleged officer. No witnesses were provided by the complainant. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officers refused to enter his apartment and fully investigate the white clouds of gas that were in his apartment, being pumped into his apartment by his neighbor.

The officers stated that they were in the doorway and did not see or smell the gas. One of the named officers, who mainly dealt with the complainant, stated that the complainant told him that the white clouds of gas have been an issue for a long period of time. This officer also stated that he determined that the complainant was not in imminent danger from the gas and advised the complainant to contact his building manager.

The other officer stated that he was told by his partner that the complainant did not meet the criteria for a mental health detention.

Department records indicate that the complainant called 911, complaining about his neighbor pumping "gas and bad air" into the complainant's room.

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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/13/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the arresting officers deprived him of access to his legal files, Jewish prayer cap, and a list of medications when he was booked into County Jail. S.F.P.D. and County Jail S.F.S.D. Property inventory reports show the officers complied with their duty to turn over all of the complainant's property to the booking authority, the Sheriff's Department, who determines what property or medication the complainant is allowed to keep or have access to while in custody.

The evidence proved that the act, which provided the basis for the allegation, occurred. However the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 1

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

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

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

Officer In Charge
San Francisco Municipal Transportation Agency (SFMTA)
Department of Parking and Traffic (DPT)
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/08/13 **DATE OF COMPLETION:** 11/ 07/13 **PAGE#** 1 of 1

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 without justification. The officer stated he was instructed by a superior officer that the complainant was to be placed on a 5150 W& I hold. According to the Incident Report, the complainant had sent emails threatening to kill President Obama and also threatened to bomb a building in Florida, prompting a superior officer at the Psych Liaison Unit of the San Francisco Police Department to use an order to place the complainant on a 5150 W&I hold. 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: 10/29/13 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 1

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

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

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

Office of Internal Affairs
Bart Police Department
800 Madison Street
Oakland, CA 94604

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/13 **DATE OF COMPLETION:** 11/22/13 **PAGE#** 1 of 1

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

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

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

Adult Protective Services
Department of Aging & Adult Services
1650 Mission Street, Suite #500
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/13/13 **DATE OF COMPLETION:** 11/15/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The complainant stated that an officer interfered with his rights as an onlooker, and specifically requested mediation. The complainant further requested if the OCC was unable to mediate the case, he wished to withdraw the complaint. The OCC was unable to identify the officer involved to a point sufficient to justify notification for mediation. Any further efforts to identify the officer would require investigation, which the complainant specifically declined. The complainant withdrew the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 11/25/13 **PAGE#** 1 of 1

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

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

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

San Francisco Sheriff's Department
Investigative Services Unit/TLO
25 Van Ness Avenue, Room #350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 11/15/13 **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:** IO2 **DEPT. ACTION:**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/15/13 **DATE OF COMPLETION:** 11/19/13 **PAGE#** 1 of 1

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

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

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

San Francisco Police Department
Internal Affairs
850 Bryant Street 5th Floor, Room 545
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/13 **DATE OF COMPLETION:** 11/19/13 PAGE# 1 of 1

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

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

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

San Francisco Sheriff's Department
Internal Services Unit
25 Van Ness Avenue, Room 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raises matters not rationally with OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/22/13 **DATE OF COMPLETION:** 11/27/13 **PAGE#** 1 of 1

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

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

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

San Francisco Park Rangers
501 Stanyan Street
San Francisco, CA 94118

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/28/12 **DATE OF COMPLETION:** 11/18/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer made contact with a man seated on the sidewalk who was apparently having a mental breakdown. The complainant stated the named officer behaved in an aggressive and unprofessional manner toward the detainee. The complainant said the officer yelled at the man and made advancing and threatening movements toward him in an attempt to “bait” the man into striking the officer. The officer denied the allegation. The officer stated he used verbal commands to tell the detainee to put his clothes back on. The officer said the detainee was a danger to himself and others and the detainee told him he wanted to injure himself. The officer stated he determined the detainee should be transported to San Francisco General Hospital for a psychiatric evaluation and treatment.

A witness, who viewed the incident from his surveillance monitor, said his own security personnel present at the scene told him that the officer was unprofessional, overly forceful, irate, agitated, and yelled at the detainee using profanity. The witness also stated that the detainee appeared intoxicated, aggressive, yelling, and initially non-compliant with the officers. A witness at the scene stated the officer’s behavior was aggressive, agitated and he berated the detainee. Another witness at the scene described the officer as unprofessional, showing no empathy, using berating language, and lashed out in a dismissive manner toward the detainee. The witnesses all corroborated that the officer’s conduct was unprofessional and overly aggressive, without justification. A preponderance of the evidence established that the officer behaved inappropriately. The officer’s treatment of the detainee reflected discredit upon the Department. The officer’s comments and behavior violated Department General Order 2.01, Rule 14’s prohibition against using harsh, profane or uncivil language and Rule 9’s prohibition against engaging in conduct that reflects discredit upon the Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 11/15/13 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant said the officer spoke inappropriately to the complainant during an investigation. The officer has retired from the Department and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant said the officer did not properly investigate a traffic accident, specifically because he did not properly accept the input of a witness. The officer has retired from the Department and is no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 11/15/13 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to write an accurate Incident Report.

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

FINDINGS OF FACT: The complainant said the traffic accident report was inaccurate. The officer has retired from the Department and is no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 11/19/13 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated that the officer yelled at him and said words that the complainant did not know, but seemed offensive. The officer denied the allegation. There were no other witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: Speaking in Spanish to a bilingual investigator, the complainant stated that he is a Spanish speaker who does not speak or understand much English. When the officer approached him, he indicated that he did not understand and needed language assistance. After he provided his identification from Mexico, the officer handed him a citation and told him to go. At his court date, he used an interpreter. The officer stated that he and the complainant were able to communicate without the need for an interpreter. However, the officer's own description of the complainant as speaking "broken English," the complainant's Mexican identification card, and the complainant's request for language assistance gave the officer several signs that the complainant needed language assistance. Department Bulletin 12-132 states that common indicators that language assistance is necessary include when the individual speaks in incomplete or fragmented sentences, uses words that suggest a request for language assistance or switches from English into another language. Court records demonstrate that the complainant needed the assistance of an interpreter when he went to court for the arraignment on the citation the officer issued him. The evidence demonstrates that the officer violated DGO 5.20 and Department Bulletin 12-132 when he failed to provide language assistance to the complainant, who was an LEP individual.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/13 **DATE OF COMPLETION:** 11/15/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer told her tenant that he could kick her door down because the complainant had changed the locks. Furthermore, the officer told the complainant that if she called the police again, no officer would respond. The officer denied making the exact statements reported by the complainant, but said he did advise the complainant of the tenant's rights, including the tenant's right to force entry if the complainant unlawfully locked him out. The officer said he also advised the complainant that if she continued to call the police, a "Do not Respond" could be placed on her address resulting in no police response. Numerous event history details documented the repeated police responses to the complainant's residence related to landlord/tenant dispute. One of the event details described the complainant's fear of the tenant and another event detail described the complainant as, "completely unreasonable and uncooperative. Refused to provide tenant with a key and stated that she would not let him in premise." The officer was not outside Department policy to advise the complainant of the rights of her tenant. Under certain circumstances, SFPD has the option to place "Do Not Respond" orders out to officers if there are frequent non-meritorious calls made by a location to the station. However, in all other cases officers are required to respond. There were no other witnesses to the comments. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2 -4: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said she told the officers that her tenant had broken several of her dishes earlier in the day and had assaulted her while officers were at the house. The complainant said the officers ignored her. The complainant believed the officers should have arrested the tenant. The complainant admitted that she was unable to prove the tenant had broken her dishes because he disposed of the broken dishes prior to the police arriving. The officers denied the allegations stating they did not observe or hear of the assault. The officers denied any report or knowledge of damaged property. The officers did not make an arrest of the tenant due to a lack of probable cause. A witness stated while on the telephone with the complainant, he overheard the complainant tell officers that the tenant had struck her. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/13 **DATE OF COMPLETION:** 11/15/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant admitted to changing the locks on her doors with the intention of locking her tenant out of the residence. The complainant said she took this action after an officer told her she was within her rights to do so. The complainant did not believe she should have been cited under these circumstances. The named officer told the complainant it was unlawful for her to lockout her tenant. The officer said he gave the complainant an opportunity to provide the tenant with a key and when she refused to do so, he cited her. The witness officer said he did not hear the conversation between the complainant and the named member but was aware that the complainant had locked the tenant out of his room. The Incident Report documents that the complainant changed the lock on the tenant's door and refused to provide the tenant with a key after being warned that she could be arrested/cited. The tenant signed a Citizen's Arrest form and the complainant was cited. 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 #6: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant said she and her tenant got into a dispute about him vacating the residence, prompting her to call the police. The complainant stated the responding officer told her that because the tenant had lived there for less than one month, she could change the locks so that the tenant could not gain entry. Relying on the advice of the officer, the complainant called a locksmith who changed the locks. The complainant said that when the tenant returned and found himself locked out, he called the police. The complainant said the responding officers cited her for having changed the locks. The complainant did not believe she should have been cited for changing the locks when a police officer had instructed her she could legally do so. The officer confirmed that he responded to the location based on a landlord/tenant dispute and upon his arrival, he met with the complainant. The officer said the complainant told him that her roommate had not made good on his rental agreement and had not paid in full on the security deposit. The officer said the complainant was searching for help and advice on how she could protect herself from the tenant. The officer said he told the complainant, "If it were me I'd change the locks." The officer said he advised the complainant that she could change the locks because the tenant had lived there for less than 30 days. The officer said that after receiving the OCC complaint, he researched landlord/tenant laws and learned that a landlord has to follow eviction procedures and cannot change the locks to lockout a tenant. The officer admitted to giving the complainant erroneous advice and stated in the future, he would not advise landlords to change the locks to lockout a tenant. 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.