

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/21/13 **DATE OF COMPLETION:** 10/23/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer wrongfully ordered him to produce his identification to a Municipal Railways civilian inspector for transit fare evasion. The officer denied the allegation. The officer stated that she strongly suggested that the complainant produce his identification to the inspector in order to keep the matter within the inspector's civil jurisdiction. The officer stated she told the complainant that if he did not provide his identification to the civilian inspector, the officer would have to order the complainant to provide the officer with his identification and then cite the complainant with an infraction. The civilian inspector stated the officer asked the complainant to provide the inspector with identification and the complainant complied. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he requested the officer to identify herself; however, the officer covered her star and failed to properly identify herself to the complainant. The officer denied the allegation. The officer stated she provided her identifying information verbally and in writing to the complainant. A witness stated that he was working in the vicinity of the contact between the complainant and officer, but he did not see or hear the entire contact between the officer and the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer rudely hung up on him at the station's public contact window. The investigation found that the complainant first contacted the officer at a location restricted to officers and prisoners. The named officer directed the complainant to a window where the public interacts with officers utilizing a telephone system. The officer spoke to the complainant regarding the incident. The officer stated that after discussing the matter once with the complainant, the complainant's repeated review of the matter was unproductive. The officer stated she told the complainant there was nothing more she could do for him. The officer admitted hanging up the phone, but denied doing so in a rude or inappropriate manner. The witness did not see the interaction. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was detained at gunpoint while officers told him to get on the ground and as a result he hurt his knee. The officers stated that the call was for shots fired and stated that the complainant closely matched the description given. The CAD documents that the complainant matched the suspect's description provided by the reportee. The complainant acknowledged that he was wearing clothing that matched the description of the suspect, as did his age, size and race. The officers prepared an Investigative Detention Report and gave the complainant a certificate of release. The officers had the authority to detain the complainant to investigate per DGO 5.03 and release him immediately after determining that he was not the suspect. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant said he felt discriminated against because the officers assumed he fit the suspect description. He felt the detention was racially motivated and would have been treated differently if he were white.

The named officers and numerous other officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officers denied the allegation. The CAD documents that the suspect description closely matched the complainant's description. The complainant acknowledged that he was wearing clothing that matched the description of the suspect, as did his age, size and race, which matched the CAD's suspect description. The investigation demonstrated that the officers' actions were not racially motivated and that biased policing did not occur.

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that he was being harassed by the named officer. The complainant has not responded to OCC's request for an interview. The officer denied the allegation and stated that he made contact with the complainant for drinking in public. The officer then cited the complainant for the violation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officers who took him into custody used unnecessary force by twisting his wrists and bending his hands behind his back, causing him pain. While the named officers denied using unnecessary force, they could not recall what type of force, if any, was used during the complainant's detention. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that he went to court and the judge rescinded his outstanding warrant. The officer stated that the complainant came to the police station to check the status of his warrant. The officer stated that a records check showed that the complainant had an outstanding warrant. The warrant was also confirmed by the Sheriff's Department's Central Warrants Bureau. The complainant was arrested pursuant to the warrant.

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

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

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

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

SUMMARY OF ALLEGATION #2: The officer performed a pat-search of the complainant without cause.

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

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

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SUMMARY OF ALLEGATION #3: The officer authorized a strip search of the complainant.

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

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

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

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

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

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SUMMARY OF ALLEGATION #5: The officer applied the handcuffs on the complainant too tightly.

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

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

SUMMARY OF ALLEGATION #6: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated he was not doing anything illegal when an officer stopped and arrested him for a drug distribution violation. The complainant stated officers searched him and took the money he had in his possession. The complainant stated the officer never returned his money when the complainant was released from jail. The officer acknowledged the complainant was arrested for a drug distribution violation, and the officer seized the money the complainant had in his possession as suspected proceeds of illegal drug sales. Department records indicate the money was properly counted, recorded and stored as evidence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #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 while being detained for a traffic stop, two officers searched his vehicle. One officer told the complainant he smelled marijuana. The complainant stated his female passenger had marijuana in her purse and gave it to the officers. The named officers and a witness officer each stated they smelled fresh marijuana emanating from the complainant's vehicle. The named officers stated they searched the complainant's vehicle for additional marijuana. Under the circumstances, the officers' search was justified, legal and proper. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-4: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant stated that the officers seized marijuana from a female passenger in his vehicle. The female passenger was not arrested or cited. Each officer stated they smelled fresh marijuana when they detained the complainant and two female passengers in his vehicle. They stated the vehicle search yielded a very small amount of marijuana, and it was left on the dashboard. They further stated that the complainant's passenger surrendered a second baggie, also containing a small amount of marijuana. The officers stated that baggie was also left on the dashboard. The officers stated they had the discretion to cite the passenger for an infraction but they chose not to do so. The complainant's two passengers did not come forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that, following a search of his vehicle, he noticed that cameras and a computer stored in the rear of his vehicle had been tampered with. The complainant's two passengers did not come forward. A witness officer stated he searched under the front passenger seat. He did not know if the named officer searched the rear of the vehicle. The named officer stated he did a quick, one-minute search for additional marijuana in the covered rear of the truck. He stated he did not recall seeing any cameras or a computer. He recalled seeing fishing equipment and boxes containing wires. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officers seized marijuana from his female passenger. She was not provided a property receipt. The named officers stated marijuana was found under the passenger seat. The complainant's passenger also provided a baggie of marijuana she had in her purse. Both officers stated the marijuana amounted to an infraction and they declined to seize it. They both stated the marijuana was left on the dashboard of the vehicle. A witness officer stated the marijuana was returned to the complainant and his passengers, but he did not how it was returned to them. The complainant's two passengers did not come forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated a storekeeper disrespected him with racial epithet, then falsely reported to the police that he had made terrorist threats. The officer stated the storekeeper told them the complainant had threatened to shoot him. The officer observed a video showing the complainant making a gesture consistent with the threat of a gun. The officer stated that, once detained, the complainant physically resisted arrest, injuring an officer. By a preponderance of the evidence, the officer's actions were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-4: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated the arresting officers assaulted him before and after he was in handcuffs, despite the fact he surrendered without resistance. The complainant failed to sign a medical release that would have allowed the OCC to obtain his medical records. The complainant also failed to identify an alleged witness. The whereabouts of another witness are unknown. The officers denied the allegation and stated the complainant violently resisted his arrest, causing injury to an officer. The officers also stated the complainant was neither injured nor complained of pain. There was insufficient evidence to establish the level of force necessary to subdue the complainant.

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SUMMARY OF ALLEGATION #5: The officer used excessive force during the arrest.

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

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

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

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

FINDINGS OF FACT: The complainant stated that an officer at the airport yelled at her to move her vehicle, despite knowing that her passengers were still buckling their seatbelts. The complainant described the officer as irate, angry and aggressive. The named officer has retired and is no longer available and subject to Department discipline.

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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 the officers initially detained him for having expired license plate tags on his vehicle. The complainant explained to the officers he had a six-month grace period in which to renew them. After the officers searched him, they found some methadone pills on him and arrested him. The complainant admitted to being a former methadone addict and told the officers that someone gave him the pills. The officers stated they were conducting a vehicle enforcement operation and saw the complainant's vehicle parked in a handicapped spot. The officers queried the license plate in the computer database and discovered the vehicle had expired license plate tags. The actual tag appeared to be altered to show it was current. Believing the vehicle was unoccupied because of the dark tinted windows, the officers were just going to write a parking citation, leave it on the vehicle's front windshield and move on to their other duties. They saw the complainant suddenly exit the car and begin to walk away. The officers ordered the complainant to stop but the complainant continued walking. The complainant refused multiple demands to stop. The officers grabbed the complainant by the arms and a struggle ensued. The complainant continued to resist and the officers called for back up. The complainant was finally handcuffed, arrested and searched. The officers found suspected methadone incident to their search of the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers detained and questioned him about having expired license plates on his vehicle. The complainant stated the officers grabbed him by the arms, pulled him by the hair, choked him and forced him to the ground for no reason. The officers denied pulling the complainant by the hair or choking him. The officers stated they grabbed the complainant by the arms when the complainant refused to stop. The officers stated the complainant resisted, prompting the officers to call for back up units. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer behaved inappropriately and/or made inappropriate comment(s).

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

FINDINGS OF FACT: The complainant stated he double-parked behind a police car. When the named officer told him he couldn't double park, the complainant told the named officer, "Why don't you find something real to do." At that point, the complainant said the officer told him that he was going to be cited. The complainant drove off but later received a delinquency notice for double parking. Department General Order 9.01, TRAFFIC ENFORCEMENT, states in part, "Members enforcing traffic and parking laws must also use discretion; however, members shall not let the attitude of a violator influence their enforcement action." The officer admitted issuing the citation but denied that the complainant's attitude influenced her enforcement action. The complainant's wife witnessed the incident and corroborated her husband's statement. Another witness stated that she did not witness the incident. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that he was walking through a downtown area where something was going on. The complainant stated that two officers stopped and arrested him for no reason.

An independent witness and both officers stated that there was a video commercial being filmed in this downtown area. The officers stated that they were required to stop pedestrians for safety reasons at specific times, because the filming included vehicles traveling at a high rate of speed in the area which could cause safety issues. The officers stated that the complainant was verbally advised several times that he could not enter the area. The officers stated that the complainant refused to comply with the advisements that he could not enter the area and tried to physically pass the officers and enter the restricted area. The officers stated that they became involved in a physical altercation with the complainant and the complainant was then taken into custody and placed under arrest for resisting arrest, a traffic violation and for assaulting an officer.

An independent witness stated that the complainant refused to listen to the officer. The witness stated that he observed the complainant slap away the officer's outstretched hands and that the complainant then got physical with the officers.

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

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

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

FINDINGS OF FACT: The complainant stated that one officer hit and pushed him in the chest area and then grabbed his left arm very hard from behind him and injured the complainant's elbow. The complainant stated that another officer came up to them and helped push the complainant to the ground. The complainant stated the officers then handcuffed and arrested him.

The first officer stated that he advised the complainant that the complainant could not enter an area that was restricted. The officer stated that the complainant did not follow his advisements and kept moving forward towards the restricted area. The officer stated that he then placed his hands out in front of him in order to prevent the complainant from walking into the restricted area. The complainant continued moving forward and pushed his chest into the officer's arms twice; and then tried to move around the officer into the restricted area. To prevent the complainant from moving past him, the officer attempted a wristlock on the complainant's left wrist, but the complainant pulled free and hit the officer in the forehead.

A second officer came to assist and the two officers pushed the complainant to the ground. The first officer stated that the complainant was bobbing his head in such a way that he almost hit the other officer's head. The first officer stated that he used his open palm to strike the complainant twice in the chin to prevent him from injuring the second officer. The second officer stated that he assisted the first officer in getting the complainant into handcuffs and did not see any strikes or pulling of the complainant's arm.

Two independent witnesses stated that they saw the complainant resisting the officers' efforts to get him into handcuffs the entire time. One of the witnesses stated that the complainant started the struggle by slapping the officer's hands away and "getting physical." The witness stated that he did not see the officers strike the complainant or do anything excessive or inappropriate.

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

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

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

FINDINGS OF FACT: The complainant stated that an officer told him that he could not enter a specific area. When the complainant asked the officer if it was illegal for him to go into the area, the officer said no. The complainant said that the officer then became combative towards the complainant.

The officer denied that the complainant ever asked him if it was illegal to go into the area. The officer stated that he told the complainant that the complainant could not pass into the area because of a movie shoot. The officer stated that the complainant refused to comply with the advisements and tried to enter the area, resulting in a physical confrontation and the complainant's arrest.

An independent witness stated that the officer was polite with the complainant and asked him to please not go past him. The witness stated that the complainant did not listen to the officer, tried to walk past the officer and this resulted in a physical altercation. The witness said that the officers did not do anything inappropriate.

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

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SUMMARY OF ALLEGATIONS #1 & 2: The officers failed to provide their identification.

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

FINDINGS OF FACT: The complainant stated she asked each officer for “their information.” The officers denied the allegation. One officer stated the complainant did not ask him for his name and star number. The second officer also denied the allegation, stating the complainant did not ask him for that information. He stated he provided the complainant with a follow-up form containing his identifying information. The available witness did not overhear the complainant’s conversation with the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated officers called her “crazy” and minimized her concerns regarding a Health Code violation of dogs in a vehicle. The officers denied the allegation. The available witness did not overhear the complainant’s conversation with the officers. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officers failed to accept her citizen's arrest of a dog owner who had allegedly left several dogs in his vehicle without adequate ventilation and water. The officers denied the allegation. The available witness did not overhear the entire contact between the complainant and the officers. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he received a threatening letter from his co-worker. When the complainant attempted to report the threat, the officer at the station refused to write a police report. The named officer could not recall his alleged contact with the complainant at the station. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation

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

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

FINDINGS OF FACT: The complainant stated he was arrested for making criminal threats. Department records show that the Department of Emergency Management received a 911 call regarding a threat. The victim identified the complainant as the suspect during a Cold Show, prompting the named officer to make the arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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SUMMARY OF ALLEGATION #3: 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 provide him with the Miranda Warning following his arrest. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments and acted in an inappropriate manner. The officer denied making any inappropriate statements, or acting in an inappropriate manner. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #5: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated the officer's arrest was racially motivated. Department records show that the Department of Emergency Management received a 911 call regarding a threat. The victim identified the complainant as the suspect during a Cold Show, prompting the named officer to make the arrest.

The named officer was interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officer denied that the complainant's arrest was racially motivated. As stated above, the arrest was made after the complainant was positively identified by the victim during a Cold Show. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer failed to comply with Department General Order 2.02, ALCOHOL USE BY MEMBERS.

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

FINDINGS OF FACT: The complainant was stopped and cited by the officer. The complainant alleged that the officer was under the influence of alcohol. The complainant's wife stated she did not smell alcohol or otherwise experience any indication that the officer had been drinking. The officer denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer cited him for running a stop sign without cause. The officer stated that she had a clear and unobstructed view of the complainant running a stop sign. The officer's partner stated that he observed the complainant unsafely pass on the left of a stopped vehicle that was making a right and failed to yield at the stop sign. 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 made inappropriate comments and acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer was immediately upset and confrontational toward him. The officer and the officer's partner denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he and his girlfriend were awakened by loud noises coming from the hallway of their apartment building. The noises sounded like a person walking around and banging on each and every door. When the person started banging on their door, the complainant called the police and reported the incident. The complainant stated the responding officers failed to properly investigate the incident. The complainant stated the officers did not bother to come to his unit and talk to him. The complainant further stated the officers treated the incident without merit and failed to write an incident report.

The officers stated they conducted an investigation and determined that the suspect was a visitor of one of the tenants in the building. They also looked for signs of forced entry on other doors and the result was negative. The officers stated they did not talk to the complainant because the complainant made no request to meet with officers. They also did not write a report because they determined after the investigation that the incident was not criminal in nature and that there were no signs of forced entry on other apartment units. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he and his fiancé were walking around when two officers stopped them for looking suspicious. The complainant denied resisting, but stated that he was arrested for resisting, obstruction and delaying an investigation by a peace officer. The named officer denied the allegation, stating that he and his partner observed the complainant and his female companion loitering for 15-20 minutes in a high prostitution area before detaining them for questioning. He stated that the complainant was immediately agitated and aggressive, refusing to follow the officer's commands. The officer stated that after refusing to sit down multiple times, the complainant was arrested for resisting and delaying a peace officer. The officer further stated that the complainant's female companion eventually admitted to working as a prostitute. The named officer's partner also denied the allegation, describing the complainant as agitated and aggressive. He stated that after refusing to comply with the named officer's orders, the complainant was arrested for resisting and delaying a peace officer's duties. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the arresting officer used profanity several times during their interaction. The named officer denied the allegation. The named officer's partner and 2 other witness officers denied hearing any profanity while on the scene of the incident. 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: 05/17/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to provide his name and/or star number upon request.

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

FINDINGS OF FACT: The complainant stated that he asked the arresting officer for his name but the officer refused to provide it. The named officer denied the allegation, stating that he provided his name upon request. The named officer's partner and another witness officer both denied hearing the complainant request the named officer's name and/or star number. Further, they also denied hearing the named officer refuse to provide the information requested. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4-5: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was becoming scared of the arresting officer so he took a step backward, at which time the other officer grabbed his arm and tripped him onto the pavement. The complainant denied resisting but stated that the second officer then jumped onto his back and held a knee against the complainant's neck. The complainant stated that at sometime during the arrest, he sustained a sprained knee ligament, although he confirmed that he did not feel or complain of any pain at the time.

Both named officers denied the allegation and stated that due to the complainant's size, they both participated in affecting the arrest. Both officers stated that after the complainant repeatedly refused to comply with their orders, they each grabbed one of the complainant's arms and then used a bar arm technique to take the complainant to the ground. They stated that once the complainant was on the ground, he was placed in handcuffs and then sat upright on the sidewalk. They denied using unnecessary force and denied that the complainant ever complained of pain. A copy of the SFPD Medical Screening document, which is completed upon entering a police station, was signed by the complainant within 25 minutes of his arrest, and indicates that he was not injured and was not in need of immediate medical attention. 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: 05/20/13 **DATE OF COMPLETION:** 10/01/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he parked his girlfriend's vehicle in front of his driveway. The named officer cited the vehicle for violation of California Vehicle Code section 22500(e) which, states, in part:

No person shall stop, park, or leave standing any vehicle whether attended or unattended...in front of a public driveway or private driveway....

The complainant questioned the issuance of the citation, claiming that no tenant complained about the vehicle blocking the driveway.

The officer stated he was flagged down by a woman who could not exit her garage because the complainant's girlfriend's vehicle was parked perpendicular on the street in front of the driveway, blocking the driveway. The officer submitted a short video footage of a vehicle attempting to exit a garage and was unable to do so because a vehicle appears to be blocking the driveway.

In his interview, the complainant admitted being parked in front of the driveway. Based on the complainant's own testimony, 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: 05/28/13 **DATE OF COMPLETION:** 10/10/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated she was standing by during the traffic stop of some friends when an unmarked police car veered towards her in a threatening manner. The complainant could not provide the specific date of the incident during her initial interview. However, the complainant promised to call OCC back to provide a specific date, but she failed to do so. The complainant has not responded to OCC's request for additional information. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 10/25/13 **PAGE** #1 of 2

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 10/25/13 **PAGE** #2 of 2

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 October 16, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/03/13 **DATE OF COMPLETION:** 10/11/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that while she was being briefly detained, the officer asked for her address and then accused her of lying when she provided it to him. She further stated that he instructed her to register as a narcotics offender at the Hall of Justice, stating that she could be arrested if she failed to register. The named officer denied that the complainant ever provided him with an address and denied making any statements regarding registering as a narcotics offender. A witness officer denied hearing the named officer make any of the statements alleged by the complainant. No other witnesses were located. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity. The named officer denied using profanity during the incident. A witness officer denied hearing the named officer use profanity or make the statement alleged by the complainant. 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: 06/07/13 **DATE OF COMPLETION:** 10/30/13 **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 had been sitting in his vehicle for about thirty minutes, eating his breakfast when an officer approached and asked him what he was doing. The officer ran the complainant's driver's license and then left. The named officer stated he was on foot patrol and saw the complainant sitting in a vehicle. The vehicle was parked in an alley in an area known for stolen property and auto burglaries. The officer stated the complainant was not moving and had been there for some time. The officer stated he suspected the complainant might be involved in criminal activity as a get-away driver. He decided to make consensual contact. He stated he ran the complainant for wants and warrants. He stated the entire contact was less than three minutes. The officer articulated reasonable suspicion for conducting a consensual encounter, which under the circumstances was justified, lawful and proper.

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 believed that his detention was due to racial profiling.

The officer and his partner were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The named officer denied the allegation. He stated that as he approached the complainant, he could not determine the complainant's race. The named officer's partner verified this statement. The named officer stated he initiated a consensual encounter because the complainant was in a high crime area, sitting in his vehicle without moving, and the complainant might be a lookout or waiting in a get-away car. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/13 **DATE OF COMPLETION:** 10/22/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer engaged in biased policing, due to race.

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

FINDINGS OF FACT: In his written complaint, the complainant stated, in part, that he observed an incident of biased policing involving an officer who questioned an African American man without justification. The complainant failed to come forward and provide a statement to the OCC. An officer identification poll did not reveal the identity of any involved officer. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/13 **DATE OF COMPLETION:** 10/22/13 **PAGE#** 1 **of** 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/08/13 **DATE OF COMPLETION:** 10/28/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers made inappropriate comments and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that officers detained him for a psychiatric hold and placed him in a police car. He stated the officers told him to shut up and one officer hit his leg with a car door, causing him injury. In the car, the complainant stated he had trouble breathing, demanded to be removed from the car and then kicked the door and window of the patrol car. An officer opened the door to bring the complainant out of the car and the complainant kicked the door again. The officer closed the door in order to secure the complainant. The officer who contacted the complainant at the patrol car stated the inside of the door may have contacted the complainant while he kicked. However, the officer denied catching any of the complainant's limbs between the door and the car frame. A witness stated the complainant was uncooperative and the officers had difficulty getting the complainant into the patrol car and had to push the complainant into the car. The witness stated the complainant kicked the inside of the patrol car door. The witness stated the complainant's left leg may have remained outside the patrol car door while the officers were loading him into the car, but he did not hear any complaint of pain or injury. The officers denied making any inappropriate comments. Witnesses were interviewed, but their accounts were inconsistent. The complainant's medical records were inconclusive. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer misplaced his identification and failed to return it. The complainant later admitted in a second interview that an officer handed over his property, including his identification to paramedics prior to his transfer to a local hospital. The officer denied the allegation. The officer stated that for investigative purposes he briefly had possession of the complainant's driver's license but returned it to the complainant prior to the complainant being placed in the ambulance and transported to the hospital. The evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/03/13 **DATE OF COMPLETION:** 10/22/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he was wrongfully cited for making an unsafe turn.

The citing officer and his partner both stated the complainant suddenly crossed into their lane of traffic, ahead of them, and made an abrupt left turn without signaling. The officer provided a tape recording of the traffic stop. In that recording, the complainant initially denied making a turn but eventually acknowledged he made the unsafe turn.

The officers also documented the behavior of the complainant in the Computer Aided Dispatch record immediately following the incident.

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: 05/29/13 **DATE OF COMPLETION:** 10/25/13 **PAGE#** 1 of 2

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

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

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

SUMMARY OF ALLEGATION #2: The officers prepared an inaccurate report.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/29/13 **DATE OF COMPLETION:** 10/25/13 **PAGE #2** of 2

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/13 **DATE OF COMPLETION:** 10/23/13 **PAGE** #1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/13 **DATE OF COMPLETION:** 10/10/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he had just exited a store and was getting into his car when two plain-clothes officers approached him. They saw his tattoos and asked him whether he was on probation and parole. He stated the officers ran his name then told the complainant had an outstanding warrant for his arrest.

The named officers stated they were conducting surveillance of a suspected prostitute and saw her get into the complainant's vehicle. They followed the vehicle and later observed the complainant having sex with the suspected prostitute in his vehicle. They detained the complainant for lewd conduct.

Computer-Aided Dispatch records provided the location of the arrest, which differed significantly from the location provided by complainant. In addition, the complainant denied prior charges of pimping and lewd conduct, which was not supported by the complainant's criminal history.

Based on a preponderance of evidence, the officers had reasonable suspicion to detain the complainant. 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: 07/15/13 **DATE OF COMPLETION:** 10/10/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated he was arrested for several charges as well as an outstanding warrant.

The officers stated they detained the complainant after observing him engage in illegal activity. During their contact with the complainant they also learned he had a no-bail warrant, which they confirmed with the Central Warrants Bureau.

The evidence showed that the complainant had an outstanding no-bail warrant in another jurisdiction.

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: 07/16/13 **DATE OF COMPLETION:** 10/02/13 **PAGE** #1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 30, 2013.

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

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 September 30, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/17/13 **DATE OF COMPLETION:** 10/28/13 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer searched the complainant's purse without cause.

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

FINDINGS OF FACT: The complainant stated she was detained outside an MTA coach for fare evasion violation, which she did not contest. During the citation process, the complainant admittedly would not produce identification and would not allow officers to search her purse in order to positively identify, cite, and release her. The officer searched the complainant's purse incident to her arrest, located her California photo identification, and completed the citation and release. The evidence proves that the acts, which provided the basis for this allegation, occurred; however, the officer's actions were lawful, justified, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/15/13 **DATE OF COMPLETION:** 10/21/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: In her written complaint, the complainant stated she was at SFO when she was cited by the named officer. The complainant stated that the officer behaved inappropriately towards her. The complainant did not respond to OCC's request for an interview. The named officer and a witness Police Service Aide denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: This complaint raises matters outside OCC's jurisdiction.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officers arrested 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 October 15, 2013.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 2 of 2

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 10, 2013

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 10, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/13 **DATE OF COMPLETION:** 10/04/13 **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 a middle-aged, ruddy complexion white male officer driving a specific vehicle failed to yield to her right of way in a crosswalk. The officers who were patrolling in the vehicle identified did not recall who was driving the vehicle at the time provided by the complainant, and did not recall any incident as described by the complainant. Neither officer recalled his partner engaged in the actions alleged by the complainant. Department records indicated that the named officer matched the description given by the complainant. No other witness came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/24/13 **DATE OF COMPLETION:** 10/04/13 **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 stated that he did not run a red light and it was absurd that the officer gave him a ticket. The named officer and his partner stated that the complainant was directly in front of them and they observed the complainant run the red light. In addition, the named officer stated that the complainant spontaneously admitted to the violation during the traffic stop. No other 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: 07/22/13 **DATE OF COMPLETION:** 10/11/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was falsely accused of a crime and she wanted the accusers arrested. The complainant has not responded to OCC's numerous requests for an interview. The complainant has failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/22/13 **DATE OF COMPLETION:** 10/02/13 **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:

University of California
San Francisco Police Department
654 Minnesota Street, Suite #180
San Francisco, CA 94143-0238

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 1 of 1

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 that he had just returned from the grocery store when the named officers responded to his residence, questioning him about a verbal argument he allegedly had with an unknown African American male. The complainant stated that the officers threatened and intimidated him. In addition the complainant alleged that the officers were trying to provoke him.

The officers denied the complainant's allegations and said that they responded to the complainant's residence to investigate a road rage incident. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that he had just returned from the grocery store when the named officers responded to his residence, questioning him about a verbal argument he allegedly had with an unknown African American male. The complainant stated that the officers threatened and intimidated him. In addition the complainant alleged that the officers were trying to provoke him. The officers denied detaining the complainant. They stated they responded to the complainant's residence to investigate a road rage incident involving the complainant. One of the named officers prepared an incident report, documenting the road rage incident and actions taken to investigate the crime brought to their attention.

SFPD Department General Order 5.03 states, in part:

A police 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.

OCC's investigation established that the officers had specific and articulable facts supporting their actions. As such, 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: 07/30/13 **DATE OF COMPLETION:** 10/01/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint. The complainant stated her request to withdraw the complaint was voluntary and without the influence of duress or coercion.

SUMMARY OF ALLEGATIONS #3-4: The officers detained the complainant's son at gunpoint without justification.

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint. The complainant stated her request to withdraw the complaint was voluntary and without the influence of duress or coercion.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/13 **DATE OF COMPLETION:** 10/01/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #5-6: The officers used handcuffs without justification.

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint. The complainant stated her request to withdraw the complaint was voluntary and without the influence of duress or coercion.

SUMMARY OF ALLEGATIONS #7-8: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint. The complainant stated her request to withdraw the complaint was voluntary and without the influence of duress or coercion.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/30/13 **DATE OF COMPLETION:** 10/01/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #9-10: The officers used profanity.

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

FINDINGS OF FACT: The complainant requested to withdraw the complaint. The complainant stated her request to withdraw the complaint was voluntary and without the influence of duress or coercion.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/01/13 **DATE OF COMPLETION:** 10/21/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer detained 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 October 11, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/13 **DATE OF COMPLETION:** 10/23/13 **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 officer stated he detained the complainant because he was not wearing a seatbelt while driving. The complainant acknowledged he was not wearing his seatbelt. 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 cited the complainant without cause.

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

FINDINGS OF FACT: The officer stated he cited the complainant because he was not wearing a seatbelt and being in possession of marijuana while driving. The complainant acknowledged he was not wearing his seatbelt. He stated there were only “crumbs” of marijuana in his car.

Both offenses are violations of the California Vehicle Code. 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: 08/04/13 **DATE OF COMPLETION:** 10/23/13 **PAGE** #2 of 3

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 an officer told his girlfriend, “We didn’t pull him over because he’s Chinese.” In a letter, the complainant’s girlfriend stated that when she asked an officer the reason for their detention, the officer said the complainant was stopped for not wearing a seatbelt, “not because he’s Asian.”

The three officers who detained the complainant denied making this comment. One officer stated the complainant’s girlfriend accused the officers of stopping the complainant because he was Asian. The officer told her that the complainant was stopped for not wearing a seatbelt.

The complainant’s girlfriend failed to respond to repeated contact attempts. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was on probation and told the officer, “Go ahead and search my car.”

The officer stated he conducted a probation search of the complainant’s vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/04/13 **DATE OF COMPLETION:** 10/23/13 **PAGE** #3 of 3

SUMMARY OF ALLEGATIONS #5-7: The officers failed to provide identification upon request.

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

FINDINGS OF FACT: The complainant stated his girlfriend asked the officers for a pen to write down their names and was told to get her own pen. The complainant could not identify the officer who made this statement. The complainant provided a written statement prepared by his girlfriend. In that letter, she stated an officer told her she had to use her own pen. She failed to respond to contact attempts.

The citing officer stated the complainant's girlfriend asked him for a pen and he told her he did not have an extra pen to give away.

A second officer stated the complainant's girlfriend asked all three officers for identification. He stated he told her that the information was on the citation. He further told her that their names and star numbers were pinned to their uniforms and advised her to write them down. He stated the complainant's girlfriend asked a third officer for a pen but that officer declined because of the girlfriend's angry demeanor and because a pen is a potential weapon.

A third officer stated the complainant's girlfriend wanted to know the name of the citing officer. The third officer told her the citing officer's name and star number was on the citation. He stated he was not asked for a pen.

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: 08/06/13 **DATE OF COMPLETION:** 10/03/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant said two officers who arrested a man possessing a pet the complainant had reported stolen should not have released the pet to a family member of the arrestee. The named officers denied the allegations, stating that they knew nothing about the theft of the pet. The complainant provided no information that indicated the officers knew or should have known about the previous theft of the pet. Department records indicated that the report of the theft of the pet did not include the name of the man arrested with the pet, and that the pet's theft was reported in a different district than the arrest of the man who possessed the pet. The complainant did not respond to messages sent to his contact address requesting further evidence. Department regulations regarding the processing of property are silent on the release of pets to family members. The evidence proved the acts that formed the basis of the allegations occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/13 **DATE OF COMPLETION:** 10/25/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/15/13 **DATE OF COMPLETION:** 10/02/13 **PAGE#** 1 of 1

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 10/23/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officers stopped and detained him while he was driving because they claimed his license plate light was inoperable. The complainant denied that his license plate light was inoperable. The named officers stated that they stopped and detained the complainant because his rear license plate light was inoperable, which was a Vehicle Code violation. The officers stated that the complainant did not have his driver's license in his possession and could not provide a current registration or proof of insurance for his vehicle. The complainant admitted that he had recently purchased the vehicle but had not yet sent the transfer documents to Department Motor Vehicle and that he did not have his driver's license with him or proof of insurance. There was insufficient evidence to prove or disprove whether the traffic stop detention was justified, and therefore, there was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 3-4: The officers conducted a search without cause.

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

FINDINGS OF FACT: The complainant stated that the officers searched his vehicle, including the trunk, without cause. The named officers stated that they searched the complainant's vehicle because they smelled the odor of marijuana coming from the vehicle. The complainant denied having any marijuana in his car but admitted that someone had smoked marijuana inside his car two or three days before this incident. There was insufficient evidence to either prove or disprove whether the initial traffic stop and the subsequent search were justified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 10/23/13 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated that the officer damaged his property while searching the complainant's vehicle. The named officer and his partner denied that any property was damaged. There were no known witnesses to the incident. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officer engaged in inappropriate behavior and made inappropriate comments, including a comment made when the complainant asked for his star number. The named officer denied the allegation and stated that he did not recall whether the complainant asked for his star number. The named officer's partner stated that he did not recall the named officer making the inappropriate comments or engaging in inappropriate behavior and did not recall whether the complainant asked the named officer for his star number. There were no known witnesses to the incident. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 10/23/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #7: The officer failed to provide his star number when requested.

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

FINDINGS OF FACT: The complainant stated that the officer failed to provide his star number when requested. The named officer stated that he did not recall whether the complainant asked for his star number, but stated that he would have provided his star number if requested. The named officer's partner stated that he did not recall whether the complainant asked the named officer for his star number and did not recall any interchange regarding this. There were no known witnesses to the incident. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/23/13 **DATE OF COMPLETION:** 10/22/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification after he called police to report that a hotel desk clerk refused to return the complainant's identification.

According to Computer-Aided Dispatch records, a hotel clerk – not the complainant – called police to report that the complainant was refusing to leave. The hotel clerk had the complainant's identification card.

When the complainant was detained for investigation, the named officer learned the complainant had an outstanding warrant. According to court records, the complainant had a no-bail warrant for being a parolee-at-large.

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 complainant was arrested without cause.

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

FINDINGS OF FACT: The officer stated the complainant was arrested pursuant to an outstanding warrant.

According to court records, the complainant had a no-bail warrant for being a parolee-at-large.

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: 08/23/13 **DATE OF COMPLETION:** 10/22/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant stated the officer did not have probable cause to seize \$1700 in cash from him. He stated he was issued a property receipt for this cash but it was not returned to him when he was released from custody.

According to court records, the complainant was on probation with a search condition at the time of his arrest. The complainant also had a no-bail warrant for being a parolee-at-large.

A parole agent who assisted in the complainant's arrest stated he had arrested the complainant in the past for narcotic violations. He stated the complainant often carried large amounts of cash on his person from the sale of illegal drugs.

The named officer acknowledged seizing \$1736 in cash from the complainant. He stated he recognized the different denominations to be consistent with money one receives from the illegal sales of narcotics. The money was booked into evidence.

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: 08/27/13 **DATE OF COMPLETION:** 10/31/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated she learned that her daughter had been arrested. The complainant expressed concern about the wellbeing of her three juvenile grandchildren residing with her daughter following the arrest. The complainant stated she did not know who was with her grandchildren after her daughter was taken into custody. The investigation showed that the officer received permission from the arrestee to leave her three juvenile children in the custody of her brother, (the children's uncle) at the residence where the arrestee, children and the uncle resided. The officer also contacted Child Protective Services, in compliance with existing SPFD policies and procedures. The evidence proved that the officer's actions were proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/13 **DATE OF COMPLETION:** 10/25/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer illegally searched his person. Department records show that the officer accepted a Citizen's Arrest from a person who was assaulted by the complainant. The complainant was taken into custody and transported to County Jail due to the seriousness of the physical assault on the victim. Department policy and procedure is to search all persons placed into custodial arrest before transporting that person to a law enforcement facility. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that the officer refused to get him medical attention. The complainant provided no contact information for the OCC to contact him to gather further information regarding the allegation. The OCC sent letters to San Francisco General Delivery but received no response from the complainant. The OCC also checked with the SFSD but the complainant is not in custody. This allegation cannot be investigated without further information from the complainant regarding the officer's alleged conduct. The complainant failed to provide contact information and has not responded to OCC contact attempts so that the complainant could provide further additional information needed to investigate the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/30/13 **DATE OF COMPLETION:** 10/25/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer filled out a false police report. The complainant did not provide OCC with any contact information for the OCC to contact him to gather further information regarding the allegation. The OCC sent letters to San Francisco General Delivery but received no response from the complainant. The OCC also checked with the SFSD but the complainant is not in custody. This allegation cannot be investigated without further information from the complainant regarding the officer's alleged conduct. The complainant failed to provide contact information and has not responded to OCC contact attempts so that the complainant could provide further additional information needed to investigate the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/13 **DATE OF COMPLETION:** 10/04/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/18/13 **DATE OF COMPLETION:** 10/01/13 **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 Sheriff's Department
Investigative Services Unit
25 Van Ness Avenue, Room 350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/13 **DATE OF COMPLETION:** 10/04/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant was arrested and cited for violating Municipal Police Code section 154, PROHIBITING PUBLIC NUDITY. In his OCC interview, the complainant admitted to the violation. The officers' actions were documented in 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.

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

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

FINDINGS OF FACT: The complainant was arrested and cited for violating Municipal Police Code section 154, PROHIBITING PUBLIC NUDITY. In his OCC interview, the complainant admitted to the violation. 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: 09/10/13 **DATE OF COMPLETION:** 10/04/13 **PAGE 1 of 1**

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

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

FINDINGS OF FACT: The complainant was arrested and cited for violating Municipal Police Code Section 154, PROHIBITING PUBLIC NUDITY. In his OCC interview, the complainant admitted to the violation. 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 cited the complainant without cause.

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

FINDINGS OF FACT: The complainant was arrested and cited for violating Municipal Police Code Section 154, PROHIBITING PUBLIC NUDITY. In his OCC interview, the complainant admitted to the violation. 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: 09/10/13 **DATE OF COMPLETION:** 10/04/13 **PAGE 1 of 1**

SUMMARY OF ALLEGATION #1: The officer arrested the complainant's friend without justification.

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

FINDINGS OF FACT: The complainant stated that he and his friend were nude, protesting in front of City Hall when they were told by police to cover up or they would be arrested. The complainant stated his friend was arrested and cited for violating Municipal Police Code section 154, PROHIBITING PUBLIC NUDITY, when she refused to cover up.

Department records show that the police gave a lawful order and that the citation was lawfully issued. 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: 09/12/13 **DATE OF COMPLETION:** 10/30/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he is homeless and was sleeping in a public park with a shopping cart nearby holding some of his possessions. An officer approached him and asked him if the items in the shopping cart belonged to him. The complainant told the officer that some of the items were his. The complainant stated the officer threw the items in the trash, including recyclable items the complainant had collected. The complainant stated the only important things in the cart were his water and cereal.

According to the Computer-Aided Dispatch records, the officer saw two abandoned shopping carts in a park. He removed the contents of the carts for collection by the Department of Parks and Recreation and transported the carts to the police station for pickup by the Department of Public Works.

The officer stated the complainant was lying on the grass in the park with a shopping cart about ten feet away. The officer stated he asked the complainant if the shopping cart was his personal property and the complainant told him it was not. The officer stated the complainant made no other statements. The officer stated he removed the contents of the shopping cart and left them at the scene to be collected by the Department of Public Works. The officer stated the complainant had the opportunity to collect any of the items after the officer left the scene.

No witnesses were identified by the complainant. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 10/10/13 **PAGE** #1 of 1

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

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

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

Department of Emergency Management
c/o Custodian of Records Supervisor
1011 Turk Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/12/13 **DATE OF COMPLETION:** 10/22/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to take required action.

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

FINDINGS OF FACT: The complainant stated his landlord is a member of Al Qaeda and has been threatening him and harassing him for years. The complainant stated he filed a police report in 2010 and the police have not referred his case to the District Attorney's Office for prosecution.

The OCC's investigation revealed there is insufficient merit to the complainant's 2010 complaint of threats to warrant referral to the District Attorney's Office or further police action.

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: 09/20/13 **DATE OF COMPLETION:** 10/01/13 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/20/13 **DATE OF COMPLETION:** 10/01/13 **PAGE #1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 10/04/13 **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 within the OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 10/03/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant works at the San Francisco International Airport (SFO). The complainant stated he encountered a passenger who threatened him. The complainant believes that the passenger is a member of the San Francisco Police Department.

OCC's investigation established that the passenger was never employed by the San Francisco Police Department. This complaint raises matters outside OCC's jurisdiction.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/13 **DATE OF COMPLETION:** 10/24/13 **PAGE** #1 of 1

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

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

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

Curbside Management
P.O. Box 280480
San Francisco, CA 94128
(650)821-2701

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/26/13 **DATE OF COMPLETION:** 10/22/13 **PAGE # 1 of 1**

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/18/13 **DATE OF COMPLETION:** 10/24/13 **PAGE #1** of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/12 **DATE OF COMPLETION:** 10/01/13 **PAGE #** 1 of 5

SUMMARY OF ALLEGATIONS #1: The officer used profanity.

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

FINDINGS OF FACT: One of four complainants said that the officer used profanity during his detention of the complainant. The named officer said he did not recall using profanity. A witness officer said he did not hear what the named officer said. Three witnesses heard the officer using profanity while speaking to the complainants. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATIONS #2-3: The officer used unnecessary force.

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

FINDINGS OF FACT: Four complainants said the named officer used unnecessary force during two detentions after a man slapped the back of an unmarked police car. The named officer denied the allegations, stating that his vehicle was struck and when he exited the car to investigate the damage and detain a suspect, one of the detainees, holding a beer bottle, attacked him, pushed and pulled him and obstructed his attempt to detain the other man, requiring him to gain distance by pushing that man. The named officer said he pushed a second man into a truck to stop his attempts at evading arrest. A witness officer said that the named officer pushed one man when he tried to stop the named officer, and said the second man was "a passive resister." Three witnesses to the incident said the named officer, wearing plain clothes and without identifying himself, pushed the first man to the ground without any contact by that man. The witnesses also reported that the second man was walking, apparently unaware an officer was pursuing him, when the officer slammed him into the body of a pickup truck. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/14/12 **DATE OF COMPLETION:** 10/01/13 **PAGE # 2 of 5**

SUMMARY OF ALLEGATION #4: The officer failed to identify himself as an officer.

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

FINDINGS OF FACT: Three complainants said the named officer, in plain clothes, did not identify himself as an officer before conducting two detentions. The named officer said he was attempting to remove his star when his arm was grabbed and pulled. He said he identified himself as a police officer verbally three times before conducting the detentions. A witness officer said he did not hear the named officer identify himself but believed he did. Three witnesses who were in close proximity to the event said the officer did not identify himself until after he had detained the complainants. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #5: The officer failed to identify himself as an officer.

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

FINDINGS OF FACT: One of four complainants said that the named officer did not identify himself but did engage in a detention. The named officer wrote in a statement that, while in plain clothes, he had displayed his star at the scene. The named officer stated that he did not take part in the detentions of the complainants and that he had identified himself verbally and by showing his star. One witness said he saw the officer lift his shirt to display his star. Two other witnesses said they did not know the officer was police but did see or learn from someone that the officer identified himself as an officer. Two other witnesses said they saw no star or police identification from anyone at the scene. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer detained the complainants without justification.

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

FINDINGS OF FACT: Two complainants said they had been drinking, but that the named officer detained them after one of the complainants hit the back of a police car with his hand. One other complainant said two men were detained after one of them hit a car. The fourth complainant did not mention the reason for the detention. The named officer said that he initially was investigating damage to county property when he detained the complainants, but during the investigation changed his focus to the complainants' level of intoxication when one fell over after being pushed and the other lost his balance while being detained. Two witnesses said the two men did not display evidence that they were unable to care for themselves. One witness said one of the men was mouthy and drunk, but walked on his own. 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: Two complainants said the named officer threw a man into the side of a truck, leaving a dent. One of the complainants said the officer did not notify the owner of the damage. The named officer wrote in his incident report that he had contacted the owner of the vehicle that may have been damaged. The named officer, in an interview, said he did not initially notice any damage to the vehicle, but said someone else left a note on the damaged vehicle before he left the scene. He could not explain why someone left a note. The officer said he had returned later and was contacted by the owner of the vehicle. One witness officer said the named officer left a note at the time of the initial detention. Two witness officers arrived after the named officer was gone, saw the damage to the vehicle and said there was no note on the vehicle. The owner of the vehicle, as listed in the incident report, said she had received a note on her car from an officer and spoke to him about it. She would not explain the circumstances of the damage further. Four witnesses said they did not see the detention that caused the damage or did not see the damage. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 10/14/12 **DATE OF COMPLETION:** 10/01/13 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #8: The officer failed to provide medical attention to an injured prisoner.

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

FINDINGS OF FACT: Two complainants said the named officer, after injuring one of them, did not ask him if he needed medical attention at the scene of their arrest, only raising it later, when the injured man declined. The named officer denied the allegation, stating that he recalled someone being injured and that he asked the complainant if he needed medical attention at the scene. One witness officer said he did not hear what the named officer said to the complainants. Two witnesses said they did not hear the named officer make any mention of the injured complainant's medical needs at the scene. Two other witnesses did not mention the injury or treatment. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer misrepresented the truth.

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

FINDINGS OF FACT: Two complainants said the officer lied when he told a sergeant that he had previously asked one complainant if he needed medical attention. The named officer denied the allegation, saying he may have made the statement but it was not untrue. The sergeant in question and one other officer did not hear the conversation. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #10: The officer failed to provide an alcohol test on request.

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

FINDINGS OF FACT: Two complainants said one of the complainants asked for an alcohol test, but that the named officer did not provide one. The named officer confirmed that one of the involved men asked for an alcohol test but said the Department did not provide that service at the location where the men were initially detained. Department records indicated that one man requested an alcohol test and that when one does so, the department may allow the requestor to arrange for an alcohol test. Department records indicated the complainants were in San Francisco Police Department custody for only a short time. Three witnesses said they did not recall a request for an alcohol test. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer wrote an inaccurate or incomplete incident report

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

FINDINGS OF FACT: The OCC learned during its investigation that the incident report as written by the named officer failed to document the presence of a key witness riding in the officer's vehicle and described the facts of the incident inaccurately. Further, the named officer reversed the names of two complainants on Department records filed in the case. The named officer and one witness officer denied that the report was inaccurate or incomplete, but admitted a clerical error in reversing the names. The named officer said he could not say if there was a witness with him, but supplied a name of the likely person. One witness officer said he did not know all of the elements of the case, and said he did not recall there being anyone with them at the time. Numerous credible witnesses countered the narrative account of the named officer in the incident report and confirmed the existence of the witness who was not documented. A preponderance of the evidence proved that the conduct complained of did occur and, using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 10/25/13 **DATE OF COMPLETION:** 10/28/13 **PAGE# 1 of 1**

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

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

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

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

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DATE OF COMPLAINT: 10/16/12 **DATE OF COMPLETION:** 10/03/13 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The complainant ran when officers attempted to detain him for jaywalking. The named officer chased the complainant. During the foot pursuit the complainant threw a gun that another officer located. The named officer grabbed the complainant by the legs as he attempted to scale a fence and pulled him down to the ground. The complainant resisted the named officer's attempt to handcuff him and continued to keep one of his hands under his body. The complainant stated that he was struck twice with a gun reportedly after he was handcuffed. The named officer stated that the only force he used was a physical control hold. There is insufficient evidence to either prove or disprove the allegation against the named officer.

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

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

FINDINGS OF FACT: The complainant ran when officers attempted to detain him for jaywalking. Two officers chased the complainant on foot while the named officer pursued in a vehicle. During the foot pursuit the named officer reportedly heard that the complainant threw a gun that another officer located. When the named officer arrived on scene the complainant's left hand was under his body. The named officer believed that the complainant may have been hiding a weapon underneath him. The named officer kned the complainant twice in the complainant's cheek to gain compliance. There is insufficient evidence to either prove or disprove the allegation against the named officer.

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DATE OF COMPLAINT: 10/16/12 **DATE OF COMPLETION:** 10/03/13 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant ran when officers attempted to detain him for jaywalking. The named officer followed the first officer who chased the complainant. During the foot pursuit the complainant threw a gun that the named officer located. The named officer observed the first officer grab the complainant by the legs as he attempted to scale a fence and pulled him down to the ground. The named officer attempted to handcuff the complainant. The complainant would not provide the named officer his wrist and attempted to push himself up from the ground and flee. The named officer struck the complainant in the head twice with the complainant's gun. The complainant then stopped resisting and the officers handcuffed him and took him into custody.

The named officer said that the circumstances were extraordinary because he did not have any means to secure the complainant's gun and the complainant was continuing to resist handcuffing. A head strike with an impact weapon constitutes deadly force. The named officer used unauthorized deadly force in circumstances that indicated the complainant intended to flee, rather than to attack. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

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DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 10/11/13 **PAGE# 1 of 4**

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

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

FINDINGS OF FACT: The complainant stated that she went to the police station to file a complaint against an officer who had treated her rudely the previous afternoon on McAllister Street. When the complainant arrived, she found that the door leading to the lobby of the station was locked. She knocked on the window next to the locked door. Two uniformed officers approached the door from inside the station and opened it. As the complainant began to step into the lobby, the named officer struck the complainant with his fist in the forehead. The complainant was handcuffed and held in the station, then was given a citation and released.

A civilian witness who knows the complainant stated that he saw her soon after she left the police station and observed a knot on her forehead. The complainant told him that an officer struck her in the head immediately after she entered the station.

The desk clerk at the complainant's residence stated that he saw the complainant walking home from the police station and observed a big bump on her forehead. The complainant told him that she had been roughed up by police at the station.

The complainant's brother stated that the complainant called him as she was walking home from the station and said the police beat her up. The brother met the complainant on the street and saw a large knot on the side of her head, which he photographed with his cell phone. The complainant told him she knocked on the window next to the door leading to the station and an officer opened the door and punched her in the head.

Two photographs of the complainant taken by her brother one and one-half hours after her arrest show a large bump on her forehead. Medical records documenting the complainant's hospital visit on the day of this incident state that she had some swelling and tenderness to the right forehead area with no bruises or open wounds.

A Police Service Aide (PSA) who was at the front counter of the station stated that the complainant entered the lobby and spoke to him over the intercom. The complainant told him she wanted information about an incident that took place the previous day on McAllister Street. The PSA looked without success for an incident report on this incident. He returned to the front desk and informed the complainant of this.

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DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 10/11/13 **PAGE# 2 of 4**

The complainant stated that she wanted to speak to a supervisor so the PSA summoned the named officer, a senior officer, to speak to her. The PSA then went into the station assembly room to make copies. When he returned to the front desk, the complainant was gone. The PSA stated that the complainant spoke to him in a normal conversational voice and did not appear to be agitated or angry.

A witness officer stated that he was inside the station and heard someone yelling in the lobby. He went to investigate, preceded by the named officer. They entered the lobby where the complainant was standing near the door to the street. The named officer asked the complainant to calm down. The named officer grabbed the complainant by the shoulders and the two of them fell, striking the door leading to the street and causing it to open. The complainant and the named officer landed on the ground. He stated that he did not see the named officer strike the complainant.

A senior officer on duty at the time of the incident stated that he did not see or hear what happened but heard about it afterwards when the named officer reported a use of force to him. He stated that the PSA told him the complainant came to the counter to ask about a stabbing that took place the night before. The complainant became irate and yelled, demanding to see a supervisor. The PSA summoned the named officer to the lobby. The PSA told the senior officer that the named officer asked the complainant to lower her voice or leave and that when she refused to leave the named officer attempted to move her out of the lobby. They got into a scuffle that ended up outside the station.

The named officer denied punching the complainant. He stated that he heard someone screaming in the lobby. The PSA told him the complainant (who the named officer referred to in his incident report and during his OCC interview as a male although the complainant is female) was screaming at him, causing a disturbance and would not leave. He also stated that the PSA told him the complainant wouldn't tell the PSA what she wanted. The named officer went to the lobby, where he found the complainant yelling that the front door was locked and that she wasn't being allowed into the station. The named officer told the complainant to calm down. When the complainant stepped towards him, the named officer grabbed the complainant by the shoulders, intending to turn her towards the door to the street. The complainant grabbed the named officer on the waist area, near his gun and stepped backwards. They both fell, striking the front door and causing it to open, and landed on the ground. The named officer didn't see the complainant's head hit anything as they fell. The complainant grabbed the area of the named officer's gun and the named officer slapped the complainant with an open palm across the left side of the head as a distraction. The named officer and the witness officer handcuffed the complainant.

All officers interviewed and the PSA stated that the door leading from the station lobby to the street is never locked. The complainant's account of how and where the interaction took place differs significantly from the accounts provided by the named and witness officers and the PSA.

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DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 10/11/13 **PAGE# 3 of 4**

However, the statement of the PSA contradicts the accounts of the named and witness officers on a significant element, the demeanor and behavior of the complainant before she had contact with the named officer. The named officer provided no clear description of how the complainant received the bump on her forehead. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer arrested her without cause for resisting arrest. She denied resisting arrest and stated that the named officer struck her without provocation. As stated above, the named officer stated that the complainant grabbed his gun area. A witness officer confirmed part of the named officer's account but stated that he didn't see part of the physical contact between the named officer and the complainant. The Police Service Aide stated he was not present when the named officer contacted the complainant and contradicted the named officer's account of the complainant's behavior preceding their contact. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer wrote an inaccurate incident report in which he repeatedly referred to the complainant, who is female, as a male. A preponderance of the evidence proved that the conduct complained of did occur, and that, using as a standard the applicable regulations of the Department, the conduct was improper.

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DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 10/08/13 **PAGE#** 1 of 3

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

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

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

SUMMARY OF ALLEGATIONS #2-3: The officers applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated he was arrested by plainclothes officers for “exchanging words about soliciting.” The Incident Report disclosed the complainant was arrested for soliciting an undercover officer posing as a prostitute. The complainant stated the handcuffs were very tight, causing pain and inflammation to his tendons; however, he stated he did not bring this to the attention of the officers fearing that his complaining would make matters worse. One of the officers denied handcuffing the complainant while the other officer stated she did not remember placing the complainant in handcuffs. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #4: The officer detained the complainant at gunpoint without justification.

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

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

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

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

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

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DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 10/08/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #6-8: The officers engaged in biased policing due to ethnicity.

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

FINDINGS OF FACT: The complainant stated that the officers arrested him for soliciting a prostitute because of his ethnicity. The complainant stated he was targeted and mistreated due to his heavy language accent. The complainant stated the officers did not make any jokes about his accent.

Pursuant to the OCC's Biased Policing Investigation Protocol, two of the named officers were interviewed. The other named officer was not interviewed because she was on extended leave of absence. Instead, the officer was sent a Member Response Form. The named officers stated that they were engaged in a Department undercover sting operation and that the complainant was arrested because he solicited an undercover decoy officer for an act of prostitution during the undercover sting operation. The undercover officer stated the complainant contacted her and agreed to a specific price for the sexual act. A tape recording was made of the verbal interaction between the complainant and the undercover officer wherein the complainant can be heard agreeing to a price for a specific sexual act. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer engaged in biased policing due to ethnicity.

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

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

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DATE OF COMPLAINT: 11/02/12 **DATE OF COMPLETION:** 10/24/13 **PAGE # 1 of 3**

SUMMARY OF ALLEGATIONS #1 & 2: The officers used excessive force against the complainant.

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

FINDINGS OF FACT: The complainant stated that during the celebration of the SF Giants' Championship, a female officer pushed him, told him to get back, and struck him with her rifle. A male officer struck him with a baton for no reason. The complainant stated he fled the scene and more force was used when he was taken into custody. The officers stated the complainant was not obeying lawful commands to disperse and get back so they struck him with a baton and the butt of a rifle, but he did not comply, continued to resist and fled the scene. The officer stated that during a chase, the complainant ran into a meter and fell, but did not obey orders to stay down and fled again. An officer stated he tackled the complainant to take him into custody. One witness stated he heard the officers tell them to move and get on the sidewalk and said officers focused on the complainant, who was not moving fast enough. Another witness did not observe the use of force. The medical records document that there were no fractures and that the complainant was given pain medication. Due to the different statements of the sequence of events as to the complainant's actions and inactions, there was insufficient evidence to prove or disprove that the use and level of force was excessive.

SUMMARY OF ALLEGATIONS #3 & 4: The complainant was detained without justification.

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

FINDINGS OF FACT: The complainant stated he was detained at Mission Station and later released. The complainant said he was told that officers thought he was with a group of Latinos who had assaulted someone and fled. The complainant said he initially was not running from officers but was walking towards them calmly. The officers stated the complainant was detained for not obeying lawful commands at the scene, resisting arrest, fleeing the scene, and obstructing peace officer duties. Due to the different statements of the sequence of events as to the complainant's actions and inactions, there was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/02/12 **DATE OF COMPLETION:** 10/24/13 **PAGE # 2 of 3**

SUMMARY OF ALLEGATIONS #5 & 6: The officers made rude comments.

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

FINDINGS OF FACT: The complainant stated that officers told him that if he kept talking, they were going to put his mouth on the metal bumper. The named officer denied the allegation and no other officers were identified. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7 & 8: The officers behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that his belongings were thrown on the floor and his phone broke. He also stated that he was handcuffed to a bench where there was a pool of urine. The officers denied the allegation. There were no witnesses and no other officers identified. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/02/12 **DATE OF COMPLETION:** 10/24/13 **PAGE # 3 of 3**

SUMMARY OF ALLEGATION #9: The officer failed to provide medical treatment

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

FINDINGS OF FACT: The complainant stated he was medically screened at the station and that he needed medical attention. The complainant said when the ambulance came he refused to be transported because he has no insurance and asked if he could be treated there but was told no. The officer stated that an ambulance was summoned but the complainant refused treatment. Both statements from complainant and officer indicated that an ambulance was present; however, the complainant refused to be transported for treatment. 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 #10: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when she ordered him to the ground. The officer stated that she is not certain whether she used profanity, but said it is possible. She stated she may have used profanity to get her point across given the chaotic situation and because the complainant was not obeying her commands. There were no witnesses to the use of profanity. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 10/15/13 **PAGE #1 of 4**

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

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

FINDINGS OF FACT: The complainant acknowledged he jaywalked right behind the officer's patrol car while it was stopped at a traffic signal. The complainant said he walked to the opposite side of the street to pick up his bag of recyclable cans that he had left against a wall. The complainant said the patrol car turned around, approached his location and two officers got out of their police car. The complainant said the officers told him not to move.

One of the officers stated he observed the complainant walk against the red light southbound on 3rd Street, while the officer was stopped in his patrol car at a red light. The officer said he also recognized the complainant as a possible robbery suspect from a prior incident he had investigated two months prior and he informed his partner of this information. The other officer stated he observed the complainant cross the street against a red light in front of their patrol car. Both officers said they stopped and detained the complainant for the vehicle code violation of jaywalking and because one of the officers visually recognized the complainant as an outstanding robbery suspect. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 11/06/12 **DATE OF COMPLETION:** 10/15/13 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: The complainant stated that the officers, upon contact, told him not to move and repeated the command. The complainant wrote that the officer said, "Put your hands behind your back and don't move." The complainant stated while backing up, he asked the officers what the stop was about and that he was not on parole or probation. The complainant said the taller officer circled around him and forced him to the ground. While he was down on the ground, the officers told the complainant not to resist, to which the complainant replied that he was on the ground and not resisting.

One of the named officers stated the complainant failed to comply with his orders to stop, to put his bag down, and to take his hands out of his pocket. The other officer stated the complainant did not comply with their requests, kept walking away and saying, "You have no right to stop me," "I'm not on probation or parole," and "I'm not doing anything."

The complainant admitted backing away from the officers while he asked them questions of the reason for the stop. A preponderance of evidence shows the complainant failed to comply with the officers' requests to stop and was subsequently arrested for resisting arrest. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that after he was taken into custody, he was searched. The officers stated that the complainant was searched incident to his arrest. The evidence proved that the acts, which provided the basis for the allegations occurred, however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT:11/06/12 **DATE OF COMPLETION:** 10/15/13 **PAGE** #3 of 4

SUMMARY OF ALLEGATIONS #7-8: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that during the traffic stop, the officers forced him to the ground, placed a knee on his back, and twisted his fingers and his wrists in the cuffs. The complainant stated at the police station, the taller officer smashed his head against the glass wall. The complainant said he sustained a laceration above his left eye, abrasions to his knees, and pain and swelling to his hands, fingers and wrists.

One of the named officers stated he performed a leg sweep on the complainant because he failed to comply with his numerous orders. This officer said he took the complainant to the ground and placed his knee on the complainant's back to immobilize the complainant for handcuffing. The other named officer denied that he used excessive force. He stated that he used the necessary force during the arrest to overcome the complainant's resistance.

While at the booking counter at the station, the officers stated they both held the complainant's arms and hands on each side in a rear bent wrist control hold. The officers said the complainant kept turning on them, yet the pain compliance control holds had no effect on the complainant. One of the named officers stated he observed the complainant turn towards his partner and pull his head back to possibly head-butt his partner. This officer said he maintained his left hand on the complainant's wrist and used his right hand to grab the back of the complainant's head and hair. This officer then used his hip to press the complainant against the counter and pushed the complainant's head against the glass wall to secure him. This officer stated the complainant sustained a laceration above his left eye from making contact with the glass wall. The officer said his action was necessary because they were not able to gain control of the complainant by using pain compliance techniques, so he needed to immobilize the complainant by pushing the complainant against the booking counter for their own safety.

The witness officer was the station keeper at the police station during the booking process. The witness officer stated the complainant was agitated, uncooperative, and attempted to head butt one of the officers. The witness officer said the officers' applied reasonable force to regain control of the complainant, and one of the named officers secured the complainant's head against the plate glass window above the booking counter. The witness officer said the complainant sustained a cut to his head; a medical unit was summoned and the complainant was transported to SFGH for treatment. The officers properly documented the use of force. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #9-10: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated that while at the police station, both officers told him to shut up.

Both officers denied the allegation. The officers said the complainant was being very loud, not being cooperative, using excessive profanity and called the officers "white devils" and that the officers would have "devil babies." One of the officers said due to the complainant's demeanor, he told the screaming complainant to be quiet. The witness officer stated the complainant portrayed a child-like demeanor and was uncooperative. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation

SUMMARY OF ALLEGATIONS #11-12: The complainant perceived the officers' behavior and conduct to be biased policing, due to his race.

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

FINDINGS OF FACT: The complainant stated he was racially profiled because of his race based on the manner in which he was handled and spoken to.

The named officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. Both officers denied the allegation. The officers denied that the complainant's race influenced their reason for stopping, detaining, and arresting and using pain compliance techniques on the complainant during the detention and the arrest. One officer stated the complainant's race did not influence his reason for pushing the complainant into the glass wall while attempting to control the complainant's resistance. The other officer stated he also recognized the complainant as a possible robbery suspect and was aware that his ethnicity was African American. Both officers stated the complainant was detained because he violated a vehicle code violation. There was insufficient evidence to either prove or disprove the allegation

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 10/11/13 **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 alleged that he was arrested without cause. The complainant's former girlfriend made an emergency 911 call to the Department of Emergency Management. The complainant's former girlfriend reported the complainant had assaulted her, and the complainant was currently at her residence. Several officers responded to the scene of this incident. One of the named officers spoke to the former girlfriend, who provided a detailed description of the incident. Additionally, the former girlfriend showed the officer some bruising on her neck, which she said the complainant had caused. Officers investigated further and arrested the complainant for domestic violence. The former girlfriend completed a handwritten statement of the incident and an Emergency Protective Order (EPO) was issued. 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 write an incident report.

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

FINDINGS OF FACT: The complainant alleged the officer should have written a report that described her part in the complainant's arrest for domestic violence. The OCC investigation determined another officer was the primary officer for this incident, and that officer did in fact prepare an Incident Report. The named officer was not required to prepare an additional Incident Report of the same incident. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 10/11/13 **PAGE #2 of 4**

SUMMARY OF ALLEGATION #4: The officer wrote an incomplete and inaccurate Incident Report.

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

FINDINGS OF FACT: The complainant alleged that pursuant to his arrest for domestic violence, the officer omitted certain details of the incident in the Incident Report the officer prepared. Specifically, the officer did not include the name of another officer in her report. The unnamed officer, who responded to this incident, was assigned to another police district. The complainant indicated that the unnamed officer held a grudge against him based on a previous contact he had with her. The complainant felt the omission of the unnamed officer in the Incident Report was significant, and would help to show the complainant should not have been arrested for this incident. The OCC investigation determined the omission of the unnamed officer was insignificant, and had no bearing on the arrest of the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer arrived at the scene of his arrest for domestic violence. During the course of the investigation by other officers, the named officer made certain statements to the complainant indicating she knew him from a previous encounter. The complainant further alleged that because of the previous encounter, the officer yelled at him and berated him. The officer denied yelling at or berating the complainant. The officer further denied making any inappropriate comments to the complainant. Other officers were interviewed and they either did not remember the named officer being at the scene of this incident or they did not hear the officer yell at or berate the complainant. No independent witnesses were located to corroborate the complainant's allegations. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 10/11/13 **PAGE** #3 of 4

SUMMARY OF ALLEGATION #6: The officer engaged in engaged in retaliatory conduct.

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

FINDINGS OF FACT: The complainant alleged that the officer retaliated against him for the following reasons. The officer responded to the scene of his arrest for domestic violence, which was in a police district other than the one in which the officer was assigned; the officer responded to this incident simply because she recognized the complainant's name being broadcast over the police radio; the officer held a grudge against the complainant for filing a previous OCC complaint against her; and the officer responded to this incident because she wanted to influence the outcome. The officer stated she responded to this incident, even though it was out of her district, because it involved domestic violence, which is one of the most dangerous calls an officer can face. She stated she was unaware of the complainant's involvement at the time she initially responded to this incident. The officer stated she did not have any other calls she was committed to at the time, and it was not against Department policy for her to respond to this incident. The officer denied making any attempt to influence the outcome of this incident involving the complainant or retaliating against the complainant. No independent witnesses were developed to corroborate the complainant's allegations. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant alleged that pursuant to his arrest for domestic violence, the officer intentionally omitted certain details of the incident in the report that she prepared. The effect of these omissions was to cover for another officer who the complainant believed violated Department policy by responding to the scene of this incident, which was not part of the officer's assigned district. The complainant stated he heard the other officer tell the named officer that she was never here. The complainant indicated that the other officer held a grudge against him based on a previous OCC complaint he had filed against the officer. The complainant felt the omission of the other officer's name in the Incident Report was significant because had the officer's name been included, it would have shown the officer violated Department policy and one could deduce the officer might have influenced the outcome of this incident. The OCC investigation determined the omission of the other officer's name was insignificant, and had no bearing on the arrest of the complainant or the outcome of the incident. No independent witnesses were developed to corroborate the complainant's allegations. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/21/12 **DATE OF COMPLETION:** 10/11/13 **PAGE #4 of 4**

SUMMARY OF ALLEGATION #8: The officer failed to Mirandize the complainant.

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

FINDINGS OF FACT: The complainant stated the officer stumbled over words while informing the complainant of his Miranda admonishment. The complainant stated the officer initially advised him of his Miranda Rights from memory, but reached into his wallet and removed some paper bearing the Miranda Warning. The complainant stated the officer picked up from where he left off and did not start from the beginning of the Miranda Warning. Consequently, the complainant believes the officer missed a section of the warning. The officer stated he did provide the complainant with his Miranda Warning by reading the warning to the complainant from the Department-issued card, which the officer maintained in his wallet. The officer stated his supervisor was present when he read the complainant this warning. The OCC determined that Miranda rights do not have to be read in any particular order, and they do not have to precisely match the judicial language of the court's decision in the Miranda case as long as they are adequately and fully conveyed. The complainant provided officers with his handwritten statement of this incident. Since the complainant acknowledged being read his rights, he should have known that he was not compelled to provide the statement. 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 #9: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant stated that he obtained a copy of the CAD Event History for an incident in which he was arrested. He stated that the named officer did not identify herself as being present at the incident, despite the complainant having seen and spoken to her at the scene. The named officer and two witness officers confirmed her presence at the scene of the incident although department records do not depict her as being on scene. The Department allows for officers to leave their assigned district during the performance of proper police duty; however, upon returning to their assigned area, officers are required to notify the Communications Division or their immediate supervisor. The named officer did not notify the Communications Division or her supervisor and felt that she was not required to do so, as long as she was still available to respond to calls within her own district. 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: 11/21/12 **DATE OF COMPLETION:** 10/24/13 **PAGE# 1 of 1**

SUMMARY OF ALLEGATIONS #1 & 2: The officers arrested the complainant's sister without cause.

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

FINDINGS OF FACT: The complainant stated that he was at a football game and his sister was ejected from her seat by stadium employees due to intoxication and taken to a medical triage center. The complainant stated that his sister was joking and laughing when this occurred.

The officers stated that the complainant was clearly intoxicated and was yelling and trying to get back to her seat despite being kicked out for drunkenness. They initially arrested her for public intoxication, but she was also charged with battery of a police officer and charged with resisting arrest due to her conduct. An independent witness stated that the complainant's sister was clearly intoxicated, yelling nonsense and slurring her words. The complainant was not present when the arrest occurred. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that his sister was arrested at a football game. During the arrest, the officers pulled on her previously dislocated shoulder and an officer punched her in the face while she was handcuffed.

The officers stated the complainant was resisting arrest and was clearly intoxicated. One officer performed a bar-arm hold to handcuff her. The officers stated they did not deliberately hurt her shoulder and that she was twisting and pulling in many directions while handcuffed. After being handcuffed, the complainant's sister kicked one of the named officers in the groin area. This officer felt she would try to kick him again, prompting him to thrust his open hand at her face to prevent her from kicking him again.

An independent witness stated that he saw the officer punch the complainant, but he did not see what happened either before or after the punch. The complainant did not witness the incident. The complainant's sister did not come forward. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/12 **DATE OF COMPLETION:** 10/21/13 **PAGE # 1 of 2**

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

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

FINDINGS OF FACT: The complainant stated she called the police to report that her neighbor was threatening to physically hurt her. The complainant stated officers arrived at her apartment and she made the officer aware of the threatening comments made to her by her neighbor. The complainant said she told the officer the threats had stemmed from a disagreement about their shared garage. The complainant stated the officer spoke to her neighbor and then returned to her apartment and informed her that the disagreement was a civil matter and she needed to talk to her landlord. The complainant acknowledged she did not request, pursue or demand a report from the officer.

The named officer stated he made contact with the complainant at her apartment. The officer said he had no knowledge of the alleged threats and the complainant did not make him aware of the physical threats made to her by the neighbor. The officer stated the complainant told him her neighbor was disrespectful and had called her a bitch, which is not considered a crime. Furthermore, the officer said the complainant portrayed to him that a verbal altercation had taken place over a shared parking garage. The officer recalled that the complainant was emotionally stable and did not display any outward signs of fear for her personal safety. The officer stated that based on his investigation, a crime had not taken place, the complainant was not fearful for her life and that the neighbor was not a threat to the complainant. The witness officer, who stood several feet away, stated he could only hear that the complainant and her neighbor had a disagreement over a shared garage. The witness officer said the neighbor was conversational with them during their contact and did not appear threatening at the time. There were no independent witnesses to the conversation between the complainant and the named officer. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/30/12 **DATE OF COMPLETION:** 10/21/13 **PAGE # 2 of 2**

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 she told the officer what was going on with her and the neighbor and the situation about the shared garage. The complainant said the officer went downstairs to talk to the neighbor and within 10 minutes, returned to her door. The officer explained to her that it was a civil matter and she needed to talk to her landlord. The complainant stated she did not pursue the matter with the officer because it was evident to her that the officer did not care about her welfare. The complainant said that was all that was said. The officer politely left out her door without giving the complainant any information on how to handle the situation of a threatening crime against her life.

The named officer stated his investigation entailed talking to both parties and reporting back to the complainant. The officer said he did not talk to any other neighbors concerning the call because based on the details he received, it was a verbal argument and there was no reason to contact the neighbors for a verbal argument. The officer stated he returned to the complainant and told her she needed to talk to her landlord about the garage door and getting proper locks for the garage. The officer said the complainant had nothing more to say and said, "Thank you officer for your help." The officer stated he asked the complainant if there was anything they could do for her and she said, "No." The witness officer corroborated that the named officer spoke with the complainant and the neighbor, then returned to speak with the complainant. The witness officer stated the neighbor was conversational with them during their contact and did not appear threatened at the time. There were no independent witnesses to the conversation between the complainant and the named officer. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/17/12 **DATE OF COMPLETION:** 10/11/13 **PAGE** #1 of 2

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

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

FINDINGS OF FACT: The complainant was stopped in her vehicle at SFO just before the US Airways arrivals terminal when the named officer pulled up and made contact with the complainant regarding the lack of license plates on the complainant's vehicle. During the contact, the named officer admitted searching the trunk of the complainant's vehicle, in violation of the 4th Amendment.

San Francisco Police Department General Order 5.16 states that absent a clear exception to the requirement for a warrant, searches shall be conducted under the authority of a duly issued search warrant. The named officer violated this order when he searched the trunk of the complainant's vehicle to look for her license plates.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately towards her during the traffic stop and made inappropriate comments. The complainant alleged that the officer repeatedly yelled at her and berated her. While the named officer denied yelling or berating the complainant, he admitted that his line of questioning turned into a dialogue that he later regretted. The named officer stated that the comments he made during the traffic stop were inappropriate.

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: 12/17/12 **DATE OF COMPLETION:** 10/11/13 **PAGE** #2 of 2

SUMMARY OF ALLEGATION #3: The officer seized the complainant's property without justification.

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

FINDINGS OF FACT: The complainant stated that the officer confiscated her vehicle license plate frames from her vehicle. The officer denied the allegation, stating he removed the dealer advertisement paper plates and the license plate frame from the vehicle, discarded the paper plates and placed the frame and fasteners on the complainant's dashboard. The co-complainant was not physically present during the traffic stop. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The named officer conducted a traffic stop at San Francisco airport. San Francisco Police Department Bulletin, A, No. 12-188, issued on August 29, 2012, requires members to continue to collect traffic stop data after all vehicle stops. The officer stated that he did not submit the traffic stop data on the Airport Bureau's "E585 Form" in regards to this particular traffic stop. The named officer violated this order when he failed to collect traffic stop data for this traffic stop.

A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/12 **DATE OF COMPLETION:** 10/29/13 **PAGE** #1 of 5

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

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

FINDINGS OF FACT: The complainant said that he was parked at the curb waiting to pick up a friend, the co-complainant, when a patrol car double-parked next to his vehicle blocking him in. The complainant said he honked and yelled at the officers to move their car. An officer approached the complainant and ultimately said he intended to search the complainant's vehicle. The officers had responded to the location to take the co-complainant into custody on a parole warrant. The officer stated the complainant was detained because the co-complainant was under investigation for narcotic's sales, had a warrant, and was standing next to the open passenger window of the complainant's vehicle. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer responded with another officer to arrest the co-complainant who had an outstanding parole warrant violation. The other officer had received information from a confidential informant that the co-complainant was standing at the street location where the officers responded. A preponderance of the evidence establishes that the act that provided the basis for the allegation occurred; and such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/12 **DATE OF COMPLETION:** 10/29/13 **PAGE** #2 of 5

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 said while seated inside of his vehicle he was approached by an officer who ordered him out of his vehicle and then pat searched him. The officer said he detained and conducted a cursory pat search of the complainant for weapons and officer safety in preparation to search the complainant's vehicle. The officer believed that the complainant was using his vehicle to conceal the illegal activities of the co-complainant because the co-complainant was standing next to the open passenger window of the complainant's vehicle, had an outstanding parole violation warrant, and a confidential informant had observed the co-complainant involved in drug sales in the past. The complainant denied engaging in illegal conduct and said he was at the location to pick up the co-complainant. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said he was inside his parked vehicle when an officer approached, ordered him out of his vehicle, pat searched him and then searched his vehicle without his consent. The named member said he searched the complainant's vehicle because, when detaining the co-complainant she told him the complainant had her identification. The named officer said that because a confidential informant had reportedly observed the co-complainant engaged in narcotics sales on several occasions, the co-complainant was on active parole, had an outstanding parole violation warrant, and was observed standing next to the open passenger window of the complainant's vehicle, he could conduct a parole search of complainant's vehicle. The evidence established that the named officer lacked any exception to the warrant requirement to search the complainant's car. The search could not be justified as a parole search because the co-complainant was never inside the car and did not engage in any activity associated with the car that demonstrated she had any property rights or control over the car. The officer acknowledged that he never saw the co-complainant inside the car. The officer never saw the co-complainant lean inside the car or place anything inside it. The co-complainant did not have a key to the car. The search incident to arrest exception is also inapplicable because the co-complainant was never an occupant or even recent occupant of the car. There were no objective facts demonstrating that the complainant or the complainant's car was involved in criminal activity. 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 and the Constitution, the conduct was improper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/12 **DATE OF COMPLETION:** 10/29/13 **PAGE** #3 of 5

SUMMARY OF ALLEGATION #5: The officer seized the complainant's property without cause.

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

FINDINGS OF FACT: The complainant said he was inside his parked vehicle when an officer approached, ordered him out of his vehicle, pat searched him and then searched his vehicle without his consent. The named member seized property he located inside the vehicle's glove box and center console. The named officer said he searched the complainant's vehicle because, when detaining the co-complainant she told him the complainant had her identification. The named officer said that because a confidential informant had reportedly observed the co-complainant engaged in narcotics sales on several occasions, the co-complainant was on active parole, had an outstanding parole violation warrant, and was observed standing next to the open passenger window of the complainant's vehicle, he could conduct a parole search of complainant's vehicle.

The evidence established that the named officer lacked any exception to the warrant requirement to search the complainant's car and to seize the evidence it contained. The search and subsequent seizure of the car's contents could not be justified as a parole search because the co-complainant was never inside the car and did not engage in any activity associated with the car that demonstrated she had any property rights or control over the car. The officer acknowledged that he never saw the co-complainant inside the car. The officer never saw the co-complainant lean inside the car or place anything inside it. The co-complainant did not have a key to the car. The search incident to arrest exception is also inapplicable because the co-complainant was never an occupant or even recent occupant of the car. Additionally, there were no objective facts demonstrating that the complainant or the complainant's car was involved in criminal activity. 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 and the Constitution, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/28/12 **DATE OF COMPLETION:** 10/29/13 **PAGE** #4 of 5

SUMMARY OF ALLEGATION #6: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant said that when the officer searched the complainant's car, the officer removed money and personal property from his glove box and center console. The complainant requested and the officer refused to provide a property receipt for the money and personal property he removed from the complainant's car. The complainant said because the property was not processed as his, he was unable to retrieve it. The co-complainant said the officer seized the complainant's property and currency from the complainant's vehicle and listed the items on her property receipt. The co-complainant said she told the officer that the items removed from the complainant's vehicle did not belong to her but the officer told her that if she did not sign for the property there would be no proof of ownership. An officer said he heard the complainant ask the named officer for a receipt for the currency and heard the officer tell the complainant that a property receipt would be issued to the co-complainant at the station. The named officer admitted that he did not provide a property receipt to the complainant. He stated that he believed the property seized from the complainant's car belonged to the co-complainant and issued a property receipt to the co-complainant.

A preponderance of the evidence established that as the driver and sole occupant of a car for which he also had a car rental agreement, the complainant had control over the property the officer seized from his car. There were no facts indicating that the co-complainant was ever inside the complainant's car, put anything inside the complainant's car, or even leaned inside the complainant's car. The Department's regulations and the federal and state constitutions required the officer to provide the complainant a receipt for the property the officer seized from the complainant's car. 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: 12/28/12 **DATE OF COMPLETION:** 10/19/13 **PAGE #5 of 5**

SUMMARY OF ALLEGATIONS #7 and 8: The officers engaged in inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant said while he was detained, one of the officers inappropriately scolded him, threatened him with future harm and behaved in an unofficer-like manner during several subsequent contacts. The co-complainant said that at the station one of the officers made an inappropriate comment to her and threatened to harm the complainant. The officers denied making any of the alleged comments or behaving in the alleged manner. A witness officer said he was with one of the named officers during one of the subsequent contacts with the complainant and denied that the named officer engaged in the alleged behavior. Department General Orders requires that officers treat the public with courtesy and respect. There were no other identified witnesses. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/04/13 **DATE OF COMPLETION:** 10/23/13 **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
25 Van Ness Avenue, Room #350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/18/13 **DATE OF COMPLETION:** 10/31/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted that she was involved in a physical fight at a bar. She stated that bar employees removed her from the bar. Two officers drove her to the county jail. She stated the driver called her a criminal, threw her belongings across the rear of his patrol car and kept trying to verbally provoke her. At the jail, the complainant stated the officer came to the doorway of the cell where she was being held, and acted inappropriately. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The complainant stated an officer used unnecessary force in her detention.

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

FINDINGS OF FACT: The complainant stated an officer used unnecessary force in detaining her for Penal Code 647(f), drunk in public. The complainant stated she got into a physical altercation at a bar, and was removed from the bar and restrained by patrons until the police arrived. She stated a transporting officer pulled her hard by the handcuffs when bringing her to a patrol car for transport to the County Jail for sobering. The officer denied the allegation. The OCC interviewed and photographed the complainant two days after the incident. The complainant had no marks or bruising on her wrists. The complainant had a one-inch scab on her forehead. A witness stated the complainant wore a hat that concealed her hairline and he did not see the complainant's forehead bleeding at the time of the incident. No additional witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/18/13 **DATE OF COMPLETION:** 10/31/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #3-4: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant admitted that she was involved in a fight at a bar and that she was removed from the bar. She stated that she complained of pain after people from the bar threw her on the ground and pressed her face into the concrete outside of the bar. She stated that after she was handcuffed she complained of pain to everyone including the officers. The officers denied the allegation. Department records indicated that the dispatcher asked a witness if an ambulance was needed, and the witness stated the complainant did not need an ambulance. No other documented queries were made for medical assistance. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officer failed to take required action, by failing to provide ending mileage immediately after the transport of a female prisoner, pursuant to Department General Order 2.01, section 36. 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: 01/23/13 **DATE OF COMPLETION:** 10/15/13 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant stated the officers failed to show her the search warrant after officers forcibly entered her residence. One of the members of the high-risk entry team stated the team entered the residence based on a search warrant that was approved by the Superior Court. He was not required to show the warrant to the complainant upon demand. To do so would have jeopardized the safety of the officers entering and clearing the residence of any physical threats. After the entry team performed a protective sweep of the residence, the investigation team entered the residence to conduct the search. The leader of the investigation team had obtained a sealed warrant, which was approved by the court in order to protect the integrity of the investigation. The officer was not required to show the sealed warrant to the complainant. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #3: The officer displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that after the officer forcibly entered her residence along with other officers, the named officer yelled and screamed at her. She stated the officer also pointed his gun at her and her minor daughter. Additionally, the officer would not turn around to allow her minor child, who was wearing pajamas, to dress in privacy. The officer explained he was a member of an entry team that forcibly entered the residence based on a search warrant that was approved by the Superior Court. Because the search warrant was deemed high-risk, officers entered the residence with their firearms drawn and cleared every room in the house with their weapons drawn. The officer stated the complainant was slow to follow his commands to show her hands; consequently, he had to raise his voice repeating the command several times. The officer acknowledged the complainant requested him to allow her minor daughter to change from her pajamas. The officer stated he could not turn his back on the complainant or the minor child, because to do so could have resulted in destruction of evidence or created some other type of safety threat. After searching a nearby bed and determining there were no items inside or near the bed that were deemed contraband or posed a safety risk, the officer allowed the child to dress underneath the bed sheet. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer arrested her without cause. The officer stated he had obtained a search warrant, approved by the court, to search the complainant's residence. As a result of executing the search warrant, the officer found a firearm and suspected narcotics inside the complainant's residence. The complainant was then arrested. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the named officers, along with other officers, forcibly entered her residence without cause. One of the named officers stated he had obtained a search warrant, approved by the court, to search the complainant's residence. The officers executed the warrant in accordance with language contained in the warrant. OCC's investigation established that the officers did in fact obtain a search warrant approved by the Superior Court, which authorized the officers to enter the complainant's residence. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer, along with other officers, searched her residence without cause. The officer stated he had obtained a search warrant, approved by the court, to search the complainant's residence. The officers executed the warrant by searching the residence in accordance with language contained in the warrant. OCC's investigation established that the officers did in fact obtain a search warrant approved by the Superior Court, which authorized the officers to search the complainant's residence. 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 #8: The officer searched the vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officer, along with other officers, searched her car without cause. The officer stated he had obtained a search warrant, approved by the court, to also search the complainant's car. The officers executed the warrant by searching the car in accordance with language contained in the warrant. OCC's investigation established that the officers did in fact obtain a search warrant approved by the Superior Court, which authorized the officers to search the complainant's car. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #9: The officer seized property without cause.

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

FINDINGS OF FACT: The complainant stated the officer seized her property without cause. The officer stated he had obtained a search warrant, approved by the court, to search the complainant's residence. The officers executed the warrant by searching the residence in accordance with language contained in the warrant. The warrant specified certain property the officer or other officers could seize. As a result of executing the search warrant, the officer found contraband and other property of evidentiary value, which he seized. 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 #10: The officer intentionally damaged property.

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

FINDINGS OF FACT: The complainant stated the officer, along with other officers, broke the front door to her residence when they forcibly entered her residence. OCC's investigation established that the officers did in fact obtain a search warrant approved by the Superior Court, which authorized the officers to forcibly enter and search the complainant's residence. There was no evidence to prove the damage done to the door was excessive or unnecessary. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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SUMMARY OF ALLEGATION #11: The officer detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated the officer detained her at gunpoint. The officer explained he was a member of an entry team that forcibly entered the residence based on the execution of search warrant that was approved by the Superior Court. Because the search warrant was deemed high-risk, officers entered the residence with their firearms drawn and cleared every room in the house with their weapons drawn. The officer stated he encountered the complainant when he entered a room to clear it of any threats to his and other officers' safety. By doing so, the officer stated he had his weapon drawn and pointed in the direction of the complainant to ensure the complainant did not have any weapons that would endanger his safety. The officer stated he no longer pointed his weapon at the complainant once he was satisfied the complainant would not harm him. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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DATE OF COMPLAINT: 01/24/13 **DATE OF COMPLETION:** 10/23/13 **PAGE** #1 of 1

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

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

FINDINGS OF FACT: The complainant stated police officers came to his girlfriend's home and ordered him to leave the residence. One of the officers intimidated him and threatened to spray him with mace. The complainant admitted he was emotional and speaking loudly to the officers. The complainant stated he felt uncomfortable and rushed packing his belongings because the officers gave him less than thirty minutes to pack.

The officer and his partner both stated they responded to a civil standby to escort the complainant from the residence at the request of the complainant's girlfriend and lessee of the residence. The officer and his partner both stated the complainant had more than one-and-a-half hours to pack his belongings. The named officer and his partner stated the complainant delayed the process and argued the entire time as he packed his belongings. At one point, the complainant became aggressive and puffed his chest out toward the officer. The officer felt that his safety and the safety of the complainant's girlfriend might be threatened. The officer stated he put his hand on his canister of mace and told the complainant to stop or he would use the mace. The officer stated he did not remove the mace canister from his belt. The complainant backed away and there was no further aggression. Department records show the officers were on scene for close to two hours. During the incident, both the named officer and his partner stated that a social worker and the complainant's mother arrived on scene after being contacted by the complainant's girlfriend.

There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that two police officers came to his girlfriend's house to make him leave. The officers treated him like a criminal while they treated his girlfriend with respect. The complainant stated that he was treated differently because of his race as a young, black male.

The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol and both denied treating him differently because of his race. There were no independent witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 02/11/13 **DATE OF COMPLETION:** 10/31/13 **PAGE #**1of 2

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

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

FINDINGS OF FACT: The OCC has not been able to interview the complainant. However, in his written complaint, the complainant stated he accidentally spilled a cup of coffee at a café, and that the owner became indignant and physically pushed the complainant out of the door. In addition, the complainant stated that the owner threatened to kill him. When the police arrived, the complainant stated, in part, that the officers never asked him about the threats and did not give him the opportunity to fill out a police report.

The evidence shows that the police were called to respond to the café on a report of an aggravated assault. The officers stated that the owner and the involved waitress did not want to press charges. Instead, the owner and the waitress simply wanted the complainant to leave and not return to the café. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that as part of the officers' investigation of an emergency 911 telephone call about an incident at a café, the officers spoke to the owner of the café and a waitress. After talking to the owner and waitress, the officers returned to the complainant. The complainant stated the officers returned with a big grin on their faces and laughed at the complainant. The complainant also stated the officers did not inform him about the procedures for obtaining a restraining order even though he asked. The officers denied laughing at the complainant. The officers also denied saying or doing anything deemed inappropriate. Furthermore, the café owner and the waitress stated they did not observe the officers act inappropriately, say anything inappropriate or laugh. One of the officers stated she explained the procedures for obtaining a restraining order to the complainant. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/11/13 **DATE OF COMPLETION:** 10/31/13 **PAGE** #2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to issue a Certificate of Release (form 849b).

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

FINDINGS OF FACT: The complainant stated the officer handcuffed him. The officer admitted handcuffing the complainant, but stated he did not issue a Certificate of Release due to it being an oversight. The officer also stated the complainant did not want to be issued anything; the complainant just wanted to leave. The applicable Department General Order did not describe any exception to the requirement of issuing a Certificate of Release to an individual who was released even though the person was not formally arrested. A preponderance of the evidence proved that the named officer failed to take action required by the Department.

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

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

FINDINGS OF FACT: The complainant stated that her and her best friend were playfully hitting each other when the officers came up on the scene to investigate. The complainant stated she described to the officers that her and her friend were only having fun; yet, the officers arrested both of them. The officers stated they had just finished assisting other officers in the area with a call for service when they saw the complainant and a male subject fighting. The officers stopped to investigate and separated both parties.

The officers stated they smelled the strong odor of alcohol emanating from the breath of both subjects. Additionally, the officers stated they observed other symptoms, which indicated the subjects were intoxicated. During a pat search, the complainant became uncooperative and attempted to pull away from the officer's grasp. The officers stated the complainant began yelling, using profanity and moving about uncontrollably. The officers, therefore, arrested the complainant for public intoxication as well as resisting and delaying their investigation. No independent witnesses came forward. The complainant's best friend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that after she was arrested, she was placed in the rear of a police van. The complainant alleged that the driver intentionally drove erratically to jail, causing her to roll all over the floor of the van. The complainant alleged the officer's erratic driving caused bruising all over her body. The complainant alleged the officers laughed and joked while driving her to jail. The officers denied laughing or making jokes about the complainant. The officers described the complainant as intoxicated. The officers stated the complainant was going to initially be transported to jail in the rear seat of a patrol car; however, she refused to get in the patrol car. A police van was, therefore, called to the scene for transport. No independent witnesses came forward. The complainant's best friend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #5-6: The officers failed to provide for prisoner safety.

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

FINDINGS OF FACT: The complainant stated that after she was arrested, she was placed in the rear of a police van. The complainant alleged that the driver intentionally drove erratically to jail, causing her to roll all over the floor of the van. The complainant alleged the officer's erratic driving caused bruising all over her body. The officers denied the allegation. The officers described the complainant as intoxicated. The officers stated the complainant was going to initially be transported to jail in the rear seat of a patrol car; however, she refused to get in the patrol car. A police van was, therefore, called to the scene for transport. DGO 5.18, IV B 1 b allows a prisoner to be transported without a seat belt if, "[t]he prisoner is resisting or combative and the officer's safety would be jeopardized by attempting to secure a safety belt around the prisoner. If available, a wagon should be used to transport such prisoners."

No independent witnesses came forward. The complainant's best friend did not respond to OCC's request for an interview. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.