

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/22/10 **DATE OF COMPLETION:** 05/24/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed a rude attitude or demeanor.

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

FINDINGS OF FACT: The complainant stated the officer was rude and discourteous. The officer denied he engaged in the conduct as articulated by the complainant. 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 Department Bulletin 08-268.

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

FINDINGS OF FACT: Pursuant to DB 08-268 members shall continue the collection of traffic stop data. Members without immediate access to an MDT shall manually enter the data onto the printed traffic stop data collection worksheet. The officer provided a copy of the Traffic Stop Data Collection worksheet for the date in question proving he was in compliance with Department policy. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/21/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant stated that an Municipal Transportation Agency fare inspector used excessive force to remove him from a coach for not paying a fare. Video footage from Municipal Transportation Agency and a police report established that a San Francisco police officer had to physically remove the complainant with reasonable force due to the complainant's resistance to exit the coach. A preponderance of the evidence based on video footage and testimony from the officer and several witnesses established that the complainant resisted and reasonable force was required in order to remove the complainant from the Muni coach and place him into custody with the assistance of a Muni fare inspector. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/03/10 **DATE OF COMPLETION:** 05/28/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer displayed a threatening demeanor.

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

FINDINGS OF FACT: The complainant made a gesture that suggested she wanted to file a complaint but when a police supervisor responded to interview her, neither the complainant nor her mother wished to do so at the time. The police supervisor provided the citizens with the OCC complaint forms to file, but none was filed on their own. The police supervisor prepared the form based on what he was told at the scene of this incident and forwarded to the OCC. The complainants did not respond to OCC requests for an interview. The complainants failed to disclose necessary information to advance an investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/10 **DATE OF COMPLETION:** 05/26/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove a police vehicle improperly.

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

FINDINGS OF FACT: The complainant stated that she was crossing the street in the crosswalk on a green walk signal when the named officer drove improperly and struck her with his motorcycle. The named officer stated that he entered the crosswalk as the traffic light facing him was turning yellow, and that the complainant, who was talking on her cellular phone, walked into the side of his motorcycle. The named officer stated that the complainant stated that she was not injured and left the scene before he could obtain her identification information and before a supervisor could arrive on the scene. The complainant confirmed that she left the scene but denied that she had been talking on her cellular phone. An unidentified civilian witness made an anonymous telephone call to police communications stating that he saw a motorcycle officer hit a pedestrian with his motorcycle at this location, and that the officer, who almost ran a red light, was at fault for the collision. The caller refused to identify himself. The complainant's cellular telephone records indicate that a call was made from her phone just after the named officer reported the incident to police communications. The complainant failed to respond to multiple requests by the OCC for a follow-up interview to clarify this issue. The named officer and the complainant offered sharply conflicting accounts of their verbal interaction. The complainant stated that she was extremely angry and directed multiple profanity-laced insults at the officer. The named officer stated that he did not recall the complainant ever using profanity or insulting him. The complainant's medical records document complaints of pain but showed no fractures, which contradicts the complainant's statement that she did sustain a fracture. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/10/10 **DATE OF COMPLETION:** 05/26/10 **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 stated that she was crossing the street in the crosswalk on a green walk signal when the named officer drove improperly and struck her with his motorcycle. The complainant stated that the named officer did not offer her medical assistance or tell her that he was going to document the incident, but also acknowledged that she did not tell the officer she was injured and that she walked away from the scene without providing the officer with her full name or contact information. The named officer stated that he immediately notified police communications of the incident and requested that a supervisor respond to the scene. The named officer stated that he asked the complainant if she was injured and she said she was not. The named officer also told the complainant he had summoned a sergeant to the scene and said he was going to write a report. The complainant told him she did not need a report and quickly walked away from the scene. The named officer stated that he asked the complainant her name, but that she only provided her first name. He stated that he did not obtain her full name or request the complainant's identification because she said she was not injured and because she left the scene. The named officer stated that he prepared a written memo documenting the incident upon the instructions of his sergeant. Communications records confirm that the named officer notified police communications of the incident and requested that a supervisor respond to the scene, that he reported that the complainant was walking away one minute later and that his supervisor therefore did not respond to the scene. The named officer and the complainant offered sharply conflicting accounts of their verbal interaction. The complainant stated that she was extremely angry and directed multiple profanity-laced insults at the officer. The complainant also denied that the named officer ever said anything about preparing a report and denied telling him she did not want a report prepared. The named officer stated that he did not recall the complainant ever using profanity or insulting him. Due to this significant discrepancy between the accounts of the complainant and the named officer, there is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/18/10 **DATE OF COMPLETION:** 05/26/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-3: The officers entered the complainant's residence without cause.

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

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

SUMMARY OF ALLEGATION #4-6: The officers engaged in biased policing due to religion/ethnicity.

CATEGORY OF CONDUCT: CRD **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: 02/19/10 **DATE OF COMPLETION:** 05/17/10 **PAGE #1** of 2

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 May 14, 2010.

SUMMARY OF ALLEGATION #2: The officer demonstrated inappropriate and biased behavior/comments.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 14, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/19/10 **DATE OF COMPLETION:** 05/17/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #3: The officer was discourteous.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 14, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 05/27/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers issued an invalid order.

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

FINDINGS OF FACT: The complainant stated the officers told him to move his vehicle. The officers denied the allegations as articulated by the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4-5: The officers displayed inappropriate behavior and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers displayed inappropriate behavior and/or made inappropriate comments. The officers denied the allegations as articulated by the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 05/27/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officers should have cited the teenager for being improperly parked. The complainant further alleged that the officers did not check to see who the owner of the vehicle was and that the officers did not check the other drivers license. The officers were questioned. The officers explained this was a civil dispute over a parking problem. The incident occurred in a parking lot on private property. The officers did not witness any criminal activity nor was there a vehicle accident. There were no reports of physical injuries to the parties. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/22/10 **DATE OF COMPLETION:** 05/18/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1-2: The officers failed to promptly respond to scene.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 14, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/10 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The complainant said the officer flipped him the middle finger twice, and yelled a profanity while saying that she could do whatever she wanted. The officer denied the allegation. A witness known to the complainant who was a passenger in the officer's vehicle also denied the allegation. There was no independent witness to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant said the officer lied to DMV in her report that the complainant cut off another motorist on the roadway, straddled lanes, and was smoking marijuana while driving his vehicle. The officer denied the allegation and stated that other than a human error about the time of the occurrence, her report to DMV was complete and accurate. A witness in the officer's vehicle corroborated the officer's report. There was no independent witness to either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/10 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer misused her police authority.

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

FINDINGS OF FACT: The complainant alleged that the officer inappropriately displayed her star, because the officer should have reported him to the police, followed him until he was stopped so the officer could then make a citizen's arrest. The officer said she was off-duty when she displayed her star and did so to make the complainant aware that his illegal activities were unsafe while driving a motor vehicle, but her intentions were never to make a traffic stop. A witness accompanying the officer corroborated the illegal activity and unsafe driving by the complainant, and on her own reported the complainant's vehicle to police headquarters to follow up. Under California Vehicle Section 21061, the officer was lawfully permitted to issue a notice of reexamination to the complainant based on a reasonable belief that the complainant exhibited evidence of incapacity while driving a motor vehicle, and was under no obligation to further act under color of authority to affect a traffic stop or make a citizen's arrest. The officer's actions were lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/08/10 **DATE OF COMPLETION:** 05/22/10 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1-2: The officers forced entry into the complainant's home 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 May 11, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/10 **DATE OF COMPLETION:** 05/28/10 **PAGE #1** of 1

SUMMARY OF ALLEGATIONS #1-3: The officers searched the complainant's residence without cause.

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

FINDINGS OF FACT: Department records indicated the officers had probable cause to conduct a search on the home. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #4-5: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The named and one witness officer denied the allegations, stating that they had to break in an interior door in the complainant's home to determine if the subject of a parole search was using that room. The officers recorded the damage to the door as per policy. The officers also said that they attempted to search while leaving the room in the shape in which they found it. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/10 **DATE OF COMPLETION:** 05/27/10 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained without justification. The named officer stated he detained the complainant for smoking in the park. A witness officer stated the complainant was smoking in the park and that was the reason for his detention. The complainant denied smoking in the park. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated he was issued a citation without cause. The named officer stated he issued a citation to the complainant for smoking in the park. A witness officer stated the complainant was smoking in the park and that was the reason for the citation. The complainant denied smoking in the park. There are no independent witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/10 **DATE OF COMPLETION:** 05/27/10 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer mocked him during this incident. The named officer denied the allegation. Another officer stated the named officer did not mock the complainant and that his demeanor was professional during this incident. There are no other witnesses to this incident. There was insufficient evidence to either prove, or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/16/10 **DATE OF COMPLETION:** 05/18/10 **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 initially stated that the officer failed to write an incident report or issue a citation to a Municipal Railway bus driver who assaulted him by running the complainant off the road when the complainant was riding a bicycle. During his recorded interview the complainant stated that he did not request an incident report from the officer but expected one to be completed and a citation issued. The complainant said that there was no contact between him and the bus and that he did not sustain an injury. The officer did not observe the alleged conduct by the Muni Bus Driver. The officer said the complainant did not request an incident report but did ask that the Muni driver be cited for cutting him off. The officer said that he listened to the complainant and asked if the complainant was injured or needed medical attention. The complainant was not injured. The officer determined from the complainant's statement that the elements for the crime of assault were not met. The officer explained this to the complainant and offered the complainant the Municipal Railways information to file a complaint against the driver and the complainant then rode away on his bicycle.

Department Bulletin 09-110 entitled Traffic Accidents/Incidents Involving Bicyclists states in pertinent part that an accident report is required when there is an injury of complaint of pain. It further states that any assault upon a cyclist shall be reported as a criminal incident. Members **should** complete investigations and reports as appropriate. Officers **may** receive complaints by bicyclists about motorists who run a bicyclist off the road or actually try to commit an assault. Officers shall prepare incident reports in all such cases. Should the incident lack the elements of an assault, but the reportee is insistent on reporting the incident, officers shall take the information available and prepare an incident report. In this case there was no injury, the officer did not observe the alleged act and could not issue a citation for an incident that he did not observe, the elements for the crime of assault were not met and the complainant did not insist that an incident report be made as the complainant rode away from the officer without providing any further contact information. Pursuant to Department rules the officer's actions were proper and appropriate.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/09/10 **DATE OF COMPLETION:** 05/12/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant wrote that an officer (unknown identity) acted inappropriately and made an inappropriate comment towards her. The complainant did not identify the officer in her letter to OCC and did not provide a telephone number or an address for follow-up contact. Email messages to the complainant were not returned. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/23/10 **DATE OF COMPLETION:** 05/21/10 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: This officer failed to provide accurate information regarding a citation fee.

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

FINDINGS OF FACT: The complainant was upset because the officer told him that the citation for the cell phone violation would be around \$20.00 and when the complainant called to inquire about the citation he was told it was \$140.00. The witness officer, subject matter expert, stated that officers are not trained to know the fee schedules. The DB 08-139 list answers to frequently asked questions regarding the Cell Phone laws and one of them is that the fine for the first offense is \$20.00. There are administrative fees associated with the processing of cell phone violations that are imposed by local jurisdictions separate from the initial citation. The officer's conduct in this incident did not rise to the level of misconduct and his behavior was justified and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/24/10 **DATE OF COMPLETION:** 05/22/10 **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 the officer cited him without cause. A witness called the police and requested assistance in removing the complainant from a city park. The complainant was sleeping in the park. An officer responded and found the complainant sleeping as described. The officer told the complainant he could not camp in the park, and directed the complainant's attention to a sign prohibiting camping. The officer then cited and released the complainant. The officer also provided the complainant with information on legal assistance if the complainant felt he was being unjustly cited. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/25/10 **DATE OF COMPLETION:** 05/12/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers demonstrated threatening and inappropriate behavior.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complainant was mediated and resolved in a non-disciplinary manner on May 7, 2010.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused members, the complainant was mediated and resolved in a non-disciplinary manner on May 7, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/10 **DATE OF COMPLETION:** 05/18/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 14, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/29/10 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer failed to conduct a proper investigation.

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

FINDINGS OF FACT: The complainant is a taxi driver who was involved in a traffic collision with a bicyclist. The complainant stated that the officer did not conduct a proper investigation of the collision because the officer spent more time with the bicyclist, sided with the bicyclist by finding the complainant as the primary factor for the collision and that the accident report was inaccurate and therefore the officer was biased. The investigation proved that the officer wrote an accident report for this collision and took statements from the complainant, the bicyclist and a witness that all corroborated what occurred. The officer also drew a diagram of the accident site for the report. The complainant's statement in the report is longer than either the bicyclist's or the witness' statements showing that the officer did spend sufficient time with the complainant in order to receive his account. The complainant was cited as the primary factor for the collision for failure to yield to opposite traffic when making a left turn, but the officer also cited the bicyclist for failure to have a light on his bike as the complainant stated in the report. The bicyclist sustained minor injuries during the accident so it would be proper for the officer to spend time with an injured party to determine the severity of injuries and the need for medical treatment. The report is accurate based on the corroborating statements of all parties interviewed. There would be no bias as alleged by the complainant as both parties involved in the collision were cited as factors of the collision. The investigation showed that the officer conducted a proper and fair investigation of the traffic collision pursuant to the policies and procedures of the San Francisco Police Department.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/10 **DATE OF COMPLETION:** 05/26/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: 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 who stopped and issued her a citation for an expired vehicle registration engaged in inappropriate behavior and made inappropriate comments. The complainant stated this included ordering her to roll down her window and threatening to cite or arrest her if she didn't, and asking the complainant whether she spoke English. The complainant stated that her window was partially open and when the named officer told her to open it completely, she told him she would not because she did not know or trust him. A juvenile passenger in the complainant's car, who is related to the complainant, stated that the named officer told the complainant to roll down her window -- which was half open -- all the way, and threatened to arrest her if she didn't. This witness also stated that the named officer asked the complainant whether she spoke English, and that he may have said this after instructing the complainant to shut off her engine, which the complainant may not have immediately done. This witness described the named officer as having an aggressive tone of voice and body language. The complainant's mother, who came to the scene of the traffic stop after the complainant telephoned her, stated that the named officer manifested a rude attitude. The named officer stated that the complainant's window was closed and when he told the complainant to lower it, she refused, stating that she did not know or trust him. The named officer stated that he told the complainant that if she did not roll down the window and present her driver's license, he would cite her for that offence. The named officer denied asking the complainant if she spoke English. The named officer stated that when the complainant's mother arrived on the scene, she angrily yelled at him asking why he had stopped her daughter. He stated that he told her to move her vehicle, which was blocking traffic, into a nearby parking lot and that he would then talk to her. A second juvenile passenger in the complainant's car failed to respond to requests for an interview. The named officer's partner stated that he did not hear the verbal interaction between the complainant and his partner. He stated that when the complainant's mother arrived on the scene she screamed that the officers had stopped her car, which her daughter was driving, and she had to be admonished not to approach the car during the traffic stop. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/07/10 **DATE OF COMPLETION:** 05/26/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: 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 during a traffic stop, the named officer shone his flashlight inside her vehicle, frightening a child inside, and continued to do this after they asked him not to. The complainant also stated that when her mother arrived on the scene the named officer made inappropriate comments to her. The complainant's mother stated that the named officer made an inappropriate comment, although she could not specifically state what it was. A juvenile passenger in the complainant's car, who is related to the complainant, stated that the named officer shone his flashlight inside the car, and thinks the complainant may have said something to him about this. The named officer stated that while acting as the cover officer during the traffic stop he shone his flashlight inside the complainant's vehicle on the two occasions when his partner approached the car for officer safety reasons. He denied that anyone ever asked him to stop shining a light into the vehicle. The named officer's partner stated that the named officer used his flashlight to illuminate the interior of the vehicle, which had heavily tinted rear windows, and denied that anyone told the named officer to stop what he was doing. The named officer denied making an inappropriate comment to the complainant's mother. The complainant's mother confirmed that both back windows and the rear window of the car, which she owns, are tinted, but denied that they are heavily tinted. A second juvenile passenger in the complainant's car failed to respond to requests for an interview. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 1 of 8

SUMMARY OF ALLEGATIONS #1-6: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The named officers acknowledged they took part in the detention of one complainant and his brother but said the detention was legitimate as they saw the complainant running from a house under surveillance and his brother intervened in his detention. Numerous witness officers and several other witnesses stated they did not see the events leading to the detention. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #7-8: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The named officers acknowledged taking part in the detention but denied the allegations. Three complainants gave different accounts of salient facts of the incident and differing identifications of the involved officers. Numerous officers on the scene denied witnessing the events leading to the detention. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 2 of 8

SUMMARY OF ALLEGATIONS #9-14: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: The named officers acknowledged detaining the complainant and his brother at gunpoint, but stated that they did so after two of the named officers saw the complainant flee from the area of a house under surveillance in a gun-related investigation and his brother then interfered in the detention. The remaining four named officers claimed they heard either broadcast or verbal notification that men were fleeing from a house under investigation in a gun-related case. Numerous witness officers and several other witnesses stated they did not see the events leading to the detention. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegations.

SUMMARY OF ALLEGATION #15-16: The officers detained the complainant at gunpoint without justification.

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

FINDINGS OF FACT: One named officer denied either officer displayed his gun and the other did not recall pointing his gun at the complainant. Three complainants who said they witnessed the detention gave different descriptions of whether either of the named officers displayed a gun. Several officers at the scene denied witnessing the detention. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 3 of 8

SUMMARY OF ALLEGATIONS #17-18: The officers used profanity in speaking to the complainants.

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

FINDINGS OF FACT: Two complainants alleged the use of profanity but did not corroborate the use of profanity they each heard. The named officers denied the allegations. Four witness officers who were on the scene denied hearing the profanity alleged. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #19-22: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: Four complainants alleged numerous officers struck one complainant and his brother with batons and fists without provocation but gave different accounts of the actions of the complainants leading to the use of force and the response to the use of force. Two of the complainants acknowledged that the detainees acted in a way that was interpreted as physical resistance by the officers. Three of the named officers acknowledged striking the two but said the force they used and saw other officers using was necessary to meet unprovoked attacks and physical resistance to the detention by the two men. One named officer acknowledged being present during a fight among the officers and the two men, but denied using any force or seeing any unnecessary force by others. Four witness officers denied seeing any unnecessary force used. Seven witness officers said they did not see the use of force alleged. No other independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 4 of 8

SUMMARY OF ALLEGATION #23: The officer used unnecessary force during a detention.

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

FINDINGS OF FACT: Five complainants alleged improper use of a baton and slamming a door on the complainants, pushing them into their house. One of the complainants, struck by a baton, said that the named officer did so as he was trying to remove his brother from a fight with several officers. The named officer denied the allegation, stating that the complainant approached in an aggressive fashion while officers were fighting with two resistant detainees. Four witness officers denied there was any unnecessary use of force. Several officers who were in the area of the incident said they did not see the alleged force. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #24-25: The officers used unnecessary force during a detention.

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

FINDINGS OF FACT: One complainant alleged an officer threw down another complainant during a detention. The detained complainant alleged the officer told him to get down; he hesitated and did, then was jumped on by two other officers. The named officers acknowledged detaining the complainant but denied the use of any force. Several witness officers denied they witnessed the detention or any unnecessary force. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 5 of 8

SUMMARY OF ALLEGATION #26-32: The officers entered a residence without cause.

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

FINDINGS OF FACT: Two complainants alleged that officers entered the back yard of their family home without cause and two complainants alleged that two officers followed a family member into the house without cause. The named officers acknowledged entering the back yard of the home to detain one of the complainants for a criminal investigation, and they acknowledged walking through the home of the complainants with their permission to take two detainees out of the home. All of the named officers denied they followed anyone into the house. Several witness officers said they did not see the officers enter the home or the back yard. No other witnesses came forward. There was insufficient evidence to identify all the officers involved or to either prove or disprove the allegations.

SUMMARY OF ALLEGATIONS #33-34: The officers handcuffed an onlooker without justification.

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

FINDINGS OF FACT: Three complainants said one complainant was handcuffed without justification. The named officers acknowledged handcuffing the complainant when they saw him running, attempted to detain him, and met verbal and physical resistance. The named officers said they released the complainant when they learned he was not involved in the incident to which they were responding. Several witness officers denied they witnessed the detention or saw what led to the handcuffing. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegations.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE #** 6 of 8

SUMMARY OF ALLEGATION #35: The officers failed to follow proper procedures for property damaged by police during an operation.

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

FINDINGS OF FACT: One complainant alleged that officers broke the railing on his porch, but acknowledged that he did not bring the damage to the attention of any officer. One other complainant present during the incident did not describe the deck being broken. Several officers on the scene mentioned that the railing had been damaged, but denied that the damage was caused by police activity. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATIONS #36-37: The officers conducted an arrest without cause.

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

FINDINGS OF FACT: One complainant said he was arrested for doing nothing more than walking onto his rear deck. The named and numerous witness officers acknowledged the complainant was arrested, but stated the arrest was justified because the complainant fled from the area of a house under surveillance in a gun investigation. Key witnesses declined numerous requests to be interviewed. No other witnesses to the events leading to the arrest came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 7 of 8

SUMMARY OF ALLEGATIONS #38-39: The officers conducted an arrest without cause.

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

FINDINGS OF FACT: One complainant said his brother was arrested for trying to help him, and acknowledged that his brother had tried to pull police officers off of him while he was detained. The named and numerous witness officers acknowledged the brother was arrested, but stated the arrest was justified because the arrestee interfered in the detention of the complainant. Key witnesses declined numerous requests to be interviewed. No other witnesses to the events leading to the arrest came forward. The evidence proved that the acts alleged of took place; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #40-41: The officers failed to comply with DGO 5.01 – Proper use of a baton.

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

FINDINGS OF FACT: One complainant alleged that an officer struck him in the wrist with an overhead strike. Two other complainants alleged an officer struck another family member in the head with an overhead strike. The complainants' accounts of the incident differed in material facts regarding who hit whom and how. The named officers acknowledged using their batons to subdue the resistant subjects, but denied using overhead strikes. Five witness officers denied that they saw any overhead baton strikes. No independent witnesses came forward.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 8 of 8

SUMMARY OF ALLEGATIONS #42-43: The officers failed to answer reasonable questions.

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

FINDINGS OF FACT: Two complainants alleged they asked sergeants who were in charge of an incident what was going on, and what their relatives were being charged with, and the named officers failed to tell them. One complainant acknowledged that another officer directed them to proceed to a police station, but the complainant said one of the named officers refused to meet with the complainant at the station. The named officers denied the allegations, stating they spoke to the complainants at the scene and saying they believed the complainants had been given all the information the officers knew at the time of their conversation. One named officer denied ignoring the complainant at the station. Interviews with numerous witness officers indicated the situation was chaotic and that the complainants were ultimately directed to the locations where their relatives had been transported. There was insufficient evidence to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/10 **DATE OF COMPLETION:** 05/18/10 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer failed to maintain required knowledge.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on May 13, 2010.

SUMMARY OF ALLEGATION #2-3: The officers made a traffic stop 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 May 13, 2010.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/10 **DATE OF COMPLETION:** 05/18/10 **PAGE #2** of 2

SUMMARY OF ALLEGATION #4: The officer conducted a pat search 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 May 13, 2010.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/20/10 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1-2: The officers issued an invalid order

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

FINDINGS OF FACT: The witness stated the complainant entered her café and began yelling and screaming obscenities. The witness told the complainant to leave her café and the complainant complied. The complainant waited outside the café and called the police. The witness said she requested the police not allow the complainant to enter the café due to her disruptive behavior. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/21/10 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer's behavior was inappropriate.

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

FINDINGS OF FACT: The co-complainants stated that the officer's behavior was inappropriate when she appeared not to want to accept an incident report from them. However, despite the officers reluctance, the officer did eventually take the incident report from the co-complainant. Department Records show that the officer retired from the San Francisco Police Department on May 14, 2010 and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/10 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer displayed a rude attitude/demeanor.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/22/10 **DATE OF COMPLETION:** 05/28/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #2: The officer's behavior was rude.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/10 **DATE OF COMPLETION:** 05/04/10 **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 received a citation for a missing front license plate that he had lost during a collision. The complainant admitted his vehicle was missing the front plate. He verified the make, model and license plate number of his vehicle with the OCC. The complainant stated this citation was unjustified, stating his vehicle had been in a collision and his front plate had been lost in the collision and had not had a timely opportunity to seek a replacement from DMV. 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 #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant raised matters not rationally within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/27/10 **DATE OF COMPLETION:** 05/12/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 05/05/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1:The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant withdrew his complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/10 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** IO2 **DEPT. ACTION:**

FINDINGS OF FACT: The complainant raised matters not rationally within OCC's jurisdiction.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/30/10 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that on several occasions in July, 2009, he was assaulted at a hospital where he was receiving treatment. The complainant stated that he filed multiple police reports concerning these incidents and thinks the cases were consolidated under one case number. The complainant wants to press criminal charges as a result of these incidents and to submit 3000 pages of documents as evidence, but no one in the San Francisco Police Department has responded to his attempts to pursue this matter. Department records indicate that the incident report the complainant filed during this time period did not report the commission of a crime. Department records also establish that during the time period referenced by the complainant, several police reports were filed by hospital personnel involving threatening statements by the complainant against hospital personnel and the complainant's violation of a restraining order at the hospital. The evidence established that the complainant did not report a crime to the Department and that therefore no further action or investigation was required. The evidence proved that the facts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/10 **DATE OF COMPLETION:** 05/04/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complaint raises matters not within OCC's jurisdiction. The complaint has been referred to:

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/10 **DATE OF COMPLETION:** 05/09/10 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The complaint is not within OCC's jurisdiction.

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

FINDINGS OF FACT: The anonymous complainant identified a person by name as a San Francisco Police Officer and alleged many acts to this person. Department Records show that there is not, nor has there been a person by that name who is or was a member of the San Francisco Police Department. There is no contact information for the anonymous complainant. The evidence showed that the named person is not a member of the San Francisco Police Department. There is no referral to any agency due to the fact that the complainant is anonymous, provided no contact information and therefore cannot be contacted to gather further information.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/10 **DATE OF COMPLETION:** 05/22/10 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The allegation raises matters outside the OCC's jurisdiction and is being forwarded to the offices of the State of California's Bureau of Alcoholic Beverage Control, 71 Stevenson Street, Suite 1500, San Francisco, CA 94105-2961.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The allegation raises matters outside the OCC's jurisdiction and is being forwarded to the offices of the State of California's Bureau of Alcoholic Beverage Control, 71 Stevenson Street, Suite 1500, San Francisco, CA 94105-2961.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/06/10 **DATE OF COMPLETION:** 05/28/10 **PAGE #**1 of 1

SUMMARY OF ALLEGATION #1: The officer neglected his duties when he failed to write an incident report.

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

FINDINGS OF FACT: The complainant stated that he went to a pharmacy to collect money that was owed to him as a re-payment for a prescription. The complainant stated that the pharmacy would not pay him so he called the police over this pay dispute. A review of Department records showed that the officer was dispatched to the scene and met with the complainant. The officer indicated that this was a civil matter as reported to him by the complainant over a settlement check that the complainant said was due to him. The pharmacy did not know of any settlement check due to the complainant and had no payment for him. The complainant provided OCC with a letter he said was his evidence that a payment was due to him. A review of the letter showed that the complainant's case had been re-opened with a state agency and a hearing would be scheduled for a later date. There was no indication that any payment was due to the complainant from the pharmacy from this letter. Department General Orders require an officer to write an incident report for crimes they observe or crimes that are brought to their attention. The information provided by the complainant showed that no crime occurred and that this was a civil matter. The evidence showed that the officer acted lawfully and properly pursuant to Department policy and procedures.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

San Francisco Police Department
Attn: Management Control Division
850 Byrant Street Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/11/10 **DATE OF COMPLETION:** 05/19/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/10 **DATE OF COMPLETION:** 05/18/10 **PAGE #**1of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/13/10 **DATE OF COMPLETION:** 05/22/10 **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: Department Records show that the officer retired from the San Francisco Police Department on May 14, 2010 and is no longer available and subject to Department discipline.

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

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

FINDINGS OF FACT: Department Records show that the officer retired from the San Francisco Police Department on May 14, 2010 and is no longer available and subject to Department Discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/17/10 **DATE OF COMPLETION:** 05/18/10 **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:

Management Control Division
San Francisco Police Department
850 Bryant Street
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/08/10 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/21/10 **DATE OF COMPLETION:** 05/28/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer neglected his duties when he failed to take a required action.

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

FINDINGS OF FACT: Department Records show that the named officer retired in 2003 and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/02/10 **DATE OF COMPLETION:** 05/27/10 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was stopped by a uniformed motorcycle officer and issued a citation for an unsafe lane change. The complainant was subsequently arrested for possession of a stolen vehicle. The officer radioed dispatch with the vehicle license plate number and was notified by dispatch that the vehicle had been reported stolen to the San Jose Police Department. The officer arrested the complainant for driving a stolen vehicle. The complainant was also cited for the unsafe lane change and for expired vehicle registration. The evidence proved that the act, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated he told the officer he was driving to the Department of Motor Vehicles to transfer title for the recently purchased vehicle he was driving. The complainant had not registered the vehicle because there were outstanding tickets attached to the vehicle that the complainant could not afford to pay. The named officer made a traffic stop of the complainant's vehicle and radioed dispatch the license plate number of the vehicle. The officer was notified by dispatch that the vehicle had been reported as a stolen vehicle. The officer observed the vehicle had keys in the ignition. The officer contacted the San Francisco Police Department Auto Theft Detail and spoke with an inspector. The Inspector advised the officer to arrest the complainant because the vehicle was a reported stolen vehicle. The officer arrested the complainant for driving a stolen vehicle. The officer called the victim of the reported stolen vehicle from the district station. The officer was unable to contact the victim. The evidence proved that the acts, which provided the basis for the allegation, occurred; however such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/09 **DATE OF COMPLETION:** 05/10/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used biased policing due to race.

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

FINDINGS OF FACT: The complainant stated he was driving to the Department of Motor Vehicles to transfer title to the recently purchased vehicle he was driving. The complainant alleged that the motorcycle officer stopped him because of his ethnicity. The named officer stated before he stopped the vehicle for the unsafe lane change, he did not know either the race or ethnicity of the driver. The traffic stop was based on the officer's observation from one half block behind the vehicle, of that vehicle making an unsafe lane change. No independent witness came forward during the investigation. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATION #4: The officer failed to make the required traffic stop data entry.

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

FINDINGS OF FACT: The named officer stated he turned all of his documents and citations at the end of the shift to the Traffic Company Sergeant. The officer stated he did not use any other E585 terminal at the district station because he did not know which terminal was designed for E585 Traffic Stop Data Entry. The officer stated he completed the Traffic Company Daily Activity Log, Traffic Stop Data Collection Worksheet and Citation Recap and with his green copy of the citations he issued that day were placed in the Traffic Company Sergeant's inbox. The S.F.P.D.'s Technology Division conducted an audit for the officer's entry without success. The named officer provided a copy of his Traffic Stop Data Collection Worksheet for date of the incident, a day after his OCC interview. The evidence established the officer failed to enter the data electronically into the ICAD terminal using the E585 mask as mandated by Department Bulletin No. 08-268. A preponderance of evidence proved that the conduct complaint 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: 06/11/09 **DATE OF COMPLETION:** 05/06/10 **PAGE#** 1 of 4

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

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

FINDINGS OF FACT: The officers responded to a dispatched call initiated by more than one reporting party. The reporting party's called in a person was screaming for help. The officers responded to the dispatched location and met with a male and female couple and the complainant. The officers separated the individuals and conducted an investigation of the occurrence. The Office of Citizen Complaints found this incident was an investigatory detention. The parties were not handcuffed or moved during the investigation. 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 #3: The officer's comments and behavior were inappropriate

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

FINDINGS OF FACT: The officer denied he told the complainant he didn't need and didn't care about her employee identification from a law enforcement agency. The officer said he told the complainant her employee identification was not a valid form of identification. Two witness officers heard the officer request identification from the complainant in an appropriate manner. A witness and friend of the complainant said she heard the officer tell the complainant that he didn't want to see the employee identification and to put it away. The named officer denied telling the complainant it was not a crime for a person to run after her down the street and look into her bag. Rather, the officer said he told the complainant an individual saw the complainant commit a crime and it was permissible for them to conduct a citizen's arrest. A witness and friend of the complainant heard the named officer tell the complainant a person could run up to someone and demand their bag as long as they didn't touch or grab the complainant. The officer denied telling the complainant she should be used to this [type of incident] because of where she worked. He did not make any comments about her profession and being able to handle that type of incident. A witness and friend of the complainant heard the officer tell the complainant to just go to work and she needed to get over the incident. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/09 **DATE OF COMPLETION:** 05/06/10 **PAGE#** 2 of 4

SUMMARY OF ALLEGATION #4: The officer's behavior was inappropriate

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

FINDINGS OF FACT: The officer said he did not recall laughing with the involved male and female. However, he did hear the male and female laughing while talking amongst themselves. He had no knowledge of what they were laughing about. The witness and friend of the complainant observed some of the cops standing near the couple when the female started laughing. A second witness could hear that the couple was confused, but could also hear them laughing. There is insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5-6: The officers were racially biased toward the complainant, due to her race.

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

FINDINGS OF FACT: One of the named officers' said the incident was a misunderstanding. He did not act in a racially biased manner. It is a Department policy and he does not conduct himself in that manner. The officer said the complainant was treated fairly, equitable and without any evidence of racially biased policing. The other named officer said there was nothing racial involved in the total situation; it was normal protocol. The officer said the complainant could have been any race and it would not have mattered. He believed the complainant was treated fairly. He ran a criminal records check on the complainant because it was part of the investigation. The male and female couple said the complainant had committed a crime of possible theft. The witness officers corroborated the named officers account of the allegation; that the complainant was treated fairly and without bias. A witness and friend of the complainant said the incident felt like a racial issue. She felt the white couple was getting preferential treatment by the white officers. The other witness stated the manner in which the complainant was treated had nothing to do with her race, but rather her behavior. There is insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/09 **DATE OF COMPLETION:** 05/06/10 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #7-8: The officers failed to make an arrest.

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

FINDINGS OF FACT: The named officers conducted an investigation of the incident by interviewing all the parties involved. The officer concluded the incident was a misunderstanding and that no criminal activity had occurred by either party. The witness officers corroborated the named officers account that no crime had occurred. Two witnesses stated they were surprised that the officers took no action against the couple and allowed them to leave.

SUMMARY OF ALLEGATION #9: The officer failed to write an incident report.

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

FINDINGS OF FACT: The officer acknowledged he and his partner were the first officers on the scene. He was one of the primary officers and responsible to handle the scene. The named officer interviewed the complainant regarding the incident. The officer said the complainant did not request he write an incident report. However, he did acknowledge he informed the complainant he would not write an incident report of the event. He continued to explain to the complainant that the incident was a misunderstanding; the couple thought she had stolen their shoes and was the reason they approached her and requested to look into her bag. The complainant became very upset and asked the officer why wasn't anything being done. The officer remained steadfast in his determination. He told the complainant he determined that no criminal activity had occurred. "Therefore, there will not be an incident report. Three witness officers said they did not hear the complainant request an incident report. Nonetheless, one Department order states a patrol officer shall make all required written reports of crimes or incident requiring police attention. Another Department order states, "In all instances involving requests for a private person's arrest, an incident report shall be prepared. 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: 06/11/09 **DATE OF COMPLETION:** 05/06/10 **PAGE#** 4 of 4

SUMMARY OF OCC ADDED ALLEGATION #1-2: The officer failed to issue a certificate of release.

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

FINDINGS OF FACT: The officers stated they did not issue a certificate of release because the parties were not detained for a long period of time, were not handcuffed, and no one was moved from the location. The Office of Citizen Complaints investigation found this incident was an investigative detention. The officers responded to a dispatched call initiated by more than one reporting party. The officers are obligated to respond and investigate the incident. The officers interviewed the parties involved to determine if a crime had occurred and if further police involvement was required. This incident did not meet the criteria of a detention; therefore a certificate of release was not required.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/09 **DATE OF COMPLETION:** 05/21/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer made inappropriate, intimidating and profane comments at the scene and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant's husband is involved in an ongoing civil dispute with his ex-wife over custody and visitation regarding their juvenile son. During a scheduled pickup, the mother called police alleging the complainant's husband had violated an existing restraining order. The incident occurred at the entryway to the mother's apartment doorway and in the parking lot upstairs from the mother's apartment doorway. The complainant stated the officer used profanity at the apartment doorway, calling her a "shit starter." The officer denied the allegation. There were no witnesses who overheard the comment allegedly made by the officer. The complainant further stated the same officer repeatedly told her she had been served with legal documents. The complainant alleged the officer slapped her with the documents. The officer denied the allegation, stating the physical contact was an accident. The complainant's husband did not observe the entire incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer misused her police authority.

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

FINDINGS OF FACT: The complainant's husband is involved in an ongoing civil dispute with his ex-wife over custody and visitation regarding their juvenile son. During a scheduled pickup of the complainant's stepson, the mother called police, alleging the complainant's husband had violated an existing restraining order. The officers performed an investigation and found no restraining order was in place. The complainant alleged the officer had exceeded the scope of her police officer's authority by attempting to serve legal documents for the San Francisco Police Department. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/22/09 **DATE OF COMPLETION:** 05/21/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used unnecessary force

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

FINDINGS OF FACT: The complainant's husband is involved in an ongoing civil dispute with his ex-wife over custody and visitation regarding their juvenile son. During a scheduled pickup, police responded to the scene regarding the violation of an alleged restraining order. Following an investigation, the police found no valid order in the system. The OCC determined the mother sought to serve the complainant's father with legal papers. The OCC found one of the officers rendered assistance in the civil matter. The complainant stated the officer used unnecessary force when she allegedly slapped the complainant with an envelope destined to serve her with legal documents in a civil matter. The officer denied the allegation, stating it was not an intentional touching. The officer admitted touching the complainant but denied it was an intentional touching. The witness did not see the incident. The officers at the scene denied the touching occurred. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The officer took unwarranted action.

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

FINDINGS OF FACT: The complainant's husband is involved in an ongoing civil dispute with his ex-wife over custody and visitation regarding their juvenile son. During a scheduled pickup, police responded to the scene following the juvenile son's mother's call, saying the complainant's husband had violated a restraining order. While the complainant's husband and the complainant were at the scene, the mother allegedly attempted to have a friend serve the father with legal documents related to the dispute. It was unclear whether service was successful. The mother also gave legal documents to her son to serve the father. Police found no restraining orders in the system. The parties were free to leave. When the son told the father about the documents, the father and the complainant returned to the mother's residence, where the police were still on scene. The complainant sought to return the papers to the mother. Instead, the officer took the papers from the complainant and returned them to her, telling her she had been served. When the complainant informed her she was not a party to the dispute, the officer tried to serve the complainant's husband. The officer denied the allegation, stating she had the right to serve the parties if a violent crime had been committed, in the service of a restraining order or in a civil matter. The OCC determined that no violent crime had been committed and the officer was not serving a restraining order. DGO 2.01 (52) prohibits the officers from serving any legal documents or rendering assistance in civil matters. The officer also failed to display impartiality with all parties at the scene, as required by other SFPD regulations. 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: 06/29/09 **DATE OF COMPLETION:** 05/28/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer behaved in a harassing manner toward the complainant.

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

FINDINGS OF FACT: The officer denied the allegation saying that he has cited the complainant in the past for illegal solicitation and not possessing a valid waybill. Witness officers denied any knowledge of any intent to harass by the named member. There is insufficient evidence to reach a definitive finding.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The officer denied the allegation. Two witness officers either did not recall, or denied hearing the alleged profanity. There is insufficient evidence to reach a definitive finding.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/29/09 **DATE OF COMPLETION:** 05/28/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant's statement is corroborated by a witness officer and another by-stander who stated that the named member verbally confronted the complainant and yelled at him in a harsh and aggressive manner interrupting and interfering with another officer's investigation and placing one of the investigating officer's in the awkward position of having to tell the named member to leave. The witness officer later complained to her supervisor about the named member's behavior.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used unnecessary force against the complainant during the detention.

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

FINDINGS OF FACT: The complainant stated an unknown officer used unnecessary force against him. Both of the officers who handled the call were interviewed. The officers denied the allegation. A witness stated she was on the telephone with the complainant when the incident occurred but could not identify the officer. Another witness could not be located and was not interviewed. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2-3: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant alleged two officers detained him in a small room at his place of employment. Both of the officers who handled the call were interviewed and denied the allegations. The witness could not be located and was unable to be interviewed. 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: 07/01/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #4: The officer made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged the officer acted inappropriately and made inappropriate comments. Both of the officers who responded to the scene were interviewed. The officers denied the allegations. The witness' statement was inconclusive. Another witness could not be located and was not interviewed. The officer could not be identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity toward him. Both of the officers who handled the call were interviewed and denied the allegations. The witness' statement was inconclusive. Another witness could not be located and was not interviewed. The officer could not be 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: 07/01/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #6: The officer made a racially derogatory comment toward the complainant

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

FINDINGS OF FACT: The complainant stated the officer made a racially derogatory comment toward him. Both of the officers who responded to the scene were interviewed and denied the allegation. The witness' statement was inconclusive. Another witness could not be located and was not interviewed. The officer could not be identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officers, from an area of concealment, observed the complainant accompanied by a female in the area of Market and 7th Street. The officers had knowledge that the female was in violation of a stay away order in that particular area. One of the officers observed the female patting the complainant on her back to help the complainant vomit. The officer saw the complainant induce vomit from her body onto the ground and pick up an item from her vomit. Based on the officer's knowledge and experience, he suspected the complainant was dislodging illegal drugs from her body. The officer made contact and detained the complainant and the female to investigate drug activity and/or possession of illegal drugs. The other officer retrieved their patrol car and drove to the area of the detention to assist his partner. The female witness provided a written statement of the incident corroborating that the complainant requested her assistance to dislodge illegal drugs lodged in her esophagus. A valid stay away order was in effect and had been filed with San Francisco Superior Court. 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 # 3-4: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The officers, from an area of concealment, observed the complainant accompanied by a female in the area of Market and 7th Street. The officers had knowledge that the female was in violation of a stay away order in that particular area. One of the officers observed, what he thought to be, the complainant induce vomiting to dislodge and retrieve illegal drugs from her body. Upon contact, the initial officer stated the complainant immediately refused to comply with his commands, destroyed evidence in the palm of her hands and physically resisted him. The second contact officer arrived and observed the complainant resisting and struggling with the initial officer. Both officers stated the complainant would not listen to their verbal commands.

The female witness provided a written statement of the incident corroborating that the complainant requested her assistance to dislodge illegal drugs lodged in her esophagus. The witness stated the incident became violent when the officers tried to handcuff the complainant. The second officer arrived and tried to calm the complainant down. The witness stated the complainant settled down after a few minutes. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/20/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5-6: The officers used unnecessary force during the detention/arrest.

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

FINDINGS OF FACT: Both officers stated the use of force was necessary to restrain the noncompliant complainant who attempted to evade the detention/arrest and destroy evidence. The initial contact officer said it took him three different physical control holds to subdue the complainant. The secondary officer denied kicking and striking the complainant on her back. The female witness corroborated that the incident became violent and it took some time to calm the complainant down. Once at the police station, the complainant advised a supervisor of her complaint of pain to her shoulder and forehead. The supervisor properly documented the use of force. The complainant refused medical treatment at the police station and failed to follow up with future medical assessments. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #7-8: The officers used unnecessary force with tight handcuffs.

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

FINDINGS OF FACT: The officers stated they eventually restrained the complainant and handcuffed her. Both officers said the complainant did not complain of tight handcuffs during the incident. All of the witness officers said the complainant did not complain of tight handcuffs during their contact with her. Once at the police station, the complainant advised a supervisor of her complaint of pain to her shoulder and forehead. The supervisor said he did not recall the complainant advising him of tight handcuffs. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/09 **DATE OF COMPLETION:** 05/21/10 **PAGE #1** of 2

SUMMARY OF ALLEGATIONS #1-2: The officers performed a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated the officers performed a traffic stop on him at night without cause. The complainant said the contact officer told him the lamp over his license plate was out and his plate was not visible at night. The complainant told the OCC investigator he had never heard of such a violation. During a visit to the OCC, the complainant illuminated his lights. The complainant and the investigator looked at the license plate area and saw that there is a well over the plate containing a light bulb. Upon inspection, the well was caked with dirt and the bulb appeared to be caked with dirt as well, or non-functional. Officers may elect to cite or advise a motorist with regard to technical violations such as California Vehicle Code section 24601. 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 engaged in biased policing.

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

FINDINGS OF FACT: The complainant alleged the officers performed a traffic stop based on racial profiling. The officers denied the allegation. They stated they observed a technical violation because they could not see the vehicle's plate. Both officers said they could not see the driver when they pulled the vehicle over. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/09 **DATE OF COMPLETION:** 05/21/10 **PAGE #2** of 2

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 and his partner performed a traffic stop of the complainant with a non-functioning light bulb over his license plate. The contact officer released the complainant with an admonishment. The passenger officer accepted responsibility for performing radio and computer tasks. The passenger officer, who was also the senior officer on board, admitted he failed to contact the Department of Emergency Management (DEM) to inform DEM Headquarters that he and his partner had performed a traffic stop. The contact officer admitted he did not radio DEM when he got out of his patrol car to approach the driver, but said his partner was charged with radio and computer tasks. The passenger officer admitted that he should have informed a dispatcher that his unit had conducted a traffic stop for officer safety reasons. Department General Order (DGO) 1.03 requires that officers notify dispatch when they are unavailable for assignments. DGO 3.01 requires adherence to all bulletins, manuals, and policies. The Field Training Officer (FTO) Manual notes it is an unacceptable violation of officer safety practices for an officer to not notify DEM when exiting a vehicle.

The officer also failed to document a traffic stop of the complainant. Department Bulletin 08-268 requires officers to log all traffic stop data in accordance with its provisions. Following the results of a SFPD audit, the OCC learned the officer failed to log the complainant's gender, ethnicity, date of birth, time of stop, location of stop and reason for the stop into the appropriate database, as required for SFPD accountability. 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: 07/28/09 **DATE OF COMPLETION:** 05/28/10 **PAGE #1** of 4

SUMMARY OF ALLEGATION #1: The officer arrested a citizen without justification.

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

FINDINGS OF FACT: The complainants observed a verbal and physical altercation between a juvenile and the named officer that resulted in the officer arresting the citizen. The named officer admitted to bumping into the juvenile on a crowded MUNI bus while trying to exit and stated she made confrontational comments toward him, which caused him to make inappropriate comments toward her. The named officer further stated the juvenile assaulted him by spitting on his shirt during this incident. In her police interview the juvenile admitted to spitting on the officer during this incident. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: One of the complainants stated he observed the named officer hit a juvenile on a crowded bus. The other complainant stated the officer was very physical with the juvenile but she did not know all the facts and details of the incident. The named officer denied the allegation. The juvenile stated in her police interview that the officer did not assault her but he was physically aggressive with her during the arrest. 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: 07/28/09 **DATE OF COMPLETION:** 05/28/10 **PAGE #2** of 4

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated he overheard the officer use profanity during this incident but he was not clear on what was actually said. The named officer admitted to giving the juvenile the middle finger during this incident but denied using any profanity. The juvenile stated the officer gave her the middle finger as well as used profanity toward her during this incident. According to DGO 2.01 members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language and the admission by the officer of the using of the middle finger violates this DGO. 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 #4: The officer made inappropriate comments and displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated he overheard an argument between the named officer and the juvenile. The named officer admitted during his OCC interview that he made inappropriate comments toward the juvenile but felt that he was allowed to because she had made racial slurs toward him. The juvenile stated in her police interview that the named officer made inappropriate comments toward her during this incident. According to DGO 2.01 members shall treat the public with courtesy and respect and not use harsh, profane, or uncivil language and the admission by the named officer of the use of inappropriate language violates this DGO. 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: 07/28/09 **DATE OF COMPLETION:** 05/28/10 **PAGE #3** of 4

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officer prepared an inaccurate incident report.

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

FINDINGS OF FACT: The OCC discovered during the investigation that the time of this incident and the miranda time were several hours apart and did not match coincide with the actual incident time. The named officer acknowledged in his OCC interview that the time recorded on the face sheet of the incident report was an error. The officer recorded the correct time of his Miranda admonishment in the narrative body of the incident report. The supervising officer did not notice the error when he signed off on the incident report. During his OCC interview he acknowledged that there was a mistake made and he would advise the officer who prepared the incident report to prepare a supplemental incident report. The officers' error does not rise to sustainable misconduct. There was insufficient evidence to either prove, or disprove the allegation made in this complaint.

SUMMARY OF OCC ADDED ALLEGATIONS #3-4: The officers failed to properly process property.

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

FINDINGS OF FACT: During the OCC investigation, the OCC attempted to locate the police interview of the juvenile involved in this incident. The OCC was advised that the audio CD was not logged into the database as being received by the SFPD legal Department. During an OCC interview one of the named offices stated she followed the property booking process and placed the evidence regarding this case in the evidence locker at the police station. The named officer logged the evidence and signed off on it on the police station property control log. During another OCC interview the other named officer contacted SFPD legal and they found the missing audio CD. The SFPD property control log does state that both officers signed off on the property as according to the policies and procedures of the Department and that a property control officer picked up the evidence the next day. It is unknown to the OCC how this audio CD was misplaced for several months but it appears that it is no fault of the above named officer and since then it has been received and reviewed. 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: 07/28/09 **DATE OF COMPLETION:** 05/28/10 **PAGE #** 4 of 4

SUMMARY OF OCC ADDED ALLEGATIONS #5: The officer failed to comply with juvenile procedures and policies.

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

FINDINGS OF FACT: Due to the error in the incident report, it was unclear to the OCC if the named officer had followed the policies and procedures in relation to the arrest of a juvenile. During the named officer's OCC interview, he acknowledged he made an error in the incident time and the time of the Miranda admonishment on the face sheet of the incident report, but did document the correct time of the Miranda admonishment in the narrative of the incident report. Another officer who was on scene did corroborate the named officer's statement that he did give the Miranda admonishment in the time period as outlined in the SFPD juvenile policies and procedures. The evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that her son was thrown to the ground. The complainant's son did not provide a statement to OCC. The officer who detained the complainant's son denied the allegation. Witnesses interviewed by the OCC said they did not witness the complainant's son's detention. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer detained the complainant's son by gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated that her son was detained at gunpoint. The complainant's son did not provide a statement to OCC. The officer stated that she detained the complainant's son at gunpoint because the complainant's son was seen walking away from an area where a robbery suspect was last seen. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments. The officer denied making specific comments alleged in the complaint. There were no witnesses that came forward. There was insufficient evidence to prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 05/27/10 **PAGE #**1of 3

SUMMARY OF ALLEGATIONS #1-3: The officers failed to properly document and process property.

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

FINDINGS OF FACT: The complainant alleged that the named officers engaged in a conspiracy and failed to properly document and process seized property. All of the involved officers were interviewed. The officers denied the allegations. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #4: The officer made inappropriate comments, displayed inappropriate behavior and threatened the complainant.

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

FINDINGS OF FACT: The complainant stated that during a phone conversation the officer repeatedly threatened her, her boyfriend and her boyfriend's parents. The officer was interviewed and acknowledged having a phone conversation with the complainant but denied the allegations. The other officer who participated in the phone conversation was interviewed. He stated he did not hear the named officer make the alleged comments. 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: 07/31/09 **DATE OF COMPLETION:** 05/27/10 **PAGE #2** of 3

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

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

FINDINGS OF FACT: The complainant stated that on an unknown date the officers came to her hotel very angry, banging on the door and used profanity. The officers were interviewed and denied the allegations. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #7: The Sergeant made a sexually derogatory comment.

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

FINDINGS OF FACT: The complainant stated that during a phone conversation the officer made a sexually derogatory comment to her. The officer denied the allegation. The other officer who participated in the phone conversation was interviewed and denied hearing the named officer make the alleged comment. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/09 **DATE OF COMPLETION:** 05/27/10 **PAGE #3** of 3

SUMMARY OF ALLEGATIONS #8: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that during a phone conversation the officer used profanity. The officer admitted he used profanity toward the complainant. There was a preponderance of evidence 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 ALLEGATIONS #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/09 **DATE OF COMPLETION:** 05/10/10 **PAGE #** 1 of 3

SUMMARY OF ALLEGATION #1: The officer used excessive force during the detention.

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

FINDINGS OF FACT: The complainant stated that the officer attacked her and caused bruises over her body, and hurt her spine. The officer denied the allegation. Another officer stated she used a control hold, which she says did not result in injury or pain. The medical records for the complainant do not document any bruises and back/spine pain on the SFGH medical records for the date of this detention.. One witness did not observe when the complainant was detained. The other witnesses moved and is no longer available. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the incident report does not mention the name of the officer who used force against her. The officer denied the allegation and stated she included all the information she was required to report per Department training. The complainant's medical records do not document any pain or injury caused by police. One witness did not observe when the complainant was detained. The other witnesses moved and is no longer available. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/09 **DATE OF COMPLETION:** 05/10/10 **PAGE #** 2 of 3

SUMMARY OF ALLEGATION #3: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that when she went to the station to look for a report the officer could not find the report and was angry and tried to scare her off. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant said that the officer did not believe her side of the story and believed the other party. The officer did not recall the incident. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/09 **DATE OF COMPLETION:** 05/10/10 **PAGE #** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to take an incident report.

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

FINDINGS OF FACT: The complainant stated that the officer did not take her report regarding identify theft. The officer stated she does not recall this incident. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer failed to write an accurate report.

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

FINDINGS OF FACT: The complainant stated that the incident report did not make sense to her. The complainant did not allege any factual error or omission in the report. The report is written clearly. The complainant's misunderstanding of its contents is not the result of officer misconduct.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/17/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The named and two witness officers denied the allegation. No other witness came forward. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: Three officers present at booking denied the allegation. No other witnesses came forward. There was insufficient evidence to either identify the officer involved or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 1 of 5

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

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

FINDINGS OF FACT: The complainant was in possession of a knife and alleged the officer tackled him onto his back on the sidewalk during his arrest. The named officer denied the use of force as articulated by the complainant. The named officer's partner also denied the complainant was tackled and stated he used physical control to take the complainant into custody without incident. A witness corroborated the officers' statements. The evidence proved that the act alleged in the complaint did not occur and that the named member was not involved in the act alleged.

SUMMARY OF ALLEGATION #2: 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 alleged the officer was reluctant to give his star number or his name. The named officer stated the complainant never asked him for his star number or his name. All the officers identified in the complaint were interviewed. None of the officers reported hearing the complainant ask any officer for his/her name and/or star number. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 2 of 5

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

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

FINDINGS OF FACT: The complainant alleged he was arrested without cause. The named officers stated they placed the complainant under citizen's arrest after he vandalized a MUNI bus by slashing its tires with a knife, which is a crime. A Citizen's Arrest form was completed and signed by the driver of the bus. 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 #5-7: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant alleged he asked the officers to let him use the bathroom but he was unable to get permission until one of the officers said it was okay. The named officers denied the allegations as articulated in the complaint. One officer could not be identified. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 3 of 5

SUMMARY OF ALLEGATION #8: 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 alleged the officer did not give his star number. The officer stated he did not have any direct contact with the complainant and the complainant never asked him for his star number. All involved officers were interviewed and denied the complainant asked for the named member's star number. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #9: The officer displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant alleged the officer was staring him down for no reason. The officer denied the allegation as articulated in the complaint and stated he didn't display any hostility against the complainant and did not have contact with him. All the involved officers were interviewed and denied the inappropriate behavior. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 4 of 5

SUMMARY OF ALLEGATION #10: 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 alleged the member would not give his name or star/badge number. All involved officers were interviewed and denied the allegation as articulated in the complaint. The officer could not be identified. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #11: The officer used force against the complainant at the station.

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

FINDINGS OF FACT: The complainant alleged the officer used physical force against him at the station. All involved officers were interviewed and denied the use of force as articulated by the complainant in the complaint. The officer could not be identified. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/02/09 **DATE OF COMPLETION:** 05/18/10 **PAGE#** 5 of 5

SUMMARY OF ALLEGATION #12: The officer pushed the complainant causing his handcuffs to tighten.

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

FINDINGS OF FACT: The complainant alleged the officer pushed him causing his handcuffs to tighten. All involved officers were interviewed and denied the allegation as articulated in the complaint. The officer could not be identified. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #13: This complaint raises matters outside OCC's jurisdiction.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction. This complaint has been referred to the San Francisco Sheriff's Department, Investigative Services Unit.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer struck him in the back of his leg multiple times with a baton. The named officer stated that when he attempted to detain the complainant for a pedestrian traffic violation, the complainant approached him in an aggressive manner, jumping up and down with his hands raised. The named officer stated that after unsuccessfully attempting to restrain the complainant with a wrist lock, he struck the complainant once in the leg with his baton, then was able to handcuff the complainant. A civilian witness stated that the complainant was verbally aggressive and moved about rapidly towards the officer with his hands raised, and that the officer repeatedly told the complainant to calm down. This witness stated that the officer struck the complainant once in the back of the lower leg with his baton, then handcuffed the complainant. This witness stated that he thought the officer approached the complainant as he was dancing around, but is uncertain whether the officer attempted to grab the complainant before he used his baton. Another civilian witness identified in the police report could not be located and other witnesses could not be identified. Witness officers who responded as backup stated that they arrived after the complainant had been handcuffed, and that the complainant was verbally belligerent and resisted physically by kicking his legs. A preponderance of the evidence established that the officer did not use the degree of force described by the complainant and that therefore the action alleged in the complaint did not occur. The evidence also established that under the circumstances, the force the named officer did use was justified by Department regulations.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the named officer used profanity. The named officer denied the allegation. A civilian witness stated that he did not hear the named officer use profanity. Another civilian witness identified in the police report could not be located and other witnesses could not be identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/03/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the named officer claimed the complainant threatened to shoot an officer, when the complainant had actually threatened to sue an officer. The named officer stated that when he questioned the complainant, the complainant said he would shoot the officer before answering his question. The named officer said he did not recall whether the complainant ever threatened to sue him or any other officer. One witness officer stated that he heard the complainant say that he was going to sue someone but that he did not hear the complainant threaten any officer. Other witness officers stated that they did not recall hearing the complainant threaten to shoot or to sue an officer. A sergeant who was present at the scene has retired and was unavailable for questioning by the OCC. A civilian witness stated that he did not hear the complainant threaten an officer or say that he was going to sue anyone. Another civilian witness identified in the police report could not be located and other witnesses could not be identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officer detained the complainant without cause.

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

FINDINGS OF FACT: The complainant wrote he was detained unlawfully. The officers stated the complainant had a beer bottle next to him when they approached him. The officers stated he had a strong odor of alcohol emanating from his body when they escorted him out of the restaurant. The officers stated the complainant insisted on walking home and when he approached the end of the block, he fell on his own accord. The officers took the complainant into custody for his own safety. A witness stated the complainant entered the restaurant with his own alcohol, drank it, and fell asleep on the restaurant's table. No other witnesses came forward. The evidence proved that the act, which provided the basis for the allegation occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officer assaulted him. The complainant did not provide details or other information regarding the assault. The officer denied the allegation and called his supervisor to conduct an investigation. The officers' partner stated the officer did not assault the complainant. The supervising officer observed the complainant's injuries and concluded the injuries were old. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATION #1: The officer did not comply with DGO 5.01, Use of Force.

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

FINDINGS OF FACT: The officer did not comply with DGO 5.01. Documents showed the officer did not document the use of force in the use of force log. The officer stated he conducted a use of force investigation by responding to the scene, interviewing the complainant, and took photos of the complainant's injuries. The officer stated he concluded the officer did not use any force and the injuries sustained by the complainant were old. The officer stated he submitted a memorandum with attached photos of the complainant's injuries to his supervisor. The evidence shows that the supervising officer conducted and documented his investigation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer grabbed him and slammed him against the rear of his patrol car. The complainant and his friends had been drinking and visited a local hotel. The complainant and two of his friends left the premises, but two stayed behind. The latter were subsequently evicted for trespassing and detained by hotel security. Security summoned police. When the officer arrived, the complainant sought to provide a statement to the officer. When the complainant approached, the officer ordered him twice to cross the street until he completed his investigation. The complainant admitted he approached the officer twice during his investigation, walking between the officer and where his friends were detained. The witnesses' statements support that the complainant disobeyed the officer, and interfered with the investigation. The witnesses' statements conflicted as to whether the officer used reportable force. The officer denied the allegation. He said the complainant interfered with his investigation, approached him with his hands out, and made a threatening statement. The officer stated he warned the complainant not to interfere several times. When the complainant disregarded his orders, approached him and made a threatening gesture, the officer said he pushed the complainant away with one hand. The officer denied slamming the complainant against his patrol car. Not all of the witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made inappropriate, profane remarks.

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

FINDINGS OF FACT: The complainant stated the officer used profane language before pushing him away. The complainant told the officer he planned to file a complaint against him. The officer told him "Do it.". The witnesses' accounts differ as regarding the verbal exchange between the complainant and the officer. Not all of the witnesses came forward. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/14/09 **DATE OF COMPLETION:** 05/22/10 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated he asked the officer for his badge number. The complainant said the officer ordered him to stand on the opposite side of the street while he conducted his investigation. The complainant said as he stood across the street, he asked for the officer's star number. The officer provided him with his star number when he completed his investigation, but not his name. The witnesses' statements conflicted. Not all of the witnesses came forward. The officer denied the allegation. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1-2: The officers detained the complainant without cause.

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

FINDINGS OF FACT: The complainant refused to provide additional requested information.

SUMMARY OF ALLEGATION # 3-4: The officers racially profiled the complainant, due to his race.

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

FINDINGS OF FACT: The complainant refused to provide additional requested information.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/17/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant refused to provide additional requested information.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/29/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she saw in her rearview mirror, the named officer pointing her pistol at the complainant, when the complainant attempted to comply with an order to pull her car forward. The complainant said further that she had to reverse to go around a car parked in front of her. The named officer denied the allegation, stating that she removed her weapon but did not aim it at the complainant, when the complainant unnecessarily reversed her vehicle toward the officer when the officer told her to pull forward. One witness officer stated he saw the officer unholster her weapon but did not see her aim it directly at the complainant. The witness officer acknowledged that there was a car in front of the complainant but said he did not believe it was necessary for the complainant to reverse her car to go forward as ordered. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the brake light for which she received a citation was operational at the time of the incident and thus she should not have been cited for that violation. The named officer said she saw the brake light fail to illuminate. A witness officer said he did not recall if the brake light was operational. 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: 10/19/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 1 of 3

SUMMARY OF ALLEGATION # 1: The officer issued a citation to the complainant.

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

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

SUMMARY OF ALLEGATION # 2: The officer seized the complainant's property.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/19/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to provide medical treatment.

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

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

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

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: 10/19/09 **DATE OF COMPLETION:** 05/09/10 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officers used inappropriate behavior toward the complainant.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/09 **DATE OF COMPLETION:** 05/12/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant admitted he extinguished a cigarette on the ground in the presence of an officer. The officer said he saw the complainant littering a cigarette onto the roadway, blocking the sidewalk with a suitcase, and yelling racist comments at pedestrians who would not give him money. The officer also stated that the complainant could not provide identification to be cited, threatened to kill him, and resisted being arrested. A witness could not distinguish this contact involving the complainant from over twenty other incidents in the same area. The complainant pled guilty to being a public nuisance in exchange for dismissal of the remaining charges against him. The officer's actions were lawful and proper.

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 said he offered no resistance during his arrest, but the officer threw him handcuffed onto the ground. The officer denied the allegation and stated that the complainant threatened to kill him, and then resisted his arrest. A witness on scene could not distinguish this arrest from many others involving the complainant. There were no identified victims or other witnesses who could either prove or disprove the allegation. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/09 **DATE OF COMPLETION:** 05/12/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3-4: Unknown officers used unnecessary force during the booking process at County Jail.

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

FINDINGS OF FACT: The complainant said that San Francisco Sheriff Deputies and the police officers that arrested him involuntarily removed thousands of hair beads connected to his hair from his scalp. Although video footage of the complainant's booking was no longer available, Police and Sheriff records indicate that the arresting officers were not involved with the transport of the complainant to County Jail. There was no prisoner transfer form found for the complainant at the police station or at County Jail. The booking photographs of the complainant do not support the complainant's assertions that the beads that he said that were in his hair were physically removed / yanked from his hair. Photographs taken by the OCC four days after the complainant's arrest / booking at the County Jail do not show any missing hair on the right side of his scalp. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #5: For force used during the booking process at County Jail.

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

FINDINGS OF FACT: This complaint raises matters outside OCC's jurisdiction, and has been referred to San Francisco Sheriff's Department, Investigative Services Unit.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/09 **DATE OF COMPLETION:** 05/12/10 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated she reported a theft. The officer stated that there was no theft and that the complainant's belongings had been picked up by DPW as abandoned. The officer also stated that a report was not generated because no crime was committed. 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 issued an invalid order.

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

FINDINGS OF FACT: The officer denied the allegation. 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: 10/26/09 **DATE OF COMPLETION:** 05/12/10 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer misrepresented the truth.

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

FINDINGS OF FACT: The named officer denied the allegation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/10 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer displayed a rude demeanor and attitude in speaking to the complainant.

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

FINDINGS OF FACT: The named officer acknowledged the conversation with the complainant, but denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 05/27/10 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The officer could not say if he had contact with the complainant, due to the lapse in time. The officer said when a person comes to the tow window and speaks to an officer regarding a towed car, that is a hearing. He did not know if he denied the complainant a hearing. The officer said if his Department towed the vehicle, he would not deny anyone a tow hearing. The tow appeals process is a form that is given to anyone that is not satisfied with the hearing officers' ruling. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The officer could not say if he had contact with the complainant, due to the lapse in time. The officer said when a person comes to the tow window and speaks to an officer regarding a towed car, that is a hearing. He did not know if he denied the complainant a hearing. The officer said if his Department towed the vehicle, he would not deny anyone a tow hearing. The tow appeals process is a form that is given to anyone that is not satisfied with the hearing officers' ruling. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/12/09 **DATE OF COMPLETION:** 05/27/10 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The officer could not say he had contact with the complainant, due to the lapse in time. He denied using profanity towards anyone and did not know if he was condescending or demeaning towards the complainant. No other witnesses came forward. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/09 **DATE OF COMPLETION:** 05/22/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer engaged in selective enforcement due to racial bias.

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

FINDINGS OF FACT: The complainant stated the officer threatened and harassed his customers and employees because they are Hispanic. The named officer denied he engaged in the conduct as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer made inappropriate comments and/or displayed inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer made inappropriate comments and/or displayed inappropriate behavior. The named officer denied he made the inappropriate comments and/or displayed the inappropriate behavior as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/24/09 **DATE OF COMPLETION:** 05/22/10 **PAGE# 2 of 2**

SUMMARY OF ALLEGATION #3: The officer provided inaccurate information.

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

FINDINGS OF FACT: The complainant stated the officer gave him inaccurate information. The named officer denied he provided inaccurate information as articulated by the complainant. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/09 **DATE OF COMPLETION:** 05/28/10 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1 - 3: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged the officers approached him, threw him down on the ground, and arrested him without cause. The complainant stated the officers did not inform him of the reason for his arrest. He said he was slightly inebriated but not drunk. The officers stated they responded to a call concerning a physical fight outside a bar. When the officers arrived, they determined there was only a verbal confrontation between the complainant and unknown individuals. Additionally, an unidentified witness alleged the complainant had just broken the front window to a nearby store. Officers subsequently located the complainant and determined he was extremely intoxicated, thereby unable to care for himself. They arrested the complainant for public intoxication and malicious mischief. The officers claimed to have informed the complainant of the reason for his arrest. The officers then transported the complainant to the County Jail, where a triage nurse examined him. The complainant was cleared for intake, taken to a sobering cell, and released several hours later. 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 #4 - 6: The officers used unnecessary force on the complainant during the detention.

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

FINDINGS OF FACT: The complainant alleged the officers threw him to the ground during his arrest. The complainant further alleged that the officers beat him because he lost consciousness and he received some unexplained injuries. He claimed to have regained consciousness while he was being booked at the County Jail. The officers denied beating or using any type of force on the complainant. The officers stated the complainant, although extremely intoxicated, did not resist arrest. A triage nurse at the County Jail examined the complainant, found he had no visible injuries requiring medical treatment, and cleared him for intake to the sobering cell at the County Jail. The nurse indicated the complainant was fairly uncooperative and hostile. No witnesses were developed to support the complainant's allegation that he was beaten. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/04/09 **DATE OF COMPLETION:** 05/28/10 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #7 - 9: The officers drew their weapons without justification.

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

FINDINGS OF FACT: The complainant alleged the officers drew their weapons while they were arresting him. The officers denied this. The officers said the complainant, although extremely intoxicated, did not resist arrest. No independent witnesses were developed to support the complainant's allegation. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/08/09 **DATE OF COMPLETION:** 05/26/10 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department policy on requesting police reports is inadequate.

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

FINDINGS OF FACT: The complainant stated the process for requesting police reports is archaic and inadequate in providing service to the public. The Office of Citizen Complaints investigation found the Records Bureau followed their policy and procedure properly. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer failed to contact the complainant, as requested.

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

FINDINGS OF FACT: The complainant said he left a message at the district station for the reporting officer to contact him regarding the status of the case. The complainant left the message approximately four days after the named officer had completed the incident report. The incident report was taken and completed in a timely manner by the reporting officer and reassigned to the Investigations Bureau. The reporting officer said she did not receive any written or verbal messages to contact the complainant. During this time, the Investigations Bureau underwent a major logistical change and inspectors were reassigned to district stations. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/10 **DATE OF COMPLETION:** 05/22/10 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The named officer denied the allegation. There were no witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The named officer denied the allegation. There were no witnesses who came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/08/10 **DATE OF COMPLETION:** 05/22/10 **PAGE #1** of 1

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

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

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

San Francisco State University Police Department
Attn: Internal Affairs
1600 Holloway
San Francisco, CA 94132

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/07/10 **DATE OF COMPLETION:** 05/12/10 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The officers denied that the named member used unnecessary force. A witness did not observe the contact. There is insufficient evidence to establish the degree of force necessary to detain the complainant.

SUMMARY OF ALLEGATION #2: The officer's demeanor was inappropriate and he conducted himself in an inappropriate manner.

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

FINDINGS OF FACT: The officers denied that the named member conducted himself in an inappropriate manner or with an inappropriate demeanor. A witness did not observe the contact. There is insufficient evidence to prove or disprove the allegation.