

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/05/13 **DATE OF COMPLETION:** 07/03/13 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1 & 2: The officers behaved inappropriately and/or made inappropriate comments.

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

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

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

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

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

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

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

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

SUMMARY OF ALLEGATION #7: The officer used unnecessary force.

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

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

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SUMMARY OF ALLEGATION #8: The officer failed to provide his name/star number upon request.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATIONS #1-2: The officers engaged in inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant said the officers engaged in a pattern of inappropriate behavior and harassing comments toward him over the past six months. The officers denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that while attending a school event at Sacred Heart School, the named officer detained him without justification. The evidence shows that while attending the event, the complainant talked to some schoolgirls about using marijuana. The matter was brought to the attention of a parent who was also present at the event. This parent reported the incident to the named officer, who at that time, was an off-duty officer participating in the event. The named officer went to talk to the complainant and eventually detained him. The OCC's investigation established that the named officer had reasonable suspicion to believe that the complainant's behavior was related to criminal activity. The evidence proved that the act, which provided basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force during detention. The complainant stated the officer pushed him to the ground and handcuffed him. The officer stated the complainant resisted by taking a swing at him a couple of times. The officer stated he performed a bar arm takedown, taking the complainant to the ground. The officer also used controlled arm technique to physically control the complainant while the officer placed him in handcuffs.

A parent who was present and had witnessed the incident stated that he assisted the officer in taking the complainant on the ground. The witness stated it was a controlled force and was necessary because there was no other way to control and handcuff the complainant, who was resisting. The witness stated the complainant refused to cooperate, was not in his normal state, and was screaming and resisting every time the officer asked him a question.

No other witnesses came forward. There was insufficient evidence to either prove or disprove that the level of force used was minimally necessary to accomplish the officer's goal of placing the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a woman from her apartment building threatened her with a knife. She stated that two officers responded and spoke to the front desk person who denied that the suspect lived in the building. The complainant was upset that the officers seemed to believe the front desk person and did not search the building for the suspect. The named officer denied the allegation stating that the front desk person informed him that the incident did not occur in the building. Further, he stated that the complainant was uncooperative and refused to answer his questions concerning the incident. No witnesses were located during the course of the investigation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that a woman from her apartment building threatened her with a knife. She stated that two officers responded and spoke to the front desk person who denied that the suspect lived in the building. The complainant was upset that the officers seemed to believe the front desk person and did not search the building for the suspect. The named officer has since retired and is not available and subject to Department discipline.

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DATE OF COMPLAINT: 03/05/13 **DATE OF COMPLETION:** 07/19/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The San Francisco Police Department failed to timely respond to a non-injury vehicle accident.

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

FINDINGS OF FACT: The complainant stated he called the police to report a non-injury traffic accident and requested that the police respond to the scene. The complainant stated that he and the other driver waited for over an hour, and then decided to leave when no officers responded.

The Computer Aided Dispatch (CAD) audio shows that the SFPD Dispatcher advised the complainant that the police do not respond to a non-injury traffic accident and that the complainant could file a police report on his own at any police station. The Dispatcher broadcast to any available units in the area and even contacted a sergeant to notify the sergeant of outstanding pending calls, but units were unavailable.

Department General Order 9.01, VEHICLE ACCIDENTS, states that officers need not investigate or report non-injury (property damage).

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

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DATE OF COMPLAINT: 03/06/13 **DATE OF COMPLETION:** 07/26/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on June 25, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/08/13 **DATE OF COMPLETION:** 07/19/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant said an officer who arrested him in 2013 also had improperly detained him in 2012. The complainant failed to provide additional evidence or to produce a witness he said was present during the detention. The named officer, who arrested the complainant in 2013, has retired from the Department and is no longer available subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant said an officer who arrested him in 2013 also had improperly searched his vehicle in 2012. The complainant failed to provide additional evidence or to produce a witness he said was present during the detention. The named officer, who arrested the complainant in 2013, has retired from the Department and is no longer available subject to Department discipline.

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DATE OF COMPLAINT: 03/14/13 **DATE OF COMPLETION:** 07/12/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant lost his wallet while he was at the San Francisco Public Library. He went to check with the security but was directed to the named officer who was stationed outside the library. The complainant stated he reported the incident to the officer and mentioned to him a person who might have taken his wallet. The complainant stated that although the officer eventually took a report, the officer showed no interest and did not talk to anyone. The officer denied the allegation. The officer stated he investigated the incident to the fullest extent. The officer stated that he attempted to investigate the incident as a pickpocket occurrence but there was no evidence or witnesses that supported it, so he took it as a lost property report. The officer stated the complainant believed a certain person pick pocketed his wallet but there was no evidence or witnesses to support the complainant's statement. The officer stated the person was not at the scene and was not identified to him. The officer prepared an incident report as required. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated that the officer was initially disinterested in taking a police report. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/01/13 **DATE OF COMPLETION:** 07/01/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the day after he reported his car was stolen, he went to Southern Station to make sure his correct phone number was on the report. He spoke to a female officer at the window. The complainant stated the officer sarcastically smiled at him and, instead of assisting him, the officer laughed and repeatedly asked him questions. The complainant stated the officer also walked away during their conversation. The Station Keeper at Southern Station stated she could not recall having any contact with the complainant. The identity of the alleged officer has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer refused to help him. The Station Keeper at Southern Station stated she could not recall having any contact with the complainant. The identity of the alleged officer has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer refused to provide her name and/or star number upon request. The Station Keeper at Southern Station stated she could not recall having any contact with the complainant. The identity of the alleged officer has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant, a Muni operator, stated that he flashed his lights and possibly honked his horn at a police vehicle to get its attention, to no avail; the officers continued driving. One officer stated that he remembered a Muni bus driver flashing his lights, but was unaware the Muni driver needed assistance, and later apologized to the driver. The other officer stated that he did not recall a Muni driver flashing his lights or honking his horn. There was a discrepancy between the complainant's statement to the OCC, his San Francisco Municipal Railway Incident Report and what was captured by the on-bus camera. The on-bus video footage did not support the complainant's statement. There is no audio on the video, thus the video cannot substantiate the claim that the complainant honked his horn. Furthermore, there is no policy or procedure regarding an officer's obligation to stop and investigate a Muni bus that flashes its lights. No other witnesses came forward. The evidence established that the acts officers actions were proper.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated that he attempted to report a crime that may or may not have happened and officers refused to take his statement. One officer denied the allegation. The second officer stated that he attempted to get the complainant's statement, but the complainant was unable or unwilling to provide sufficient information, was uncooperative, and refused to talk. The recording captured by Muni from the on-bus video did not cover the complainant's verbal contact with the officer either beside, or on the bus. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer spoke and behaved inappropriately to the complainant.

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

FINDINGS OF FACT: The complainant stated that the named officer was combative and angry. In addition, the named officer reportedly told him, "It's the year 2013, you need to get a cell phone" and "Next time, keep your mouth shut." The named officer denied the allegation and stated that he was calm and polite while contacting the complainant. The witness officer could not recall his partner's attitude or demeanor toward the complainant. The recording captured by Muni from the on-bus video did not cover the complainant's verbal contact with the officer either beside, or on the bus. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The department failed to properly respond to the 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 July 10, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant admitted that he was in violation of riding his bicycle on the sidewalk; however, he believes he was racially profiled. The officer was interviewed pursuant to Office of Citizen Complaint's Biased Policing Investigation Protocol. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/18/13 **DATE OF COMPLETION:** 07/12/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated the officer came to her home to take a fraud report. She stated the officer told her he would take a report but did not know what to write. She stated she became exasperated with him and told him she did not need his services. The officer stated he offered to take a report but the complainant changed her mind. The complainant acknowledged telling the officer she didn't need his services. 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:

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SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on March 22, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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 June 20, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

CATEGORY OF CONDUCT: CRD **FINDING:** 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 July 10, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant stated that she was injured during an incident involving a security guard at a restaurant. She alleged that the responding officer failed to take a statement from the complainant and several witnesses. The complainant also stated that the officer did not offer her medical attention. Department records indicate that responding officers interviewed the complainant and two witnesses. A third witness filled out a written statement form. Additionally, the complainant and one other person completed citizen's arrest forms. Department records indicate that an officer offered the complainant medical aid, which she refused. The complainant failed to provide additional requested evidence.

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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 the officer detained her and told her she failed to stop at a red light. The complainant denied failing to stop at a red light. She was not cited. The officer stated he detained the complainant for failing to stop at a red light at an intersection. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer told her she had an outstanding \$2500 warrant for a hit-and-run out of San Jose. The complainant acknowledged that she used to live there. The complainant stated she later called the Department of Motor Vehicles and was told she did not have a warrant. The officer stated he conducted a computer check of the complainant and discovered she had an outstanding \$2500 warrant for a violation of CVC 2002(a) - Driver's duties when accident results in property damage. He did not identify the county of origin of the warrant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer entered his parents' residence without their consent. The officer has retired and is no longer subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer entered a residence without consent or cause.

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

FINDINGS OF FACT: The complainant stated the named officer and another officer entered his parents' residence without their consent. The complainant was not present during his parents' interaction with the officers. The complainant did not want his parents to be interviewed by the OCC. The named officer stated he went to the residence to serve a subpoena to the complainant's ex-wife. He stated an informant confided that the complainant's ex-wife was living at the residence. He stated he and another officer knocked on the door and complainant's mother opened the door. The officer stated the complainant's mother opened the door and indicated that the officers should come inside. The other officer was not available for an OCC interview because she is no longer with the Department. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated the officer tried to question the complainant's elderly, ill father who can barely speak. The complainant further stated the officer accused the complainant's mother of hiding a witness. The complainant was not at the residence at the time of the incident and did not want his parents to be interviewed by the OCC. The officer has retired and is no longer subject to Department discipline.

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

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

FINDINGS OF FACT: The complainant stated the officer tried to question the complainant's elderly, ill father who can barely speak. The complainant was not at the residence at the time of the incident and did not want his parents interviewed by the OCC. The officer denied the allegation. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department General Order 5.20.

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

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

SUMMARY OF OCC ADDED ALLEGATION #2: The officer failed to comply with Department General Order 5.20.

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

FINDINGS OF FACT: The complainant stated his mother speaks Spanish and very limited English. She told the complainant that the officer got a Spanish translator on the phone to interpret for her. In his OCC interview, the officer stated the complainant's mother spoke in English at first, and then asked the officers if they spoke Spanish. The officer stated he then initiated a call for an interpreter. Department General Order 5.20 requires members to provide free language assistance to Limited English Proficient (LEP) individuals whom they encounter or whenever an LEP person requests language assistance services. The named officer complied with DGO 5.20 by using a language line interpreter rather than first contacting a qualified bilingual officer because the person requesting the service was not a victim, witness or suspect. Based on the complainant's own testimony, the evidence proved that the officer provided the complainant's with an interpreter as requested. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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

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

FINDINGS OF FACT: The complainant stated that he received a telephone call from the named officer, accusing the complainant of making fake phone calls to various police stations. The complainant alleged that the officer made inappropriate comments during their conversation. The named officer denied phoning the complainant, but acknowledged that he has had numerous conversations with the complainant, who calls frequently. The named officer stated that he has told the complainant that if he has been making phone calls to fire houses or police stations he needs to stop. The officer denied making inappropriate comments during the phone calls. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he wanted the officers to take his complaint against the neighbor. However, he acknowledged that he did not communicate this to the officers. The officers stated the complainant did not tell them he wanted to make a complaint against his neighbor. The complainant failed to communicate his request to the officers. The officers did not have a duty to respond to a request that was never made. 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:

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

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

FINDINGS OF FACT: The complainant stated that the officer cited him without cause. The officer stated that he observed and cited the complainant for making unsafe lane changes, proceeding in a transit only lane and for not having proof of insurance. No independent witnesses were identified or came forward during the investigation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer was verbally abusive and threatening towards the complainant during a traffic stop. The officer denied the allegation and stated that his behavior was professional during the traffic stop with the complainant. No independent witness were identified or came forward during the investigation.

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DATE OF COMPLAINT: 05/28/13 **DATE OF COMPLETION:** 07/19/13 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that she was cited by the named officer. The complainant stated that when she went to court, a different officer testified. The named officer stated that he personally issued the traffic citation to the complainant. He stated that he was wearing a full-face helmet when he contacted the complainant during the traffic stop. The officer stated that he made a personal appearance and personally testified in court for this citation. The officer stated that he personally signed the court appearance log upon his appearance in court. The OCC obtained the court appearance sign-in sheets for the Department. The sign-in sheet shows that the named officer signed in on this sheet for his court appearance. The evidence shows that the officer did appear in court. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

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

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

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

Superior Court of San Francisco
Attention: Presiding Judge
850 Bryant Street
San Francisco, CA 94103

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 05/20/13 **DATE OF COMPLETION:** 07/01/13 **PAGE #1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/31/13 **DATE OF COMPLETION:** 07/01/13 **PAGE#** 1 of 1

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

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: 06/05/13 **DATE OF COMPLETION:** 07/19/13 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer arrested him without cause for soliciting for prostitution and loitering for the purpose of prostitution. The OCC reviewed Department records regarding the arrest. The records revealed that officers were conducting a Vice Crimes division operation involving prostitution. A recording of the contact between the officer and the complainant revealed that the complainant committed an act, which gave the officer probable cause for the arrest. The evidence proved that the act, which provided the basis for the allegation occurred, however, the actions by the officer were proper and lawful.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/07/13 **DATE OF COMPLETION:** 07/29/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant stated he was cited for an expired parking meter. He acknowledged that he was parked at an expired parking meter, but had been parked there only a few minutes. The officer stated the complainant was parked at an expired parking meter for at least ten minutes, prompting her to issue the citation. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged that the officer's action and/or behavior towards him was racially motivated. The named officer and her partner were interviewed pursuant to OCC's Biased Policing Investigator protocol. The named officer denied the allegation. The named officer denied that race was a factor in this contact. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/11/13 **DATE OF COMPLETION:** 07/16/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove a department vehicle in a negligent manner when he failed to yield the right of way to a pedestrian in the crosswalk.

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

FINDINGS OF FACT: The complainant stated that she was a pedestrian legally walking in an intersection crosswalk when a patrol vehicle turned the corner and almost struck her. The complainant identified the location and time of the incident, and provided the vehicle number of the involved patrol car. The named officer and his partner denied the allegation. Both officers stated that they were assigned to the patrol vehicle identified by the complainant. Both officers stated that at the time the complainant stated the incident occurred, they were not in the area described by the complainant. The officers provided a CAD record to show that they were not in the area at the time referenced by the complainant. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/18/13 **DATE OF COMPLETION:** 07/31/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on July 17, 2013.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/13 **DATE OF COMPLETION:** 07/09/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that he telephoned a district station to obtain information regarding an incident report about a hit and run accident his vehicle was involved in. The complainant stated that an unknown male officer would not provide him with the information he requested. The complainant further stated that the officer advised him that the requested information was not immediately available at that time and might not be available for another seven to fifteen days. The complainant believes the officer provided him with incorrect information regarding the report. The complainant could not identify the officer he spoke to on the telephone.

The OCC sent an Officer Identification Poll to the involved district station. The Poll was returned stating that no officer was identified as being involved in the incident. There is insufficient evidence to identify the involved officer. The allegation cannot be proved or disproved.

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

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

FINDINGS OF FACT: The complainant stated that he called a district station to obtain information regarding an incident report. The complainant stated that an unknown male officer did not assist him, provided incorrect information and was rude. The complainant could not provide any identifying information regarding the officer he spoke to.

The OCC sent an Officer Identification Poll to the District Station. The Poll was returned stating that no officer was identified as being involved in this incident. There is insufficient evidence to identify the involved officer. The allegation cannot be proved or disproved.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/28/13 **DATE OF COMPLETION:** 07/02/13 **PAGE#** 1 of 1

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

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

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

San Francisco Municipal Transportation Agency
Proof of Payment Manager
1 So. Van Ness Avenue #8194
San Francisco, CA 94103
(415) 701-4500

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/27/13 **DATE OF COMPLETION:** 07/01/13 **PAGE #1** of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/25/13 **DATE OF COMPLETION:** 07/10/13 **PAGE#** 1 of 1

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

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

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

Department of Emergency Management
Attn: Dispatch Supervisor
1011 Turk Street
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: 07/12/13 **DATE OF COMPLETION:** 07/19/13 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that undercover officers are constantly harassing him and following him wherever he goes. The complainant stated that the police are planting diamonds and gold on the street to entrap him. 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: 07/16/13 **DATE OF COMPLETION:** 07/19/13 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/13 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 1 of 1

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

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/23/13 **DATE OF COMPLETION:** 07/24/13 **PAGE #** 1 of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer improperly provided him with an inaccurate number for a private business. The Office of Citizen Complaint's investigation established that although the named officer was not obligated to assist the complainant, the named officer assisted the complainant by providing him with the phone number of a private business he had requested. The phone number that was provided to the complainant was the correct number for the business phone the complainant had requested. The evidence proved that the act alleged in the complaint did not occur, or that the named officer was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/12 **DATE OF COMPLETION:** 07/24/13 **PAGE#** 1 of 4

SUMMARY OF ALLEGATIONS #1-3: The officers conducted a traffic stop without probable cause.

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

FINDINGS OF FACT: The complainant stated he was with his cousin when they were stopped for no apparent reason. The officers denied the allegation. One of the named officers could not recall the incident. The other two named officers stated they stopped the complainant for driving at a high rate of speed. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #4: The complainant stated he was searched for no apparent reason.

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

FINDINGS OF FACT: The complainant stated he was with his cousin when they were stopped for no apparent reason. The complainant stated he was then searched by the named officer. The named officer stated he recognized the complainant from a prior incident where the complainant was arrested for possessing a loaded firearm. Additionally, the officer stated that the complainant's passenger was on probation with a search condition. No independent witnesses were identified. There was insufficient evidence to either prove or disprove whether the officers had reason to stop and search the complainant. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/12 **DATE OF COMPLETION:** 07/24/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated the named officer pulled him out of his car by the hands during the traffic stop. The named officer denied using unnecessary force. Following the traffic stop, the officer stated he opened the driver-side door and grabbed the complainant's hands to remove him from the car. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #6-7: The officers searched a vehicle without probable cause.

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

FINDINGS OF FACT: The complainant stated that the named officers searched the passenger compartment and the trunk of his car without probable cause. The complainant stated that his cousin was in the car with him, seated in the front passenger seat. The complainant stated his cousin was on probation. The officers denied the allegation. They stated the search was based on the probationary status of the passenger, who admitted he was on probation at the scene. No independent witnesses were identified. There was insufficient evidence to either prove or disprove whether the officers lawfully stopped the complainant for driving at a high rate of speed. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/12 **DATE OF COMPLETION:** 07/24/13 **PAGE#** 3 of 4

SUMMARY OF ALLEGATION #8: The officer made inappropriate comments and/or acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that during the traffic stop, the officer asked him where he could buy a gun. The complainant stated the officer made “smart remarks” about his court case to other uniformed officers who arrived on scene. The named officer admitted asking the complainant the question. He stated he had the right to ask the complainant any question regarding firearms sources and stated it was not an inappropriate question. The officer denied making inappropriate remarks. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #9: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated the officer had a personal vendetta against him based on the color of the complainant’s skin. The officer was interviewed pursuant to OCC’s Biased Policing Investigation protocol and he denied the complainant’s allegation. There were no independent witnesses to the incident. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/12 **DATE OF COMPLETION:** 07/24/13 **PAGE#** 4 of 4

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 named officer was the supervisor at the traffic stop. He was in an unmarked car without a computer data terminal. He and two subordinates performed a traffic stop of the complainant based on traffic violations. Neither the officer, nor his subordinates radioed their position to the Department of Emergency Management (DEM). The officer admitted he did not notify the DEM of the stop by radio communication. Furthermore, the officer failed to enter mandatory traffic stop data into the appropriate mask in compliance with A Department Bulletin 11-097. The officer failed to direct any of his subordinates to perform any of these actions. 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: 08/22/12 **DATE OF COMPLETION:** 07/01/13 **PAGE#** 1 of 2

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

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

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

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

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

FINDINGS OF FACT: The complainant accused the officer of failure to investigate the alleged violation of an active restraining order, which the complainant had previously obtained against her landlord. The officer responded to the scene of this incident with her partner. When the officers arrived, they separated and spoke to all parties involved. The complainant stated the landlord had retained an appraiser, and the appraiser needed access to her apartment to take photographs. Records indicate the landlord was having construction work done to the building, and the landlord had given proper notice of the construction work to the tenants. However, the complainant refused to allow the landlord and the appraiser entry to her apartment. Although the officer did not remember details concerning this call for service, the Computer Automated Dispatch (CAD) record indicated the complainant allowed the appraiser in her apartment under the supervision of the officers. The CAD record also noted the complainant was difficult, unreasonable, rambling to herself, and a possible 800. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 08/22/12 **DATE OF COMPLETION:** 07/01/13 **PAGE#** 2 of 2

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

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

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

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

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

FINDINGS OF FACT: The complainant informed the officer about the conduct of two officers who responded to her call for service concerning her request to enforce a violation of an active Restraining Order. The complainant had previously obtained the Restraining Order against her landlord. The complainant stated the officer was rude to her after she explained the incident to him. The officer stated he talked to the complainant and was very courteous to her. The officer denied being rude. After listening to the complainant's description of the incident, the officer told her that he would talk to the officers who responded to this incident. The responding officers described the incident and the behavior of the complainant towards the officers. Both officers stated the complainant was unreasonable. Additionally, the officers said the complainant would not listen to their explanation about the results of their investigation, and the complainant slammed the door in the officers' faces. The named officer informed the complainant that once the officers responded to the complainant's call for service and attempted to explain the results of their investigation to her, the officers were not obligated to try to explain the results to the complainant a second time after the complainant refused to listen to the officers the first time. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/05/12 **DATE OF COMPLETION:** 07/03/13 **PAGE# 1 of 5**

SUMMARY OF ALLEGATIONS #1-6: The officers entered the residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers broke down her door and entered the residence for no reason. Officers also searched a vehicle outside her home. The officers stated that a search warrant had been issued and approved by a judge for the residence. They entered on authority of the search warrant. The evidence showed that a search warrant was issued for the residence. Officers also stated that the man who had keys to the vehicle outside, a man who officers stated had been seen numerous times driving the vehicle, had a search waiver as a condition of his probation. The man was on probation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #7-12: The officers searched the residence without cause.

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

FINDINGS OF FACT: The complainant stated that officers searched her home for no reason. Officers also searched a vehicle outside her home. The officers stated that a search warrant had been issued and approved by a judge for the residence. They searched the home on authority of the search warrant. The evidence showed that a search warrant was issued for the residence. Officers also stated that the man who had keys to the vehicle outside, a man who officers stated had been seen numerous times driving the vehicle, had a search waiver as a condition of his probation. The man was on probation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/05/12 **DATE OF COMPLETION:** 07/03/13 **PAGE# 2 of 5**

SUMMARY OF ALLEGATIONS #13-18: The officers seized property without cause.

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

FINDINGS OF FACT: The complainant stated that officers seized property from her home. Officers also seized items from a vehicle outside her home. The officers stated that a search warrant had been issued and approved by a judge for the residence. They seized evidence of criminal activity from the home on authority of the search warrant. The evidence showed that a search warrant was issued for the residence. Officers also stated that the man who had keys to the vehicle outside, a man who officers stated had been seen numerous times driving the vehicle, had a search waiver as a condition of his probation. The man was on probation. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #19-23: The officers detained the complainant at gunpoint without cause.

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

FINDINGS OF FACT: The complainant stated that officers came into her home and pointed their guns at her, her husband and her friend. The officers stated that after knocking on the door in an effort to execute a search warrant, they were forced to break the door down after nobody answered. They entered the residence with the knowledge that one of the residents had previous weapons charges. They drew their firearms in order to clear the home for their safety. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #24-28: The officers conducted a pat search without cause.

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

FINDINGS OF FACT: The complainant stated that officers came into her home and pat searched her, her husband and her friend. The officers stated that they conducted a pat search on the three for weapons to make sure they were not armed while the officers executed a search warrant on the residence. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #29-33: The officers handcuffed without justification.

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

FINDINGS OF FACT: The complainant stated that officers handcuffed her husband and friend for no reason. The officers stated that they handcuffed the two men for their own safety while they executed a search warrant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

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SUMMARY OF ALLEGATIONS #34-38: The officers detained without justification.

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

FINDINGS OF FACT: The complainant stated that officers detained her, her husband and her friend for no reason. The officers stated that they detained the three for their own safety while they executed a search warrant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, those acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #38-43: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated that officers took her prescription pills, which were clearly marked with her name, and tore the prescription off the bottle. They then took the pills. The officers denied taking the labels off any bottle and stated that they only seized pharmaceuticals without any labels on them. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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SUMMARY OF ALLEGATIONS #44-49: The officers made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that officers made inappropriate comments to her husband, such as, "Go back to Sunnydale to commit your crimes," and threatened to keep searching the house as long as the husband lives there. The officers denied saying anything to that effect. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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SUMMARY OF ALLEGATIONS #1 & 2: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he should not have been arrested. The complainant stated there was a misunderstanding between him and the victim. The complainant stated the victim pursued and assaulted him. The complainant stated the victim held onto to his moving vehicle and the victim fell onto the street unharmed, so he continued to drive away. The officers denied the allegation, stating that the victim reported the assault, and that witnesses saw the complainant's leaving the scene of the crime. 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 #3 & 4: The officers towed the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated his vehicle should not have been towed. The officers denied the allegation, stating that the vehicle was towed as evidence as it was used during a commission of a crime. The evidence proved that the acts that provided the basis for the allegations occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 09/21/12 **DATE OF COMPLETION:** 07/16/13 **PAGE#** 2 of 4

SUMMARY OF ALLEGATIONS #5: The officer failed to accept a private person's arrest.

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

FINDINGS OF FACT: The complainant stated he told the officer that he wanted the victim arrested for assaulting the complainant. The officer denied the allegation, stating that he was not asked for a citizen's arrest. The officer stated that his investigation shows that the complainant had assaulted the victim, prompting the complainant's arrest. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #6: The officer engaged in selective enforcement against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer abused his authority and power by determining to charge the complainant in the incident. The officer denied the allegation. The officer said he was not the sector car assigned to the call that investigated the incident with the complainant. The officer stated his role at the scene and station was to observe the crime and not conduct a preliminary investigation. The officer said he was not aware of any officers focused in using selective enforcement on the complainant. The witnesses stated they did not have any contact with the complainant and had limited contact with the victim at the scene. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 09/21/12 **DATE OF COMPLETION:** 07/16/13 **PAGE#** 3 of 4

SUMMARY OF ALLEGATIONS #7 & 8: The officer failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant complained that his groceries he left in his vehicle should not have been discarded at the station. The complainant said he was advised that his groceries were discarded at the station, because he was going to be in custody for a period of time. The officers stated the complainant's vehicle was towed and stored at Auto Return where it was kept for further investigation. The officers did not recall a bag of groceries left in the complainant's car. The officers said perishable property must be discarded since it was not considered evidence. The investigation reveals that the Auto Return tow packet did not reveal a bag of groceries located left in the complainant's car. Other witness officers did not recall a bag of groceries left in the complainant's vehicle nor did the complainant make mentioned of it. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #9 & 10: The officers filed inaccurate charges against the complainant.

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

FINDINGS OF FACT: The complainant stated the officers filed an inaccurate charge of an assault with a firearm against him. The complainant stated when his case was dismissed by the District Attorney's Office, he noticed an assault with a firearm charge of 245 (a)(2) PC on his court records. The complainant denied he used a firearm or was in possession of any firearm at the time of his arrest. The officers stated the charges in the incident report and their arrest card from the Department reveal charges of an assault with force of 245(a)(1). However, the San Francisco Sheriff's Department's own Booking Card and the complainant's court disposition records reveal an assault with a firearm charge of 245(a)(2) PC. The evidence proved that the acts alleged in the complaint did not occur with SFPD, or that the named members were not involved in the acts alleged. The appropriate complaint referral was made to the San Francisco Sheriff's Department.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/21/12 **DATE OF COMPLETION:** 07/16/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATIONS #11: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated his vehicle was held at a tow yard while he was in custody and after he was released. The complainant said he incurred unnecessary storage charges after he was released from jail. The officer denied the allegation, stating that he immediately released the complainant's vehicle after receiving a phone call from the complainant and after the case was dismissed. The officer noted that he was not aware of the District Attorney's Office's dismissal until the complainant called him requesting that his car be released. The officer stated that when the complainant called him, the officer was still waiting for a written response from the D.A.'s office. Nonetheless, the car was released when the complainant contacted the officer. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #12: This allegation raises matters outside OCC's jurisdiction.

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/10/12 **DATE OF COMPLETION:** 07/29/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant told the OCC that he was assaulted by several people. The complainant stated he called the police to have the suspects arrested. Instead, the complainant stated the named officers arrested him for no apparent reason. The officers denied the allegation. The officers stated that based on the statements and physical evidence gathered at the scene, the officers had probable cause to arrest the complainant for aggravated assault. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant said an unidentified officer told him to, "Shut up." The investigation was unable to positively identify the alleged officer. 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: 10/18/12 **DATE OF COMPLETION:** 07/10/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1 & 2: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated she witnessed a man being kicked and punched in the face by police officers from her window. The complainant stated it was dark, but that a streetlight provided some lighting. She did not see the officers' faces. Department records show that numerous officers responded to a call regarding a possible burglary in progress. When officers attempted to detain the suspect, the suspect fled, prompting the responding officers to give chase to the suspect. The named officer and witness officers stated the suspect resisted, prompting the named officer to use knee strikes as a pain compliance technique to try to get the suspect's hands behind his back. The named officer's use of force was documented in the incident report and in the Use of Force log as required. The suspect is a fugitive at large and did not respond for an interview. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated she heard an officer use profanity towards a man who was taken into custody. The officers at the scene denied the allegation. The suspect did not respond for an interview and is a fugitive at large. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/23/12 **DATE OF COMPLETION:** 07/19/13 **PAGE #** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she was at the Civic Center Plaza when her ex-boyfriend hit her and chased her with a knife, prompting the complainant to call the police. The complainant stated she waited behind the Main Library, but the police never responded. The complainant stated she then saw a police car nearby and asked for help, but the officer failed to take any action against her ex-boyfriend, nor did the officers take any of her information. The officers, who have vague recollection of the incident, denied the allegation, stating that they did speak with the complainant. The officers stated that the complainant was uncooperative and angry. One of the officers noted that their interaction with the complainant was brief, preventing him from remembering the conversation they had with the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF OCC ADDED ALLEGATIONS # 1-2: The officers failed to comply with Department General Order 5.20.

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

FINDINGS OF FACT: The CAD indicates that the complainant is a Spanish speaker who requested a Spanish interpreter when she spoke to dispatch. The CAD does not indicate that a Spanish speaking officer was requested to the scene by the responding officers. The officers stated that their contact with the complainant was brief and did not recall getting far into the conversation before the complainant walked away. The officers stated the complainant spoke English with an accent, but they were able to understand her. The complainant stated she did not request for an interpreter from the officers and said she was able to understand the officer(s). No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/12 **DATE OF COMPLETION:** 07/30/13 **PAGE #1** of 4

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that officers stopped him while he was driving and detained him without justification. The complainant failed to respond to multiple requests by OCC for an interview. Department records established that the named officer ordered the complainant be detained pursuant to an effective and valid search warrant for the complainant's home, vehicle and person. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that an officer engaged in biased policing due to race during a traffic stop and detention. The complainant failed to respond to multiple requests by OCC for an interview. The officers were interviewed pursuant to the OCC biased policing protocol. The officers involved in the traffic stop and the complainant's arrest all denied the allegation. There was insufficient evidence to identify the officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/12 **DATE OF COMPLETION:** 07/30/13 **PAGE #2** of 4

SUMMARY OF ALLEGATION #3: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that officers used unnecessary force, but the complainant did not identify the officers who used force on him. The complainant failed to respond to multiple requests by OCC for an interview. The officers involved in the traffic stop and the complainant's arrest all denied the allegation. There was insufficient evidence to identify the officers or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer made racially derogatory comments.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that an officer made racially derogatory comments. The complainant failed to respond to multiple requests by OCC for an interview. The officers involved in the traffic stop and the complainant's arrest all denied the allegation. There was insufficient evidence to identify the officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/12 **DATE OF COMPLETION:** 07/30/13 **PAGE #3 of 4**

SUMMARY OF ALLEGATIONS #5-6: The officers conducted a search without cause.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that officers conducted a search without cause. The complainant failed to respond to multiple requests by OCC for an interview. Department records established that the officers conducted the search pursuant to an effective and valid search warrant for the complainant's home, vehicle and person. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that officers arrested him without cause. The complainant failed to respond to multiple requests by OCC for an interview. Department records established that the officers detained the complainant pursuant to an effective and valid search warrant for the complainant's home, vehicle and person. Department records further established that they found a large quantity of marijuana and marijuana sales indicia during a search of the complainant's vehicle and home. The complainant was arrested for possession of marijuana for sale. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/26/12 **DATE OF COMPLETION:** 07/30/13 **PAGE #4 of 4**

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that officers seized marijuana from his vehicle without cause. The complainant failed to respond to multiple requests by OCC for an interview. Department records established that the officers searched the complainant's vehicle pursuant to an effective and valid search warrant that allowed them to seize marijuana and materials or evidence associated with marijuana storage, use or sales from the complainant's home, vehicle and person. Department records established that the named officer found and seized marijuana and related items from the complainant's vehicle. The evidence proved that the acts, which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 07/24/13 **PAGE # 1 of 4**

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

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

FINDINGS OF FACT: The complainant, a 10 year-old female, stated that she had just exited her computer lab building when she heard someone say, "Stop." The complainant stated she kept walking, because she did not think the person was speaking to her. The complainant said an officer ran up to her and tightly grabbed her shoulder and shirt for approximately 10 seconds. The complainant stated once the officer realized she was a young girl, the officer released her and apologized to her. The complainant said the officer explained that he was looking for a 27 year-old woman with black and red braids. The complainant said she wore her hair in long braids in a ponytail and was wearing a pink shirt with blue or black pants with a black jacket. The complainant's mother described her daughter as 10 years old, with a medium body frame, was 5'1" tall and wore her hair in black and orange braids in a ponytail style.

The named officer stated he received a robbery call in the area. He remembered the suspect's description as a black female with a ponytail wearing a pink jacket and black pants. The officer believed a cell phone had been taken and the suspect was fleeing southbound on Gough towards Turk Street. He responded to the area of where the suspect was last seen and observed a person that matched the clothing description. The officer said the complainant was on Turk walking westbound from Gough Street. The officer said the complainant was a black female wearing the same clothing with her hair pulled back in a ponytail; he saw the complainant from behind only, but he thought she exactly matched the description of the suspect.

The officer said he called out to the complainant to stop but she did not stop or acknowledge the officer's presence. He got out of his patrol car, put his hand on the complainant's shoulder and asked if he could talk to her for a second. The complainant stopped, turned around and the officer realized she was a young girl of approximately 13 years old. The officer said he got on his police radio and confirmed that the age of the female suspect was 40-45 years old. The officer said the complainant was not free to leave during the brief detention. The officer told the complainant that he was sorry, that there was a robbery call and that she matched the description of the suspect. He walked back to his patrol car to continue searching for the suspect and to find the victim of the robbery.

The officer stated the detention lasted 10 seconds and he did not ask the complainant any questions. There were no other available witnesses. Based on the complainant's clothing, race, hairstyle and close proximity to the scene of the crime, the officer had justification to stop and detain the complainant for an investigative detention.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 07/24/13 **PAGE # 2 of 4**

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

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

FINDINGS OF FACT: The complainant, a minor child, stated the officer grabbed her by her shoulder and her shirt. The complainant stated, "It hurt" when the officer grabbed her. The co-complainant and a witness were not present to observe the alleged force but said the complainant was sobbing and visibly shaken after her contact with the officer. The complainant's mother was not present during the incident but stated a family member's death five months prior, could have contributed to the complainant's reaction to the police officer.

The officer denied the allegation and denied that he physically restrained the complainant. The officer said he placed his hand on top of the complainant's shoulder just to keep her in place while he called dispatch to confirm the age of the robbery suspect. There were no other available witnesses. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 3: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant, a minor child, stated the officer released her, apologized to her and walked back towards his car to leave the scene. The co-complainant stated the officer rudely stated he was just doing his job. The co-complainant stated the officer did not make contact with an adult to explain the reason for the detention. The witness stated once the complainant told her that the officer had grabbed her, the witness saw the officer about to leave in his patrol car.

The officer denied the allegation. The officer said the complainant did not appear to be afraid or fearful and seemed fine with his explanation of why he had detained her. The officer said while walking back towards his patrol car, two female staff members came out of the community center with raised voices and at that point, the complainant started to cry. The officer explained to the staff members that he was responding to a robbery call, that he was sorry and just trying to do his job to the best of his ability. The officer stated the incident was an ongoing situation; there was a suspect in the area and there was also a victim that was injured around the corner, and it was his responsibility to handle the call. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 07/24/13 **PAGE # 3 of 4**

SUMMARY OF ALLEGATION # 4: The sergeant failed to take an OCC complaint.

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

FINDINGS OF FACT: The co-complainant stated he went to the police station to file a complaint against an officer. The co-complainant stated the sergeant told him he had a choice of filing a citizen's complaint or he could verbally reprimand the officer to resolve the issue.

The sergeant denied the allegation. The sergeant stated he told the co-complainant that if he wanted to make a complaint, he could not call the officer in to interview and counsel the officer while OCC investigates the same incident, especially when there's a potential of a disciplinary process. The sergeant said he provided the co-complainant with an OCC complaint form and told him he could fill it out in the waiting room or the co-complainant could take the complaint form home to complete. The sergeant said the co-complainant decided to take the complaint form home. The witness stated she had to leave the police station prior to receiving assistance. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION # 5: The sergeant's conduct towards the co-complainant was racially motivated.

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

FINDINGS OF FACT: The co-complainant stated he was made to wait a long time before speaking to a supervisor regarding the violation of the complainant's civil rights. The co-complainant stated during the wait, a Caucasian woman was given the full attention of three officers regarding a parking ticket. The co-complainant stated it appeared that the violation of a minor African American female did not rate as important as helping a Caucasian woman out with her parking ticket. The witness corroborated that the woman's issue was not as threatening as the situation they were there to address.

The sergeant was interviewed pursuant to the OCC's Biased Policing protocol. He denied the allegation. The sergeant said she had no contact with the co-complainant and did not recall even seeing them at the station. The sergeant admitted she was focused on helping a female with a citation bearing an invalid code number and requested another officer with more expertise to resolve the issue. The sergeant provided SFPD documentation to substantiate that the Caucasian female had arrived at the police station prior to the co-complainant's arrival. OCC's investigation established that the co-complainant was assisted by another sergeant. The evidence proved that the act alleged in the complaint did not occur, or that the named supervisor was not involved in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 07/24/13 **PAGE # 4 of 4**

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The complainant and her mother, the co-complainant and community staff members stated the police officer should have made contact with a parent or guardian after detaining a minor child to explain the reason for the detention.

The officer denied the allegation. The officer stated he briefly detained the complainant while he called dispatch to confirm the age of the suspect. The officer said according to DGO 7.01, he was not required to complete a Certificate of Release because the complainant was not under arrest, nor was she placed into physical custody. The officer stated the complainant was only briefly detained for approximately 10 seconds during an investigative detention. According to the Department's DGO 7.01, an officer is not required to complete a Certificate of Release when they briefly detain a juvenile.

SFPD "A" DP 12-190 (08/30/12), Consensual Contacts and Detentions discusses the importance of officers communicating with juveniles and breaking down the barriers between police and juveniles. "When reasonable suspicion exists, officers have the authority to briefly detain a juvenile where they stop him/her, or move a juvenile a short distance for safety, convenience, or privacy. The juvenile is not considered arrested or taken into custody under such circumstances. When releasing the juvenile, Officers need **not** issue a Certificate of Release or prepare an incident report." Furthermore, the policy does not address or direct an officer to make contact with a parent or guardian when a juvenile is briefly detained. The evidence proved that the act by the member was justified by Departmental policy, procedure or regulation; however, the OCC recommends a change in the particular policy, procedure, or regulation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/12 **DATE OF COMPLETION:** 07/26/13 **PAGE #1** of 3

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

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

FINDINGS OF FACT: The complainant stated that he was walking towards a nearby Seven Eleven store when he was detained for no apparent reason. Department records show that the complainant's mother called the police, demanding that her son be taken into custody. The complainant told the police that her son was intoxicated and that he had just left her home to buy more alcohol.

Based on the complainant's mother's numerous 911 calls and her statement to the officers, the officer had reasonable suspicion to detain the complainant. The evidence proved that the act, which provided basis for the allegation, occurred. However, such act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he was walking towards a nearby Seven Eleven store when he was detained for no apparent reason and subsequently taken into custody. Department records show that the complainant's mother called the police, demanding that her son be taken into custody. The complainant told the police that her son was intoxicated and that he had just left her home to buy more alcohol.

Based on the complainant's mother's numerous 911 calls and her statement to the officers, the officer had reasonable suspicion to detain the complainant. Upon contacting the complainant, the officers determined that the complainant was intoxicated and was unable to care for himself, prompting the officers to take him into custody. The evidence proved that the act, which provided basis for the allegation, occurred. However, such act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 11/05/12 **DATE OF COMPLETION:** 07/26/13 **PAGE #2** of 3

SUMMARY OF ALLEGATIONS #7-8: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: In addition to be arrested for public intoxication, the complainant was also arrested for resisting arrest, which the complainant denied. No independent witnesses came forward. The evidence was insufficient to either prove or disprove the allegations.

SUMMARY OF ALLEGATION #9: The officer searched the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was searched without cause. The evidence established that the search was conducted incident to his arrest. The evidence proved that the act, which provided basis for the allegation, occurred. However, such act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/05/12 **DATE OF COMPLETION:** 07/26/13 **PAGE #3** of 3

SUMMARY OF ALLEGATION #10: The officer conducted an improper search.

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

FINDINGS OF FACT: The complainant stated that the named officer touched his genitals during the search. The officer and other officers denied the allegation. The complainant's mother stated that she did not see the search. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #11-13: The officers used unnecessary force.

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

FINDINGS OF FACT: The complainant stated that the officers used unnecessary force. The complainant stated that while being searched on the side of a patrol car, the officer conducting the search pushed the complainant's head against the patrol car, cracking his front tooth. The officers stated that some coins fell out from the complainant's pocket during the search. The officers stated the complainant pushed himself off the patrol car and moved towards the coins. The officers stated the complainant's movement forced them to move back towards a passing Light Rail Vehicle (LRV). The officers stated that to avoid getting hit by the LRV, one of them grabbed the complainant's arm and the other pushed the complainant forward towards the patrol car. The officers stated in doing so, the complainant hit his mouth on the top of the patrol car and damaged his front tooth.

The complainant also stated that the officer conducting the search told him to stop resisting and pulled his arms up while in handcuffs. The Incident Report shows that three named officers came in physical contact with the complainant during the incident. The officers denied using excessive force. The officers stated the complainant resisted. The complainant's mother stated that she did not see the complainant being handcuffed. 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: 11/07/12 **DATE OF COMPLETION:** 07/11/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/12 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 1 of 3

SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated officers used unnecessary force by grabbing and swinging him onto the ground. The complainant said he sustained scrapes to his wrist and pain to his hand and left shoulder. The officers denied the allegation. The officers stated they did not use force to take the complainant into custody. The officers said control holds were used on the complainant because the complainant was resistive, combative and non-communicative. The officers said they exercised restraint on the complainant and the complainant did not complain of any pain or injury. The fire department's patient care report indicated the complainant did not sustain any visible trauma or complaint of pain or injuries from the incident. There were no witnesses present when the officers entered the complainant's apartment. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-7: The officers searched a residence without cause.

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

FINDINGS OF FACT: The complainant stated he did not give the officers permission to search his residence. The officers were dispatched after a neighbor called 911 and reported that the complainant had brandished a gun and verbally threatened her. After speaking with the reportee, an officer knocked on the complainant's door several times without the complainant responding. Looking through a window, the officer saw the complainant talking to himself and crawling on the floor with medicine bottles strewn on the floor. The officers stated they entered the complainant's apartment because of the brandishing of a gun threat and to conduct a well-being check. They conducted a protective search for the gun because of its danger to the officers and the complainant. The complainant was subsequently detained pursuant to Welfare and Institution Code section 5150 and transported by ambulance to San Francisco General Hospital's Psychiatric Emergency Services. The evidence proved that the acts that 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: 11/09/12 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #8: The officer failed to properly investigate.

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

FINDINGS OF FACT: The complainant stated the officer did not fully investigate that his neighbor harassed him. The complainant said the officer believed his neighbor's lie about him brandishing a gun at her. The officer denied the allegation. The officer stated he responded to a call about a person with a gun and interviewed the reportee. The reportee described the complainant's threatening actions including motioning to what the reportee believed was a gun in the complainant's waistband. The officer knocked on the complainant's door, identified himself, and requested to talk with the complainant. The complainant refused to answer the door. Looking through a window, the officer saw the complainant talking to himself and crawling on the floor with medicine bottles strewn about. The officers entered the complainant's residence because of safety concerns arising from the gun threat and the complainant's well-being. The complainant was subsequently detained pursuant to Welfare and Institution Code section 5150. No weapons were located in the complainant's apartment. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-10: The officers detained the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he should not have been detained because he did not violate any laws. The officers denied the allegation. The officers were dispatched after a neighbor called 911 and reported that the complainant had brandished a gun and verbally threatened her. After speaking with the reportee, an officer knocked on the complainant's door several times without the complainant responding. Looking through a window, the officer saw the complainant talking to himself and crawling on the floor with medicine bottles strewn on the floor. The officers stated they entered the complainant's apartment because of the brandishing of a gun threat and to conduct a well-being check. The complainant was subsequently detained pursuant to Welfare and Institution Code section 5150 and transported by ambulance to San Francisco General Hospital's Psychiatric Emergency Services. One of the officers reported that the complainant said he did not know when he had last taken his medication and had been detained previously for mental health evaluations. The reportee corroborated that she got into a verbal altercation with the complainant and feared for her life upon observing what she believed to be the butt of a gun in the complainant's waist area. The evidence proved that the acts that provided the basis for allegation occurred; however, such acts were justified, lawful, and proper.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/09/12 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #11: The officer placed tight handcuffs on the complainant.

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

FINDINGS OF FACT: The complainant stated the officer placed tight handcuffs on him, which caused abrasions to his right wrist and pain to his arm and hand. The officer denied the allegation. The officer said the complainant did not complain about handcuffs being tight. The fire department's patient care report revealed no visible trauma and no mention of any injuries, pain, or tight handcuffs. There were no witnesses present when the officer took the complainant into custody. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #12-16: The officers entered a residence without justification.

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

FINDINGS OF FACT: The complainant stated the officers should not have entered his residence because he did not break any laws and they did not have a warrant. The officers denied the allegation. The officers were dispatched after a neighbor called 911 and reported that the complainant had brandished a gun and verbally threatened her. After speaking with the reportee, an officer knocked on the complainant's door several times without the complainant responding. Looking through a window, the officer saw the complainant talking to himself and crawling on the floor with medicine bottles strewn on the floor. The officers stated they entered the complainant's apartment because of the brandishing of a gun threat and to conduct a well-being check. The complainant was subsequently detained pursuant to Welfare and Institution Code section 5150 and transported by ambulance to San Francisco General Hospital's Psychiatric Emergency Services. The evidence proved that the acts that provided the basis for allegation occurred; however, such acts were justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/13 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated the officers detained him for wearing a bulletproof vest. He stated he works for a pretrial diversion project and was in the area speaking to his clients before going to his job as a security guard in Oakland. The complainant stated that he was wearing a bulletproof vest for his security guard job. According to the Pre-trial Diversion Project, the complainant no longer works there.

The officers stated they observed the complainant for about thirty minutes, walking back and forth across the street. They stated they saw the outlines of a bulletproof vest beneath the complainant's T-shirt. One officer stated drug dealers often wear bulletproof vests. Both officers stated they detained the complainant to ask him about the bulletproof vest and because his actions raised their suspicions.

The officers had reasonable suspicion to briefly detain the complainant and question him about his activities in the area and ask him why he was wearing a bulletproof vest. Their conduct was proper.

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

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

FINDINGS OF FACT: The complainant stated he was searched during his detention. The officer stated that, because the complainant was wearing a bulletproof vest, he conducted a pat search for weapons for his own safety and the safety of others. The officer stated the complainant consented to the search. The officers had reasonable suspicion to detain the complainant to question him about his bulletproof vest and activities in a high crime/high narcotics area. The officer was justified in conducting a pat search for weapons for his safety and the safety of others. The search was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/13 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he had painkillers in his pocket at the time of his arrest. He stated they were not in a prescription bottle and he did not have a prescription on his person.

In their OCC interviews, the named officers stated that the complainant was arrested after they found ten Oxycodone pills in the complainant's pocket, along with \$240 in crumpled bills. The complainant did not have a prescription for the pills. They arrested the complainant for possession for sale.

The officers had probable cause to arrest the complainant. Their conduct was proper.

SUMMARY OF ALLEGATIONS #6 & 7: The officer searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated the officers searched his vehicle without his consent.

Both officers stated they searched the complainant's vehicle for additional narcotics. They stated that drug dealers often hide their narcotics in their vehicles. They both stated that drug dealers often keep illegal drugs in their cars. No narcotics were located in the complainant's vehicle.

Department Bulletin #11-091 states that officers may search a vehicle if they have probable cause to believe there is evidence inside the vehicle. The officers had probable cause to arrest the complainant for possession of narcotics for sale. Thus, they had probable cause to believe that the complainant might have additional narcotics in his vehicle. Their conduct was proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/02/13 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS # 8 & 9: The officers damaged the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated that, during a search of his vehicle, the officers pulled out speaker wires and cracked a portion of plastic molding.

In their OCC interviews, the officers denied the allegation. They both stated they did not observe any damage to the complainant's vehicle.

There were no available witnesses and no additional evidence to further prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/19/12 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments to her during two telephone conversations. The complainant's husband stated that he was next to the complainant during one of these telephone conversations and heard the officer make inappropriate comments, although he couldn't recall what the officer said. The named officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity to her during a telephone conversation. The named officer denied the allegation. 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: 11/19/12 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer placed a hold on the complainant's husband's vehicle without cause.

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

FINDINGS OF FACT: The complainant stated that the vehicle belonging to her husband was towed after he was involved in a collision. A hold was then placed on the vehicle that prevented representatives from her husband's insurance company from gaining access to the vehicle. The named officer stated that he didn't recall who placed the hold on the vehicle but maintained that a hold should have been placed on the vehicle because the complainant's husband had been driving with a suspended license. Department records established that the named officer placed the hold on the vehicle. 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 #4: This complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Municipal Transportation Agency (SFMTA)
Hearing Section
11 South Van Ness Avenue
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 10/30/12 **DATE OF COMPLETION:** 07/30/13 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant stated while being detained, the officer made an inappropriate comment to her. The complainant's brother confirmed hearing the named officer make an inappropriate comment. Only one of the six officers who responded to this incident stated that they contacted a woman matching the complainant's description. This officer denied making an inappropriate comment. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/12 **DATE OF COMPLETION:** 07/16/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that after arguing with her mother, two officers, a doctor and nurse's aide came into her room and handed her a piece of paper, which turned out to be an Application for 72-hour Detention – 5150 Report. The complainant denied that anyone told her why she was being detained, or where she was being taken. She denied being a threat to herself or anyone else and stated that the form contained lies about the complainant, told by her mother. She stated that the officers handcuffed her and dragged her from her home, before transporting her to a hospital psychiatric ward, where she was held for 7 days.

The officers denied the allegation. They stated that they responded to a call for assistance from the Mobile Crisis Team regarding a 5150 W&I. After entering the complainant's bedroom with a Mobile Crisis doctor, and the complainant's mother, they explained what was going to happen, why the complainant was being detained and that she was not in any trouble criminally. The complainant refused to cooperate and they eventually led the complainant from her home and transported her to the hospital psychiatric ward. They stated that they detained the complainant for a 5150 W&I under the authority of the doctor from the Mobile Crisis Team.

The Mobile Crisis doctor and the complainant's mother confirmed that the complainant's mother had requested help because she was unsure of her own safety and was worried about the complainant.

The complainant's medical records state that prior to this detention, the complainant was increasingly hostile towards family members and upon arrival was placed in four-point restraints due to her aggressive behavior. The Application for 72 Hour Detention for Evaluation and Treatment form indicates that the complainant's mother requested that the Mobile Crisis Team evaluate the complainant who was described as paranoid and delusional. It further states that there is probable cause to believe that the complainant, as a result of mental disorder, is a danger to others.

No other witnesses were located during the course of the investigation.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/26/12 **DATE OF COMPLETION:** 07/16/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that the officers dragged and shoved her from her home in an effort to detain her. She further stated that an officer struck her with an open hand while trying to shove her into the back of the patrol car. The officers both denied the allegation. They described the complainant as actively and passively resisting and stated that they carried her from her home to the patrol car, each with an arm underneath her armpit. They stated that once the complainant was placed into the patrol car and secured with a seatbelt, she continued to stick her head out of the open door. In an effort to prevent injury upon closing the car door, one of the officers placed an open hand on the complainant's head to keep it inside of the vehicle while he closed the door. Both officers denied using any force, or striking the complainant with an open hand. They both also denied that the complainant ever complained of pain or injury during the detention and/or transport. The Mobile Crisis Team doctor denied the allegation and described the officers as professional and calm. The complainant's mother stated that she did not see any use of force, and that the officers did only what was necessary given the situation and the complainant's behavior. She denied seeing anything that she would deem inappropriate or aggressive. No other witnesses were located during the course of the investigation and the complainant's medical records did not indicate any injuries upon arriving at the psychiatric facility. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #5 & 6: The officers applied the handcuffs too tightly.

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

FINDINGS OF FACT: The complainant stated that the officers twisted her left arm in an effort to handcuff her. She further stated that they jabbed her with part of the handcuff and that the handcuffs cut into her right wrist. The officers both denied the allegation. They stated that they used a department-taught technique of partially twisting the wrist to expose the ulna bone and base of hand, before pressing the single strand of the handcuff against her wrist in order to open the handcuff and lock it on her wrist. They described the complainant as actively and passively resisting. The complainant's mother denied seeing any use of force or anything that she would deem inappropriate or aggressive. No other witnesses were located during the course of the investigation and the complainant's medical records did not indicate any injuries upon arriving at the psychiatric facility. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/06/12 **DATE OF COMPLETION:** 07/31/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The co-complainant, a resident of a women's shelter, stated that she summoned police to report a man who she believed had been following her. Officers responded but two witnesses were unavailable to talk to the officers. The following day, the co-complainant called police again so these two witnesses could provide written statements to the officers. The officers who responded brought two Incident Report Statement forms with them but when the co-complainant asked for a third statement form for the complainant to fill out, the officers refused to provide one. The complainant wrote in her complaint form that one of the named officers refused to allow her to make a statement. The complainant failed to come forward and provide a statement to the OCC. Department records established that two officers responded to the original call and prepared a report concerning a Suspicious Occurrence in which the co-complainant described a man who she believed was following her but did not describe any action constituting a crime. They booked a statement written by the co-complainant. Department records also established that the following day the named officers responded and prepared a supplemental incident report with written statements from two witnesses attached. A witness who prepared one of those written statements stated that the named officer willingly provided her with a statement form but ignored a request from the complainant for a statement form. This witness stated that the one of the named officers asked whether a crime had been committed. Another witness refused to be interviewed by the OCC. The named officers denied that they refused to provide a statement form to a witness. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant wrote in her complaint form that the officer used profanity but did not specify what he said. The complainant failed to come forward and provide a statement to the OCC. The co-complainant and a witness stated that the named officer did not use profanity. The named officer and his partner denied the allegation. A preponderance of the evidence proved that the act alleged in the complaint did not occur, or that the named member was not involved in the act alleged.

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DATE OF COMPLAINT: 12/10/12 **DATE OF COMPLETION:** 07/03/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers engaged in behavior that invaded the privacy rights of the complainant.

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

FINDINGS OF FACT: The complainant, a resident of the hotel in question, said officers were shown a hotel occupancy log by the hotel clerk in violation of his privacy rights. The hotel clerk admitted to showing the officers the log stating that it is hotel policy to allow law enforcement officers access to the hotel occupancy log. 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: 12/13/12 **DATE OF COMPLETION:** 07/19/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was involved in a traffic accident while he was a passenger in a taxicab. The complainant stated that he attempted to provide his statement, but the officers instead spoke to the two drivers involved in the collision. The officers had vague or no recollection of this incident that occurred in 2010. The complainant did not file his complaint with the OCC until 2012. The officers stated that they did not recall the complainant. The complainant stated he left the scene with a supervisor of the cab company who said he would take him to the hospital but instead gave him a ride home. One witness stated he did not recall a passenger from the cab and did not observe the incident when police arrived. Another witness did not respond for an interview. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers failed to prepare a traffic collision report.

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

FINDINGS OF FACT: The complainant stated he was involved in a traffic accident while he was a passenger in a taxicab. The complainant stated that when he attempted to get a copy of the report, he was told that no report was generated. The officers had vague or no recollection of this incident that occurred in 2010. The complainant did not file his complaint with the OCC until 2012. The officers stated that per the CAD, no report was generated because the incident involved a non-injury traffic accident. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/13/12 **DATE OF COMPLETION:** 07/19/13 **PAGE #** 2 of 2

SUMMARY OF ALLEGATIONS # 5-6: The officers discriminated the complainant.

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

FINDINGS OF FACT: The complainant stated he felt discriminated because of his race – the officers refusing to take his statement. The officers were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. The officers denied the allegation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated that the officers were rude because when he attempted to talk to them, he was ordered to sit down. The complainant then attempted to get the badge number of one officers but was told to “Chill out and shut up.” The officers had vague or no recollection of this incident that occurred in 2010. The complainant did not file his complaint with the OCC until 2012. All of the officers questioned by the OCC denied the allegation. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/08/13 **DATE OF COMPLETION:** 07/24/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: This complainant stated the officer pushed him inside a MTA coach without justification. The officer could not recall whether or not he pushed the complainant, and believed it would have been unnecessary for him to do so. Five witnesses on scene could neither prove nor disprove the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS # 2 & 3: The officers failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated he was involved in a confrontation with a Municipal Transit Authority driver who stopped the coach and summoned police officers. The complainant stated he requested language assistance from the officers, who ignored his request. The officers denied the allegation and stated that they communicated separately and exclusively with the complainant in English without difficulty. The OCC interviewed a witness, but the witness' statement was inconclusive. No other witnesses on scene were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/14/13 **DATE OF COMPLETION:** 07/03/13 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he visited three restaurants with his brother and a male friend and had two drinks prior to the group attending a tailgate party, where they continued to drink. The complainant acknowledged his brother was “not sober.” The named officer stated the complainant was extremely intoxicated, loud and unruly and had been in a fight prior to the officer’s arrival. The complainant’s objective signs of intoxication included watery eyes, drooping eyelids, slurred and mumbled speech and a moderate smell of alcohol on his person. The officer stated the complainant was detained because the complainant unable to care for himself. A second officer stated the complainant was verbally aggressive towards police and patrons of the football game. The complainant’s face was flushed, his eyes were watery, and his eyelids were drooping. The complainant mumbled and slurred his speech and he had a moderate smell of alcohol on his person. A supervising officer stated the complainant was aggressive, belligerent and obnoxious. He stated the complainant was very unsteady on his feet, smelled of alcohol and had slurred speech. This officer stated the complainant and two other heavily intoxicated men instigated a shouting match at the football game. The officer stated the complainant and the other two men were detained because they were unable to care for themselves. Based on a preponderance of evidence, the complainant was intoxicated and unable to care for himself. 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 detained the complainant’s brother without justification.

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

FINDINGS OF FACT: The complainant stated he and his brother had been drinking prior attending the tailgate party, where they continued to drink. The complainant acknowledged his brother was “aggressive” and “not sober.” The complainant stated his brother yelled homophobic comments to a fan in the officer’s presence. The named officer stated the complainant’s brother was verbally aggressive toward police and patrons of the game. He and his brother were starting fights in the parking lot. The officer stated the complainant’s brother was involved in a fight, was intoxicated and could not care for himself. He had watery eyes, droopy eyelids and moderate smell of alcohol on his person. The named officer stated the complainant’s brother was detained because he was unable to care for himself. A witness officer stated the complainant’s brother was obviously intoxicated: he had watery eyes, drooping eyelids and smelled of alcohol. He stated the complainant’s brother was loud and unruly and wanted to engage in a physical fight with those around him. He was detained because he was unable to care for himself. A supervising officer stated the complainant’s brother was intoxicated, aggressive and belligerent. He was very unsteady on his feet, he smelled of alcohol and his speech was slurred. This officer stated the complainant’s brother and two other heavily intoxicated men were instigating a shouting match with other fans. The detained men admitted to drinking all day. Based on a preponderance of evidence, the complainant’s brother was intoxicated and unable to care for himself. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/14/13 **DATE OF COMPLETION:** 07/03/13 **PAGE #** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated that when he asked the officer why he and his brother were being detained, the officer responded, "Because your brother opened his big mouth." The named officer stated he did not recall making the alleged inappropriate comment. One witness officer stated he did not hear the named officer make the alleged inappropriate comment. A second witness officer stated he did not recall hearing the named officer make this comment. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #4-5: The officers failed to properly process property.

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

FINDINGS OF FACT: The complainant stated his football game tickets were confiscated and never returned to him. One of the named officers stated that 49ers representatives and police seize tickets when patrons are ejected or arrested for criminal violations or violations of the NFL code of conduct. This process was explained to the complainant and his brother. They agreed to this policy when they purchased their tickets. The other named officer stated it is the policy of the San Francisco Police Department to confiscate all tickets on behalf of the 49ers organization from individuals who are ejected and no longer welcome to watch the game. A supervising officer stated the tickets were seized because it standard procedure (agreed upon by the 49ers organization and the San Francisco Police Department) to seize, retain and log tickets of ejected fans. The 49ers organization determines whether or not to cancel season tickets or contact season ticket holders. According to the NFL code of conduct, intoxicated fans are subject to ejection and are not entitled to a refund. Based on a preponderance of evidence, the officers' conduct was proper. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/01/13 **DATE OF COMPLETION:** 07/26/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers failed to write an incident report.

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

FINDINGS OF FACT: The complainant said two officers responded when he was refused service on a Greyhound bus because he had two service dogs with him, but that the officers failed to take an incident report. The named officers acknowledged responding to the incident, but denied that the complainant alleged any crime. The officers stated that they determined the business was refusing service and the dispute was a civil one. Department records indicated that the officers reported to headquarters at the time that the complainant was refused service due to the use of profanity, and that the denial of service was in response to that. The complainant did not produce any witnesses. A witness from Greyhound lines said they had no documented record of the incident and the witness could not with any certainty identify the involved driver. No other witnesses came forward. 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: 02/01/13 **DATE OF COMPLETION:** 07/01/13 **PAGE #1 of 1**

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

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

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

Office of the Chief Medical Examiner
General Services Agency
Hall of Justice
850 Bryant Street – North Terrace
San Francisco, CA 94103
(415) 553-1694

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

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

FINDINGS OF FACT: The complainant stated that when her husband attempted to find information about her son's death, the officers made inappropriate comments. The complainant was not present when the alleged comments were made. The OCC interviewed the complainant's husband and he denied that the police made any negative comments about the complainant's son's death. The evidence proved that the act alleged in the complaint did not occur, or that the officers were not involved in the act alleged.