

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/16/13 **DATE OF COMPLETION:** 09/03/13 **PAGE #1** of 1

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

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

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

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DATE OF COMPLAINT: 04/17/13 **DATE OF COMPLETION:** 09/05/13 **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 alleged that he was arrested for no apparent reason. The officers stated that the complainant was arrested during a multi-agency citywide Fugitive Recovery Enforcement (FRET) Operation. The officers stated that the complainant was arrested on an active no bail warrant. Through the San Francisco Sheriff's Department Central Warrant Bureau, the OCC confirmed that the complainant had an active no bail warrant for his arrest at the time of his arrest. The evidence proved that the act, which provided basis for the allegations, occurred. However, the act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force. The officers denied the allegation and said that the complainant violently resisted during the arrest, prompting one of the officers to strike the complainant several times in the face with a closed fist. This officer's use of force was articulated in the incident report and was reported to a supervisor as required. Additionally, the officer's use of force was entered into the Use of Force Log. No independent witnesses were identified. There was insufficient evidence to either prove or disprove that the level of force used was minimally necessary to accomplish a lawful police task. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/23/13 **DATE OF COMPLETION:** 09/11/13 **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 that the named officer refused to provide a police escort for a civil standby to allow him to gain access to his residence. The named officer stated that there was a stay away order in place and that to agree to the complainant's request would violate the restraining order. The named officer stated that she was advised by the San Francisco Police Department Legal Division that the complainant's issue was a civil matter and that the complainant needed to contact his legal counsel, as officers cannot violate a court order. 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: 05/21/13 **DATE OF COMPLETION:** 09/04/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

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

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DATE OF COMPLAINT: 05/22/13 **DATE OF COMPLETION:** 09/16/13 **PAGE #** 1 of 2

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

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

FINDINGS OF FACT: The complainant reported an assault on January 10, 2013. The complainant alleged that the police have failed to investigate her case and have failed to make an arrest.

The Station Investigation Team (SIT) lieutenant where the incident occurred stated that he was not assigned to SIT at the time the incident occurred. However, he stated that based on his review of the facts and the policy outlined in SFPD Department Bulletin 13-058, the complainant's case does not meet the assignment criteria.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper under DB 13-058.

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

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

FINDINGS OF FACT: The complainant reported a burglary on February 26, 2013. She reported that she had been the victim of a series of break-ins to her apartment over the past 6 weeks. The complainant alleged that the police have failed to investigate her case and have failed to make an arrest.

The Station Investigation Team (SIT) lieutenant where the incident occurred stated that he was not assigned to SIT at the time the incident occurred. However, he stated that based on his review of the facts and the policy outlined in SFPD Department Bulletin 13-058, the complainant's case does not meet the assignment criteria.

The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was lawful, justified and proper under DB 13-058.

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

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

FINDINGS OF FACT: The complainant stated that she went to Tenderloin Station to report a crime. She said the officer picked up the phone and then hung up on her. The officer stated that he did not recall any contact with the complainant. There were no witnesses. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that a female officer refused to take her report at the station. The Captain of Southern station conducted a poll of officers and was unable to establish the identity of the alleged officer. No witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 6, 2013.

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DATE OF COMPLAINT: 06/04/13 **DATE OF COMPLETION:** 09/13/13 **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 officer responded to two calls for service at the complainant's apartment complex. The complainant's neighbor reported the complainant's husband ran over her dog. The complainant reported that her neighbor threatened to have her dog attack the complainant and her husband. The complainant stated that her neighbor threatened to attack her with her Pit Bull, but the dog cowered and hid.

The complainant stated that she wanted the officer to do more, such as call Animal Control and have her neighbor's dog taken away. The officer stated that the complainant never requested that he call Animal Control. Furthermore, the officer stated that he attempted to help all parties arrive at an agreeable resolution.

Records show that the officer spent more than an hour talking with the involved parties, gathering information through interviews, and explaining police procedures regarding their complaints. The officer did not have legal justification to call Animal Control, as the dog did not attack anyone. In addition, the officer stated that the dog looked lazy and showed no aggression towards his presence. The officer complied with Department General Order 2.01 by regulating and mediating non-criminal conduct.

It should be noted that the complainant described the named officer as "pleasant and polite" and "a nice officer." However, the complainant wished that the officer had spoken to her neighbor in a more forceful manner.

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

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DATE OF COMPLAINT: 06/10/13 **DATE OF COMPLETION:** 09/09/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT : The named officer and his partner stated that the complainant failed to stop for a posted stop sign, prompting the named officer to cite the complainant for violation of California Vehicle Code section 22450, which states, in part: The driver of any vehicle approaching a stop sign at the entrance to, or within, an intersection shall stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. The complainant denied the violation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer threatened to tow the complainant's car.

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

FINDINGS OF FACT: The complainant stated that when he refused to sign the citation, the named officer told him that he would be arrested and that his car would be towed. The officer denied threatening the complainant. The officer stated he told the complainant that he would be taken to the police station and that the officer's supervisor would be notified. The officer explained that his supervisor would offer the complainant a final opportunity to sign the citation, and his vehicle would be towed if the complainant still refused to sign the citation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer used unnecessary force while placing him in handcuffs. The complainant said the officer twisted his arms in a painful manner, which injured a finger on his left hand. The complainant said he did not report the injury to the officers when he was injured. The complainant stated he believed the officer broke his finger. The named member denied the allegation. The officer said he did not forcefully pull the complainant's hands behind his back and handcuffed the complainant without incident. The witness officer denied being involved with the handcuffing of the complainant. Photographs taken by the OCC documented the injuries on the complainant's left hand and finger. The complainant did not provide medical reports to substantiate the injury to his finger. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant said he asked the officer for his star number but the officer ignored his request. Both the named officer and witness officer said they gave the complainant their names and star numbers to the complainant when he requested the information. There were no other witnesses. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 11, 2013.

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

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

FINDINGS OF FACT: The complainant lives in an apartment. The complainant is mainly complaining about one of her neighbors constantly calling the police, prompting officers to respond to her apartment. In one incident, the neighbor called the police and reported that the complainant was cooking marijuana. The named officers responded to the call and advised the complainant of the call the police received from one of her neighbors. No enforcement action was taken. The evidence proved that the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

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DATE OF COMPLAINT: 06/18/13 **DATE OF COMPLETION:** 09/03/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant wrote that the officer tried to rush him, intimidate him, and attack his emotions with the intent of preventing him from filing his domestic violence 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: 07/03/13 **DATE OF COMPLETION:** 09/13/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated he stopped his taxi in a bicycle lane to pick up passengers. He stated his hazard lights were on. He stated an officer approached him and asked for his license, waybill and badge. He stated his scheduled passengers had to take another taxi while the complainant was detained. He stated the detention lasted approximately 5-7 minutes. The officer stated the complainant was blocking a lane of traffic and other vehicles had to drive into oncoming traffic to go around the complainant's taxi. He detained the complainant because he was in violation of traffic laws. No citation was issued. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/13 **DATE OF COMPLETION:** 09/11/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 5, 2013.

SUMMARY OF ALLEGATION #2: The officer was discourteous.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 5, 2013.

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DATE OF COMPLAINT: 07/22/13 **DATE OF COMPLETION:** 09/30/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers practiced biased policing due to disability.

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

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

SUMMARY OF ALLEGATIONS #3-4: 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 September 17, 2013.

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DATE OF COMPLAINT: 07/23/13 **DATE OF COMPLETION:** 09/11/13 **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 September 3, 2013.

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DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 09/05/13 **PAGE#**1 of 1

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

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

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

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

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DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 09/04/13 **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 officer retired and is no longer available and subject to Department discipline.

SUMMARY OF ALLEGATION #2: The officer's conduct was inappropriate.

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

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

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

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

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

San Francisco Municipal Transportation Agency
11 South Van Ness Avenue
San Francisco, CA 94103

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

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

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

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

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

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

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

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

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DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 09/18/13 **PAGE #1** of 2

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

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

FINDINGS OF FACT: The officer stated that he stopped and cited the complainant for making an illegal left turn. The complainant denied the alleged violation. The complainant's witness did not come forward. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated the officer was loud and aggressive. The officer denied the allegation. The officer stated that there was heavy vehicular traffic, prompting him to raise his voice to be heard. The officer denied raising his voice to intimidate the complainant. The complainant's witness did not come forward. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/01/12 **DATE OF COMPLETION:** 09/18/13 **PAGE #2 of 2**

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

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

FINDINGS OF FACT: The complainant stated she informed the officer that she would be filing a (OCC) complaint against him. She allegedly asked the officer for the telephone number of the office at which she could file her complaint. The complainant stated the officer ignored her request and never gave her the requested telephone number. The officer stated the complainant never informed him that she wanted to file a (OCC) complaint against him, and the complainant never requested a telephone number in order to file a complaint. No independent witnesses were developed to corroborate the complainant's allegation. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The OCC initially alleged the officer failed to input the required data from a traffic stop into the E585 computer database. This investigation determined the officer did in fact fail to enter the information as required. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

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

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

FINDINGS OF FACT: The complainant stated he was detained for being drunk in public. The complainant acknowledged drinking four full glasses of wine before being detained. A Police Service Aide officer initially detained the complainant. He stated the complainant had slurred speech, a strong odor of alcohol on his breath and had difficulty standing upright and still. Three officers who had contact with the complainant stated the complainant also displayed these objective signs of intoxication. They further stated the complainant was argumentative and belligerent. The named officer stated the complainant was highly intoxicated and was unable to care for himself. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated his Clipper card was seized but not returned to him.

The officer who detained the complainant stated he asked the complainant for identification but did not recall the complainant giving him a Clipper card. The officer who booked the complainant stated he did not recall seeing a Clipper card in the complainant's property. The officer who inventoried the complainant's property stated he did not recall seeing a Clipper card. Another officer who had contact with the complainant stated he did not recall the complainant complain about a missing Clipper card. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated an officer pushed him into the patrol car and tightly handcuffed him. While the complainant was handcuffed, the officer hit him one time on the leg with a black baton. While in the patrol car, the complainant complained that the handcuffs were too tight but the officer did not loosen them. A Police Service Aide officer stated he did not see any officer push the complainant into the patrol car or strike the complainant with a baton. He stated the complainant was taken into custody without incident. One officer stated he might have handcuffed the complainant. He stated the complainant did not complain about handcuffs being tight. He further stated the complainant went willingly into the patrol car and no one used any force or batons. The officer who detained the complainant stated he did not recall who handcuffed the complainant and did not recall the complainant complaining about tight handcuffs. He denied using any force or a baton and did not see any other officer do so. The two officers who transported the complainant stated the complainant did not complain of tight handcuffs. One officer stated the complainant willingly went into the patrol car but the other officer could not recall. Both officers stated no force was used on the complainant. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that while he was detained in the police station, officers ignored his requests to use the restroom. The complainant stated he resorted to urinating on himself. The two officers who transported the complainant to the station stated the complainant did not ask them to use the restroom. The complainant had contact with two station keepers. The station keeper who medically screened the complainant could not recall whether the complainant asked to use the restroom. The station keeper who released the complainant stated he did not recall his contact with the complainant. The identity of the alleged officer has not been established. 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 made inappropriate comments to the complainant.

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

FINDINGS OF FACT: The complainant stated that while he was detained in the police station, officers made inappropriate comments to him. He could not identify the officer. The complainant had contact with two station keepers. Both station keepers denied making inappropriate comments and did not hear any other officers make inappropriate comments. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated officers kicked him while he was on the ground. The complainant also stated that his finger was smashed. The complainant did not come forward for an interview. The officers stated that the complainant physically resisted arrest and failed to follow their verbal orders, forcing them to use necessary force to restrain and arrest the complainant. One of the named officers admitted to delivering two knee strikes to the complainant's torso area as the complainant continued to resist the officers. This officer's use of force was reported to a supervisor and was entered in the Department's Use of Force Log. The other named officers stated that they used their body weight to control the complainant and put him in handcuffs. A witness, who was with the complainant, provided a written statement for the incident report, stating that the complainant resisted. The OCC, however, was unable to locate this witness for an interview as the witness had no permanent address or other contact information. No independent witnesses were identified. There was insufficient evidence to prove or disprove that the level of force used was minimally necessary to accomplish a lawful police task. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF ALLEGATIONS #4-6: The officers failed to provide medical attention.

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

FINDINGS OF FACT: The complainant stated that he was the victim of police brutality. The complainant stated that after the officers used force during the arrest, there was no communication about him going to the hospital. The officers stated the complainant had no visible signs of injury and that he never said anything about being hurt or wanting to go to the hospital. There was insufficient evidence to either prove or disprove the allegations made in the complaint.

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

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

FINDINGS OF FACT: In his written complaint, the complainant stated that in addition to the above arrest, there was also another arrest where his property was taken from him. The OCC was unable to locate the second arrest. The complainant failed to provide additional requested evidence.

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

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

FINDINGS OF FACT: The complainant stated the officers arrested him for an outside jurisdiction warrant. The officers stated that the complainant had three arrest warrants. Two of the warrants were local and one was a felony No Bail warrant from another county. The Central Warrants Bureau confirmed all three warrants prior to booking. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote, in part, "Some money and a great deal of property was [sic] missing upon retrieval." The complainant has not provided an interview.

The arresting officers denied seizing any of the complainant's property. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 11/30/12 **DATE OF COMPLETION:** 09/05/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was detained for no apparent reason. The officers denied the allegation and stated that they stopped and cited the complainant for violation of California Vehicle Code section 21702 (Following too closely), which states, "The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the roadway." No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated he was stopped for no apparent reason. The complainant alleged that he was racially profiled. The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol and both officers denied the allegation. The officers stated they stopped and cited the complainant for following too closely. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The officers stated they stopped and cited the complainant for following too closely. The complainant denied the alleged violation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant told the OCC that the named officer failed to give him a copy of the citation. Additionally, the complainant said that the court did not send him a courtesy notice regarding the citation, which almost caused his driving privileges to be suspended. The complainant stated that when he went to the Hall of Justice and obtained a copy of the citation, he noticed that the zip code listed was incorrect. The complainant alleged that this error was intentional.

The named officer and his partner denied the allegation, stating that the complainant was given a copy of the citation after the complainant signed the citation. The citation shows that the complainant did sign the citation, promising to appear in court at the time and place indicated on the citation. While the evidence does establish that a clerical error was made in regards to the zip code, there is no evidence that the clerical error constituted sustainable misconduct. There is no evidence that the clerical error was made because of inappropriate intent or negligence on the officer's part. It should be noted that court records show that the complainant was sent a courtesy notice prior to his appearance date, and that there was no record of the notice being returned undelivered. There was insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer conducted a traffic stop without cause.

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

FINDINGS OF FACT: The complainant stated the officer pulled him over for having an obstructed view due to his air fresheners hanging from his rearview mirror. The officer stated that the air fresheners hanging from the rear view mirror was a violation of CVC 26700, which is a mechanical violation. The officer had the authority to conduct a traffic stop per DGO 9.01. 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 made inappropriate comments and behaved inappropriately.

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

FINDINGS OF FACT: The complainant stated that the officer threw his driver's license at him and threatened to pull him over again if he sees him. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/14/13 **DATE OF COMPLETION:** 09/11/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that the officer used profanity when he told him to take off the air fresheners hanging from his rear view mirror. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer failed to provide his badge number.

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

FINDINGS OF FACT: The complainant stated that the officer refused to provide his badge number. The officer denied the allegation. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/14/13 **DATE OF COMPLETION:** 09/11/13 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The officer failed to make an E585 entry as required. The officer stated that he made the entry on his MVT; however, when he was shown the San Francisco Police Department E585 report, he acknowledged that his report showed other entries but no entry for this incident. Per Department Bulletin A 12-188, Traffic Stop Data Collection Program Information, the officer was required to make an entry. The evidence established that the officer failed to comply with the E585 requirement in violation of DB 12-188.

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

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DATE OF COMPLAINT: 01/18/13 **DATE OF COMPLETION:** 09/17/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer used profanity and his comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated she observed the officer making inappropriate, profane remarks to the co-complainant while standing in the roadway of an intersection. She saw and heard the officer from one-two feet away and called to report the incident within one hour of the incident. The co-complainant stated that the officer used profanity and his behavior included other inappropriate comments and manners. The complainants did not know each other and made parallel, independent complaints to the OCC. The officer's partner confirmed his partner approached the co-complainant to address him prior to dealing with a pending call for service. The named officer denied the allegation. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

SUMMARY OF ALLEGATION #2: The officer was inattentive to his duties.

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

FINDINGS OF FACT: The complainant stated the officer walked up to him, stood in the roadway and made inappropriate remarks to the co-complainant. The officer denied the allegation. He said he was in the roadway while dealing with a call for service. The officer's partner stated his partner first walked toward a bicyclist who found not to be part of the call for service and then returned to speak to a party directly involved in their call for service. The officer's partner did not observe the entire incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/24/13 **DATE OF COMPLETION:** 09/03/13 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant was arrested. The complainant stated that when she was booked, one of the arresting officers or the station duty officer went through her purse and wallet. The complainant stated she told the officer to make sure everything was placed back into her purse. The complainant stated that when she was released, her family's social security cards were missing from her property. The arresting officers, the Station Duty officer and the booking sergeant denied removing social security cards from the complainant's purse. The incident report shows that the complainant's purse was booked into evidence. The Inmate Property Inventory Report shows that "papers and cards" were logged as property. The Inmate Property Release Report shows that a "Sealed Envelope" was one of the items given to the complainant when she was released. It is unclear from the records if in fact there were social security cards seized during the complainant's booking. No other witnesses were identified. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 09/05/13 **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 was detained by two Latino officers for no apparent reason. The named officer, who is of Asian descent, stated a Municipal Authority Transit (MTA) driver flagged him down and asked him to remove the complainant from the coach due to the complainant's irrational behavior, which jeopardized his safety and the safety of the passengers. The MTA driver corroborated the officer's account of what happened. 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 officers made a racially derogatory comment.

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

FINDINGS OF FACT: The complainant stated he was detained by two Latino officers and that the same officers used a racially derogatory comment during his detention. Department records show that the complainant was detained by an Asian officer and was transported by a Caucasian officer. Both officers denied the allegation. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated he was detained by two Latino officers and that the same officers used profanity during his detention. Department records show that the complainant was detained by an Asian officer and was transported by a Caucasian officer. Both officers denied the allegation. The identity of the alleged officer has not been established. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/27/13 **DATE OF COMPLETION:** 09/16/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant wrote in his complaint that he witnessed a woman being detained. He stated that the woman asked the officers not to grab her arms because she was afraid it would hurt and an unidentified officer told her it would not hurt. The complainant stated that the woman then exclaimed that it was hurting and she winced in pain as the officers yanked her arms behind her back and placed her in handcuffs. The complainant did not come forward. The named officers denied the allegation, stating that they did not recall the woman expressing any pain during the detention and that they did not yank her arms behind her back. The officers stated that the woman was requesting to be hospitalized and did not resist the detention in anyway. Neither officer was able to recall who placed the detainee in handcuffs. A witness also denied the allegation. He stated that the detainee was in his office threatening patients and staff. He stated that the woman was belligerent and requested that staff call 911 to have her "5150'd". He said that he and his staff escorted the woman outside until officers arrived. He said that once officers were on scene, the woman was still requesting to be taken to a hospital. He stated that he did not see any force being applied and did not hear any complaints of pain from the woman as officers placed her in handcuffs. Attempts to reach the detainee and other potential witnesses were unsuccessful. No other witnesses were located. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 03/04/13 **DATE OF COMPLETION:** 09/05/13 **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 a woman, who was acting on behalf of his landlord, violently struck him with her fist, prompting the complainant to call the police. The complainant stated that the responding officers, later identified as the named officers, refused to file criminal charges against the woman. Additionally, the complainant stated the officers sided with his landlord, telling the complainant to move out. The complainant stated the assault was captured on his cell phone video.

The officers denied the allegation, stating that the incident was civil in nature. The officers stated that after viewing the complainant's video footage, the officers found no evidence that an assault or battery took place. The officers stated the complainant did not ask for a citizen's arrest. One of the named officers stated he referred the complainant to the city's Rent Board agency as an option for a civil remedy.

The video footage that the complainant provided was inconclusive. Additionally, dispatch records indicate that the complainant called the police and reported a verbal dispute with his landlord. There is no record of the complainant calling the police to report an assault.

The OCC interviewed the complainant's landlord. He denied being on the scene at the time of the alleged incident and refused to provide contact information of the woman who allegedly assaulted the complainant. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

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

FINDINGS OF FACT: The complainant stated he was involved in a road rage incident and called the police. The complainant stated that the named officer appeared hesitant to take a police report and withheld insurance information from him. Department records show that the named officer prepared an incident report as required. The named officer denied the allegation, stating that she did provide the complainant with the other driver's insurance information. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to prepare a complete and accurate Incident Report.

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

FINDINGS OF FACT: The complainant stated the named officer prepared an inaccurate police report by including comments that the complainant did not make. The named officer and her partner denied the allegation. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 04/08/13 **DATE OF COMPLETION:** 09/30/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that he saw three Hispanic men kick his dog. The complainant stated he saw a patrol car and tried to flag it down, but the car kept going. One of the Hispanic males then rushed the complainant and stabbed him in the abdomen. The complainant provided the patrol car number and said that there was a female officer seated in the passenger seat.

Department records show that the vehicle identified by the complainant was assigned to two male officers and that the officers were not in the area at the time of the incident.

The identity of the alleged officers has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officers engaged in biased policing due to the complainant's gender identity.

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

FINDINGS OF FACT: The complainant stated that he saw three Hispanic men kick his dog. The complainant stated he saw a patrol car and tried to flag it down, but the car kept going. One of the Hispanic males then rushed the complainant and stabbed him in the abdomen. The complainant believed the officers failed to stop because the complainant is transgender. The complainant provided the patrol car number and said that there was a female officer seated in the passenger seat.

Department records show that the vehicle identified by the complainant was assigned to two male officers and that the officers were not in the area at the time of the incident.

The identity of the alleged officers has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/08/13 **DATE OF COMPLETION:** 09/30/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant stated an officer grabbed and twisted his wrist and placed him onto the ambulance gurney. The complainant admitted he did not want to go in the ambulance and stated he resisted medical and police personnel attempts to place him inside the ambulance.

Three officers stated the complainant was extremely agitated and appeared to be under the influence. They stated the complainant refused to provide any information to the officer and refused to allow the paramedics to examine him. They each stated they did not have any physical contact with the complainant, who was bloody from his injury.

The named officer stated the complainant appeared to be under the influence of an unknown substance. He stated he attempted to interview the complainant, but he was uncooperative, combative and irrational. He had to be restrained by the paramedics. The officer stated he believed he placed the complainant in a left wristlock in order to gain control of him.

According to paramedic records, the complainant was irate, yelling profanities, uncooperative and physically combative. He was placed in 4-point soft restraints. According to hospital records, the complainant was intoxicated, combative and agitated and refused to identify himself. He was placed in 4-point restraints and a spit hood was placed over his face.

There was insufficient evidence to determine the level of force necessary to subdue the complainant.