

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/05/13 **DATE OF COMPLETION:** 12/24/13 **PAGE #1** of 6

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

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

FINDINGS OF FACT: The complainant and the co-complainant stated they were walking with a friend when the complainant noticed police officers searching a female. The complainant walked up to the officers and asked them if male officers should be searching a female. The named officer then asked about a marijuana cigarette behind the complainant's ear. The complainant admitted he had a marijuana cigarette behind his ear and that he forgot his medical marijuana card at home.

The named officer stated he and other officers were conducting an investigation when the complainant walked up to them and started asking questions. The named officer then noticed a marijuana cigarette "blunt" behind the complainant's ear, asked about the blunt and whether the complainant had a medical marijuana card. The complainant told him that he did not have one. The named officer detained the complainant in order to search him and cite him for marijuana possession.

A witness who is acquainted with the complainants corroborated that the complainant made contact with the officers to ask them why they were searching a female. No other witnesses came forward.

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 co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated he was watching the complainant's interaction with the police when the named officer asked him for identification. When the co-complainant refused, he was placed in handcuffs and subsequently cited for having an open container of alcohol. The co-complainant denied having any alcohol in the container.

The named officer stated the co-complainant was watching them as they detained an individual nearby. One officer noticed that the co-complainant was drinking a frothy liquid out of a container. The named officer believed it was beer and detained the co-complainant in order to identify him and give him a citation. The co-complainant was then cited for an open container of alcohol and released.

A witness who is acquainted with the complainants stated the named officer told the co-complainant they stopped him for loitering. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer pat searched a female without justification.

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

FINDINGS OF FACT: The complainant stated he was walking down the street when he noticed male officers searching a female acquaintance. The complainant did not believe it was proper for the male officers to be searching a female.

The named officer stated he knew the female from a previous encounter and that she was on parole with a search condition. The named officer attempted to call a female officer to conduct the search but none was available.

Department communication records showed that the named officer requested a female officer for the search of the individual, yet no female officers were available. A records check established that the complainant's female acquaintance did, in fact, have a search condition.

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

SUMMARY OF ALLEGATION #4: The officer pat searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was detained for having a marijuana cigarette behind his ear and was then searched by the named officer for no apparent reason. The complainant admitted having marijuana and not having his medical marijuana card on him at the time.

The named officer stated that while talking to the complainant, he noticed that the complainant had a suspected marijuana cigarette "blunt" in plain view behind his ear. He questioned the complainant about the 'blunt' and the complainant confirmed that the cigarette contained marijuana. The named officer stated he subsequently detained and pat searched the complainant. The complainant was unable to provide a medical marijuana card or his identification. The officer found a bag of marijuana in the complainant's jacket and confiscated the marijuana.

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

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SUMMARY OF ALLEGATION #5: The officer pat searched the co-complainant without justification.

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

FINDINGS OF FACT: The co-complainant stated he was watching the complainant's interaction with the police when the named officer asked him for identification. When the co-complainant refused, he was placed in handcuffs and subsequently cited for having an open container of alcohol. The co-complainant denied having any alcohol in the container.

The named officer stated the co-complainant was watching them as they detained an individual nearby. One officer noticed that the co-complainant was drinking a frothy liquid out of a container. The named officer believed it was beer and detained the co-complainant in order to identify him and give him a citation. The co-complainant was then cited for an open container of alcohol and released.

A witness who is acquainted with the complainants stated the named officer told the co-complainant they stopped him for loitering. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated he was detained for having a marijuana cigarette behind his ear and was then cited by the named officer for no apparent reason. The complainant admitted having marijuana and not having his medical marijuana card on him at the time.

The named officer stated that his supervising officer noticed a marijuana cigarette behind the complainant's ear. Upon further investigation, the complainant was found to have marijuana in his possession and did not have a medical marijuana card. The complainant was then cited.

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

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SUMMARY OF ALLEGATION #7: The officer cited the co-complainant without cause.

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

FINDINGS OF FACT: The co-complainant stated he was near some police officers, capturing video of an arrest, when the named officer detained him and cited him for having an open container of alcohol. The co-complainant stated that he did not have alcohol in the container.

The named officer stated that he and his supervising officer observed a yellow frothy liquid in the co-complainant's container. They came to the conclusion that the liquid was alcohol and gave the co-complainant a citation for possessing an open container of alcohol.

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

SUMMARY OF ALLEGATIONS #8-10: The officers seized the complainant's property.

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

FINDINGS OF FACT: The co-complainant stated he was videotaping a police action and did not interfere with their duties when officers detained him. An officer took custody of his phone and passed it to another officer. The phone was missing during the detention but was given back to the co-complainant afterwards. When the co-complainant looked at the phone to see if the footage was still on the phone, the footage was gone. The co-complainant believed the officers deleted his video.

One of the named officers stated he saw the co-complainant with his phone out and he could have been videotaping the encounter. The other two officers stated that they never saw the co-complainant with his phone out. All the named officers denied deleting anything from the phone.

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

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SUMMARY OF ALLEGATIONS #11-12: The officers interfered with the rights of an onlooker.

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

FINDINGS OF FACT: The co-complainant stated he was videotaping a police action and did not interfere with their duties when officers detained him and prevented him from videotaping the encounter. The co-complainant stated he was given a citation for having an open container of alcohol, to which the co-complainant denied having an open container of alcohol.

The officers stated that the co-complainant had a container full of beer and detained him due to him breaking the law. They denied taking action against the co-complainant because he was videotaping the encounter.

A witness who is acquainted with the complainants stated that the co-complainant told the officers that he was on parole and was subsequently searched and cited.

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

SUMMARY OF ALLEGATION #13: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer made several inappropriate comments to the complainant, such as, "You're a menace to the neighborhood."

The named officer denied making any such comments to the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #14: The officer made a racial slur.

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

FINDINGS OF FACT: The complainant stated that the officer used a derogatory slur regarding his race.

The named officer and other officers denied the allegation. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she and several female companions got into a physical altercation with several women outside a bar. After one of the women punched the complainant in the back, the complainant fought back and struck this woman multiple times. The complainant stated that she did not recall how many times she hit this woman but was later told by others who were present that she struck the woman numerous times. The complainant continued fighting with this woman after the complainant's wife grabbed and attempted to stop the complainant. The complainant was on the ground, holding this woman from behind with a choke hold around her neck and punching her repeatedly in the face, when an officer struck the complainant with a baton on the outside of her calf and thigh. The complainant stated the officer did not give her any commands before striking her. She also stated she kept the woman in a headlock while the officer was striking her.

The complainant stated the officer continued to strike the side of the complainant's leg after she followed his command to release the woman. Several officers bent the complainant over a car, but she resisted them by attempting to pull away. She prevented them from handcuffing both her wrists by resisting being placed on the ground. An unidentified officer struck the inside of the complainant's leg, causing her leg to buckle so she fell to the ground. The complainant continued to resist being handcuffed while on the ground but eventually stopped resisting and allowed the officers to handcuff her. The complainant also stated she first became aware that police officers were on the scene when they were handcuffing her. The complainant acknowledged she was intoxicated at the time of her arrest and stated that she did not feel any pain from being struck until after she was booked into the jail. The complainant also stated that her recollection of what had occurred was vague and was primarily based on what others told her. The complainant had no recollection of being examined by paramedics at the police station.

The incident report documented a fight involving multiple combatants in the street outside a bar. It stated that twin sisters reported being assaulted by several women outside the bar. One of the sisters identified the complainant as the assailant who punched and choked her. Communications records documented a report of eight people fighting in front of a bar to which numerous police units, including some from outside this police district, responded on an emergency basis. The first unit on the scene, comprised of the named officer and his partner, immediately requested additional units and arriving officers reported multiple individuals who were resisting.

Paramedic ambulance records indicate that paramedics examined the complainant at the police station two hours after her arrest. They stated the complainant denied having pain anywhere but in her wrist due to her handcuffs and refused transport to a hospital.

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The complainant's jail medical records reported bruising on her upper right arm and right lower leg and stated that the complainant said she was grabbed hard on her arm and must have bumped her leg. She also told jail medical personnel that she bruises easily.

Medical records of the complainant's visit to a medical facility two days after her arrest stated that the complainant complained of body pain and bruises from an altercation with other women at a bar and from being struck multiple times about the legs and right arm by police batons. The complainant also told medical personnel that she was intoxicated and did not recall the incident well.

A civilian witness, who was identified in the incident report as a victim of an assault by the complainant, stated that she was on the ground being assaulted by a woman. This woman wrapped her legs around the witness and wrapped her arms around the witness's neck and choked the witness, preventing her from breathing and causing her vision to blur. Officers repeatedly ordered the assailant to stop choking the witness, but the witness did not see what officers did to this woman or whether they used any force.

Another civilian witness, the twin sister of the first witness, stated that she saw a woman matching the complainant's description and one or two other women attack her twin sister in the street. She attempted to assist her sister in a fight involving multiple people. She heard the sirens of approaching police cars and saw their flashing lights and heard the arriving officers yell for the participants to stop fighting and stay where they were. This witness saw the complainant on top of her sister, who the complainant was choking with her right arm wrapped around her sister's neck. This witness observed an officer repeatedly order the complainant to release the witness's sister before striking the complainant in the leg with a baton approximately five times. This witness was detained and rode to the police station in a wagon with the complainant, who she described as very belligerent and drunk.

Another civilian witness, a friend of the twin sisters, stated that she saw four women assault one sister while another woman assaulted the other sister. When police officers arrived, they ordered the four assailants to stop and attempted to them pull off the sister they were assaulting, but the four women seemed unaware of the officers' presence and resisted when the officers attempted to pull them away. This witness did not see an officer strike anyone with a baton.

A taxi driver who was stopped at the scene stated that he saw several women fighting in the street. There were numerous people in the street when officers arrived so he did not see whether officers used any force. He did not recall seeing any officer strike anyone with a baton.

Three witnesses who were with the complainant at the time of this incident, including the complainant's wife, failed to respond to OCC requests for interviews. A fourth witness ended a brief interview with the OCC before she described the complainant's interactions with officers and failed to respond to requests to complete the interview.

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The named officer's partner stated that when he and the named officer arrived on the scene, he saw a group of eight to ten females fighting in the street and individuals assaulting one female. The assailants ignored the officers' commands to stop fighting. As he was preparing to handcuff one of the assailants, he saw the named officer attempting to arrest the complainant using control holds. The complainant was pulling away from the named officer and refusing to follow his commands. He did not see the named officer use any other force on the complainant.

A second witness officer stated that when he and his partner arrived, he saw numerous people fighting in the street. He assisted the named officer, who had a woman up against a car, who he was attempting to handcuff. This woman resisted by attempting to push away from the car. This officer grabbed her arms and he and the named officer successfully handcuffed her after struggling with her. He stated that he did not see the named officer strike this woman with a baton.

A third witness officer stated that he saw the named officer attempting to detain the complainant by grabbing her arms and pushing her against a car and that he saw the complainant resist by pushing the named officer away and stiffening her arms.

Other witness officers who responded as backup stated that they observed a chaotic scene with multiple individuals fighting in the street and/or resisting officers who were attempting to detain them. None of them reported seeing the named officer's initial contact with the complainant.

The named officer stated that he and his partner were the first officers on the scene and saw eight to ten people fighting in the street. They immediately requested backup, exited their car and repeatedly yelled for participants to stop fighting. He saw the complainant on the ground with her right arm wrapped around the neck of a woman who she was choking. The named officer ordered the complainant to stop, but she ignored his commands. The named officer then struck the complainant twice in the leg with his baton because he feared the choking victim might sustain great bodily injury. This appeared to have no effect on the complainant, who continued choking the woman, so he struck the complainant a third time on the leg with his baton. The complainant released the woman she was choking and began to stand up.

The named officer told her she was under arrest and she quickly walked away, following other individuals who were urging her to flee. The named officer grabbed her arm and placed her up against a vehicle. The complainant continued to resist by pulling her arms toward the front of her body and refused to place her other hand behind her back. Another officer assisted the named officer in handcuffing the complainant. The named officer stated the complainant was never taken to the ground and denied striking her after she released the choking victim. He stated he did not see any other officer strike the complainant. When the named officer saw the complainant later at the police station, he told her she would be examined by paramedics because she had been struck by a baton and responded that she didn't remember being struck with a baton and was not in pain.

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The OCC obtained video recordings from two video cameras mounted on the exterior of the bar where the altercation began. The video footage showed the sidewalk in front of the bar and the start of an altercation between several individuals, which then moved into the street out of the camera's view. The video footage did not capture any interactions between police and participants in the fight.

The evidence established that when the named officer and his partner arrived on the scene, the complainant was assaulting a female victim who she was holding in a chokehold and that multiple other individuals were fighting in the street. The sound of the siren on the named officer's patrol car and the flashing of its overhead lights would cause a reasonable person to understand that police were on the scene. A preponderance of the evidence established that the named officer and his partner identified themselves as police officers and ordered the individuals who were fighting, including the complainant, to stop fighting. The evidence established that the complainant continued to assault the victim after the named officer commanded her to stop and after he initially struck her with his baton. Under the circumstances, the named officer's action in striking the complainant on the outside of her leg with his baton was proper. The named officer and his partner were the only officers on the scene of a fight involving multiple combatants in the middle of a busy commercial street. The complainant was assaulting a woman by choking her to the point that the victim could not breath. The complainant ignored the named officer's instructions to stop.

The complainant claimed that the named officer continued to strike her in the leg with his baton after she released the woman she was choking. No witnesses confirmed this and the named officer denied this. The complainant's level of intoxication and poor recollection of the incident damages her credibility concerning this. The complainant stated that her recollection of the incident was primarily based on what others told her. At one point during an OCC interview, she stated that she was not aware that police officers were present until she was handcuffed, indicating that she had little, if any, independent recollection of her initial interaction with the named officer, during which the baton strikes were delivered. The complainant also had no recollection of being examined by paramedics two hours after her arrest, although paramedic records confirm this examination. Her extremely poor recollection, coupled with her failure to feel any pain from the blows sustained during the fight and from the named officer, indicated that she was highly inebriated at the time of her arrest. Weighing the complainant's poor recollection against all the other evidence, it appears more likely than not that the named officer did not strike the complainant after she stopped assaulting the victim, and therefore, did not use force in violation of Department regulations.

A preponderance of the evidence established that the acts 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 #2: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that several officers were attempting to handcuff her following a fight. The officers bent the complainant over a car, but she resisted them by attempting to pull away. She prevented them from handcuffing both her wrists by resisting being placed on the ground. An unidentified officer struck the inside of the complainant's leg, causing her leg to buckle so she fell to the ground.

The officers who assisted in subduing and handcuffing the complainant denied striking her in the leg and stated that she was never taken to the ground. Witnesses who were present stated that they did not see an officer strike the complainant. The statements of officers and civilians at the scene indicate that a fight involving multiple combatants was taking place in the middle of a commercial street and that numerous officers responded. Several companions of the complainant failed to respond to requests for interviews.

No other witnesses came forward. There was insufficient evidence to identify the involved officer and, therefore, insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that she was not provided with medical attention after being struck with a baton by a police officer. The complainant's medical records established that paramedics examined the complainant at the police station.

The evidence established that the acts 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 #4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated that after being placed in the back of a police wagon, she kicked the door because she had to urinate. She told an officer who opened the wagon door that she needed to use the bathroom but this officer took no action and the complainant urinated in her pants.

The incident report did not indicate who drove the police wagon to or from the scene. Records list a wagon unit responding to the scene, but the officer assigned to that unit identifier stated that he responded to the scene in a patrol car and not a wagon. The records do not establish the time the patrol wagon left the scene or arrived at the police station.

Department records and the statements of multiple officers and civilians established that numerous officers, including officers from outside the police district where this incident took place, responded to a fight involving multiple combatants in the middle of a commercial street, and that officers reported multiple instances of individuals who resisted arrest. Statements of the complainant established that she had consumed a significant amount of alcohol and had an extremely poor recollection of what took place.

The identity of the alleged officers has not been established. There was insufficient evidence to 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 the officer failed to properly investigate the driver of the vehicle that had hit her parked car. The complainant stated the driver of the vehicle was clearly intoxicated and the officer failed to administer any test to determine if the driver was in fact intoxicated.

The officer denied the allegation. The officer stated he did not detect any symptoms of intoxication from the driver, and that the complainant did not mention anything about the driver being under the influence of alcohol. The officer said the driver told him he was tired and dozed off while driving. The officer stated he facilitated the exchange of collision information between the complainant and the driver at the scene.

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

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 stated he fueled his patrol car in another police district and was on his way back to his assigned district station when he was flagged down for assistance with a traffic collision involving the complainant's parked vehicle.

Department General Order 1.03, DUTIES OF PATROL OFFICERS, requires officers to remain in constant radio contact with the Department of Emergency Management Communications Division.

During his OCC interview, the officer essentially stated he could not remember why he did not notify the Communications Division of the fact that he was flagged down. His unit history failed to show his response to this non-injury vehicle accident.

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 officer cited the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officer cited her for failure to yield and failure to provide proof of financial responsibility. The complainant stated she yielded to oncoming traffic and the officer failed to examine her electronic proof of financial responsibility.

The officer denied the allegation. The officer stated the complainant was driving recklessly and almost hit his motorcycle as she merged into traffic. The officer stated the complainant failed to provide any current proof of financial responsibility.

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

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

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

FINDINGS OF FACT: The complainant stated the officer drove recklessly, yelled, and issued her a citation because he was angry.

The officer denied the allegation. The officer stated he had to swerve to avoid being hit by the complainant's car. The officer said that while conducting the traffic stop of the complainant's vehicle, he had to momentarily activate his emergency siren to gain her attention. The officer stated the complainant shrugged her shoulders and lifted both her hands as if she did not know what he wanted her to do. At this point, the officer pulled up along the complainant's car window and had to raise the tone of his voice as he yelled at the complainant that she needed to watch out and to pull her vehicle over. The officer stated he acted professionally throughout the contact and denied issuing the citation out of anger.

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 arrested the complainant without cause.

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

FINDINGS OF FACT: The incident report shows that the complainant was arrested and booked on narcotics charges. The complainant has not responded to OCC's request for an interview, nor has he provided additional requested evidence.

SUMMARY OF ALLEGATION #2: The officer strip-searched the complainant without cause.

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

FINDINGS OF FACT: The incident report shows that the complainant was arrested and booked on narcotics charges. The complainant has not responded to OCC's request for an interview, nor has he provided additional requested evidence.

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

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

FINDINGS OF FACT: The incident report shows that the complainant was arrested and booked on narcotics charges. The complainant has not responded to OCC's request for an interview, nor has he provided additional requested evidence.

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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 she was double-parked when the officer cited her for double-parking. The complainant stated that when she asked the officer for his name and star number, the officer answered in a sarcastic tone of voice and made inappropriate comments.

The named officer did not recall the incident. His partner stated she did not hear the conversation between the complainant and the named officer.

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

SUMMARY OF ALLEGATION #2: The officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated she was initially cited for being double-parked, which she admitted. However, the complainant stated that when she asked the officer for his name and star number, the officer asked her to wait – only to return with another citation for impeding traffic and for not having her driver’s license in her possession. The complainant alleged the officer retaliated against her.

The officer denied any recollection of the incident. However, he denied retaliating against the complainant. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF OCC-ADDED ALLEGATION #1: The officer issued an inaccurate and/or incomplete citation.

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

FINDINGS OF FACT: The complainant admitted she double-parked in an active lane of traffic and was in her vehicle at the time of the violation.

The officer issued the complainant a Notice to Appear for violation of CVC 22400, Minimum Speed, Impeding the Roadway, but failed to note the relevant subsection "a" on the citation.

While the evidence does establish that a clerical error was made, there is no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others).

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

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

FINDINGS OF FACT: The officer's contact with the complainant was called in to the Communications Division as a "916" (Suspicious person in a vehicle). Department Bulletin No. 12-188, issued on August 29, 2012, states in part:

Members shall continue to collect traffic stop data after all vehicle stops. Driving under the influence, 916 vehicles and high-risk stops shall be included in the E585 entries.

The Department reported to the OCC that it could not find any evidence that the named officer had entered the required traffic stop data for the traffic stop involving the complainant. When asked about the E585 data, the named officer stated he "probably forgot."

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: 04/10/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant did not initially complain about the citation because her husband did make a left turn at the location listed on the citation. However, the complainant later learned that left turns were only prohibited from 4:00 pm to 6:00 pm. The complainant told the OCC that the incident occurred at 2:00 pm. The officer did not recall the incident but said that the citation accurately reflects the violation. However, the officer said the “No Left Turn” signage at that intersection was in effect at all times. SFMTA supported the officer’s statement. 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 behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that after the citation was issued, she and her husband asked the officer for assistance in locating a hotel and the best route to take. The complainant stated the officer’s response and his behavior was rude, cold and crass. The officer had no recollection of 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: 04/14/13 **DATE OF COMPLETION:** 12/11/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant, her husband and her son were originally from Costa Rica. The complainant stated her husband and her son moved to San Francisco and rented an apartment unit, joining them two months later. While her husband and her son were on a trip, the owner of the apartment showed up and entered their apartment unit. The owner accused the complainant of not having the right to live in the apartment and called the police. The complainant alleged the named officer refused to take the time to verify who she was and refused to see any paperwork to prove that she lived in the apartment.

The officer denied the allegation. The officer stated the complainant was not on the lease, and that she was given time to produce paperwork to prove that she had been living there, but she could not provide anything with her name on it.

The owner stated she called the police to have the complainant removed from the apartment because the apartment had already been vacated by her former tenant, who the complainant claimed to be her husband. The owner stated the complainant was not on the lease and could not produce any proof that she had been living there, prompting the responding officer to ask the complainant to leave.

The 911 audio associated with this incident shows that the complainant told dispatch that she was not on the lease but that her husband was. The evidence shows that the complainant failed to establish tenancy. 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: 04/14/13 **DATE OF COMPLETION:** 12/11/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #2: The officer issued an invalid order

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

FINDINGS OF FACT: The complainant stated she was told to leave the apartment or be subjected to arrest.

As stated above, the complainant failed to establish tenancy. The officer stated he gave the complainant the option to leave on her own accord or be subjected to a citizen's arrest for trespassing since she was not on the lease and had no evidence that she lived there.

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

SUMMARY OF ALLEGATIONS # 3 & 4: The officers behaved inappropriately

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

FINDINGS OF FACT: The complainant stated the officers were rude and raised their voices during the incident.

The officers denied the allegation. The owner of the apartment building stated the officers were professional during the incident and gave the complainant plenty of time to come up with something to prove she lived there, but she couldn't produce anything. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/13 **DATE OF COMPLETION:** 12/30/13 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer misrepresented the truth.

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

FINDINGS OF FACT: The complainant is an attorney. The complainant disputed the facts surrounding his clients' arrest, claiming that the named officer altered the evidence and falsified statements. The complainant's clients did not come forward.

The named officer stated that he was on foot patrol with two other uniformed officers in an area known for widespread, illegal drug distribution. They came across three men sitting in a vehicle parked near an expired parking meter. The officers approached the vehicle and smelled the odor of marijuana coming from the vehicle. The officers engaged the three men in conversation and found that two of the men were on parole. The officers conducted a parole search of the vehicle and found approximately ten ounces of suspected marijuana, \$1,510 in cash, a non-functioning digital scale and other paraphernalia including a box of sandwich bags that the officers believed was associated with illegal drug distribution. The named officer then arrested the three men for possession of marijuana for sale.

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: 04/26/13 **DATE OF COMPLETION:** 12/16/13 **PAGE #** 1 of 4

SUMMARY OF ALLEGATION #1: The officer drove in an improper manner.

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

FINDINGS OF FACT: The complainant stated he was skateboarding down a street toward an intersection and saw a police car blocking the crosswalk. The complainant stated that when he swerved around the patrol car, the driver accelerated forward, almost striking the complainant. The officer denied he drove in the manner alleged by the complainant. The officer stated the complainant violated several traffic codes at the time of the incident and nearly collided with the patrol car. The officer stated he had to take evasive action to avoid hitting the complainant. The named officer's partner corroborated the named officer's account of what had occurred. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity towards him.

The officer denied the allegation. The named officer's partner stated he had no recollection of the named officer having used profanity. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/13 **DATE OF COMPLETION:** 12/16/13 **PAGE#** 2 of 4

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

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

FINDINGS OF FACT: The complainant stated that when he questioned the officer about his use of profanity and unsafe driving, the officer became “menacing” and “aggressive.” The complainant stated the officer told him that his comments had provoked him to issue him a citation. The complainant stated he felt victimized by the officer. The officer denied the allegation. The officer stated he did not behave in the alleged manner or make the alleged comments. The named officer’s partner stated he had no recollection of the named officer having made the alleged comments or behaved in the alleged manner. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant denied that he committed any traffic violations and said it was the police officer that caused the situation. The complainant stated he was not in the crosswalk at the time of the incident as he had moved out of the crosswalk to go around the patrol car, which was blocking the crosswalk.

The officer denied the allegation. The officer stated the complainant was in violation of various traffic codes, but the officer chose to cite him for only one of the infractions. The named officer’s partner corroborated the named officer’s account of what had occurred. The citation documented that the complainant was cited for a California Vehicle Code, which requires that every pedestrian, not in a marked crosswalk, yield the right-of-way to all vehicles upon the roadway. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/13 **DATE OF COMPLETION:** 12/16/13 **PAGE #** 3 of 4

SUMMARY OF ALLEGATION #5: The officer engaged in biased policing based on race.

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

FINDINGS OF FACT: The complainant stated he believed the officer treated him in an abusive manner because of his mixed African American race, riding on a skateboard, and because of his body tattoos.

The named officer was interviewed pursuant to OCC's Biased Policing Protocol Investigation. He denied the allegation and denied that the complainant's appearance or the complainant's race influenced his decision to cite the complainant. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The complainant said the officer engaged in retaliatory behavior.

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

FINDINGS OF FACT: The complainant stated he believed he was cited because he questioned the comments and driving of the officer. The officer denied the allegation. The named officer's partner stated the complainant violated numerous traffic codes and was therefore cited. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/26/13 **DATE OF COMPLETION:** 12/16/13 **PAGE#** 4 of 4

SUMMARY OF ALLEGATION #7: The officer failed to take an OCC complaint.

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

FINDINGS OF FACT: The complainant stated that after the incident, he was so upset he called the police station and spoke to a supervisor who apologized for the situation and attempted to console him. The complainant said the supervisor did not offer to take a complaint and referred him to the OCC.

The named officer stated he had a lengthy telephone conversation with the complainant who was upset about having been cited. The named officer said he explained to the complainant the process for protesting the citation, offered to take a complaint over the phone or to meet with the complainant and gave the complainant his phone number and the phone number to the OCC. The named officer said the complainant did not provide him with the information he needed to fill out a complaint form over the phone. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/13 **DATE OF COMPLETION:** 12/31/13 **PAGE #1** of 4

SUMMARY OF ALLEGATIONS #1-2: The officers failed to provide their names and/or star numbers upon request.

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

FINDINGS OF FACT: The complainant received a call from one of his neighbors stating that his home was being searched. When the complainant came home, he saw numerous officers leaving his home. The complainant stated he approached the named officers who were sitting in their police car and asked for their names and star numbers. The complainant stated the officers simply drove off without providing him with their information.

One of the named officers stated he did provide the complainant with the information. The other named officer denied that the complainant asked for his name or star number.

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

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in harassing behavior toward the co-complainant.

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

FINDINGS OF FACT: The co-complainant stated that since being on parole, the same two named officers have detained him on two separate occasions. The co-complainant said that in one prior incident, the officers threatened to tow his father's car if he did not allow them to search the car.

The officers denied the allegation. In the most current incident, the officers stated they were directed by a superior officer to detain and search the co-complainant and the co-complainant's residence. The incident report documented that the officers were acting under the instructions of their supervisor who had obtained information from a Confidential Reliable Informant (CRI) that the co-complainant had a firearm, which was being kept at the complainant's residence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/13 **DATE OF COMPLETION:** 12/31/13 **PAGE #2** of 4

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

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

FINDINGS OF FACT: The complainant stated he received a call from his neighbor informing him that the police were at his home, prompting him to go home. When he got home, the police were leaving. The complainant stated the police would not explain why his home was searched.

The co-complainant stated he was on the street when he was detained by the two named officers. The named officers then transported him to his father's home and searched it pursuant to his parole condition. The co-complainant denied that he lived with his father.

The officers stated the co-complainant was on parole with a search condition and police had information that he was in possession of a firearm, which was being kept at the residence searched by the officers. The officers had knowledge that the co-complainant's prior arrest involved a firearm.

The supervisor stated he surveilled the residence and observed the co-complainant using a key to gain entry. The supervisor stated he concluded that the co-complainant had sufficient access, domain and control of the residence to believe that the co-complainant resided there for purposes of executing a parole search.

A warrantless search is per se unreasonable under the Fourth Amendment – subject only to a few specifically established exceptions. A search pursuant to a parole search condition is one such exception. An officer needs only a reasonable belief that the parolee resides at the residence to conduct a search pursuant to the parolee's search condition. The co-complainant was seen entering and exiting the residence on only one day; however, the co-complainant had a key to the residence. There is no indication that the police informant indicated that the co-complainant resided at the complainant's home – only that he was keeping a firearm at the residence. The evidence connecting the co-complainant to his father's house is minimal.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/13 **DATE OF COMPLETION:** 12/31/13 **PAGE #3 of 4**

SUMMARY OF ALLEGATIONS #7-8: The officers damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers who searched his home damaged a television. The complainant stated he maintains a tidy and orderly home. The co-complainant stated the officers "destroyed" his father's home when they searched it.

The officers denied causing any damage to the complainant's property.

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

SUMMARY OF ALLEGATIONS #9-10: The officers failed to properly process the complainant's property.

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

FINDINGS OF FACT: The complainant stated that after the officers searched his home, his money went missing. The co-complainant did not mention any missing money during the OCC interview.

The officers denied taking any money from the residence.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/29/13 **DATE OF COMPLETION:** 12/31/13 **PAGE #**4 of 4

SUMMARY OF ALLEGATIONS #11-12: The officers behaved in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated that while officers were at his residence conducting a search, his neighbor came to the house. The complainant stated the officers denied his neighbor entry, refused to tell her why they were at the complainant's home, and slammed the door on her.

The co-complainant, who was seated inside the residence at the time, said that while the officers were searching the residence, one of the neighbors stopped by and the officers' slammed the door on her.

The neighbor failed to come forward for an OCC interview.

The officers denied the allegation, stating they did not recall a neighbor stopping by the house during the search.

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

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

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

FINDINGS OF FACT: The officer detained the co-complainant at one location, handcuffed him and transported him to another location where the officer executed a parole search of the complainant's home. The officer released the co-complainant at the residence following the search. The co-complainant stated he was not given any paperwork upon release.

The officer stated he gave the co-complainant a Certificate of Release and took the copy back to the station. When asked what he did with the copy, the officer said, "I have no idea." While the officer incident report reflects that the co-complainant was issued a Certificate of Release, there is not indication that a copy was booked as evidence as required. In addition, when the OCC requested a copy of the Certificate of Release from the Department, the Department stated they had no documents responsive to the OCC's request.

A preponderance of the evidence proved that the required action was not taken, 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: 05/01/13 **DATE OF COMPLETION:** 12/16/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was detained and cited for violation of California Vehicle Code section 23123, which states, in part:

A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

The complainant denied the alleged the traffic violation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 23123, which states, in part:

A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

The complainant denied the alleged the traffic violation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/01/13 **DATE OF COMPLETION:** 12/16/13 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant was cited for violation of California Vehicle Code section 23123, which states, in part:

A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

The complainant stated that when she refused to sign the citation, the officer threatened to arrest her. The complainant stated that when she refused to sign the citation, the officer threatened to arrest her. The officer stated he explained the citation procedure to the complainant. After a sergeant was called to the scene, the complainant signed the citation. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated she asked the sergeant for the names of all of the officers at the scene, and the sergeant refused, telling her that she did not need the names of the officers. The named officer did not remember the incident in question. No civilian witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 12/27/13 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant stated that her son was arrested for no apparent reason. The complainant's son did not come forward. The three other individuals who were with the complainant's son at the time of his arrest also did not respond to OCC's request for an interview.

The officers stated they saw the complainant's son with three other individuals seated inside a parked vehicle. The officers stated they recognized the complainant's son as a person on active felony probation with a warrantless search condition, prompting the officers to initiate the contact. The officers stated they identified themselves as police officers and had their star numbers visibly displayed outside their outermost garment. The officers stated that when the complainant's son stepped out of the vehicle, they ordered him to show his hands and to return to his vehicle. The son refused and fled on foot, prompting the officers to give chase. The officers stated that while the son was being pursued, he discarded something that appeared to be a bag of suspected crack cocaine. The officers stated they eventually caught up with the complainant's son and took him into custody without further incident.

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

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

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

FINDINGS OF FACT: The complainant stated that her son was arrested for no apparent reason. The complainant alleged the officers used unnecessary force during her son's arrest. The complainant's son did not come forward. The three other individuals who were with the complainant's son at the time of his arrest also did not respond to OCC's request for an interview.

The officers denied the alleged use of force and stated that the complainant's son was taken into custody without further incident. The officers stated the complainant's son eventually stopped running from them and voluntarily laid on the ground. The officers denied any use of force. The complainant's son's mug shot showed no sign of facial injuries.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 12/27/13 **PAGE #2 of 4**

SUMMARY OF ALLEGATIONS #5-6: The officers failed to Mirandize the complainant's son.

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

FINDINGS OF FACT: The complainant alleged the officers failed to Mirandize her son after his arrest. The complainant's son did not come forward.

The officers stated the complainant's son was never interrogated or questioned while in custody and, therefore, there was no need to read the Miranda warning to the complainant's son.

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

SUMMARY OF ALLEGATIONS #7-9: The officers failed to provide medical treatment.

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

FINDINGS OF FACT: The complainant alleged the officers failed to provide her son medical treatment. The complainant stated her son suffered an asthma attack and the officers refused to give him his inhaler. The complainant's son did not come forward.

The officers stated they could not recall the complainant's son asking for his inhaler. The officers stated the complainant's son did not show any signs of having difficulty breathing. In addition, the officers stated the complainant's son had no visible injuries and did not complain of pain.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:**12/27/13 **PAGE #3** of 4

SUMMARY OF ALLEGATIONS #10-12: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated the officers failed to identify themselves as police officers, prompting her son to flee. The complainant's son did not come forward. The three other individuals who were with the complainant's son at the time of his arrest also did not respond to OCC's request for an interview.

The officers denied the allegation. The officers stated they had their star numbers visibly displayed outside their outermost garment. The officers also stated they verbally identified themselves as police officers the moment they stepped out of their vehicle.

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

SUMMARY OF ALLEGATIONS #13-15: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers engaged in inappropriate behavior by mocking her son. The complainant's son did not come forward. The three other individuals who were with the complainant's son at the time of his arrest also did not respond to OCC's request for an interview.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 12/27/13 **PAGE #4** of 4

SUMMARY OF ALLEGATIONS #16-18: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that police officers always treat “black people wrong.” The complainant’s son did not come forward. The three other individuals who were with the complainant’s son at the time of his arrest also did not respond to OCC’s request for an interview.

The officers were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. The officers denied the allegation, stating that race was not a factor in their decision to make contact with the complainant and his companions. The officers stated the complainant son’s was on active felony probation with a warrantless search condition.

Department records showed that the complainant’s son did, in fact, have a search condition.

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

SUMMARY OF ALLEGATIONS #19-21: The officers detained the complainant’s son at gunpoint without justification.

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

FINDINGS OF FACT: The complainant stated the officers continued to point their guns at her son even though he was already secured inside a police vehicle. The complainant’s son did not come forward. The three other individuals who were with the complainant’s son at the time of his arrest also did not respond to OCC’s request for an interview.

The officers denied the allegation. One officer stated he pointed his weapon at the complainant’s son during their initial contact because the complainant’s son was behind a car door and reaching for something. This officer stated he remained at the scene with the other detainees and did not participate in chasing the complainant’s son. This officer stated he did not observe the other two officers pointing their weapons at the complainant’s son once he was secured in handcuffs. The other named officers stated they had their weapons out while chasing the complainant’s son, but holstered their weapons as soon as he laid himself on the ground and was 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: 05/03/13 **DATE OF COMPLETION:** 12/23/13 **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 that she was singing to tourists and children at the Hyde Street cable car turnaround when the officer jumped on her from behind and arrested her for no reason.

The officer stated a witness who works in the area told him that the complainant had been making trouble for several days. The officer also received a call for service in the area and observed the complainant yelling and scaring people who were waiting in line for the cable car. The complainant walked towards the officer with her hands outstretched and the officer detained her. The complainant was taken to the station and then transported by ambulance to a hospital for a mental health evaluation.

Two independent witnesses stated they asked the officer to do something about the complainant, because she was scaring people in the area. One of the witnesses had made the original 911 call.

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 handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated that she was singing to tourists and children at the Hyde Street cable car turnaround. An officer then handcuffed her for no reason.

The officer stated the complainant acted in a threatening manner and that he had an obligation to detain her. She resisted his orders and he placed the complainant in handcuffs in order to complete the mental health detention.

Two independent witnesses stated that they wanted the officer to do something about the complainant, who was scaring people in the area. The witnesses stated that the complainant did not comply with the officer's orders and that she resisted the officer's attempts to take her into custody.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/03/13 **DATE OF COMPLETION:** 12/23/13 **PAGE #2** of 2

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

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

FINDINGS OF FACT: The complainant stated she was singing to tourists and children at the Hyde Street cable car turnaround. The officer suddenly jumped on her from behind, pulled her right arm behind her back, threw her to the ground, and then dragged her to the patrol car. She stated the handcuffs he placed on her were too tight and caused her wrists to bleed.

The officer stated he was called to the scene due to reports of a woman yelling and scaring people in the area. When he arrived, the woman (complainant) walked towards him and put her arms out towards him. The officer grabbed her right wrist, spun her around and grabbed her left wrist. He then bent her forward, placed her in handcuffs and then walked her to the patrol car. The officer stated she was resisting his efforts to control her the entire time. The officer said he checked the handcuffs for tightness and they were properly double-locked.

Two independent witnesses stated that the officer took the complainant under control without using excessive force. The witnesses stated that the complainant was resisting arrest the entire time and was screaming, "Police brutality." The witnesses stated the officer acted professionally and there was no police brutality. One witness stated that while the complainant was in the patrol car, she was banging her head against the window.

There was insufficient evidence to establish that the officer's use of force was minimally necessary to take the complainant into custody. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer's comments/behavior were inappropriate.

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

FINDINGS OF FACT: The complainant stated the officer who arrested her grabbed her and told her, "You do what I tell you to do." The officer stated he arrested the complainant and gave her several orders, such as, "Stop resisting" and "Do as I say." in order to have her comply with the detention.

Two independent witnesses stated that the complainant was yelling and screaming the whole time and they did not witness anything inappropriate.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: Per the San Francisco Police Department Personnel Order No. 20, issued on September 11, 2013, the named officer has retired and no longer subject to Department discipline.

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

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

FINDINGS OF FACT: Per the San Francisco Police Department Personnel Order No. 20, issued on September 11, 2013, the named officer has retired and no longer subject to Department discipline.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer engaged in Biased Policing due to the complainant's race or national origin.

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

FINDINGS OF FACT: Per the San Francisco Police Department Personnel Order No. 20, issued on September 11, 2013, the named officer has retired and no longer subject to Department discipline.

SUMMARY OF ALLEGATION #4: The officer detained the complainants without justification.

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

FINDINGS OF FACT: The complainant stated officers detained him and his child for no apparent reason. The complainant told the OCC that he called police to report that he was being harassed and intimidated by someone impersonating a campus police officer. The complainant admitted refusing to provide his identification to the named officer. The named officer denied the allegation. The officer stated they responded to the complainant's call to meet with him about a person impersonating an officer and that he was being harassed and intimidated. The officer said the campus police officers told him the complainant was trespassing on campus property. The officer stated the complainant was detained because they needed to further investigate the incident. The officer said the complainant was acting suspiciously and would not provide his identification. Furthermore, the officer said they informed the complainant that the campus officers, who were in full uniform and wearing gun belts, were legitimate officers. The complainant was issued a Certificate of Release after his detention. The witness campus officers stated the complainant had trespassed on campus property and was not being cooperative. The witness campus officers further stated the complainant was not welcome on their campus property, because the complainant was not a student, a staff, a faculty, and/or a guest of the university. In addition, both witness campus officers stated they have had prior contacts with the complainant. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/20/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATION #5: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant stated the officer refused to take a report about the campus police harassing and intimidating him. The officer denied the allegation. The officer stated he prepared an incident report and a campus police report was also completed and filed. The San Francisco Police Department incident report documented the event, which included the accusations and claims from the complainant against the campus officers. The evidence proved that the act alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/13 **DATE OF COMPLETION:** 12/04/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated that after he used profanity to another patron at a public library, a security guard escorted him to the library security office. The complainant stated an officer arrived and asked the complainant for his name and date of birth. After running a search on the complainant's name and date of birth, the officer said he thought the complainant had provided a false name and said he was going to search the complainant for his identification. The complainant said the officer searched inside the complainant's pockets and touched his genitals.

The named officer stated the complainant initially refused to speak to him and did not respond when he asked the complainant if he had any weapons in his possession. The named officer stated he pat searched the complainant because he was wearing baggy clothing that could have concealed a weapon. He felt what appeared to be a card inside one of the complainant's pockets, which the complainant said might be his identification. The officer reached inside the complainant's pocket to retrieve the identification after the complainant consented to it. The named officer denied touching the complainant's genitals. The library security guard witness saw the named officer pat search the complainant but did not recall the officer placing his hands on or near the complainant's genitals. He thought the named officer removed a small item from one of the complainant's pockets. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/23/13 **DATE OF COMPLETION:** 12/04/13 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated that while in the security office of a public library, the named officer told him to sit down, then placed his hand on the complainant's chest and pushed him onto a bench against the wall. The named officer stated he thought the complainant, who was clenching his fist and grinding his teeth, might become physically aggressive, so he told the complainant to sit down and placed his hand on the complainant's chest. The library security guard stated that after the complainant was pat searched while standing, the complainant sat down on a bench. He stated that he did not see the named officer place his hand on the complainant's chest or push the complainant. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the named officer threatened to arrest him for resisting arrest. The named officer denied threatening to arrest the complainant. A security guard who was present stated that he thought the named officer said something to the complainant to the effect that he could be arrested, but he did not recall anything else. No other witnesses came forward. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated the officer drove improperly. The complainant stated the officer, who was in plainclothes and driving an unmarked police vehicle, honked his horn several times to get through traffic. The complainant stated that at one point, the officer cut him off – almost causing him to ram into a parked vehicle. The complainant stated the officer was not responding to an emergency but was only trying to get through traffic.

The officer denied the allegation. The officer stated he observed the complainant and another driver being inconsiderate toward one another in regards to the right of way. The officer stated the complainant and the other driver were blocking traffic. The officer stated he repeatedly sounded his horn and turned on his lights to stop the drivers' behavior.

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

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

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

FINDINGS OF FACT: The complainant stated the officer drove past him and merged into his lane of traffic. While crossing a main street, the officer made a sudden stop that caused the complainant to abruptly apply his brakes. The complainant stated he came within a few inches from hitting the officer's vehicle.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/05/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity. The officer denied the allegation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/13 **DATE OF COMPLETION:** 12/27/13 **PAGE #1** of 2

SUMMARY OF ALLEGATION #1: The officer had an inappropriate demeanor.

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

FINDINGS OF FACT: The complainant stated that a loud banging on her driver's side window frightened her. She looked to find the bicycle officer next to her. The officer yelled, "Roll down your window!" The complainant described the demeanor of the officer as frighteningly loud, aggressive and disrespectful.

The officer denied the allegation. He could not specifically recall the incident concerning the complainant but denied that he would have banged on her window. He stated that he usually makes eye contact with a driver to indicate that he is stopping them. He denied being loud, aggressive or disrespectful. He stated that he is always professional and this would not be something to get upset about.

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

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

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

FINDINGS OF FACT: The complainant stated the officer told her, "You were talking on your cell phone." The officer wrote out a citation, returned to her car, handed her driver's license and told her to sign the ticket. The complainant denied that she was talking on her cell phone, but confirmed that she had previously pushed a button on the phone to connect a call. She stated that the phone was in a hands-free cradle at the time that she pushed the button and when the officer approached her car.

The officer denied the allegation. He could not recall this specific incident concerning the complainant, but stated that he makes notes on his citation and in this instance, he wrote, "Metro cell phone in hand in transit."

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/10/13 **DATE OF COMPLETION:** 12/27/13 **PAGE #2** of 2

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

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

FINDINGS OF FACT: Department Bulletin 12-188, Traffic Stop Data Collection Program Information, states that members shall collect traffic stop data after all vehicle stops. On the date of this incident, the officer made a traffic stop which was documented through the CAD and citation, along with statements made by the complainant and the officer. The officer's unit history shows he made 3 traffic stops that day.

SFPD Legal could not provide any documents showing any E585 entries made by the officer on the date of the incident.

The officer denied the allegation but could not recall when or where he made the entry, if he even made it.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/12/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged that an officer used unnecessary force on him during a contact. The complainant stated he saw three plainclothes officers making contact with a bicyclist and appeared to be checking the bicycle's serial numbers. The complainant stated one of the officers slammed him to the ground and injured his hip.

The officers questioned by the OCC did not recall making contact with the complainant or taking any action against him. Two of the officers recognized the complainant's mug shot as someone they have seen in the area they patrol.

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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/20/13 **DATE OF COMPLETION:** 12/16/13 **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 said an officer called him racist when he identified two men he wished to be arrested as “black kids.” The named officer denied the allegation. One witness officer who said he was present during the incident did not recall what the named officer said. Another witness officer said he left before an investigation occurred and did not hear the alleged comment. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers failed to take required action.

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

FINDINGS OF FACT: The complainant said the officers who responded when he called police refused to make an arrest as he requested or to write a report. The named officers denied the allegations, stating that the complainant failed to supply any evidence for his allegations, and several witnesses interviewed at the scene contradicted the complainant’s account of the incident. The officers acknowledged that the complainant requested an arrest but denied that he requested a report, and explained that they could not prepare a report, regardless, because the complainant refused to supply any information necessary for them to prepare a report. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 06/24/13 **DATE OF COMPLETION:** 12/16/13 **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 called for police assistance to abate a noise nuisance caused by musicians at a nearby public park. The complainant alleged officers failed to quiet the musicians. The officers stated the musicians were not violating any noise ordinance. A witness officer stated the noise complaint had no merit. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers behaved inappropriately and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officers were intimidating, aggressive, and displayed an attitude of superiority when they responded to her noise complaint. The complainant alleged an officer chastised her for complaining about noise. The officers denied the allegation and stated they acted in a professional manner. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/13 **DATE OF COMPLETION:** 12/18/13 **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 complainant stated he had stopped in a loading zone while straddling his motorcycle. The complainant was then asked by the named officer to move, which he did. The complainant was subsequently pulled over and cited for impeding traffic. The named officer and his partner denied the allegation, stating that when the named officer indicated by lights and siren that he was detaining a motorcyclist for parking in a lane of traffic, the motorcyclist attempted to evade the detention, and was cited for his initial impeding of traffic. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer behaved and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said the named officer approached him aggressively, squared his shoulders and spoke in a curt, aggressive tone, refusing to repeat himself so the complainant could hear, until the complainant demonstrated to the officer he was hard of hearing by removing his hearing aids. The named officer acknowledged some of the alleged behavior and comments, but said that the complainant, by attempting to evade a traffic stop, had created a dangerous situation over which the officer had to gain and maintain verbal control. The officer further stated that the complainant would not speak at all and the officer had no way of knowing he was hard of hearing until the complainant showed him he was wearing hearing aids. The witness officer acknowledged he was standing directly next to the complainant, but said he did not recall what the named officer said during the contact. No other witnesses were identified. There was insufficient evidence to either prove, or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/05/13 **DATE OF COMPLETION:** 12/18/13 **PAGE #** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department regulations requiring the collection and entry of traffic stop data.

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

FINDINGS OF FACT: The department reported to the OCC that the department could find no evidence that the named officer had entered the required traffic stop data onto a department computer.

The named officer stated that he believed he had entered the traffic stop data for the traffic stop in this case but could produce no evidence that he had. A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the department, the conduct was improper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/01/13 **DATE OF COMPLETION:** 12/31/13 **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 failed to provide information establishing the date and time of the incident about which he was complaining. The complainant failed to respond to numerous requests for additional evidence.

No witnesses were identified. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was cited without cause for riding his bicycle in a park. The officer stated the complainant was actually cited for trespassing on private property at the request of two security guards, who each signed a Citizen's Arrest Form. The security guards stated they asked the officer to cite the complainant for trespassing. A security video footage corroborated that the complainant had violated a park rule. Department records show the complainant was cited for trespassing. The evidence proved the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #2: The officer handcuffed the complainant without justification.

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

FINDINGS OF FACT: The complainant stated he was handcuffed after refusing to provide his identification. The officer stated he informed the complainant his identification was required in order for the officer to issue him a citation. The officer stated the complainant refused to provide identification. The officer stated he handcuffed the complainant in order to transport him to a police station for identification purposes. Witnesses to the incident stated the complainant refused to provide the officer with his identification. The evidence proved 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: 07/12/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant stated he was arrested after refusing to sign the citation. Department records show that when the complainant refused to sign the citation, he was transported to the station, pursuant to Department General Order 5.06, Citation Release. While at the station, the complainant agreed to sign the citation, prompting the officers to cite and release the complainant pursuant to the guidelines set forth in DGO 5.06. The evidence proved the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #5-6: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated the officers discriminated against him due to his race, citing and arresting him for riding his bicycle in a park where he was the only African American person in the area. The complainants stated no other bicyclists were cited. The officers were interviewed pursuant to OCC's Biased Policing Investigation Protocol. The officers denied that the complainant's race influenced their decision to cite and/or arrest the complainant. The officers stated the complainant was cited for trespassing at the request of two security guards, who signed Citizen's Arrest forms. The officers stated they were not singling out the complainant from other park patrons. The officers stated they did not become aware of the complainant's race until they arrived at the scene upon the request of a security guard. Two security guard witnesses stated they were familiar with the complainant from prior encounters and called for police assistance. The security guards both signed a Citizen Arrest Form, requesting that the complainant be arrested for trespassing. A security video corroborated that the complainant had violated a park rule, which the complainant denied. The security video also captured three of four bicyclists abiding by the park rules by walking their bicycles. The evidence proved the act alleged in the complaint did not occur, or that the named officers were not engaged in the act alleged.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The officer acknowledged that he should probably have checked the box, which indicated he did not witness the violation. The officer said, however, the information regarding witnesses to the violation was included in the incident report. Furthermore, the officer stated that the witnesses signed citizen arrest forms, which were both attached to the report. The officer also acknowledged that he correctly marked the violation as a misdemeanor on the top of the citation, yet incorrectly marked the violation as an infraction in another section of the citation. The assistant district attorney who prosecuted the court case in the community justice center stated she did not even notice the minor errors on the citation and it would not have mattered, as long as the police report had the accurate information. The assistant district attorney stated the errors on the citation had no impact on the court case or her decision to discharge the case. While the evidence does establish that a clerical error was made, there was no evidence that the clerical error constituted sustainable misconduct (e.g., evidence that the error was made because of inappropriate intent or negligence on the officer's part, or evidence that the error caused harm to the complainant or others). There was insufficient evidence to either prove or disprove the allegation.

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COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/12/13 **DATE OF COMPLETION:** 12/16/13 **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 stated that when he asked the officer for permission to walk around a crosswalk located in a construction site, the officer repeatedly yelled at him, stating, "Sir, go back!" The complainant stated he felt humiliated because of the officer's angry and aggressive response. The officer denied acting aggressively. The officer stated she yelled at the complainant to make her voice audible over traffic and construction noise. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant filed his complaint with one of the district stations. He told the officer who took his complaint that he was pulled over for a registration violation. The complainant did not respond to OCC's request for an interview. The named officers stated that during a routine check for stolen vehicles, they ran the complainant's license plate and learned that the registration was suspended. They conducted a traffic stop for further investigation. The Department of Motor Vehicle confirmed that the vehicle the complainant was driving had a suspended registration for lack of insurance. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated he was improperly cited for a traffic violation. The officer stated the complainant was cited a suspended registration. The Department of Motor Vehicle confirmed that the vehicle the complainant was driving had a suspended registration for lack of insurance. The evidence proved that the act, which provided the basis for the allegation, occurred. However, the act was justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/18/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #4-5: The officers engaged in biased policing due to race.

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

FINDINGS OF FACT: The complainant stated that he was stopped for a registration violation, but that the officers could not have seen his license plates from their vantage point. He stated he was actually stopped for “driving while black.” The officers were interviewed pursuant to OCC’s Biased Policing Investigation Protocol. They denied that race was a factor in their decision to stop the complainant. They stated that it was nighttime and they did not learn the complainant’s race until they made contact with him. The officers stated that during a routine check for stolen vehicles, they ran the complainant’s license plate and learned the registration was suspended. They conducted a traffic stop and subsequently cited the complainant for the registration violation. The Department of Motor Vehicle confirmed that the vehicle the complainant was driving had a suspended registration for lack of insurance. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/19/13 **DATE OF COMPLETION:** 12/23/13 **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 stated he approached the information booth at the airport and made contact with the named officer. The complainant stated he found the officer fully reclined in a chair and sleeping while on-duty. The complainant said the officer made inappropriate comments and behaved inappropriately towards him. The officer was “aloof” and did not feel like answering the complainant’s questions. The officer raised his voice at the complainant and told him he needed to ask better questions. The complainant further stated that while standing outside a gate of the international terminal, the officer walked up to him and said, “I’ll show you what I can do if you play with me smart ass.” The complainant stated no one heard what the officer said to him during the contact. The officer denied sleeping while on-duty. The officer stated his responses to the complainant’s questions were to ascertain clearly what location in the airport the complainant was trying to find, or to better acquaint the complainant with the airport. The officer denied making inappropriate comments. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity towards him. The officer stated he could not “remember at any time using profanity during my contact” with the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/29/13 **DATE OF COMPLETION:** 12/27/13 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 20, 2013.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 20, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/31/13 **DATE OF COMPLETION:** 12/13/13 **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 December 3, 2013.

SUMMARY OF ALLEGATION #2: The officer behaved inappropriately.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on December 3, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/06/13 **DATE OF COMPLETION:** 12/23/13 **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 said he approached the officers and reported an ongoing fight a block away. The complainant said the officers did not respond immediately by going to the scene, and then got in their patrol car and drove away from the scene of the fight.

The named officers acknowledged that an unknown reportee told them of a fight, but denied the complainant's allegations, stating that they looked where the reportee said the fight was occurring and saw nothing. The officers said they relayed the reported fight to dispatch, and when they finished the assignment they were on, they got in their patrol car, moved it from a private lot to the street, and then parked it, got out and walked to the scene of the reported fight. They found nothing there, and then returned to their vehicle, where they found a bleeding man sitting nearby, who was drunk and could not recall what had happened to him. They arranged for a medic to respond.

Department records confirmed a report to dispatch and that a man was found bleeding and drunk on the street. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer acted and spoke inappropriately.

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

FINDINGS OF FACT: The complainant said that when he persisted in trying to get an officer to respond to an ongoing fight, the officer told him to go home, then got out of his patrol car, and yelled at the complainant, "What do you want me to do about it?"

The named officer did not recall his conversation with the complainant. One witness officer did not recall what the named officer said to the complainant. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/07/13 **DATE OF COMPLETION:** 12/12/13 **PAGE#** 1 of 2

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 she was seated in a relative's car when she felt ill and needed to spit up. She opened the car door and a piece of paper the size of a movie ticket "flew" out the door while she was spitting up. The officer stated he observed the complainant litter by throwing a paper into the street. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer made inappropriate remarks and acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant stated the officer was rude, made inappropriate comments and would not let her explain what had occurred. The officer denied the allegation. 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: 08/07/13 **DATE OF COMPLETION:** 12/12/13 **PAGE# 2 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer refused to provide his name. The officer denied the allegation. The officer stated he verbally provided the information and told the complainant his name and star number were on the Notice to Appear. 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: 07/22/13 **DATE OF COMPLETION:** 12/31/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-2: The officers searched the complainant inappropriately and without cause.

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

FINDINGS OF FACT: In her written complaint, the complainant alleged that she was inappropriately searched by two female officers after being arrested by plainclothes officers on a no bail warrant. The named officers denied the alleged search described by the complainant. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: In her written complaint, the complainant alleged that she was strip searched without cause. The named officers denied that a strip search was conducted. 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: 07/22/13 **DATE OF COMPLETION:** 12/31/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #5-6: The officers behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: In her written complaint, the complainant alleged that the officers behaved inappropriately and/or made inappropriate comments. The named officers denied the allegation. 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: 08/19/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer was rude to the complainant.

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

FINDINGS OF FACT: The complainant was stopped and cited for making an unsafe turn. The complainant stated that during a traffic stop, the officer repeatedly yelled at her. The complainant also stated that when she tried to talk to witnesses across the street, the officer threatened to cite her for jaywalking, double-parking and threatened to arrest for disobeying an officer. The officer denied the allegation, describing his behavior towards the complainant as professional. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that during a traffic stop, the officer made inappropriate comments. The officer denied the allegation, describing his behavior towards the complainant as professional. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/19/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 2 of 2

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 13-091.

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

FINDINGS OF FACT: Department Bulletin No. 13-091, Traffic Stop Data Collection Program Information, requires officers to collect and enter traffic stop data regarding traffic stops. The officer stopped and cited the complainant for making an unsafe left turn. The officer was on a motorcycle and without access to an MVT terminal. Department Bulletin No. 13-091 requires him to enter the traffic stop data into a Level II terminal using the E585 mask upon return to his station or unit and that he had to do it before the end of his shift.

The officer stated he was familiar with Department Bulletin No. 13-091 that requires him to collect traffic stop data on all traffic stops. The officer stated he made an E585 entry of the stop of the complainant at the end of his shift. The officer stated he has been with the Department for twenty-two years and that if there was no record of his entry, it could have been attributed to his length of service, which might have affected his “foresight.” The evidence showed the Department had no record of the officer making an E585 entry of the stop. The officer failed to enter mandatory traffic stop data into the appropriate mask in compliance with Department Bulletin No. 13-091. 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: 08/21/13 **DATE OF COMPLETION:** 12/11/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that, after he reported that his pet macaw was stolen, the officer required him to raise a reward. He stated that the officer told him he had to take a lie detector after a suspect told SFPD that the complainant had given the suspect his bird as collateral for a drug debt.

The officer denied the allegation and stated the complainant had already posted a reward on the Internet and had posted flyers prior to the initiation of the investigation. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 12/05/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used profanity towards the complainant.

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

FINDINGS OF FACT: The complainant stated she was sleeping in a doorway when the officer woke her up by kicking her. The complainant stated the officer also used profanity. Department records show that the Communications Division received a “915” call (Homeless Related Call for Service), prompting the officer to make contact with the complainant. The officer stated that his conversation with the complainant was brief, telling her that she needed to leave. While the officer stated that he was “calm” during his contact with the complainant, the officer could not remember using profanity as alleged by the complainant. The Office of Citizen Complaints was unable to contact the 911 caller. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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 she was sleeping in a doorway when the officer woke her up by kicking her. The complainant stated that the officer not only used profanity, but the officer also made inappropriate comments. Department records show that the Communications Division received a “915” call (Homeless Related Call for Service), prompting the officer to make contact with the complainant.

The officer stated that his conversation with the complainant was brief, telling her that she needed to leave. While the officer stated that he was “calm” during his contact with the complainant, the officer could not remember using profanity as alleged by the complainant. The officer denied the alleged inappropriate comments attributed to him. The Office of Citizen Complaints was unable to contact the 911 caller. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 12/05/13 **PAGE #** 2 of 2

SUMMARY OF ALLEGATION #3: The officer failed to promptly provide his name and star number.

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

FINDINGS OF FACT: The complainant stated the officer failed to promptly provide his name and star number when asked. The officer denied the allegation, stating that he did not hear the complainant ask for his information. The Office of Citizen Complaints was unable to contact the 911 caller. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 08/30/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that he was falsely arrested by the named officer. The complainant did not provide an interview.

The named officer stated that he was involved in a joint task force operation when officers observed the complainant with narcotics in his hand. As the officers detained the complainant, the complainant threw the alleged narcotics to the ground. The complainant was arrested for violation of 11350(a) HS.

Witness officers did not recall this incident. No independent witnesses were identified. Department records showed that the complainant was arrested for a narcotics violation, but the narcotics evidence was inconclusive when tested. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: In his written complaint, the complainant wrote that during his arrest, the named officer assaulted and choked him. The complainant did not provide an interview.

The named officer denied the allegation and stated that no force was used in any manner during this incident.

Witness officers did not recall 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: 09/18/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/13 **DATE OF COMPLETION:** 12/17/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant was arrested for being a felon in possession of a firearm. The complainant was then remanded to the federal authorities where he remains in custody, facing federal charges. The complainant has not responded to OCC's request for an interview nor has he provided additional requested evidence.

SUMMARY OF ALLEGATION # 3: The officer displayed a weapon without justification.

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

FINDINGS OF FACT: The complainant was arrested for being a felon in possession of a firearm. The complainant was then remanded to the federal authorities where he remains in custody, facing federal charges. The complainant has not responded to OCC's request for an interview nor has he provided additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/26/13 **DATE OF COMPLETION:** 12/17/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS # 4-5: The officers used excessive force during the arrest.

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

FINDINGS OF FACT: The complainant was arrested for being a felon in possession of a firearm. The complainant was then remanded to the federal authorities where he remains in custody, facing federal charges. The complainant has not responded to OCC's request for an interview nor has he provided additional requested evidence.

SUMMARY OF ALLEGATION # 6: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant was arrested for being a felon in possession of a firearm. The complainant was then remanded to the federal authorities where he remains in custody, facing federal charges. The complainant has not responded to OCC's request for an interview nor has he provided additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/23/13 **DATE OF COMPLETION:** 12/03/13 **PAGE # 1 of 1**

SUMMARY OF ALLEGATION #1: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant said an officer on a motorcycle approached him at the curb outside an airport terminal and behaved inappropriately, yelling at him to move, following him while yelling and shining a light into the complainant's car, yelling "Move. Move. Move."

The officer acknowledged he was the only motorcycle officer patrolling at the airport at the time of the incident but denied the alleged behavior.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 09/24/13 **DATE OF COMPLETION:** 12/13/13 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant stated that the officer failed to yield to him when the complainant was walking in the crosswalk.

The officer did not recall the incident. Records show the officer was dispatched to an "A" priority call in the vicinity of the incident.

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant stated he was arrested during a professional football game for resisting arrest and being drunk in public. The complainant denied resisting arrest and denied being drunk. The named officer and a supervising officer stated the complainant was sitting in a seat for which he did not have a ticket. Both officers stated they noticed several objective signs of intoxication. They also stated the complainant refused orders from police and a private security guard to leave the seat and resisted arrest. Two other officers stated the complainant resisted arrest. Neither officer could tell if the complainant was intoxicated. The investigation revealed the complainant had a ticket to the game but not for the seat he was seated in. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers used unnecessary force during the complainant's arrest.

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

FINDINGS OF FACT: The complainant stated an officer grabbed his wrist and pulled him to the aisle. He stated the officers threw him on the ground, put a Taser to his neck and threatened to Tase him. The complainant stated he was not injured. The named officers stated the complainant refused to obey repeated commands to leave the seat for which he had no ticket. Both officers' use of force was articulated in the incident report. The officers stated they did not observe any injuries to the complainant and that he did not complain of being injured. There was insufficient evidence to either prove or disprove that the force the officers used was minimally necessary to take the complainant into custody. No other witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/10/13 **DATE OF COMPLETION:** 12/23/13 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #4: A portion of this complaint raises matters outside OCC's jurisdiction.

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

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

San Francisco Sheriff's Department
25 Van Ness Avenue #350
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated he was standing outside his vehicle, washing his face, when he was detained for no apparent reason. The named officer and his partner stated they were on foot patrol when they saw a man standing next to the complainant, holding what appeared to be illegal narcotics in his hand. The officers stated they detained that man, as well as the complainant, to conduct a narcotics investigation. The man did not come forward. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #2-3: The officers used profanity.

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

FINDINGS OF FACT: The complainant stated the officers used profanity during his detention. The officers denied the allegation. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #4: 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 face down on the hood of his car, causing his nose to bleed. The complainant was unable to describe or identify the alleged officer. One of the officers stated he did not recall having any physical contact with the complainant. He stated his partner handcuffed the complainant and sat him on the sidewalk. He stated he did not see his partner push the complainant onto the hood of the car, or employ any physical controls or force on the complainant. He did not see any blood on the complainant. The detaining officer denied that the complainant was pushed onto the hood of his car. This officer stated the complainant "had a verbal attitude" and had to be asked several times to step out of his vehicle and sit on the sidewalk. He stated no force was used on the complainant and he had no visible injuries. 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.

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

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

FINDINGS OF FACT: The complainant stated an unidentified officer threw his car alarm button on the ground, breaking it. The two officers who had contact with the complainant denied the allegation. 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
COMPLAINT SUMMARY REPORT**

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

SUMMARY OF ALLEGATION #1: The officer failed to comply with DGO 5.20 (Language Access for Limited English Proficient (LEP) Persons).

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

FINDINGS OF FACT: The anonymous complainant, a Spanish speaker, went to the tow desk at the Hall of Justice regarding her car that had been towed but no one was able to assist her in Spanish. The complainant refused an interview, did not want mediation, and did not want the case investigated. Speaking on behalf of the complainant, the complainant's translator stated that the complainant would like to continue to remain anonymous and that the complainant did not want the matter investigated. The complainant only wanted the Department to be aware that the Tow Desk should have language services. The complainant failed to provide additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/15/13 **DATE OF COMPLETION:** 12/17/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The complainant stated the named officers used unnecessary force during the arrest of his brother.

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

FINDINGS OF FACT: The complainant stated the arresting officers used unnecessary force during his brother's arrest. Both officers stated that no force was needed or employed to take the complainant's brother into custody. The complainant's brother stated no force was used to take him into custody. The evidence proved the act alleged in the complaint did not occur, or that the named officers were not involved in the act alleged.

SUMMARY OF ALLEGATIONS #3-4: The complainant stated the officers used unnecessary force during the arrest of a third party.

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

FINDINGS OF FACT: The complainant stated the officers used unnecessary force during the arrest of a third party. One named officer stated the third party resisted arrest. This officer stated he observed the third party strike the arresting officer twice with his elbow. The arresting officer stated the third party twice used his elbow to strike him in the chest. The arresting officer stated he was unable to control the third party, and his partner came to his aid by delivering several closed fist strikes to the third party's face.

The third party stated he was "messed up" on drugs during his arrest and could not recall his actions. He stated the officers hit his face several times. According to medical records, the third party suffered a fractured nose. The complainant's brother stated he saw that the third party had a bloody nose but did not see any officers use force on the third party. The incident report documents the officer's use of force and that the use of force was properly entered into the Use of Force Log. There was insufficient evidence to determine the level of force necessary to take the subject into custody.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 10/29/13 **DATE OF COMPLETION:** 12/19/13 **PAGE#** 1 **of** 1

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 December 12, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/06/13 **DATE OF COMPLETION:** 12/19/13 **PAGE#** 1 **of** 1

SUMMARY OF ALLEGATION #1: The officer failed to prepare an accurate report.

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 December 16, 2013.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 11/20/13 **DATE OF COMPLETION:** 12/31/13 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer issued the co-complainant a citation without cause.

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

FINDINGS OF FACT: The complainant and co-complainant stated that the co-complainant was improperly cited by an officer for using her cell phone while driving. Both the complainant and co-complainant denied that the co-complainant used her cell phone to speak or text while driving. The named officer stated that he was participating in a traffic enforcement operation. A second officer, who was also participating in the traffic enforcement operation, stated that he observed the co-complainant use her cell phone while driving. The second officer contacted the named officer who conducted a traffic stop and cited the co-complainant. The named officer stated that he did not observe the violation but issued the citation due to the other officer's observations. 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: 11/18/13 **DATE OF COMPLETION:** 12/16/13 **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 stated she observed an officer directing traffic at the intersection of Third and Mission Streets. The complainant stated she saw the officer grab an elderly woman who walked into the middle of traffic and yell at her, "Get back! What are you doing?" A search for the officer based on the complainant's description yielded negative results. An officer poll came back negative. 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
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 03/22/13 **DATE OF COMPLETION:** 12/13/13 **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:

California Department of Corrections
San Quentin
Attn: Employee Relations Officer
San Quentin, CA 94964

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/12 **DATE OF COMPLETION:** 12/26/13 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer misused his police authority.

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

FINDINGS OF FACT: The complainant stated he was having a dispute with a former girlfriend over a car he loaned her money to buy, which was in her possession but registered in his name. He seized the car from her home and drove it to his home, parking it in front of his own vehicle, an SUV. Both the complainant and the former girlfriend lived in a county outside of San Francisco. The following morning the former girlfriend and the named officer, who was in civilian clothes, came to the complainant's home along with a tow truck. The tow truck driver proceeded to move the complainant's SUV so the former girlfriend could take the car. The complainant stated the tow truck driver told him he was there because the police had called him and he was following the instructions of the police. The complainant also stated that when he asked the named officer why he was present, the named officer identified himself as a police officer, displayed his SFPD star, and said he was there to pick up the ex-girlfriend's car, which he claimed did not belong to the complainant. The complainant went into his home and his ex-girlfriend followed him inside, where they argued about the ownership of the car. During this argument, the ex-girlfriend slapped the complainant in the face and attempted to block his path when he tried to step outside. The complainant grabbed her by the arms and moved her aside. The tow truck moved the complainant's SUV and the complainant's ex-girlfriend drove away with the car. A short time later, two uniformed city police officers arrived at the complainant's home and invited him to come to their police station. When the complainant arrived at the police station, he saw his ex-girlfriend, the named officer, and the tow truck driver. An officer interviewed the complainant and then placed him under arrest. The complainant's former girlfriend stated she was dating the complainant when he loaned her money to buy a car, which he said she need not repay. She registered the car under the complainant's name because she did not have a driver's license. She stated that when she awoke and discovered her car missing, she called the named officer, a friend of hers whom she used to date, and asked him to give her a ride so she could retrieve her car, which the complainant had taken. The named officer did not know that the car was registered in the complainant's name. She called a friend who contacted a tow truck driver. She stated the named officer spoke to the complainant only after the complainant assaulted her, and that he told the complainant not to hit her because he was going to call the police. She did not recall whether the named officer told the complainant that he was a police officer. She stated the complainant already knew that the named officer was a police officer because she had told the complainant about him. She stated the named officer didn't say anything to the complainant about the car. The tow truck driver stated a man whose name he didn't know telephoned him and asked him to move a car that was blocking his friend's car. The tow truck driver met the complainant's ex-girlfriend near the complainant's home. She told him her girlfriend had inadvertently blocked in her car and asked him to move it. The tow truck driver stated the named officer never spoke to him, never identified himself as a police officer, and never gave him any instructions. He also stated he did not observe the named officer have any interaction with the complainant and never saw the named officer display his star at the scene.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/05/12 **DATE OF COMPLETION:** 12/26/13 **PAGE# 2 of 2**

The named officer stated he was off-duty when his former girlfriend called and asked him to accompany her to retrieve her car, which had been taken by a friend of hers. She rejected his suggestion to call the police in her community because she did not want to get the complainant in trouble. The named officer accompanied his ex-girlfriend to the complainant's home, but no one answered the door. The officer stated that at the time, he believed his ex-girlfriend was the legal owner of the car. His ex-girlfriend made a private phone call and, a short time later, a tow truck arrived that hooked up an SUV parked in the complainant's driveway, blocking the ex-girlfriend's car. The named officer waited inside his car, which was parked in the street, and denied ever speaking to or giving any instructions to the tow truck driver.

The complainant exited his home and began arguing with his ex-girlfriend. They began pushing each other. When the named officer saw the complainant physically grabbing and shaking the ex-girlfriend, he exited his car, identified himself as a police officer and displayed his SFPD star. He told the complainant not to hit the ex-girlfriend and suggested that he give her back her car. The named officer stated that at this time, he believed his ex-girlfriend was the legal owner of the car based on statements she had made to him. He then called 911 and reported an altercation at the complainant's address. As the ex-girlfriend was backing the car out of the complainant's driveway, the complainant stood behind the car in an attempt to prevent her from leaving, and his ankle became caught under the vehicle, slightly injuring him. The named officer left, then called the ex-girlfriend and told her to drive to the nearest police station to report the incident. As they drove to the police station, he saw the tow truck driver and told him he was a witness and should also go to the police station. While at this police station in another county, the named officer called his own station to report his involvement in an off-duty incident involving police in another jurisdiction. The named officer stated he first learned while at this police station that the complainant was the legal owner of the car his ex-girlfriend had been using.

The audio recording of the named officer's interview with an officer at the station was consistent with his statements to the OCC. A memo prepared by the named officer to his commanding officer of the incident was also consistent with his statements to the OCC. During the first OCC interview, the complainant denied having had a dating relationship with the ex-girlfriend. When asked about this during a subsequent interview, the complainant admitted that he had lied about this but claimed the rest of his account was truthful. The statements of the tow truck driver and of the ex-girlfriend established that the named officer did not give any instructions to the tow truck driver to seize the complainant's vehicle. The named officer and the ex-girlfriend both stated that the named officer did not speak to the complainant until the complainant and the ex-girlfriend were having a physical altercation. There was insufficient evidence to determine whether the named officer knew or should have known the true ownership status of the car and, therefore, there is insufficient evidence to determine whether the named officer's statement to the complainant about returning the car to its rightful owner was a misuse of police authority. No other witnesses were identified. There was insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/17/13 **DATE OF COMPLETION:** 12/23/13 **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. This complaint has been referred to:

Division of Emergency Communications
Department of Emergency Management (DEM)
1011 Turk Street
San Francisco, CA 94102

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/18/13 **DATE OF COMPLETION:** 12/24/13 **PAGE#** 1 of 1

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 12/26/13 **DATE OF COMPLETION:** 12/30/13 **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. This complaint has been referred to:

Arizona Department of Public Safety
PO Box 6638
Phoenix AZ 85005-6638

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 12/30/13 **DATE OF COMPLETION:** 12/31/13 **PAGE#** 1 of 1

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

CATEGORY OF CONDUCT: N/A **FINDING:** I02 **DEPT. ACTION:**

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The primary complainant stated she and her boyfriend, the co-complainant, were sitting in a parked car at about 3:00 am when they were detained by the named officers for no apparent reason. The officers stated they were responding to a call in the area when they noticed a suspicious vehicle. The officers stated the occupants in the vehicle, later identified as the complainants, appeared to be engaging in narcotics activity, prompting the officers to initiate a consensual encounter. The officers stated the consensual encounter turned into a detention after one of the named officers saw what appeared to be marijuana in a sandwich bag in plain view. The officer who discovered the suspected narcotics stated he later established that the suspected narcotics were only residue, prompting the officers to not take enforcement action against the complainants. The co-complainant did not respond to OCC's request for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The primary complainant stated the officer grabbed her, exacerbating an existing shoulder injury. The named officer and his partner denied that any force was used during the detention. The co-complainant did not respond to OCC's request for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #4-5: The officers searched the vehicle without cause.

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

FINDINGS OF FACT: The primary complainant stated the officers searched her vehicle for no apparent reason. The named officer denied searching the vehicle as alleged. One of the named officers stated he did temporarily seize a plastic bag to investigate whether the bag contained narcotics. The co-complainant did not respond to OCC's request for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation .

SUMMARY OF ALLEGATIONS #6-7: The officers failed to report the use of force.

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

FINDINGS OF FACT: The primary complainant stated one of the named officers grabbed her, exacerbating an existing shoulder injury. The primary complainant stated she did not tell the officers that she was injured nor did she complain of pain to the officers while at the scene. The named officers denied that any force was used during the detention. The co-complainant did not respond to OCC's request for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/10/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #8-9: The officers failed to write an incident report.

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

FINDINGS OF FACT: The primary complainant stated there was no incident report written, documenting her and her boyfriend's interaction with the officers. The officers stated their contact with the complainants was not an arrest and that the complainants' detention was brief. The co-complainant did not respond to OCC's request for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #10-11: The officers failed to issue a certificate of release.

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

FINDINGS OF FACT: The primary complainant stated the officers did not issue any forms relevant to the incident. The officers stated the consensual encounter began with a suspicious vehicle with the complainants inside and developed into a detention once a bag was seized from the vehicle, containing suspected contraband. The officers said there was no arrest, handcuffing, or a citation issued to the complainants. The officers further said the complainants were not moved or handcuffed from the brief contact at the scene. The co-complainant did not respond to OCC's request for an interview. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 12/20/13 **PAGE #1 of 4**

SUMMARY OF ALLEGATION #1: The officer's use of OC spray was unnecessary.

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

FINDINGS OF FACT: After a neighbor informed her that her son was being arrested, the complainant responded to the location of the arrest. She reported that when she asked an officer at the scene about her son's arrest, he pepper sprayed her in the eyes. The named officer reported that he and two other plainclothes officers observed five individuals whom they believed were smoking marijuana in a high crime, gang-controlled area where a homicide had recently occurred. When the officers approached, they smelled marijuana and recognized one of the individuals as a gang associate. During a pat-search of the complainant's son, an officer found a gun. Neighbors in apartments above where the officers were pat-searching the detainees, yelled, spit and poured an unknown liquid on the officers and detainees. Several neighbors exited their apartments including a male who struck the named officer several times in the head. Other members in the crowd surrounded the officer who was being physically attacked. The officer stated that he used his OC Spray against the crowd for self-defense. Although the officer could not recall the complainant, he stated he probably sprayed her if she were among the crowd. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: In the complainant's written complaint, she stated that her juvenile son was hit during the incident that resulted in his arrest. The OCC investigator wrote, called and visited the complainant's home to interview her but the complainant never responded. The OCC investigator also requested permission to interview the complainant's juvenile son but she never responded. The complainant failed to provide the additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 12/20/13 **PAGE #2 of 4**

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

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

FINDINGS OF FACT: After a neighbor informed her that her son was being arrested, the complainant responded to the location of the arrest. She reported that when she asked an officer at the scene about her son's arrest, he did not answer her questions and instead pepper sprayed her in the eyes. The named officer reported that he and two other plainclothes officers observed five individuals whom they believed were smoking marijuana in a high crime, gang-controlled area where a homicide had recently occurred. When the officers approached, they smelled marijuana and recognized one of the individuals as a gang associate. During a pat-search of the complainant's son, an officer found a gun. Neighbors in apartments above where the officers were pat-searching the detainees, yelled, spit and poured an unknown liquid on the officers and detainees. Several neighbors exited their apartments including a male who struck the named officer several times in the head. Other members in the crowd surrounded the officer who was being physically attacked. The officer stated that he used his OC Spray against the crowd for self-defense. Although the officer could not recall the complainant, he stated he probably sprayed her if she were among the crowd. The named officer stated that no one in the crowd asked him any questions about any of the suspects being detained or arrested. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: An unidentified member or employee failed to take an OCC complaint.

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

FINDINGS OF FACT: In the complainant's written complaint, she stated that after her juvenile son was arrested, she went to Northern Station to file a complaint. The complainant stated that Department personnel told her she had to make the complaint at Park Station, the area where the incident occurred. The OCC investigator wrote, called and visited the complainant's home to interview her but the complainant never responded. The complainant failed to provide the additional requested evidence.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 12/20/13 **PAGE #3 of 4**

SUMMARY OF OCC ADDED ALLEGATIONS #1 & 2: The officers failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The named officers responded to a Code 3 incident to assist plainclothes officers who had been surrounded by a hostile crowd after the officers had pat-searched five individuals and located a gun on one of the detainees. One member of the crowd had punched one of the plainclothes officers several times in the face. When the named officers arrived, a plainclothes officer requested that the named officers immediately transport the suspect who had been in possession of a gun to the district station. One of the named officers stated he did not know that the suspect they were requested to transport was a juvenile. The other named officer stated that they knew the suspect was a juvenile. As transporting officers responsible for the custody, control and safety of their prisoners, the named officers had a duty to determine that their prisoner was a juvenile. Transporting officers are required to follow specific procedures in Department General Orders 7.01 and 2.01 that are designed to document and enhance the safety of more vulnerable arrestees such as juveniles, females, and transgender/transsexual individuals. DGO 7.01 requires officers to broadcast to the Department of Emergency Management (DEM) their destination, starting time, the police vehicle's starting mileage, ending time and ending mileage when transporting a juvenile. Department records establish that the named officers did not fulfill this requirement. 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 OCC ADDED ALLEGATION #3: The officer failed to comply with DGO 7.01.

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

FINDINGS OF FACT: The named officer arrested a juvenile suspect after locating a firearm on him during a detention and pat-search. The named officer called the juvenile's mother twice and during the second call reached the mother and informed her about her son's arrest as required by DGO 7.01. However, the named officer did not document in the district station's juvenile log the time of the phone calls, that he had been unable to reach the mother during the first call and whether he called within 30 minutes of the first call as required by DGO 7.01. Currently, the Department's Juvenile Detention Log (Form 472) does not include a place to write in who notified the juvenile's parent, what time, and if the parents were not reached, what follow-up calls were made as required by DGO 7.01. In light of the problematic juvenile detention log and the named officer's compliance efforts, the OCC concludes that the allegation of failure to comply with DGO 7.01 is the result of a policy failure. The OCC recommends that the juvenile detention logs be revised to comply with DGO 7.01's documentation requirements.

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DATE OF COMPLAINT: 01/28/13 **DATE OF COMPLETION:** 12/20/13 **PAGE #4 of 4**

SUMMARY OF OCC ADDED ALLEGATION #4: The officer failed to make an entry in the appropriate Use of Force Logbook.

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

FINDINGS OF FACT: Plainclothes officers from a specialized unit called a Code 3 (emergency response for all available officers) when a large crowd surrounded the officers after they detained five individuals and located a firearm on one of them. During the incident an individual in the crowd assaulted one of the officers. This individual was taken into custody and injured during the incident. The assaulted officer used pepper spray in self-defense against the advancing crowd. The assaulted officer reported the incident to his supervisor. The supervisory officer entered the incident in the Use of Force Logbook maintained by the district station that is located in the same building where the officer's specialized enforcement unit is housed. Department General Order 5.01 states that "[e]very unit of the Department whose officers normally perform street duty (e.g., district stations, Narcotics, Vice Crimes, Traffic, Special Operations Division, etc.) shall maintain a Use of Force Log (SFPD 128). To comply with DGO 5.01 and to enhance data collection concerning use of force, the OCC recommends that the Department issue a Department Bulletin that requires all specialized units that perform street duty to maintain their own Use of Force Log. The allegation against the named officer for failing to make an entry in the appropriate Use of Force log is the result of a policy failure.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 02/15/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was arrested without cause. The complainant stated he had just finished practicing with his throwing knives at a park when he decided to go to a bar for some drinks. Knowing that it was a crime to have his knives concealed, he kept them visible. He initially went to one bar and then went to another bar for more drinks. The complainant admitted being intoxicated, making him believe that someone had put “roofie” in his drinks. While at the bar, the complainant got into an argument, prompting the bartender to ask him to leave. When he got outside, the complainant stated he noticed that his bicycle had been stolen. He tried to go back to the bar to call the police, but the bartender would not let him in. Shortly thereafter, the police arrived and immediately placed him under arrest for carrying concealed weapons. Department records show that the police were called to respond to a call regarding a person with a knife. The records also show that a citizen signed a Citizen’s Arrest Form, prompting the officers to arrest the complainant under private person arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATIONS #3-6: The officers failed to take a required action.

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

FINDINGS OF FACT: The complainant stated he repeatedly told the officers that his bicycle had been stolen, but they refused to take any action. The officers stated the complainant never said anything to them about his bicycle being stolen. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/15/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 2 of 3

SUMMARY OF ALLEGATIONS #7-8: The officers conducted a strip search without cause.

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

FINDINGS OF FACT: The complainant stated the officers took him to Mission Station, stripped him of his clothes and searched him. The officers denied the allegation and stated that they never took the complainant's clothes off. They stated they performed a search before booking him and inventoried his belongings. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #9-10: The officers failed to provide their names upon request.

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

FINDINGS OF FACT: The complainant stated that while he was being transported to Mission Station, he asked the officers in the vehicle to tell him their names, but they refused. The officers stated that the complainant never asked them for their names. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 02/15/13 **DATE OF COMPLETION:** 12/09/13 **PAGE#** 3 of 3

SUMMARY OF ALLEGATIONS #11-12: The officers made inappropriate comments and acted inappropriately.

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

FINDINGS OF FACT: The complainant stated that as he was being arrested, an officer said something to the effect of, "Oh, so you think you're a tough guy?" The officers denied saying anything to that effect. No independent witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #13-14: The officers used unnecessary force during the arrest.

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

FINDINGS OF FACT: The complainant stated that he was arrested and taken to Mission Station. Once he arrived at Mission Station, an officer pulled his arms hard behind his back, hurting his shoulders. The officer also tore off the complainant's shirt, leaving a red scrape on his skin. The officers stated that at no point during the custody of the complainant was any force used. The complainant was compliant and there was no need to use force or physical restraint. The officers denied pulling his arms behind his back, causing injury. The officers stated that the complainant already had his shirt off when they arrived to the scene. They also stated that the complainant never complained of pain. 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: 02/11/13 **DATE OF COMPLETION:** 12//24/13 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated that at about 2:00 a.m., he was walking from work to a bus stop when he was suddenly detained by numerous officers. The named officer stated he and other officers were responding to a burglary in progress when he saw the complainant. The named officer stated that while one of the two suspects had already been detained, the second suspect remained at large, prompting the named officer and other officers to detain the complainant who was the only person in the vicinity of the burglary in progress and who was the only person on the same side of the street where the first suspect was apprehended. After establishing that the complainant was not one of the suspects, the named officer stated the complainant was issued a Certificate of Release. The named officer could not recall the names of the other officers who assisted him in detaining the complainant. Other officers questioned by the OCC denied participating in the complainant's detention. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATIONS #3-4: The officers used excessive force during a detention.

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

FINDINGS OF FACT: The complainant stated that several unidentified officers used unnecessary force, taking him to the ground and repeatedly kicking him. The named officer and other officers denied the alleged use of unnecessary force. The named officer and other officers stated the complainant resisted, refusing to take his hands out of his pockets and refusing to get on the ground. The named officer and other officers questioned by the OCC denied that the complainant was kicked and denied that the complainant was injured. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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

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

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

FINDINGS OF FACT: The complainant stated an unidentified officer broke the latch of his wristwatch when he was being handcuffed. The named officer and other officers denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officer failed to report and document the use of force.

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

FINDINGS OF FACT: The complainant stated he complained of pain and requested medical assistance, which was denied by the Spanish-speaking officer who spoke with the complainant. The named officer stated that his use of physical controls were not reportable use of force and denied that the complainant was injured. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

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

FINDINGS OF FACT: The member is on extended medical leave and is not expected to return to duty.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 02/27/13 **DATE OF COMPLETION:** 12/26/13 **PAGE#** 1 of 5

SUMMARY OF ALLEGATIONS #1-4: The officers used unnecessary force on the co-complainant.

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

FINDINGS OF FACT: The complainant stated her son, the co-complainant, told her that he was accosted in a parking lot by plainclothes officers and that he assumed they were going to arrest him because he had missed a court date. The complainant's son told her that he panicked and resisted the officers. The complainant's son told her that the officers pulled him from his car and beat him with batons and with the butts of their guns.

The co-complainant stated he was driving a car that he paid cash for, but he couldn't recall when or from whom he bought it. As he got into this car in a parking lot, two men in civilian clothes with guns drawn approached his car and ordered him to exit it. The co-complainant attempted to flee by driving away. The co-complainant struck a car behind him, and then drove forward to escape what he thought was an attempted robbery. As he was fleeing the parking lot, a van hit the front of his vehicle. The co-complainant stated an officer undid his seatbelt, pulled him from his car and threw him face down on the ground where officers struck him, kicked him in the legs and punched him in the torso, back and the side of his face. The co-complainant denied the officers ever gave him any verbal commands. He stated that after he was handcuffed, the officers continued to beat him.

Three civilian witnesses stated they saw an officer pull the complainant from the vehicle and put him on the ground. None of the witnesses could clearly see what occurred once the co-complainant was on the ground, and none could give consistent accounts of what they heard the officers telling the co-complainant.

The four named officers confirmed that the co-complainant was removed from the stolen vehicle and that they all struck the co-complainant in the chest and upper back in an effort to gain control of his hands, since he refused to obey their commands. Each named officer denied using force on the co-complainant after he was in handcuffs and each denied seeing any other officer use force on the co-complainant before or after he was handcuffed. One of the four officers denied that the co-complainant was wearing a seatbelt at the time of the collision. The other officers were unable to recall if the co-complainant had his seatbelt on.

Three witness officers, including a sergeant, denied seeing any force being used on the complainant. The sergeant also stated he heard the officers loudly yell for the co-complainant to stop resisting several times.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

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SUMMARY OF ALLEGATIONS #1-4 continued: The officers used unnecessary force on the co-complainant.

An orthopedist at the hospital where the co-complainant was treated reviewed the co-complainant's medical records, which documented a fracture of the right shoulder. The doctor stated that being an unrestrained driver in a motor vehicle accident could have caused this type of fracture, as well as the other injuries sustained by the co-complainant.

There was insufficient evidence to establish whether the co-complainant was wearing a seatbelt at the time of the vehicle collisions. As such, there was insufficient evidence to determine whether the co-complainant's injuries were caused by the multiple points of impact during his vehicle collisions or by force used upon him by the named officers. In addition, there was insufficient evidence to either prove or disprove that the force used by the named officers was minimally necessary to accomplish taking the co-complainant into custody.

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

SUMMARY OF ALLEGATIONS #5-6: The officers failed to identify themselves as police officers.

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

FINDINGS OF FACT: The complainant stated that her son, the co-complainant, told her that he was accosted in a parking lot by plainclothes officers with their guns drawn and assumed they were going to arrest him because he had missed a court date. The complainant's son told her that he panicked and resisted the officers.

The co-complainant stated he was driving a car, which he paid cash for, but he could not recall when or from whom he bought it. As he got into this car in a parking lot, two men in civilian clothes with guns drawn approached his car and ordered him to exit. The co-complainant stated that neither man was in uniform, displayed a star or identified himself as a police officer. The co-complainant feared he was about to be shot and robbed and attempted to flee by driving away.

Two civilian witnesses heard officers loudly identifying themselves as police and telling the co-complainant to exit the car. The co-complainant then drove backwards, striking another vehicle, then attempted to drive out of the parking lot.

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SUMMARY OF ALLEGATIONS #5-6 continued: The officers failed to identify themselves as police officers.

Video from a surveillance camera at the incident scene showed the co-complainant entered his parked vehicle. Two individuals exited a car that stopped behind the co-complainant's parked vehicle. The first individual who exited this car was wearing what appeared to be a police uniform and moved to the passenger side of the co-complainant's car. The second individual, who was in civilian clothes, moved to driver's side of the co-complainant's car at which time the car drove in reverse, striking the car behind it, before driving forward in an attempt to exit the parking lot.

The two named officers denied the allegation. They stated that one of them was in uniform and the other was in plainclothes with his police star around his neck as they each approached the separate sides of the co-complainant's car. Both officers identified themselves as police officers. The second named officer saw the co-complainant look to his right at the uniformed officer, then at him. The co-complainant drove in reverse, striking an unmarked police car, then drove forward and attempted to exit the parking lot.

A witness officer stated he was driving the unmarked police car that the two named officers were riding in. He stopped behind the co-complainant's car and the two named officers, one of whom was in uniform, approached the sides of the co-complainant's car and loudly identified themselves as police officers.

The evidence established that one of the named officers was in uniform and that both named officers identified themselves as police officers. 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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SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate Incident Report (supplemental statement).

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

FINDINGS OF FACT: The co-complainant stated the named officer wrote an inaccurate incident report, claiming that the officers who initially approached his car were in uniform.

The evidence established that one of the officers who approached the co-complainant's car was in uniform and a second officer was in plainclothes. The incident report clearly differentiates which officers were in uniform.

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.

SUMMARY OF ALLEGATION #8: The officer made an inappropriate comment.

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

FINDINGS OF FACT: The co-complainant stated an officer in plainclothes made an inappropriate comment to him at the hospital. The description of the officer that the co-complainant provided generally matched one of the officers involved in arresting the co-complainant. This officer denied going to the hospital. A witness officer at the hospital stated that he did not recall a plainclothes officer being at the hospital.

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

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SUMMARY OF ALLEGATION #9: The officer used profanity.

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

FINDINGS OF FACT: The co-complainant stated the officer used profanity to him at the police station. The named officer stated that he and his partner escorted the co-complainant into the station but denied having any communication with the co-complainant or using any profanity.

A witness officer stated that the only conversation he heard between the co-complainant and officers was related to his medical screening form.

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

SUMMARY OF ALLEGATION #10: The officer made rude comments.

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

FINDINGS OF FACT: The co-complainant stated that the officer made rude comments to him at the police station.

The named officer denied the allegation.

A witness officer stated that he and the named officer escorted the co-complainant into the station but he did not recall any conversations between the officers and the co-complainant.

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

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

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

FINDINGS OF FACT: The complainant stated the officer wrongfully stopped and cited him for crossing against a red light. The complainant stated he crossed the street on a green light.

The officer stated that he saw the complainant standing on the sidewalk. When they made eye contact, the complainant yelled profanity at him and crossed the intersection against a red light. The officer stopped and cited the complainant for crossing against a red light.

A witness officer stated he did not recall this incident. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer threatened the complainant.

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

FINDINGS OF FACT: The complainant stated the officer threatened to kill him. The officer denied the allegation.

A witness officer stated he did not recall this incident. 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 harassed the complainant.

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

FINDINGS OF FACT: The complainant stated he suspects the officer was harassing him because of a prior contact when the officer arrested him for threatening a police officer. The complainant believes that officers at the named officer's police station have a grudge against him and stated that officers there have told him to leave the area and have threatened to kill him.

The officer denied the allegation and stated that he did not recognize the complainant when he first stopped and detained him for crossing the street against a red light. A witness officer stated that he did not recall this incident. No other witnesses were identified.

Department records and court records established that the complainant has a stay-away order, prohibiting him from being in the area around the named officer's police station and that he has been arrested for violating this stay-away order. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated the officer made a racially derogatory comment towards him.

The officer denied the allegation. A witness officer stated that he did not recall this incident. No other witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.