

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/11 **DATE OF COMPLETION:** 10/03/11 **PAGE #1** of 1

SUMMARY OF ALLEGATION #1: The officer wrote an inaccurate citation.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 27, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 07/23/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 1 of 2

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

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

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

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

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

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

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SUMMARY OF ALLEGATION #3: The officer failed to properly process property.

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

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

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

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

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

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DATE OF COMPLAINT: 08/18/11 **DATE OF COMPLETION:** 09/30/11 **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 September 28, 2011.

SUMMARY OF ALLEGATION #2: The officer exhibited an inappropriate manner.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 28, 2011.

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DATE OF COMPLAINT: 08/26/11 **DATE OF COMPLETION:** 10/07/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant did not supply requested evidence and did not respond to requests for an interview. Department records contained no incidents that matched the description of the incident given by the complainant. There was no record of any seizure of property, or booking by SFPD. There was insufficient evidence to identify the officer involved or to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 26, 2011.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/06/11 **DATE OF COMPLETION:** 10/18/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The preliminary investigation showed that the named officer is a civilian Police Service Aide for the San Francisco Police Department. Non-sworn employees are not within the jurisdiction of the OCC. The complaint has been forwarded to:

Internal Affairs
San Francisco Police Department
850 Bryant Street, Room 545
San Francisco, CA 94103

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 10/08/11 **DATE OF COMPLETION:** 10/28/11 **PAGE#** 1 of 1

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

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to take required action. The complainant stated that when the officers arrested her daughter-in-law, the officers grabbed the infant that her daughter-in-law was holding and dropped the infant onto the arms of her minor daughter. The complainant stated the officers failed to make any provision for the children or notify her. The officers denied or could not recall arresting the complainant's daughter-in-law. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer failed to return a phone call.

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 3, 2011.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on September 3, 2011.

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

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

FINDINGS OF FACT: The officer denied threatening the complainant. None of the possible witnesses interviewed heard the officer threaten the complainant. There was no additional evidence to further prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that the officer misused his police authority to obtain free services at a framing shop. The shop owner stated that although the officer failed to pay for services on several occasions, the owner did not ask the officer for payment. The owner could not provide any invoices documenting unpaid services. Two shop employees stated they did not know of any problems with the officer. During the investigation, the complainant called the officer and asked for payment of his bills. The officer immediately offered to pay with a credit card. There were no other witnesses and no additional evidence to further prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #1-2: The officers conducted a strip search without cause.

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

FINDINGS OF FACT: The complainant stated the officers conducted a strip search on her without cause. The officers did conduct a strip search as instructed by a supervisor. The approval of the strip search was done using the guidelines and policies of the department. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officer approved a strip search without cause.

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

FINDINGS OF FACT: The complainant stated the officer approved a strip search to be conducted on her without cause. The officer did approve a strip search of the complainant based on information that was provided to him by the arresting officers. The approval of the strip search was done consistent with the policies and guidelines of the department. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #4: The officer was present during a female strip search.

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

FINDINGS OF FACT: The complainant stated the officer was present during her strip search. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #5: The officer searched through the complainant's cell phone and called people in her contacts list.

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

FINDINGS OF FACT: The complainant stated that during her arrest the officer seized her cell phone, searched through the contacts, and called some of her family members. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #6: 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. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #7: The officer used racial slurs.

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

FINDINGS OF FACT: The complainant stated the officer used racial slurs. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #8: The officer shattered the complainant's vehicle window.

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

FINDINGS OF FACT: The complainant stated the officer shattered her vehicle's window. The officer admitted to shattering the complainant's vehicle window after she locked her doors and would not open the door and step out of the vehicle as ordered by the officer. The complainant admitted to locking her doors when she saw the officers run up to her vehicle. 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 #9-10: 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 ran up to her vehicle and failed to identify themselves as police officers. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATIONS #11-12: The officers arrested the complainant without cause.

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

FINDINGS OF FACT: The complainant stated the officers arrested her without cause. The officers received information from a confidential informant that the complainant was involved in narcotics sales, and on the day of the arrest, the officers observed the complainant attempt to conceal narcotics on her person. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #13: The officer searched the complainant without justification.

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

FINDINGS OF FACT: The complainant stated she was searched without justification. The officer was called to the scene of the complainant's arrest to conduct a female arrest search. The officer was acting in compliance with department policies and procedures and under the instruction of a supervisor. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION #14: The officer searched the complainant's vehicle without justification.

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

FINDINGS OF FACT: The complainant stated the officer searched her vehicle. The officer admitted to conducting a search on the complainant's vehicle because it was going to be towed due to the complainant driving with a suspended license. It is the policy of the department to do an inventory search of a vehicle prior to towing it. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #15: The officer used excessive force.

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

FINDINGS OF FACT: The complainant stated an officer used excessive force on her during her arrest, but she was not able to describe which officer used the excessive force. All of the officers questioned during this investigation denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #16: The officer displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated an officer displayed inappropriate and threatening behavior as well as made inappropriate and threatening comments during her arrest, but she was not able to describe which officer displayed the behavior or made the comments. All of the officers questioned during this investigation denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #17: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated an officer used profanity during her arrest, but she was not able to describe which officer used the profanity. All of the officers questioned during this investigation denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #18: The officer used racial slurs.

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

FINDINGS OF FACT: The complainant stated an officer made racial slurs toward her during her arrest, but she was not able to describe which officer made the racial slurs. All of the officers questioned during this investigation denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #19: The officer displayed inappropriate behavior and made inappropriate comments.

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

FINDINGS OF FACT: The complainant stated the officer displayed inappropriate behavior and made inappropriate comments during her tow hearing. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant stated that the officers arrested him without cause. The named officers stated they contacted the complainant as he entered his car after observing him engage in what appeared to be a narcotics transaction. The officers said they smelled marijuana coming from the car and asked the complainant for identification. The complainant claimed he had none and gave a false name which, when checked with Communications, was determined to belong to someone significantly taller than the complainant. The officers said they then arrested the complainant for giving false identification to a police officer. The complainant admitted giving the officers a false name. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that the officers contacted him just after he entered his parked car and began questioning him. When they asked for his name, he gave them a false name. The officer removed the complainant from his car, handcuffed him and searched him, reaching inside his pockets. The complainant's companion, who was a passenger in his car, confirmed that the officers asked the complainant for his name, but she doesn't recall what he told them. The named officer and his partner stated they contacted the complainant as he entered his car after observing him engage in what appeared to be a narcotics transaction. The officers said they smelled marijuana coming from the car and asked the complainant for identification. The complainant claimed he had none and gave a false name which, when checked with Communications, was determined to belong to someone significantly taller than the complainant. The officers said they then arrested the complainant for giving false identification to a police officer and the named officer searched him pursuant to the arrest. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer searched his car without cause. The named officer stated that he and his partner arrested the complainant for giving a false name to a police officer and that he searched the car after seeing marijuana in plain view and after discovering a larger quantity of marijuana inside the locked glove box. A passenger in the car said she had baggies of marijuana inside her closed purse on the floor of the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made an inappropriate comment. A passenger in the complainant's car confirmed hearing a comment similar to the one described by the complainant. The named officer and his partner denied that the named officer made the inappropriate comment. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated that the officer made inappropriate comments and engaged in inappropriate behavior by allowing the complainant's pants to fall down during a search. The named officer denied the allegation. The named officer's partner denied the named officer made inappropriate comments or that the complainant's pants fell down. A passenger in the complainant's car said the complainant's pants fell down as he was being searched and that the officer conducting the search pulled them up a little bit. A supervisor who responded to the scene said he did not recall seeing the complainant's pants down. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #7: The officer engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant said he believed the officer engaged in racially biased policing because the officer made an inappropriate statement that the complainant interpreted as referring to the complainant's race. A passenger in the complainant's car confirmed hearing a comment similar to the one described by the complainant and said she believed it was a racial reference. The named officer and his partner denied that the named officer made the inappropriate comment described by the complainant. The officer was interviewed consistent with the OCC's biased policing protocol and denied that any of his conduct was predicated on the complainant's race and said he and his partner contacted the complainant after observing him engage in what they believed was criminal activity. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #8-9: The officers used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force while moving him from the police vehicle to the police station. The officers denied using the force described by the complainant. Photographs taken of the complainant do not reveal an injury, and the complainant's medical records do not document the type of injury the complainant claims he sustained. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #10: The officer used unnecessary force on the complainant.

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

FINDINGS OF FACT: The complainant stated that the officer used unnecessary force while moving him from the police vehicle to the police station. The evidence established that the named officer was not present at this location when the complainant was taken into the station.

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SUMMARY OF ALLEGATION #11: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated that at the police station, the officer whispered a profanity in his ear. The named officer denied the allegation. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #12: The officer searched belongings of the complainant's companion without cause.

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

FINDINGS OF FACT: The complainant stated that the officer searched the purse of the female passenger in his car without cause. The named officer stated that he and his partner arrested the complainant for giving a false name to a police officer and that he searched the car after seeing marijuana in plain view and after discovering a larger quantity of marijuana inside the locked glove box. The officer said he searched the female passenger's purse after seeing it open inside the car with a baggie of marijuana visible. The female passenger said she had baggies of marijuana inside her closed purse on the floor of the car. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #1: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant is the security director for a firm that has a facility located at the airport. The complainant stated that he saw the named officer leave the facility with an unopened bottle of water, which the officer said he had been given by an employee. The named officer stated that he visited the facility because a manager there had requested that officers show a presence in order to deter thefts. The officer stated that an employee there with whom he is friendly offered him a bottle of water designated for use by employees. This employee confirmed giving the officer the bottle of water, which was part of a supply kept for the use of employees. A manager at this facility stated that it is common practice for visitors to the facility to be offered a beverage. Department regulations allow officers to accept gifts other than cash with an aggregate value of \$25 or less per occasion. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant stated that he saw the named officer drive into the facility without signing in with the security guard, which is required of all visitors. The named officer stated that he visited the facility because a manager there had requested that officers show a presence there in order to deter thefts. The named officer stated did not sign in with the security guard because no one had ever told him this was required. The officer stated he was in uniform in a marked patrol vehicle and usually has his airport identification visible, and that he waved to the security guard as he drove in. The investigation revealed that the manager who the named officer said had requested a police presence at the facility recently left his position, and that a new manager had recently assumed his post. The previous manager could not be located. It was therefore impossible to determine what the previous manager had communicated to officers about whether they should sign in with the security guard when driving onto the facility. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated that he was told that, subsequent to the filing of this complaint, that this officer returned to the facility and spoke with its manager about the complaint. The named officer stated that he is friends with an employee at this facility who had given him the bottle of water. This employee told the named officer that he had spoken to the newly-appointed facility manager about this, who said the named officer could visit the facility whenever he wanted to. The named officer said he then told the employee he might need a letter from management at the facility addressing these issues. The employee offered to introduce the officer to the new manager. The named officer stated that during a quiet day, he visited this facility and his employee friend introduced him to the newly appointed manager. The named officer showed the manager a copy of his OCC complaint, which the manager copied. The named officer stated that his intention in meeting with the manager was merely to introduce himself to the manager of a facility he was likely to respond to as part of his police duties and to seek confirmation of the facility's policy about officers visiting to show a police presence. He denied that his contact was intended to intimidate or harass a witness. The employee confirmed the officer's account and stated that he asked the named officer to come to the facility to meet with the manager. The manager confirmed the substance of his meeting with the named officer and confirmed that he made a copy of the OCC complaint, which he offered to forward to his superiors. The manager described the named officer's manner as reserved, polite and genuine. The evidence established that the named officer visited the facility at the request of an employee there to discuss the prior incident with the newly appointed manager. The evidence also established that a previous manager at the facility had asked officers to visit the facility to show a police presence in order to deter thefts at the firm. The evidence also established that it had been the practice at this facility to offer visitors, including police officers, a beverage. A twenty-three year old Police Commission resolution prohibits officers from contacting complainants or witnesses about complaints, but the named officer had no familiarity with, and had never received any training concerning this resolution. The evidence proved that the action complained of was the result of inadequate or inappropriate training or an absence of training when viewed in light of Departmental policy and procedure.

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

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

FINDINGS OF FACT: The officer handled the complainant's report of crimes and initiated the investigation in an appropriate and proper manner. Due to the nature of the crimes, the extended time the officer took to handle the report was within a normal range of time. An inspector corroborated the officer contacted her to discuss the complainant's report and the investigation. 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 failed to take required action.

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

FINDINGS OF FACT: The officer denied the allegation. He handled the complainant's report of numerous crimes in a proper manner and notified the appropriate personnel. An inspector corroborated the officer contacted her to discuss the complainant's report and the investigation. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainants stated the officer wrote an inaccurate collision report, failed to include relevant information in the report, failed to properly investigate the collision, and did not give the complainants and opportunity to review the report. The officer denied the allegation. He stated he did not interview the person the complainant claimed was a witness; was not directed to, nor did he observe any damage to the complainant's rear bumper. The officer stated he accurately reported what the complainant said at the scene. The OCC obtained SFPD photos of the scene, which tended to disprove the complainant's description of the collision. The officer verified that the photos depicted the scene as he found it. There were no independent witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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SUMMARY OF ALLEGATION #1: The officer entered and searched a residence without cause

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

FINDINGS OF FACT: The complainant stated he is on probation with a search condition. He stated the officer detained him and took him to a residence, in which he had not resided for over three years, and searched the residence against the will of the current resident. The officer stated he and two other officers on foot patrol saw the complainant, whom he knew from numerous previous contacts. He decided to stop the complainant and perform a probation search. He took the complainant to the subject address, which the complainant said was not his address. He knocked on the door and asked the occupant if this was the complainant's address, which she denied. He stated he asked the occupant if he could search for evidence linking the complainant to the address, and she consented. The officers searched for indicia, and finding none, left. They gave the complainant a Certificate of Release and released him. The officer stated he had done a records check on the complainant the previous day, confirmed that he was on current felony probation, and that the subject address was a current record address for him. The officer did not recall which records came back to that address, but stated he believed it could have been DMV. The current resident did not respond to OCC contact requests. There were no other witnesses. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to provide the complainant with a Certificate of Release.

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

FINDINGS OF FACT: The officer provided a copy of an Investigative Detention report and a Certificate of Release.

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

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

FINDINGS OF FACT: The complainant alleged the officers accused him of foaming at the mouth and needing to take his medication(s). He further alleged the officers made him crawl on his knees. The officers denied conducting themselves inappropriately or making inappropriate comments. One of the officers indicated that he explained the purpose of him and other officers confronting the complainant. The officer asked the complainant a series of questions to determine whether the complainant should be detained for a seventy-two hour psychiatric evaluation. The officers described the complainant as irritable, angry, obnoxious, offensive and antagonistic. The complainant refused to believe that the officers had a right to detain him, and professed his conviction the officers were there solely to harass and conspire against him in retaliation for the complainant's efforts to clean up the neighborhood. 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 #3: The officer displayed inappropriate conduct.

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

FINDINGS OF FACT: The complainant accused the officer of engaging in conduct that was an attempt to force the complainant to move from the neighborhood into another neighborhood. The officer acknowledged having prior contacts with the complainant but denied the complainant's accusations. The officer described the complainant's conduct during these encounters as displays of wild mood swings. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged the officer refused to return his telephone call. When the complainant did speak with the officer, the officer made inappropriate comments. The officer stated he did return the complainant's telephone calls and included a routine recording made at the County Jail where the complainant was incarcerated. However, he could not establish contact with the complainant. The officer denied making any inappropriate comments when he spoke to the complainant, and stated it was the complainant who made inappropriate comments about other officers. 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 #5: The officer approved a vehicle tow without cause.

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

FINDINGS OF FACT: The complainant alleged the officer had no right to tow his vehicle. The officer described an incident where the complainant was seen committing a reckless traffic violation and abandoned his (complainant's) vehicle in a traffic lane. The officer went to the complainant's residence to talk to the complainant about the incident. The complainant refused to open the door and only spoke to the officer by yelling at the officer from an open window. The officer was standing on the sidewalk outside of the complainant's residence. The officer stated he approved towing the complainant's vehicle in accordance with applicable state laws and Department regulations. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #6: The officer made inappropriate comments.

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

FINDINGS OF FACT: The complainant accused the officer of making inappropriate comments. The officer acknowledged responding to the scene of an incident as a back-up officer. The incident involved a mentally disturbed person (complainant) who spat on another individual. The officer stated the complainant was angry and agitated. The officer denied making any inappropriate comments to the complainant. Instead, the officer indicated she allowed the complainant to vent and did not do or say anything to exacerbate the situation. 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 #7: The officer displayed inappropriate conduct.

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

FINDINGS OF FACT: The complainant accused the officer of conspiring with other officers to get him out of the neighborhood, and threatening him with psychiatric detention because he complained about a loud street party. The officer stated she did not speak to the complainant about a street party and did not threaten to detain him for psychiatric evaluation. The officer acknowledged having contact with the complainant and indicated the complainant's demeanor appeared indicative of someone under the influence of methamphetamine or some other drug. The officer denied conspiring with any other officers to get the complainant out of the neighborhood. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATION #8: The officer failed to take the required action.

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

FINDINGS OF FACT: The complainant alleged that an individual assaulted him by spraying him in the face with pepper spray. The complainant called police and requested a citizen's arrest of the individual. However, the officer refused to accept the citizen's arrest. The officer stated other officers investigated the incident and determined the complainant harassed, intimidated and threatened two individuals with profanity and other insults. Both individuals feared for their wellbeing; consequently, one of the individuals admitted pepper spraying the complainant in fear of the complainant attacking them. Officers did not arrest any of the parties involved. Furthermore, the officer stated neither the complainant nor the two other individuals requested a citizen's arrest of the other party. 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 #9: The officer engaged in biased policing due to sexual orientation.

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

FINDINGS OF FACT: The complainant alleged the officer was part of a conspiracy to have him evicted from the neighborhood. He referred to the officer and certain of the officer's co-workers as the "Gay Goon Squad." The complainant also alleged that because of the officer's alleged distaste of the complainant's sexual orientation, the officer investigated an incident but refused to accept the complainant's request for a citizen's arrest. The officer denied being part of a conspiracy to evict the complainant from the neighborhood and denied refusing to accept a citizen's arrest from the complainant. The officer explained that several business owners and residents from the area complained about the complainant's bizarre behavior such as picking up cigarette butts during early morning hour while being scantily clad in outer clothing, directing profanity and insults at individuals passing through or working in the neighborhood, tearing down signs and posting other signs denigrating certain police officers. The officer stated the complainant never requested a citizen's arrest from two officers who investigated another incident for which the complainant was involved. During this incident, two men who feared being attacked by the complainant pepper-sprayed the complainant for allegedly harassing them. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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SUMMARY OF ALLEGATIONS #10-11: The officers displayed inappropriate conduct.

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

FINDINGS OF FACT: The complainant alleged the officers were part of a conspiracy to have him evicted from the neighborhood because of the officers' alleged distaste of the complainant's sexual orientation. The officers denied being part of a conspiracy to evict the complainant from the neighborhood based on the complainant's sexual orientation. The officers described several incidents of the complainant's bizarre behavior as reported to the officers by some business owners and residents in the area. Because one of the officers filed a restraining order against the complainant for the complainant's menacing behavior, the officer took steps to avoid any contact with the complainant and told the business owners and residents to call the general number for the police department in reporting the complainant's behavior they deemed to be a violation of the law. The other officer only responded as an assisting officer to calls for service involving the complainant. 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 #:

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

FINDINGS OF FACT:

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

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

FINDINGS OF FACT: The complainant was detained by two San Francisco Police officers pursuant to a request by the Novato Police Department; the complainant had a valid no-bail arrest warrant in that jurisdiction. The Novato police officers then took custody of the complainant. The complainant stated the Novato Police Department informed him that his property was brought to the Marin County jail by his ex-girlfriend. The complainant alleged that the San Francisco Police Department had a duty to safeguard his property while he was detained by the San Francisco Police Department. The hotel clerk at the hotel where the complainant was detained said the complainant had not paid for any additional nights. The clerk also said an unidentified police officer told the complainant's ex-girlfriend she could take the complainant's luggage. The complainant's ex-girlfriend stated an officer said she could take the luggage. Two officers stated the complainant asked the hotel clerk to put his property in storage and the clerk agreed. A third officer stated he secured the complainant's baggage in the hotel closet. The officers' supervisor stated the officers did not have a duty to transport the complainant's property to Central Station before transferring his custody to the Novato Police Department. Department General Order 6.15 states that officers are responsible for property they have received or taken. The officers never took or received the complainant's property. There was no additional evidence and no other witnesses to further prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer released the complainant to the custody of another jurisdiction.

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

FINDINGS OF FACT: The complainant was detained by officers in San Francisco. The Novato police officers took custody of the complainant in San Francisco. The complainant was properly detained pursuant to an active no-bail arrest warrant out of Novato. He was issued a Certificate of Release by the San Francisco Police Department. The officer's action was proper.

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SUMMARY OF ALLEGATIONS #1-2: The officers used force during the arrest.

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

FINDINGS OF FACT: The complainant stated the officers used force against him. The complainant admitted he refused to cooperate with the officers. The officers stated the complainant was not cooperative and struck one of them, therefore, the officers used physical control to get the complainant into custody. A witness corroborated that the complainant did not cooperate with the officers and refused to exit his vehicle. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #3: The officers' comments and behavior were inappropriate.

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

FINDINGS OF FACT: The complainant said the officer was rude during the incident. The complainant admitted he refused to cooperate with the officers. The officer denied the allegation. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/04/11 **DATE OF COMPLETION:** 10/26/11 **PAGE#** 2 of 2

SUMMARY OF OCC ADDED ALLEGATIONS #1-2: The officers used profanity during the incident.

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

FINDINGS OF FACT: The complainant's passenger stated the officers used profanities toward her during the incident. The officers denied the allegation. There is insufficient evidence to either prove or disprove the allegations made in the complaint.

SUMMARY OF OCC ADDED ALLEGATIONS #3-4: The officers searched the complainant's vehicle without cause.

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

FINDINGS OF FACT: The complainant admitted he refused to cooperate with the officers. The complainant said he did not allow the officers to search his vehicle and did not want to exit his vehicle, so he locked it. The officers conducted a vehicle search for officers' safety after noticing a possible weapon and recognizing gang members in the complainant's car during the traffic stop. The officers searched the complainant's vehicle subsequent to the arrest of the complainant. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 01/06/11 **DATE OF COMPLETION:** 10/07/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainants stated the officer detained them without reasonable suspicion that criminal activity had occurred. The accounts of their planned activities and the incident differed. The officer denied the allegation. The officer stated he observed a woman leaning into the driver-side window of a vehicle, at an hour that was very early in the morning, right after it pulled over, near a bank ATM. The officer stated that this all occurred in a high crime area known for prostitution. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainants stated the officer made inappropriate comments regarding the co-complainant's status as a sex worker and asked inappropriate questions regarding her identification. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #3: The officer harassed the complainants.

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

FINDINGS OF FACT: The complainants stated the officer engaged in a pattern of harassment in his contact with them. The complainant stated that after the initial contact, the officer wrongfully cited him in retaliation for filing an OCC complaint against him. The co-complainant stated that the initial incident was another incident in a pattern of harassment. The co-complainant stated she is no longer a sex worker. The officer denied the allegation. He said he asked the complainant appropriate questions before citing him that if answered in conformity with the regulations, would have allowed him to rescind the citation. The complainant did not answer conformingly so the officer issued him a citation. With regard to the co-complainant, the officer stated the co-complainant is a sex worker and he had detained her on suspicion of solicitation on two or three previous occasions.

SUMMARY OF ALLEGATION #4: The officer engaged in biased policing based on sexual orientation/gender.

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

FINDINGS OF FACT: The complainant stated the officer stopped his vehicle because he had a transgender person in his car. The co-complainant stated the officer made disparaging remarks about her gender identity, demanding to know her “real name when she was born.” She also stated the officer asked her if she had undergone gender reassignment surgery. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #5: The officer used profanity.

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

FINDINGS OF FACT: The co-complainant stated the officer told her statements were untrue, and described them in a profane manner. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/05/11 **DATE OF COMPLETION:** 10/07/11 **PAGE #** 1 of 3

SUMMARY OF ALLEGATION #1: The officer issued a citation on December 21, 2010 without cause.

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

FINDINGS OF FACT: The complainant stated that he was visiting his friends at the airport while driving a private vehicle. He said the officer issued him a ticket for being parked in the limousine zone, which he denies. He also stated that his car is not commercial so the violation for not having an airport permit was not valid. The officer stated complainant's vehicle is an old limo-type car with private plates, the complainant was dressed in a suit and was parked in the limo zone, and he appeared to be running an illegal limo operation. The officer stated that the complainant has a history of running an illegal limo and his permit has been suspended many times. The complainant has a long history of committing the same violation. He did not provide a reasonable explanation of why he was at the airport. By a preponderance of the evidence, the officer's conduct was lawful and appropriate.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior on December 21, 2010.

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

FINDINGS OF FACT: The complainant stated the officer yelled at him when he asked questions. The officer denied the allegation. There were no witnesses. There is insufficient evidence to prove or disprove the allegation.

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SUMMARY OF ALLEGATION #3: The officer failed to take required action on December 21, 2010.

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

FINDINGS OF FACT: The complainant stated he spoke to the officer's supervisor regarding the citation and said the supervisor agreed with him but supported the officer's decision to issue the citation. The complainant felt the supervisor was not neutral. The officer denied the allegation. He stated that the complainant told him he had not committed the offense for which he was cited, but after speaking with the citing officer, he told the complainant the citation was correct and that he could protest if he felt it was unjust. The complainant has a long history of committing the same violation. He did not provide a reasonable explanation of why he was at the airport. The officer's conduct was lawful and proper.

SUMMARY OF ALLEGATION #4: The officer detained the complainant without justification on January 5, 2011.

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

FINDINGS OF FACT: The complainant withdrew this portion of his complaint.

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SUMMARY OF ALLEGATION #5: The officer exhibited inappropriate behavior on January 5, 2011.

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

FINDINGS OF FACT: The complainant withdrew this portion of his complaint.

SUMMARY OF ALLEGATION #6: The officer engaged in biased policing due to race on January 5, 2011.

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

FINDINGS OF FACT: The complainant withdrew this portion of his complaint.

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SUMMARY OF ALLEGATIONS #1-2: The officers used unnecessary force during a traffic stop.

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

FINDINGS OF FACT: The complainant admitted he ran a stop sign at the end of a freeway ramp. It was approximately midnight. He told the officers and the OCC that he was very low on gas and was on his way to a gas station. The officers performed a traffic stop after viewing the violation. The complainant admitted impatience with the officers, saying he was out of gas and trying to get to a gas station. During the investigation, the contact officer could not see the complainant's hands, and during questioning, learned the complainant had recently been paroled. He asked the complainant to step out of his car so he could search the complainant and his car. The complainant did not comply in a timely manner and became belligerent. The investigating officer opened the door, grabbed the complainant's arms and took the complainant out of the car with the help of his partner. The officers ordered the complainant onto his stomach and placed him in handcuffs, pending the outcome of their investigation. The complainant's face was on the street. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #3-4: The officers engaged in racially biased policing.

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

FINDINGS OF FACT: The complainant stated the officers removed him from his vehicle during the course of a traffic stop because he was alone in his car, and of African American descent. The officers denied the allegation. The complainant admitted running a stop sign to the officers and the OCC. The complainant admitted to the officers he was on parole and subject to a search condition of his person and his vehicle. The officers denied the allegation. The officers stated they had no knowledge of the driver's ethnicity when they stopped the car for running a stop sign. The officers were interviewed by the OCC relative to the OCC's biased policing protocol. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION #1: The officer used pepper spray on the complainant.

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

FINDINGS OF FACT: The complainant said he was pepper sprayed. The complainant admitted he refused to obey the officer's verbal commands and physically resisted them. The officer used pepper spray on the complainant in order to subdue and overcome the resistive complainant. There were no witnesses during the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #2-5: The officers used excessive force on the complainant.

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

FINDINGS OF FACT:

The complainant stated the officers used excessive force. The complainant said he was grabbed, pulled, pepper sprayed, and struck by batons. The officers said they used the escalation of force to ensure the complainant's safety as well as theirs. The officers stated they used the appropriate force to take the complainant into custody and to get medical attention for him, but he actively resisted, refused verbal orders, and held a weapon in his hand. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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DATE OF COMPLAINT: 01/19/11 **DATE OF COMPLETION:** 10/31/11 **PAGE #2 of 4**

SUMMARY OF ALLEGATIONS #6-7: The officer used a baton on the complainant.

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

FINDINGS OF FACT:

The complainant said the officers struck him with their batons. The officers said they used the escalation of force, baton strikes, to ensure the public's safety and to take him into custody and to get medical attention for him. The officers stated the complainant actively resisted, refused verbal orders, and held a knife in his hand. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATIONS #8-9: The officers detained the complainant at gunpoint.

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

FINDINGS OF FACT:

The complainant stated the responding officers to the scene detained him at gunpoint. There is no dispute the complainant held a knife in his hand when the officers arrived. The officers responded to a well being check. The officers stated they arrived on scene with their guns drawn in response to a call about a person who was attempting to commit suicide. The officers observed that the complainant held a weapon in his hand in a threatening manner. There were no witnesses to the incident. The evidence proved that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

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SUMMARY OF ALLEGATION # 10: The officer misrepresented the truth against the complainant.

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

FINDINGS OF FACT: The complainant stated the officer misrepresented the truth and participated in a criminal conspiracy against him. The complainant further said he did not strike any of the officers on scene nor did an officer strike him, and that the shower enclosure was broken as a result of his actions. The officer denied he misrepresented the truth. The officer said the complainant swung at the officers and pulled away from them. The officer stated other officers struck the complainant in an attempt to subdue him. The officer said during the struggle with the complainant, the shower doors shattered when the complainant tried to close it. There were no witnesses during the incident. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS # 11-12: The officers intentionally damaged the complainant's property.

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

FINDINGS OF FACT: The complainant stated the officers deliberately damaged his bathroom area. The officers denied the allegation. The officers said the bathroom was a small area and the complainant was actively resisting and sustained a self-inflicted life threatening injury. The officer stated one of them fell when the shower doors shattered during contact with the complainant. The officers were not aware of any other property damages in the complainant's bathroom. There were no witnesses to the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

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SUMMARY OF ALLEGATION # 13: The officer wrote an inaccurate report.

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

FINDINGS OF FACT: The complainant stated the incident report was not accurate and false. The complainant stated he did not damage his shower doors and did not intentionally strike an officer in contradiction with what the report documented. The complainant admitted he used his hand to make contact with an officer and refused verbal orders to exit the bathtub. The officer denied the allegations and stated the report was accurate. There were no witnesses during the incident. There is insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 01/26/11 **DATE OF COMPLETION:** 10/21/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant stated he was unaware he had an outstanding arrest warrant. He described being detained on prior occasions and indicated the officers who had previously detained him, including the named officer, never mentioned anything to the complainant about an outstanding arrest warrant. Furthermore, the complainant stated he never received a citation for the infraction, which formed the basis of the outstanding arrest warrant for failure to appear. The officer acknowledged having a previous contact with the complainant. During the prior incident, the officer reportedly requested police dispatch to run a record check on the complainant. Police dispatch did so as requested and the records query came back negative for any outstanding arrest warrants. When the officer returned to the station, he personally made a records query using the computer terminal at the district police station. The officer's personal database query revealed the complainant did in fact have an active arrest warrant. Since the officer was familiar with the complainant, the officer knew he might eventually have another future contact with the complainant. The officer decided that should he see the complainant again in the area, the officer would personally serve the active arrest warrant. Subsequently, the officer saw and arrested the complainant on January 21, 2011. 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 searched the complainant without cause.

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

FINDINGS OF FACT: The complainant alleged the officer had no right to search him based on the officer's unjustified detention of the complainant. The officer determined the complainant had an outstanding arrest warrant and subsequently arrested the complainant on the basis of that warrant. The officer admitted performing a pat-down search of the complainant pursuant to Department policy. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 01/26/11 **DATE OF COMPLETION:** 10/21/11 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer detained and arrested him, as a form of harassment, solely because the complainant had filed a previous OCC complaint against the officer. The officer denied harassing or specifically looking for the complainant who frequented the area of the officer's "beat." The officer admitted knowing the complainant from previous contacts he had with the complainant, and knew the complainant socialized with individuals who were suspected of committing a significant amount of the crime in the area. The officer knew the complainant had an outstanding arrest warrant and detained the complainant on the basis of the warrant when the officer saw the complainant. Once he confirmed the existence of the warrant, the officer arrested the complainant. Independent witnesses and evidence were unable to be developed in support of the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer threatened the complainant and made inappropriate comments.

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

FINDINGS OF FACT: The complainant indicated the officer stopped him on one occasion and allegedly told the complainant that the officer was going to arrest the complainant the next time the officer saw him. When the officer saw the complainant on a subsequent occasion, he (the officer) allegedly told the complainant that he had spent several months looking for the complainant. Then, the officer arrested the complainant. The officer denied making the above statements. The officer described the first occasion when he, along with his supervisor and another officer, were dispatched to a call for service. The officers stopped the complainant and two other individuals pursuant to the dispatched call. The officer admitted arresting the complainant on the subsequent incident and explained the arrest was made pursuant to an outstanding arrest warrant. No independent witnesses were developed to corroborate the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/26/11 **DATE OF COMPLETION:** 10/21/11 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The officer stated he was not required to prepare an Incident Report relating to the officer arresting the complainant on January 21, 2011. The officer determined the complainant had an Outstanding Failure to Appear Arrest Warrant for an infraction. Furthermore, there was nothing found in Department General Orders, Department Bulletins or Unit Orders requiring the officer to prepare an Incident Report for this type of event. The evidence proved that the acts, which provided the basis for the allegation, occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 01/26/11 **DATE OF COMPLETION:** 10/14/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer inappropriately seized property.

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

FINDINGS OF FACT: The complainant stated that officers stopped his vehicle and, after his passenger told them he was on probation, officers had the complainant and his passenger exit the vehicle. Officers arrested the complainant's passenger. The named officer asked for and was given the complainant's car keys. When the complainant was told he could leave, he found his car's keys in the lock of his car's center console, which he always keeps locked. He later discovered that some pills were missing from a prescription vial inside the center console. The complainant went to the police station and spoke to the named officer, who denied taking any of the complainant's pills and suggested they might have fallen out of the container in the car. The named officer stated that he and his partners followed the complainant's car after seeing a man holding what appeared to be narcotics in his hand enter the car and drive away with the complainant. He stopped the complainant's vehicle, asked the complainant and the passenger if they were on probation or parole and was told by the passenger that he was on probation. The passenger was searched pursuant to his probation and arrested for possession of narcotics. The named officer stated that he searched the interior of the complainant's car, including the center console, and that he examined a prescription pill vial that he found inside, and also saw many of the pills in and around the center console. The named officer denied taking any of the complainant's pills. The named officer's partners stated that they did not witness the named officer's search of the center console. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to inform the complainant of the reason for the traffic stop.

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

FINDINGS OF FACT: The complainant stated that officers stopped his vehicle, but that the officer who contacted him failed to inform him of the reason for the stop. The named officer stated that he promptly told the complainant the reason for the stop. The named officer's partners stated that they did not overhear the conversation between the named officer and the complainant and therefore don't know what, if anything, the complainant was told about the reason for the stop. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 01/27/11 **DATE OF COMPLETION:** 10/18/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer made inappropriate comments/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged the officer made inappropriate comments to his agents and exacted extraordinary requirements of them in order to release property for which he was the authorized reposessor. The officer denied the allegation. The OCC examined documentation from the SFPD regarding the property. The OCC also interviewed a subject matter expert regarding the documentation required for release of liens and encumbrances on secured property held by the SFPD. No additional witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #2: The officer seized personal property.

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

FINDINGS OF FACT: The complainant alleged the officer improperly confiscated his agent's temporary operating license. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 01/31/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to conduct a proper investigation. The evidence shows that the officers were at the complainant's hotel residence for approximately 30 minutes conducting an investigation. In addition, the hotel's manager stated that the complainant frequently calls the police and that responding officers always look into issues raised by the complaint. The evidence therefore proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION#3-4: The officer failed to take required action.

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

FINDINGS OF FACT: The complainant alleged the officers promised her a report within a week after the incident but no report was given to her. The officers denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 01/31/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #5: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The officer allegedly failed to comply with the provisions of Department General Order 5.20. The officer stated the complainant's English was sufficient and they understood each other during their conversation. The officer further stated that the complainant would reply and answer to all questions and would acknowledge to him in English. The evidence shows that the complainant called for police assistance with the help of a Russian translator. Office of Citizen Complaints therefore recommends that San Francisco Police Department's language access training should include that an interpreter-assisted calls is an affirmative indication that the assigned officers need to plan for and provide language access assistance at the scene.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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

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

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

FINDINGS OF FACT: The complainant alleged officers arrested him without cause. The complainant was served in court with a stay away order to the area where the officers arrested him. While the stay away order was still valid, officers arrested the complainant for the sale of a tablet of illegal prescription medication during a buy-bust operation. The complainant stated the medication tablet fell to the ground between himself, the buy officer, and his personal vehicle. The buy officer observed the complainant retrieve the illegal substance from his parked vehicle. The complainant stated he had never seen the substance before. Officers detained the complainant, searched him and found more of the same medication in his pocket. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

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

FINDINGS OF FACT: The complainant alleged officers improperly searched his vehicle without cause. The complainant admitted to the Office of Citizen Complaints that the vehicle parked at the scene belonged to him and that officers seized his car keys at the scene. The complainant was in an area in violation of a valid stay away order from a defined location, properly served upon him in court and subject to arrest. While the complainant was in the prohibited location, officers conducting a buy-bust operation arrested the complainant for illegal sales of a controlled substance. The complainant was observed by officers retrieving a controlled substance from his parked vehicle to make the sale. The complainant's vehicle was also parked in the prohibited area, in close proximity to the controlled sale. The search of the vehicle flowed from the arrest. The evidence proved that the acts, which provided the basis for the allegations, occurred; however such acts were justified, lawful and proper.

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

SUMMARY OF ALLEGATION #4: The officer made an inappropriate comment/acted in an inappropriate manner.

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

FINDINGS OF FACT: The complainant alleged that an officer called him a profane name and falsified evidence at the scene. The officer denied the allegation. No independent witnesses came forward. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant alleged that an officer used unnecessary physical control to take him into custody. The complainant admitted in his recorded Office of Citizen Complaints interview that he did not have a complaint of pain or injury at the scene. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 02/15/11 **DATE OF COMPLETION:** 10/24/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATIONS #1-3: The officers detained the complainants without justification.

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

FINDINGS OF FACT: The complainants stated the officers detained them without justification. The officers stated they saw the complainants in a vehicle together, and since they are known for narcotics sales in the district, and one of the complainants was on probation with a search condition, they decided to detain them and conduct an investigation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #4-5: The officers searched the complainants.

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

FINDINGS OF FACT: The complainants stated the officers searched them without justification. The officers admitted to doing cursory searches on the complainants for officer safety and because one of the complainants was on probation with a warrantless search condition. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 02/15/11 **DATE OF COMPLETION:** 10/24/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATIONS #6: The officer searched the complainant's vehicle.

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

FINDINGS OF FACT: The complainant stated the officer searched his vehicle without justification. The officer admitted to searching the complainant's vehicle because he observed an individual who is on probation with a search condition in the vehicle. The complainant denied that the individual on probation was in his vehicle. A non-probationer or non-parolee's Fourth Amendment rights are not waived merely because they are in the same vehicle. A police officer cannot search the entire passenger compartment and any containers therein based solely upon the fact that the front seat passenger who was not the owner of the vehicle was on parole. The driver has a reasonable expectation of privacy that was not waived because the front-seat passenger was on parole. *People v. Schmitz*, 114 Cal. Rptr. 3d 490 (Cal. App. 4th Dist. 2010). A preponderance of the evidence proved that the conduct complained of did occur, and that using as a standard the applicable regulations of the Department, the conduct was improper.

SUMMARY OF ALLEGATION #7: The officer displayed inappropriate and harassing behavior.

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

FINDINGS OF FACT: The complainant stated the officer displayed inappropriate and harassing behavior. The officer denied the allegation. There were no independent witnesses to this incident. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/02/11 **DATE OF COMPLETION:** 10/27/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant denied that he had been trespassing and said that he was cited without cause. The officer said he witnessed the complainant breach the air train platform without paying and ordered him to leave. More than an hour later, and after a complaint had been made, the complainant was observed at another location at the airport. After having been identified by the complaining victim and admonished by an airport manager the named member cited the complainant for a misdemeanor trespass violation. The airport manager and witness officer corroborated the named member as having seen the complainant wandering in the airport and as having had contacts with the complainant in the past for similar offending behavior. The evidence provided that the acts, which provided the basis for the allegations, occurred; however, such acts were justified, lawful, and proper.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/03/11 **DATE OF COMPLETION:** 10/26/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant described the disturbance his next-door apartment neighbor was creating on a particular date. The complainant requested police assistance to stop his neighbor from playing loud music and intentionally banging on the walls during the early morning hours. The complainant said he called police dispatch on three separate occasions early that morning, but officers never responded to the scene. The complainant alleged that he even waited in the lobby area to meet with the officers when they arrived, but they never arrived. Both officers did not recall any specifics about this "C" priority incident. Records indicate the caller did not want to meet the officers; consequently, the officers never spoke to the caller. The officers reported they advised the resident in the next-door apartment and reported the event closed to police dispatch. Independent witnesses and evidence were unable to be developed in support of the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant described the disturbance his next-door apartment neighbor was creating on a particular date. The complainant requested police assistance to stop his neighbor from playing loud music and intentionally banging on the walls during the early morning hours. The complainant said he called police dispatch on three separate occasions early that morning, but officers never responded to or investigated this incident. The complainant alleged that he even waited in the lobby area to meet with the officers when they arrived, but they never arrived. Both officers did not recall any specifics about this "C" priority incident. Records indicate the caller did not want to meet the officers; consequently, the officers never spoke to the caller. The officers reported they advised the resident in the next-door apartment and reported the event closed to police dispatch. Independent witnesses and evidence were unable to be developed in support of the complainant's allegations. There is insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 03/25/11 **DATE OF COMPLETION:** 10/07/11 **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: The complainant has not responded to the OCC's request for an interview. The alleged arrest was not located. No 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 has not responded to the OCC's request for an interview. The identity of the alleged officer has not been established. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/25/11 **DATE OF COMPLETION:** 10/17/11 **PAGE #1** of 4

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

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

FINDINGS OF FACT: The complainant alleged the officer detained him without justification. The evidence shows that the officer effected a traffic stop of the complainant's vehicle because all of the vehicles windows were tinted in violation of CVC code section 26708.5 (a) The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer searched him without justification. The officer effected a lawful traffic stop and requested that the complainant / driver produce the requisite registration and proof of insurance. The complainant provided documents that were expired. The officer ordered the complainant out of the car and conducted a cursory pat search. During the search, the officer recovered a bladed weapon. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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DATE OF COMPLAINT: 03/25/11 **DATE OF COMPLETION:** 10/17/11 **PAGE #2** of 4

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

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

FINDINGS OF FACT: The evidence shows the officer arrested the complainant for possession of a bladed weapon. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer searched his vehicle without justification and permission. The officer denied the allegation and stated that he had probable cause to search the vehicle. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/25/11 **DATE OF COMPLETION:** 10/17/11 **PAGE #3** of 4

SUMMARY OF ALLEGATION #5: The officer placed the complainant in handcuffs without justification.

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

FINDINGS OF FACT: The evidence shows that the officer placed the complainant in handcuffs as a consequence of a valid arrest. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately.

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

FINDINGS OF FACT: The complainant alleged the officer behaved inappropriately during the contact. The officer denied the allegation. There was insufficient evidence to either prove or disprove the allegation.

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DATE OF COMPLAINT: 03/25/11 **DATE OF COMPLETION:** 10/17/11 **PAGE #4** of 4

SUMMARY OF ALLEGATION #7: The officer wrote an inaccurate and incomplete report.

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

FINDINGS OF FACT: The complainant alleged the officer wrote an inaccurate and incomplete report. The officer denied the allegation and stated that the report was duly reviewed and approved by his supervisor. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF OCC ADDED ALLEGATION #1: The officer failed to comply with Department General Order 08-268.

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

FINDINGS OF FACT: The evidence shows that the officer made an E585 entry about the contact. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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DATE OF COMPLAINT: 03/26/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 1 of 1

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

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

FINDINGS OF FACT: The complainant alleged the officers failed to properly process her property. The officers denied the allegation. No witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/31/11 **DATE OF COMPLETION:** 10/21/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated she called 911 and reported another tenant in her building, was throwing her belongings down the stairs and had hit her with one of the items. She requested an ambulance and a police response. Dispatch received two other calls with limited and conflicting information about a domestic dispute at the address. The dispatcher assigning the call misidentified the complainant as the suspect. Due to the Dispatch error, the officers contacted the suspect and abated the call without contacting the complainant. This complaint raises matters outside OCC's jurisdiction. It has been referred to:

Department of Emergency Management
1011 Turk Street
San Francisco, CA 94102
(415)558-3824

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

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DATE OF COMPLAINT: 03/10/10 **DATE OF COMPLETION:** 10/17/11 **PAGE #**1 of 1

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

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

FINDINGS OF FACT: The complainant stated that she observed, from her third floor apartment window, two plainclothes officers contacting a woman seated in a vehicle, whom they arrested. The complainant stated that one of the officers used unnecessary force on the woman. The complainant's boyfriend, who lives with her, confirmed her statement. The complainant provided the SFPD with a cell phone video her boyfriend took of the incident. The video begins after the point where the complainant said the named officer first used unnecessary force. At a later point in the video, the named officer is seen taking the woman to the ground, but it is unclear whether he uses the specific force described by the complainant. The video shows the woman who was arrested acting in a manner consistent with being highly intoxicated. She is heard screaming, and at one point, while being led to a police wagon for transport, is seen assaulting an officer standing nearby by kicking him in the groin.

The woman who was arrested by the two plainclothes officers told SFPD investigators that she exited her car after being stopped for a traffic violation. She stated that after she signed the citation, the officers handcuffed her, threw her to the ground and used unnecessary force on her. Many significant aspects of her account were contradicted by other evidence.

Multiple civilian witnesses interviewed by the SFPD stated that the woman arrested by the two plainclothes officers was not contacted by police in connection with a traffic stop. They stated they were in a bar the woman entered. After having at least one drink, this woman, who appeared to be intoxicated or under the influence, became loud and belligerent and was asked to leave after assaulting a waitress. Bar personnel called the police. Several witnesses stated that this woman entered a vehicle parked outside, apparently intending to drive off, which they considered to be extremely dangerous given her state of intoxication. One witness stated that she went to the driver's door of the vehicle and was attempting, without success, to prevent this woman from driving when the two plainclothes officers arrived. Multiple civilian witnesses stated that the woman who was arrested was loud and belligerent when contacted by the two officers, refused to comply with their commands and physically resisted them. None of the civilian witnesses reported seeing the named officer use the force described by the complainant and her boyfriend.

The named officer and his partner denied that the named officer used the force described by the complainant. There is insufficient evidence to prove or disprove the allegation.

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DATE OF COMPLAINT: 04/11/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 1 of 2

SUMMARY OF ALLEGATION #1: The officer used profanity.

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

FINDINGS OF FACT: The complainant stated the officer used profanity when she approached him to speak to him. The officer denied the allegation. A witness at the scene who heard the officer addressing the complainant denied the officer used profanity. Other witnesses at the scene were out of earshot. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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

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

FINDINGS OF FACT: The complainant got out of her car at a busy intersection under construction to approach a police officer charged with directing traffic. She stated she did not understand the special signage or the officer's orders. The officer ordered her to return to her car. A disinterested witness within feet of the complainant's car heard the officer say "Can't you read?" indicating a large sign in a loud voice. The witness heard the officer order the driver back to her car or he would have it towed. The complainant complied, but confronted the officer when she cleared the intersection. She alleged he made additional inappropriate comments when she told him he was acting in an inappropriate manner. The complainant alleged the officer retaliated by issuing her a citation for a missing front plate. The officer denied the allegation. No additional disinterested witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

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DATE OF COMPLAINT: 04/11/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant alleged the officer failed to provide his name and star number. The officer denied the allegation. No other witnesses overheard this portion of the incident. There was insufficient evidence to prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
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DATE OF COMPLAINT: 04/08/11 **DATE OF COMPLETION:** 10/14/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officers were inattentive to duty.

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

FINDINGS OF FACT: The complainant stated that traffic on a cross street he was approaching in his car was blocked by a police car and a police officer who was directing traffic. A second police car arrived and two officers exited this car. The officer who had been directing traffic walked over to the other two officers and they stood there talking for several minutes and did nothing about the backed-up traffic. Department records did not document the presence of officers at this location at the time specified by the complainant. An attempt to identify the involved officers by querying the commanding officers of two district police stations was unsuccessful. There is insufficient evidence to identify the involved officers or to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/08/11 **DATE OF COMPLETION:** 10/07/11 **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 alleged the officer behaved inappropriately. The officer denied the allegation. No independent witnesses came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to promptly provide her name and star number.

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

FINDINGS OF FACT: The complainant alleged the officer failed to promptly provide her name and star number when asked. The officer denied the allegation. 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: 04/19/11 **DATE OF COMPLETION:** 10/28/11 **PAGE #1 of 2**

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

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

FINDINGS OF FACT: The complainant stated the officer constantly stops her and so she feels discriminated against and that she is not free to walk outside. The officer was interviewed in compliance with the OCC's biased policing protocol. The officer denied the allegation. The officer stated he only detains people that commit crimes. The witness corroborated that the officer stopped her and the complainant and told them to go home. The complainant and witness did not have the exact date or time and was vague about when this incident occurred. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer exhibited inappropriate behavior.

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

FINDINGS OF FACT: The complainant stated the officer yelled and threatened to take her to jail if she did not go home. The officer denied the allegation. The witness stated she did not recall what the officer said to the complainant because she concentrated at what he was saying to her at the time. The officer's unit history did not show contact with complainant or witness for this incident. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/11 **DATE OF COMPLETION:** 10/28/11 **PAGE #2 of 2**

SUMMARY OF ALLEGATION #3: The officer failed to comply with DGO 5.20.

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

FINDINGS OF FACT: The complainant stated she told the officer that she did not speak English and said he got mad and told her that she does know English. The officer denied the allegation. The witness stated she did not recall what the officer said to the complainant and was concentrated at what he was saying to her at the time. There is insufficient evidence to prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/11 **DATE OF COMPLETION:** 10/18/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The investigation revealed that the officer was not working on days the contact was alleged to have occurred. Additional research of several days of the officer's work schedule also did not reveal any contact by the officer or his partner with the complainant. Furthermore, the time alleged for the contact by the complainant is an hour before the officer begins his work shift. The preponderance of the evidence proved that the acts alleged in the complaint did not occur.

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

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

FINDINGS OF FACT: The investigation revealed that the officer was not working on the days the contact was alleged to have occurred. Additional research of several days of the officer's work schedule also did not reveal any contact by the officer or his partner with the complainant. Furthermore, the time alleged for the contact by the complainant is an hour before the officer begins his work shift. The preponderance of the evidence proved that the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/19/11 **DATE OF COMPLETION:** 10/18/11 **PAGE#** 2 of 2

SUMMARY OF ALLEGATION #3: The officer conducted a biased policing due to sexual orientation.

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

FINDINGS OF FACT: The investigation revealed that the officer was not working on the days the contact was alleged to have occurred. Additional research of several days of the officer's work schedule also did not reveal any contact by the officer or his partner with the complainant. Furthermore, the time alleged for the contact by the complainant is an hour before the officer begins his work shift. The preponderance of the evidence proved that the acts alleged in the complaint did not occur.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/25/11 **DATE OF COMPLETION:** 10/27/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATION #1: The officer drove improperly.

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

FINDINGS OF FACT: The complainant stated than an officer in an unmarked vehicle drove improperly. Department records did not document the presence of an SFPD officer at the location and time specified by the complainant. The OCC was unable to identify the involved officer. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

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

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

FINDINGS OF FACT: The complainant stated than an officer in an unmarked vehicle made inappropriate statements to him. Department records did not document the presence of an SFPD officer at the location and time specified by the complainant. The OCC was unable to identify the involved officer. There is insufficient evidence to identify the involved officer or to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 10/18/11 **PAGE # 1 of 1**

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

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

FINDINGS OF FACT: The named member denied the allegation, stating that he had released a hold on a vehicle as soon as he had received a letter from the complainant to do so. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation, stating that he had never received word that the complainant or his family and friends were trying to reach the officer. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 1 of 3

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

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 2 of 3

SUMMARY OF ALLEGATION #3: The officer failed to follow Department General Order 5.20.

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

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

SUMMARY OF ALLEGATION #4: The officer failed to follow Department General Order 9.01.

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/02/11 **DATE OF COMPLETION:** 10/31/11 **PAGE#** 3 of 3

SUMMARY OF OCC-ADDED ALLEGATION #1: The officer failed to comply with Department Bulletin 10-335.

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

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

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/10 **DATE OF COMPLETION:** 10/07/11 **PAGE#** 1 of 2

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

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

FINDINGS OF FACT: The complainant wrote in his complaint form that the officers used unnecessary force on him during his arrest but did not specify what force they used. The complainant refused to provide the OCC with an account of what transpired or to describe the force the officers used. The incident report prepared by one of the named officers stated that the complainant struck him in the face and resisted arrest. A written statement provided to officers by one civilian witness stated that the complainant violently resisted the officers attempting to arrest him. A second civilian witness wrote in a written statement that the complainant threw punches at one of the officers and attempted to escape, and that additional officers were required to subdue the complainant. The OCC was unable to locate either of these witnesses.

A closed circuit video recording of the incident depicts the complainant actively resisting the first named officer when he attempted to detain him. It shows both named officers attempting to use physical control holds to grab a hold of the complainant, who pulls and pushes them away attempting to escape in a struggle that lasted for over twenty seconds before additional officers arrived and helped take the complainant to the ground. The video recording depicts the first named officer raising each of his feet individually and moving them towards and onto the rear of the complainant's body as the complainant is face down on the ground while other officers attempt to handcuff him.

The first named officer stated that when he attempted to detain the complainant, the complainant struck him in the face and that he used physical control to control the complainant, who fought with him and several other officers. This officer denied striking or stomping the complainant. He stated that he did not recall what he was doing when he placed his feet on the rear of the complainant's body as the complainant was face down on the ground, but noted that the complainant continued to resist by thrashing his arms and kicking his legs and that he may have been using his feet to control the complainant's movements.

The second named officer stated he observed the complainant fighting with the first named officer and that he attempted to control the complainant by using physical controls, including a bar arm takedown. He stated that the complainant resisted violently by thrashing his arms and legs and that several officers were needed to control him. Other officers who responded to assist stated that they saw the complainant resisting but did not see any force used on him. No other witnesses were identified. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 04/13/10 **DATE OF COMPLETION:** 10/07/11 **PAGE#** 2 of 2

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

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

FINDINGS OF FACT: The complainant wrote in his complaint form that the officers arrested him without cause but refused to provide the OCC with an account of what transpired or to describe his actions leading up to the arrest. One of the named officers stated that he and his partner responded to a residential hotel on a report of a trespasser violating a restraining order. Soon after he arrived, the complainant walked into the lobby and when the officer attempted to detain him, the complainant struck the officer. Two civilian witnesses wrote statements confirming that the complainant struck the named officer. A surveillance video booked as evidence by police depicts the complainant actively resisting the first named officer when he attempted to detain him. The evidence established that the complainant's arrest for resisting arrest was justified. The evidence proved that the acts which provided the basis for the allegation occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #5: The officer wrote an inaccurate incident report.

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

FINDINGS OF FACT: The complainant wrote in his complaint form that the officer wrote an inaccurate incident report concerning the nature of the officer's injuries and the location where he received medical treatment, and falsely claimed that the complainant punched him. The complainant refused to be interviewed by the OCC. Department records contradict the complainant's allegation that the named officer inaccurately reported where he received medical treatment or the nature of the officers' injuries. Witness officers confirmed that the officers received injuries consistent with those described in the incident report. A surveillance video of the incident shows the complainant actively resisting the named officer and another officer, but it is unclear from the video whether the complainant punched the named officer. Two civilian witnesses wrote statements confirming that the complainant threw punches at the named officer and his partner. There is insufficient evidence to prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/10/11 **DATE OF COMPLETION:** 10/14/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The complainant stated that according to a police report, two years earlier, a friend of his summoned police to his home when he found the complainant covered in blood. The report states that the named officer, one of many officers who responded to the scene, spoke to the complainant, who said that he brought a woman he met at a bar back to his home and that this woman bit his tongue as they were kissing. The report states that the complainant refused to provide any other information about this woman. The report also states that after the complainant was transported to the hospital, the named officer and a supervisor located what appeared to be part of the complainant's tongue, which they transported to the hospital. The complainant told OCC that this police report is inaccurate because he did not speak to any officer at the scene and was not even aware that police were in his home. The complainant said he remembers an explosion in his head and then woke up in a hospital a month later. The complainant's hospital medical records indicate that part of his tongue had been severed, that hospital staff believed he was suffering from paranoid schizophrenia and that he was placed on a mental health detention. The named officer stated that his police report is accurate. Two witness officers stated that they observed or saw the complainant talking to the named officer at the scene but did not hear or did not recall what the complainant said. Other witness officers stated that they were not present in the room with the complainant and the named officer or did not recall this incident. A civilian witness – the complainant's friend who summoned the police -- could not be located by the OCC. A preponderance of the evidence established that the complainant did speak to the named officer at the scene, which significantly contradicts the complainant's recollection of what occurred. The complainant's medical records and his statements to OCC raised questions about his mental health and the accuracy of his recollections. The evidence proved that the report prepared by the named officer is accurate and that therefore the acts alleged in the complaint did not occur.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/07/11 **DATE OF COMPLETION:** 10/18/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The named and one witness officer said the complainant refused to cooperate and stated that he did not want a report, only for them to go look for his stolen property. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

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

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

FINDINGS OF FACT: The named officer denied the allegation. One witness officer said he was not present for the initial contact but denied hearing or seeing any officer treat the complainant abusively or inappropriately. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/11 **DATE OF COMPLETION:** 10/18/11 **PAGE #1** of 1

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

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

FINDINGS OF FACT: The named and one witness officer denied the allegation. The statement of the sole witness, the complainant's girlfriend, differed from the statement of the complainant. She acknowledged that she did not hear the entire conversation, as she was inside a car and the complainant and the officer were outside. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #2: The officer failed to take a report.

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

FINDINGS OF FACT: The named officer denied the allegation. One witness acknowledged she did not hear the full conversation. Department records indicated that the officer noted the contact and reported the complainant approached him but was uncooperative. No other witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/19/11 **DATE OF COMPLETION:** 10/18/11 **PAGE #** 1 of 1

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 did not cooperate with the investigation. The named and two witness officers did not recall what the citation was issued for. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #3: The officer engaged in inappropriate behavior.

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

FINDINGS OF FACT: The complainant did not cooperate with the investigation. The named and three witness officers did not recall or denied the alleged behavior. No witness came forward. There was insufficient evidence to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/11 **DATE OF COMPLETION:** 10/28/11 **PAGE#** 1 of 3

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

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

FINDINGS OF FACT: The complainant alleged the officer detained him without justification. The evidence showed that the complainant was detained after parking his vehicle in a bus zone. The evidence proved that the act, which provided the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

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

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

FINDINGS OF FACT: The complainant alleged the officer searched him without justification, patting him down for weapons and then going into his left pocket where his wallet and cell phone were located. The officer admitted that he searched the complainant for weapons and then went into the complainant's left pocket after feeling some object(s) inside the pocket. Based on the complainant's own testimony, the complainant was uncooperative, giving the officer the right to search him for weapons for officer safety. The evidence proved that the act, which provided the basis for the allegation, occurred. However, there is insufficient evidence to justify the officer's actions.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/11 **DATE OF COMPLETION:** 10/28/11 **PAGE#** 2 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer used unnecessary force. He said the officer grabbed and pushed him towards the hood of his vehicle. The officer denied the allegation. A witness to the contact said he did not see any unnecessary force. The witness said the officer put the complainant in front the vehicle but it did not appear to him that the officer pushed the complainant. There is insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #4: The officer issued the complainant a citation without cause.

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

FINDINGS OF FACT: The evidence showed that the complainant parked his vehicle in a bus zone. The evidence proved that the act, which was the basis for the allegation, occurred. However, such act was justified, lawful, and proper.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 05/26/11 **DATE OF COMPLETION:** 10/28/11 **PAGE#** 3 of 3

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

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

FINDINGS OF FACT: The complainant alleged that the officer contacted him because of his race. The officer was interviewed in compliance with the OCC's biased policing protocol. The officer denied the allegation. No other witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #6: The officer behaved inappropriately and/or made inappropriate comments.

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

FINDINGS OF FACT: The complainant alleged that the officer behaved inappropriately and/or made inappropriate comments. The officer denied the allegation. No other witnesses came forward. The evidence was insufficient to either prove or disprove the allegation.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/06/11 **DATE OF COMPLETION:** 10/31/11 **PAGE# 1 of 1**

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

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

FINDINGS OF FACT: The complainant told the OCC that he was attempting to make a 3-point U-turn when the officer told him that it was illegal. The complainant believed that this information was inaccurate. The complainant also said the officer was aggressive, confrontational and threatening. While the officer was correct in telling the complainant that it was illegal for the complainant to make the U-turn, there was insufficient evidence to either prove or disprove that the officer behaved inappropriately towards the complainant. No witnesses were identified. There was insufficient evidence to either prove or disprove the allegation.

SUMMARY OF ALLEGATION #:

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

FINDINGS OF FACT:

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/13/11 **DATE OF COMPLETION:** 10/31/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: The complainant denied committing the act for which he was cited. The named member and his partner both said they personally witnessed the complainant commit the act for which he was cited. There were no identified witnesses. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

SUMMARY OF ALLEGATIONS #2 and 3: The officers engaged in biased policing based on race.

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

FINDINGS OF FACT: The officers denied the allegation. There were no identified witnesses. The officers were interviewed relative to the OCC's biased policing protocol. There was insufficient evidence to either prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 06/19/11 **DATE OF COMPLETION:** 10/21/11 **PAGE#** 1 of 1

SUMMARY OF ALLEGATIONS #1-2: The officers intentionally damaged the complainant's vehicle.

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

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

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

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

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

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/11/11 **DATE OF COMPLETION:** 10/28/11 **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 was involved in an ongoing neighbor-neighbor dispute. The officer arrived on scene to assist. The complainant admitted he had personally contacted and engaged the neighbor after seeing a patrol car parked at the scene. The complainant said he did not see police officers on scene. Officers were on scene conducting an investigation. The officer saw the complainant and ordered him to return to his home. When the complainant failed to comply, the officer briefly detained him and released him. The evidence proved that the acts, which provided the basis for the allegations occurred; however, such acts were justified, lawful and proper.

SUMMARY OF ALLEGATION #2: The officer failed to provide his name and star number upon request.

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

FINDINGS OF FACT: The complainant alleged the officer failed to properly identify himself upon request. The complainant stated the officer provided his name but was reluctant to provide his star number. The officer denied the allegation. No witnesses came forward. There was insufficient evidence to prove or disprove the allegation made in the complaint.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/25/11 **DATE OF COMPLETION:** 10/03/11 **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 September 27, 2011.

SUMMARY OF ALLEGATION #2: The officer failed to prepare and complete and 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 September 27, 2011.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/11 **DATE OF COMPLETION:** 10/13/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 4, 2011.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 4, 2011.

**OFFICE OF CITIZEN COMPLAINTS
COMPLAINT SUMMARY REPORT**

DATE OF COMPLAINT: 07/27/11 **DATE OF COMPLETION:** 10/12/11 **PAGE #1 of 1**

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 4, 2011.

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

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

FINDINGS OF FACT: By mutual agreement of the complainant and the accused member, the complaint was mediated and resolved in a non-disciplinary manner on October 4, 2011.